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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2024**

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## THE COUNTY STATISTICS BILL, 2024

### A Bill for

**AN ACT of Parliament: to provide a framework for the collection, compilation, analysis and dissemination of statistical information; to establish a county statistics office; to establish the office of the county statistician; and for connected purposes.**

ENACTED by the Parliament of Kenya, as follows—

### PART I – PRELIMINARY

1. This Act may be cited as the County Statistics Act, 2024.

Short title.

2. In this Act, —

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters related to statistics;

“county executive committee member” means the county executive committee member responsible for matters related to statistics;

“county public service board” means the county public service board established under section 57 of the County Governments Act;

No.17 of 2012.

“county statistical system” means—

- (a) the producers of statistics including departments in the county executive government;
- (b) data users;
- (c) data suppliers; and
- (d) research institutions;

“county statistician” means the county statistician appointed under section 5;

“Bureau” means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act;

No. 4 of 2006.

“Office” means the County Statistics Office established under section 3;

“official body” means—

- (a) a body corporate or other body established for a public purpose by or under an Act of Parliament or an Act of a county assembly; or
- (b) the holder of an office established for public purposes by or under an Act of Parliament or an Act of a county assembly.

“statistics” means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analysed according to relevant scientific and statistical methodology;

“statistical information” means—

- (a) in the case of the Bureau, information collected by the Bureau, for purposes of the Statistics Act; and
- (b) in the case of the office, information collected by the office, for purposes of this Act; and

“Technical Committee” means the Intergovernmental Technical Committee on Statistics established under section 8.

## **PART II – ESTABLISHMENT OF THE COUNTY STATISTICS OFFICE**

**3.** There is established in every county, a county statistics office.

County statistics Office.

**4.** (1) The county statistics office shall be responsible for—

Functions of the Office.

- (a) collecting, compiling, analyzing, abstracting and disseminating statistical information on the matters set out in Part 2 of the Fourth Schedule to the Constitution;
- (b) maintaining a comprehensive and reliable socio-economic information database relating to the respective county;
- (c) co-ordinating the compilation and dissemination of statistics and related information in the respective county with particular regard to—
  - (i) the avoidance of duplication in the collection of statistical information;

- (ii) the attainment of compatibility and the integration of statistics compiled by official bodies; and
  - (iii) the maximum possible utilization for statistical purposes of information and means of collection of information available to official bodies.
- (d) advising the respective county government on all matters related to the use and development of statistical information;
  - (e) serving as liaison between the national and county governments on matters relating to statistics;
  - (f) co-ordinating the county statistical system;
  - (g) monitoring the technical quality of official statistics within the county;
  - (h) promoting adherence to good practices and the recommendations of the Bureau; and
  - (i) carrying out all other functions relating to county statistics under any other law;

(2) The Office shall, in carrying out its responsibilities under subsection (1) be guided by statistical standards and use appropriate methodologies approved by the Bureau.

5. (1) There shall be a county statistician who shall be recruited competitively and appointed by the respective county public service board on such terms and conditions as the County Public Service Board, shall determine.

County  
statistician.

(2) The county statistician shall be paid such remuneration and emoluments as the County Public Service Board, on the advice of the Salaries and Remuneration Commission, shall determine.

(3) The county statistician shall be the head of the Office and shall be responsible to the county executive committee member for—

- (a) the day-to-day management of the Office including the administration of funds allocated to the Office;
- (b) the management of the staff of the Office;

- (c) overseeing and co-ordinating the implementation of the policies, programmes and objectives of the Office;
  - (d) the preparation of the following documents for the approval of the county executive committee member—
    - (i) the strategic plan and annual plan of the Office; and
    - (ii) the annual budget of the Office; and
  - (e) the performance of any other duty that may be assigned to the county statistician by the county executive committee member.
- (4) A person is qualified for appointment as the county statistician if the person—
- (a) meets the requirements of Chapter Six of the Constitution;
  - (b) holds at least a degree in statistics, information technology, economics, social sciences or mathematics; and
  - (c) has at least five years' experience in administration.

6. The county statistician may be removed from office by the county public service board in accordance with the procedure for removal of county public service officers.

Removal from Office.

7. The county public service board in consultation with the county executive committee member may appoint persons or designate such public officers as may be necessary to serve in the Office for the proper functioning of the Office.

Staff of the Office.

### **PART III—INTERGOVERNMENTAL TECHNICAL COMMITTEE ON STATISTICS**

8. (1) There is established a technical committee to be known as the Intergovernmental Technical Committee on Statistics comprising—

Technical Committee.

- (a) the Principal Secretary in the Ministry responsible for statistics who shall be the chairperson;

- (b) one county executive committee member responsible for statistics nominated by the Council of County Governors;
  - (c) one county statistician nominated by the Council of County Governors;
  - (d) three persons appointed by the Cabinet Secretary from entities recognized by the government as representing—
    - (i) statisticians;
    - (ii) research institutions; and
    - (iii) public universities;
  - (e) one person nominated by the National Council for Population and Development; and
  - (f) the Director-General of the Bureau or an officer designated in writing by the Director-General who shall be the secretary to the Technical Committee.
- (2) The Director-General shall be an *ex-officio* member of the Technical Committee and shall have no right to vote at any meeting of the committee.
- (3) The persons nominated under subsections (1)(d) and (e) shall —
- (a) be appointed by the Cabinet Secretary by notice in the *Gazette*; and
  - (b) serve on a part-time basis for a term of three years' renewable for one further term.
- (4) The Cabinet Secretary shall appoint the members of the Technical Committee under subsections (1)(d) and (e).
- (5) The Cabinet Secretary shall provide the Technical Committee with such facilities and other support as it may require for the discharge of its functions.
9. The Technical Committee shall—
- (a) develop strategies which shall ensure uniform standards, policies and methodologies amongst the various offices of county statistician;

Functions of the  
Technical  
Committee.

- (b) examine and make recommendations on the formulation and implementation of statistical programmes of the Office on an annual basis;
- (c) develop a framework for the vertical and horizontal co-ordination of the Office in the counties and the Bureau; and
- (d) co-ordinate the harmonization of national and county policies and methodologies relating to statistics.

10. The Technical Committee shall conduct its business and affairs in accordance with the provisions in the Schedule.

Conduct of the business and affairs of the Technical Committee.

#### PART IV – STATISTICAL INFORMATION

11. (1) The National Government and the county governments shall consult and cooperate with each other in the performance of their functions including the collection, analysis, dissemination and use of statistical information.

Co-ordination between governments.

(2) The Bureau and the Office shall, pursuant to the Access to Information Act, ensure that the statistics held by the Bureau and the Office are accessible to members of the public.

No. 31 of 2016.

12. (1) The Office shall collect statistics relating to any of the matters within the functional areas of the county governments as set out in the Constitution.

Power to obtain information.

(2) In the execution of the functions under subsection (1), the county statistician may—

- (a) by notice in writing require a person to—
  - (i) furnish in such form, time and manner as may be specified in the notice, any information, estimates, return or particulars of a matter relating to any particulars; or
  - (ii) complete a form contained in the notice setting out particulars of any matter specified in Part 2 of the Forth Schedule to the Constitution; and
- (b) interview a person on the information submitted under paragraph (a);

(3) A notice referred to in subsection (2) shall contain the following information—

- (a) a statement that the notice is served in exercise of the powers conferred on the county statistician under this Act; and
- (b) a general statement of the purpose for which the information, estimate, return or particulars is required.

(4) The county statistician shall publish in the county *gazette* and in a newspaper in circulation in the county a list of the classes or description of matters to which returns may be required for any of the purposes of this Act.

(5) A department in the respective county government shall, in collecting, analyzing and disseminating statistics, be guided by the standards and methodologies approved by the Bureau under section 4 (2).

**13.** The county statistician shall issue a code of practice that sets out professional standards to be followed by all departments and agencies of the county government in dealing with statistics within their mandate.

Code of practice.

**14.** (1) Any person other than an officer of the Office or the Bureau, who intends to conduct a statistical survey in a county on any matter under this Act shall obtain the approval of the Office.

Conduct of surveys by private institutions.

(2) A person referred to in subsection (1) shall submit a notice and a work plan on the intended survey to the county statistician at least three months before the commencement of the survey.

(3) Notwithstanding subsection (2), the county statistician may in the case of an emergency, waive the requirement for the submission of a notice and work plan under subsection (1).

(4) A person who obtains approval under subsection (1) shall submit a copy of the report of the survey to the county statistician within three months of the completion of the survey.

**15.** (1) The powers of a county statistician under this Act shall be subject to any law relating to the non-

Confidentiality and disclosure.

disclosure of any official secret, trade secret or confidential information.

(2) Any data collected for statistical purposes shall be treated as confidential and shall not be disseminated for purposes other than those contemplated under this Act.

**16.** The county statistician may, at the request of any person and upon the payment of the prescribed fee, provide to that person any information relating to the functions of the Office under this Act.

Statistician to give information.

**17.** The county statistician shall —

Dissemination and access.

(a) provide up-to-date information on the methods and procedures used to compile official county statistics; and

(b) disseminate and make available to the public any analysis of statistical information.

#### **PART V— MISCELLANEOUS PROVISIONS**

**18.** (1) The county executive committee member shall, four months after the end of each financial year, make a report to the respective county executive committee on new statistical information on matters affecting the county government.

Annual reports.

(2) The county executive committee member shall also transmit the report under subsection (1) to the Bureau and the county assembly.

(3) The report made under subsection (1) shall be transmitted electronically to the Bureau for the purpose of aggregation of statistics from the counties.

**19.** A person commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or to both, if such person —

Offences and penalties.

(a) being an employee under this Act, and who without lawful authority, publishes or communicates to any person, otherwise than in the course of that persons employment, any information acquired by the Office;

(b) fails to obtain an approval for conduct of surveys under this Act;

- (c) fails to furnish any information, estimate, return or particulars which that person is required to furnish under this Act;
- (d) recklessly or willfully makes a false statement in the course of furnishing any information, estimate, return or particular required by the county statistician; or
- (e) fraudulently or wilfully gives inaccurate or false statistical information to an officer appointed under this Act.

**20.** (1) The county executive committee member may make regulations for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the county executive committee member may make regulations prescribing —

- (a) the forms and manner in which returns may be made under this Act; and
- (b) any fees payable under this Act.

**21.** Section 18 of the Statistics Act is amended in subsection (1) by deleting the words “, or local” appearing immediately before the words “level shall”.

Amendment to  
Cap. 112.

## **SCHEDULE (s. 10)**

### **CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE**

**1.** (1) The Technical Committee shall meet at such place in Kenya as the chairperson may determine and the meetings shall be convened by the chairperson.

Meetings.

(2) The Technical Committee shall have at least two meetings in every financial year.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the secretary.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the Technical Committee and within seven days of the

request, convene an extraordinary meeting at such time and place and he or she may appoint.

(5) Meetings shall be presided over by the chairperson or in his or her absence by the vice-chairperson.

(6) The members of a Technical Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Technical Committee; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the Technical Committee.

(8) The Technical Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Technical Committee.

2. (1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the Technical Committee, and is present at a meeting of the Technical Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

Conflict of interest.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made

3. (1) Subject to subparagraph (2), the quorum of the meeting shall not be less than half of the appointed members of the Technical Committee.

Quorum.

(2) Where the persons present at a meeting of the Committee do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of

a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the Technical Committee shall postpone the consideration of the matter in question until there is a quorum.

**4.** A question before the Technical Committee shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote.

Voting.

**5.** The Technical Committee shall—

Rules of  
Procedure

- (a) determine rules of procedure for the conduct of its business; and
- (b) keep minutes of its proceedings and decisions.

## MEMORANDUM OF OBJECTS AND REASONS

### Statement of the Objects and Reasons for the Bill

Statistics is an indispensable component of planning for any government. Without timely and accurate statistical data, a government cannot match resources with needs. Statistics also act as a yardstick for governments to determine whether they are meeting their goals in providing services to their people. There is therefore a nexus between statistics and good governance in that reliable statistical data is vital for good decision-making, poverty reduction strategies, economic development strategies, access to information, transparency and accountability in governance.

Part 2 of the Fourth Schedule to the Constitution provides for county statistics as one of the functional areas of county governments. The statistics collected by the county governments enable equitable resource allocation for purposes of the implementation of policies relating to the functions allocated to county governments under the Constitution.

Further, Part XI of the County Governments Act, 2011, requires counties to develop county integrated development plans, county sectoral plans, county spatial plans and cities and urban areas plans. In this regard, counties are mandated to ensure the collection, collation, storage and updating of data and information suitable for the planning process.

This Bill therefore seeks to establish a county statistical system that will enable evidence-based county planning for the development of counties and to measure the gains made by the county governments implementation of their policies.

The Bill is organized as follows—

**Part I** contains the preliminary provisions.

**Part II** provides for the establishment, in each county government, of a county statistics office headed by a county statistician. The office shall reside under the county executive committee member who is responsible for planning within the county government. The office shall primarily be responsible for compiling, analyzing, abstracting and dissemination of statistical data relating to the devolved functions.

**Part III** provides for the establishment of the Intergovernmental Technical Committee on Statistics for purposes of ensuring the implementation of uniform standards and methodologies in the country.

**Part IV** provides for collection, access to and usage of statistical information, in line with the Access to information Act. This shall protect the integrity of the statistical data relating to a county.

**Part V** contains the miscellaneous provisions.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

Clause 28 of the Bill provides that the county executive committee member may make Regulations with the approval of the county assembly. The Bill therefore delegates legislative powers to the county executive committee member for purposes of implementation of the objectives of the Bill. The Bill however does not limit fundamental rights and freedoms.

**Statement on how the Bill concerns county governments**

Part 2 of the Fourth Schedule to the Constitution provides for county statistics as one of the functional areas of county governments. The Bill therefore concerns county governments in terms of Articles 110 (1) (a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

**Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 19th February, 2024.

ROBA ALI,  
*Senator.*