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STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

TWELFTH PARLIAMENT- SIXTH SESSION

REPORT ON THE COMMUNITY GROUPS REGISTRATION BILL, 2021  
(NATIONAL ASSEMBLY BILLS NO. 20 of 2021)

CLERK'S CHAMBERS  
THE SENATE  
PARLIAMENT OF KENYA  
NAIROBI

March, 2022

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## PREFACE

1. The Standing Committee on Labour and Social Welfare was constituted in December, 2017 during the First Session of the Twelfth (12<sup>th</sup>) Parliament pursuant to the provisions of Senate standing order 212.

The Committee is mandated to consider all matters related to: *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

2. In executing its mandate, the Committee oversees the Ministries of:

- a) Labour;
- b) Public Service, Gender Affairs, Senior Citizens Affairs and Social Protection; and,
- c) Sports, Culture and Heritage.

3. The Committee comprises of the following Members:

- |  |                   |
|--|-------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS     | -Chairperson      |
| 2. Sen. Mwaruma Johnes Mwashushe       | -Vice-Chairperson |
| 3. Sen. Madzayo Stewart Mwachiru, CBS  | -Member           |
| 4. Sen. Mwangi Paul Githiomi           | -Member           |
| 5. Sen. Kihika Susan Wakarura          | -Member           |
| 6. Sen. (Dr.) Milgo Alice Chepkorir    | -Member           |
| 7. Sen. Makori Beatrice Kwamboka, CBS  | -Member           |
| 8. Sen. Shiyonga Naomi Masitsa         | -Member           |
| 9. Sen. (Dr.) Mwaura Isaac Maigua, CBS | -Member           |

**ACKNOWLEDGEMENT**

**Mr. Speaker Sir,**

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information before it. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions to the matter. Further, the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report. The Committee also wishes to recognize the commitment and dedication of the staff of the committee that made the work of the Committee and the production of this report possible.

**Mr. Speaker Sir,**

It is my pleasant duty, pursuant to Standing Order 143 (1), to present and lay on the table of the House the report of the Committee on Labour and Social Welfare on the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) for consideration by the House.



**SIGNED: .....**  
**SEN. JOHNSON SAKAJA, CBS, MP, CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

**DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022**

## 1.0 INTRODUCTION

**Mr. Speaker Sir,**

The Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) originated in the National Assembly and was published on 5th May, 2021 as an ordinary Bill. The Bill was sponsored by the Senate Majority Leader, Sen. Samuel Losuron Poghisio, EGH, Senator for West Pokot County.

The Bill was read a first time in the Senate on 22<sup>nd</sup> December, 2021 and committed to the Standing Committee on Labour and Social Welfare pursuant to Standing Order 140 (1).

Pursuant to Article 118 of the Constitution and Standing Order No. 140 (5), of the Senate Standing Order, the Standing Committee on Labour and Social Welfare called for submission of written memoranda through advertisements in the Daily Nation and the Standard dated Friday, 31<sup>st</sup> December, 2021. The Committee also facilitated virtual stakeholders' forum held on 2<sup>nd</sup> February, 2022 to take into account the views and recommendations of the public while preparing this report.

The principal purpose of the Bill is to provide a regulatory framework for the mobilization, registration, co-ordination and regulation of community groups.

The Fourth Schedule to the Constitution provides for the functional areas of both the county governments and national government. Paragraph 9 of Part 1 of the Fourth Schedule to the Constitution provides that the National Government is responsible for '*national economic policy and planning*'. On the other hand, paragraph 14 of Part 2 of the Fourth Schedule to the Constitution provides that county governments are responsible for *ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level*

Additionally, the defunct Transition Authority un-bundled Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution to entail—

- (a) developing systems, standards and operational procedures for community participation;
- (b) facilitating formation or restructuring of community level structures for community engagement and participation in development initiatives;
- (c) facilitating formation, registration and certification of community groups;
- (d) undertake community groups capacity building and sensitization;
- (e) providing grant support to community groups to support up-scaling or replication of best practices; and
- (f) facilitation of community capacity support centres.

This Bill therefore, seeks to provide a regulatory framework for the mobilization, registration, co-ordination and regulation of community groups as a National government function. However, the role of mobilization, registration, co-ordination and regulation of community groups is a function of county governments.

The Committee at its meetings held on 18<sup>th</sup> February, 2022 and 8<sup>th</sup> March, 2022, deliberated on the Bill and considered the submissions from the public hearing and stakeholders and recommended that the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) be adopted subject to the amendments contained in Annex I to be moved for Second Reading.

The Bill has been processed by the Committee and is now ready for presentation to the House for consideration.

## **2.0 OVERVIEW OF THE COMMUNITY GROUPS REGISTRATION BILL, 2021 (NATIONAL ASSEMBLY BILLS NO. 20 of 2021)**

### **2.1 Overview of the Bill**

The Bill proposes—

#### **(a) The Office of the Director of Social Development**

Part II of the Bill provides for the establishment of the office of the Director of Social Development as an office in the public service. The functions of the Director of Social Development include, among other things, —

- (a) mobilisation communities to form community groups to undertake community groups;
- (b) the registration of community groups;
- (c) the supervision, monitoring and evaluation of community projects;
- (d) overseeing operations of social development committees; and
- (e) the establishment of capacity building and training programmes for community groups.

#### **(b) County co-ordinator of social development**

The Bill provides for the appointment of a county co-ordinator of social development for each county by the Director of Social Development whose functions include, among other things, —

- (a) the establishment and supervision of social development committees in the county;  
and
- (b) the nomination of representatives of civil society organisations and social development partners to social development committees.

**(c) Role of Social Development Committees**

The Bill provides for functions of Social Development Committees to be established at the sub county level to include, among other things, to—

- (a) act as a link between the national government and community groups, communities and other development partners;
- (b) support community mobilisation, formulation and registration of community groups;
- (c) provide information on current and emerging social and community development needs;
- (d) support in dispute resolution and management of community groups; and
- (e) support social impact assessment and social risk assessment processes at the sub-county level.

**(d) Registration of community groups**

Part III of the Bill provides for the registration of community groups including the registration of special community groups, the amalgamation and merger, suspension and dissolution of community groups.

**(f) Other matters**

Additionally, the Bill provides for—

- (a) regulation of community groups;
- (b) general objects of community groups;
- (c) the appointment and role of office bearers;
- (d) dispute resolution;
- (e) registers of members of community groups;
- (f) financial matters; and
- (g) offences.

## **2.2 Consequences of the Bill**

The Bill provides for mobilization of different communities to participate in the development of the counties and the nation at large. This will lead to public participation by all members of the public in community life and projects which will spur development and national unity through promotion of shared interests.

The Bill will however, denies county governments their function of mobilization, registration, co-ordination and regulation of community groups.

### **3.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION**

The Committee put up an advertisement in the local dailies, the Daily Nation and the Standard to seek submissions in written form from the public, on the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) on Friday, 31<sup>st</sup> December, 2021 as per the copy attached as Annex IV.

The Committee scheduled a stakeholder forum on 2<sup>nd</sup> February, 2022 and received submissions from the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes, the Council of Governors (CoG) and the Non-Governmental Organizations Coordination Board, as captured in the attached matrix (see Annex II) concerning the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021).

#### **3.1 Stakeholder Meeting on the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) held on 2<sup>nd</sup> February, 2022**

The Committee met the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes, the Council of Governors (CoG) and the Non-Governmental Organizations Coordination Board on 2<sup>nd</sup> February, 2022 to deliberate on the Bill. Below is the summary of the submissions from the stakeholders.

##### **a) Presentation by the Executive Director, NGO Coordination Board, Mr. Mutuma Nkanata**

The Executive Director, NGO Coordination Board, Mr. Mutuma Nkanata submitted as follows;

1. That, the definition of “community group” under Clause 2 to read;

*“community group” means a voluntary association of individuals from the same community which is self-organised for a common purpose aimed at improving the livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organisation but shall not include a Public Benefit Organization, NGO or groups formed to champion a political cause or contrary to public policy.”*

2. He proposed amendment of section 12 to add the following sub-section:

Section 12 (e) the proposed name of the community group is identical to or resembles the name of a registered community group or National or International Non-Governmental Organization or Public Benefit Organization as to be likely to mislead the public as to its nature or identity;

3. Advocated for a Provision of an option to appeal rejection to an application;

Section 13(3) a person aggrieved by the decision of the Director may appeal to the Cabinet Secretary in writing.

4. He agreed that the Bill now expressly provides on the second schedule that Community Groups should indicate how assets and liabilities will be treated upon dissolution; and
5. That the Community Groups Registration Bills’ does not usurp or in any way affect the implementation and enforcement of the NGOs Co-ordination Board Act, and therefore agree with the contents of the said Bill.

#### **b) Presentation by the Council of Governors (COG)**

Ms. Irene Moraa Ogamba Director, Legal Services at COG presented as follows;

1. The 4<sup>th</sup> Schedule of the Constitution assigns functions between the National and County Governments. Part 2, the 14<sup>th</sup> function, is exclusively assigned to county governments;  
*“Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.”*
2. None of the functions in part 1 of the 4<sup>th</sup> schedule assigns the National Government a direct role in community organization and development;
3. The Transition Authority unbundled the 14<sup>th</sup> county function as follows;
  - i) Developing systems, standards and operational procedures for community participation.
  - ii) Facilitating formation, restructuring of community level structures for community engagement and participation in development initiatives.
  - iii) Facilitating formation, registration and certification of community groups
  - iv) Undertake community groups capacity building and sensitization.
  - v) Providing grant support to community groups to support up-scaling/ replication of best practice; and
  - vi) Facilitation to community capacity support centers.
4. The unbundled function enumerated above are similar to the functions provided in the Bill and therefore, the Bill legislates on county functions;
5. It is on the basis of the above fundamental objects and principles and the unbundled function that the county governments opposes the Bill on the ground that it contravenes the Constitution of Kenya and is a flagrant claw back on devolution; and
6. She added that registration of community groups is decentralized as opposed to being devolved.

**c) Presentation by the State Department for Social Protection, Senior Citizens Affairs and Special Programmes**

Ms. Josephine Muriuki, Director of Social Development Programme presented as follows;

1. On the rationale for the Bill, the country has not had clear guidelines or legal frameworks on community mobilization and registration of community groups;
2. A legal framework will aid in addressing the challenge of clandestine groups which have at times been avenues of insecurity;
3. The Community Groups Registration Bill will streamline registration and management of community groups in the country and ensure standardized registration processes and instruments for uniformity and quality assurance;
4. The Bill provides for the Office of the Director of Social Development which is under the Public Service Commission (PSC);
5. Provides for a platform for the two levels of government to partner through representation at the Committee level; and
6. The Bill creates an enabling operational environment that promotes community empowerment, self-reliance and sustainable development of community groups and projects.

**d) Members' Interventions**

1. Members noted that the function of community group registration should be devolved as outlined in the 4<sup>th</sup> Schedule; Part 2, 14<sup>th</sup> function; and
2. Members advised the Council of Governors (COG) to present their proposed amendments to the Bill, aligning it to Devolution, for consideration.

#### **4.0 RECOMMENDATIONS OF THE COMMITTEE**

The Committee made the following resolutions on Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021) -

1. Clause 2;
  - (i) Amend the definition of the term “Director” and replace with the definition of “County Executive Committee Member” (CECM).
  - (ii) Amend the definition of “social development officer” to be an officer under the respective County Public Service Boards.
  - (iii) Insert the definition of “office of the sub-county administrator” as provided under section 50 of the County Governments Act.
  - (iv) Insert the definition of “office of the ward administrator” as provided under section 51 of the County Governments Act.
2. Clause 3
  - (i) Provide for official register of community groups.
  - (ii) Amend to enable a County Governor to designate a County Executive Committee Member to be responsible for social development.
3. Delete Clause 4 entirely.
4. Clause 5 should be aligned to the structures of devolution by co-opting members of national government and other development structures.
5. Amend Clause 6 to align it to the previous amendments.

## **Annex 1: Proposed Committee Stage Amendments**

**23<sup>rd</sup> March, 2022**

The Clerk of the Senate,  
Parliament Buildings,  
**NAIROBI.**

### **RE: COMMITTEE STAGE AMENDMENTS TO THE COMMUNITY GROUPS REGISTRATION BILL, 2021, NATIONAL ASSEMBLY BILLS NO. 20 OF 2021**

**NOTICE** is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Community Groups Registration Bill, 2021, National Assembly Bills No. 20 of 2021, at the Committee Stage—

#### **CLAUSE 3**

**THAT** clause 3 of the Bill be amended by—

- (a) inserting the words “county” immediately before the words “Public Service” appearing at the end of sub clause (1); and
- (b) deleting the words “Cabinet Secretary” appearing at the end of sub clause (2) (i) and substituting therefor the words “county executive committee member”.

#### **CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4.

#### **CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5.

#### **CLAUSE 6**

**THAT** clause 6 of the Bill be amended by—

- (a) deleting the marginal note and substituting therefor the following new marginal note—

“Functions of the offices of the ward and sub-county administrators”
- (b) deleting the words “A social development committee” appearing immediately before the word “shall” in the introductory clause and substituting therefor the words “The offices of the ward and sub-county administrator”;

(c) deleting the word “national” appearing immediately before the word “government” in paragraph (a) and substituting therefor the word “county”; and

(d) deleting the words “its members and” appearing immediately before the word “members” in paragraph (c).

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7.

**CLAUSE 8**

**THAT** the Bill be amended by deleting clause 8.

**CLAUSE 11**

**THAT** the Bill be amended by deleting clause 11.

**CLAUSE 12**

**THAT** clause 12 (c) of the Bill be amended by deleting the words “Public Benefit Organization or Non-Governmental Organization” appearing immediately before the words “as to be likely”.

**CLAUSE 13**

**THAT** clause 13 (3) of the Bill be amended by deleting the words “Cabinet Secretary” appearing immediately before the words “in writing” and substituting therefor the words “county executive committee member”.

**CLAUSE 14**

**THAT** clause 14 (5) of the Bill be amended by inserting the words “within twenty one days of the decision” immediately after the words “the Director shall”.

**CLAUSE 19**

**THAT** clause 19 be amended—

(a) in sub clause (4) by deleting the words “based organisation” appearing immediately after the word “community” and substituting therefor the word “group”; and

- (b) in sub clause (5) (a) by deleting the words “based organisation” appearing immediately after the word “community” and substituting therefor the word “group”.

#### **CLAUSE 25**

**THAT** the Bill be amended in clause 25 by deleting sub clause (3).

#### **CLAUSE 26**

**THAT** clause 26 of the Bill be amended —

- (a) in sub clause (2) by deleting the words “sub-county social development committee” appearing immediately after the words “dispute to the” and substituting therefor the words “ward administrator”;

- (b) by deleting sub clause (3) and substituting therefor the following new sub clause—

(3) Where the ward administrator fails to determine a dispute referred to it under subsection (2), they shall refer the dispute to the sub-county administrator who shall hear and determine the dispute expeditiously.

- (c) in sub clause (4) by deleting the words “a county social development committee” appearing after the word “Where” and substituting therefor the words “the sub-county administrator”.

#### **CLAUSE 37**

**THAT** clause 37 of the Bill be amended by—

- (a) inserting the following new sub clause immediately after sub clause (3)—

(4) A person who is convicted of an offence under this section shall, in addition to any fine that may be imposed, refund to the community group three times the value of any loss that may be incurred by the community group by reason of the commission of the offence; and

- (b) deleting sub clause (3).

#### **CLAUSE 39**

THAT clause 39 of the Bill be amended by inserting the words “on conviction” immediately after the words “shall be liable”.

#### CLAUSE 40

THAT the Bill be amended by deleting clause 40 and substituting therefor the following new clause—

- (a) The Cabinet Secretary may in consultation with the Council of County Governors make regulations on—
- (a) community groups policy matters;
  - (b) procedure for registration of community groups;
  - (c) requirements for registration of community groups;
  - (d) guidelines for community mobilisation;
  - (e) guidelines on community group management;
  - (f) guidelines for resource mobilisation; and
  - (g) dispute resolution procedures.

#### CLAUSE 41

THAT clause 41 of the Bill be amended by inserting the following new sub clause immediately after subclause (1)—

- (2) The National government shall transfer all records it holds in respect of registered community groups to the respective county governments within one year of the commencement of this Act.

#### NEW CLAUSES

THAT the Bill be amended by inserting the following new clause immediately after clause 3.

#### CLAUSE 3A

Register  
community  
groups.

of

**3A.** (1) The Director shall keep and maintain an updated register of —

- (a) all community groups registered under this Act specifying —
  - (i) the name of the community group;
  - (ii) the members of the community group;

- (iii) the address of the community group; and
- (iv) such other particulars as the Director may from time to time determine;

- (b) all de-registered community groups; and
- (c) all community groups which have voluntarily deregistered under this Act.

(2) A person may inspect the register and obtain a copy of, or an extract from the register upon payment of such fee as the Director may determine.

**NEW CLAUSE 40A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 40.

**CLAUSE 40A**

County  
legislation.

**40A.** (1) A county assembly may enact legislation to give further effect to the provisions of this Act in the respective county.

(2) Notwithstanding the generality of the provisions of subsection (1), a county assembly may enact legislation to provide for—

- (a) the forms to be used for the purposes of this Act;
- (b) the particulars to be included in the—
  - (i) applications or notifications to the Director;
  - (ii) certificates of registration issued by the Director;
- (c) information to be included in the register of a community group;
- (d) the records to be kept by a community group;
- (e) charges, fees and other payments under this Act;
- (f) penalties under this Act; and
- (g) any other matter required to be prescribed to give effect to the provisions of this Act.

**FIRST SCHEDULE**

**THAT** the Bill be amended by deleting the First Schedule.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by—

- (a) deleting the words “special interest group” appearing immediately after the words “includes a” in the definition of the of the term “community group”;
- (b) deleting the definition of the word “social development officer”;
- (c) deleting the definition of the word “special interest community group”; and
- (d) inserting the following new definitions in their proper alphabetical order—

“county executive committee member” means the county executive committee member responsible for matters relating to social development;

“sub-county administrator” means the sub-county administrator appointed by the County Public Service Board to hold the office of the sub-county administrator established under section 50 of the County Governments Act;

“ward administrator” means of the Ward administrator appointed by the County Public Service Board to hold the office of the Ward administrator established under section 51 of the County Governments Act.

**Date: 23<sup>rd</sup> March, 2022.**



**Sen. Johnson Sakaja,  
Chairperson,  
Committee on Labour and Social Welfare.**

**Annex 2: Matrix of the Public Participation of the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021)**

**THE COMMUNITY GROUPS REGISTRATION BILL  
(NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
Long title	Council of Governors (COG)	Amend the long title and link it with Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution.	The Bill primarily seeks to give effect to paragraph 14 of Part 2 of the Fourth Schedule to the Constitution on the registration and regulation of community groups.	Not approved
2	COG	Amend the definition of the term “Director” and replace with the definition of “County Executive Committee Member” (CECM).	Community groups registration and regulation is a county governments function and should be undertaken under county structures	Approved
		Amend the definition of “social development officer” to be an officer under the respective County Public Service Boards.	Community groups registration and regulation is a county governments function and should be undertaken under county structures	Approved
		Insert the definition of “office of the sub-county administrator” as provided under section 50 of the	This is for implementation of the Bill. Especially what Social Development Committees are	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		County Governments Act.	supposed to implement.	
		Insert the definition of "office of the ward administrator" as provided under section 51 of the County Governments Act.	This is for implementation of the Bill. Especially what Social Development Committees are supposed to implement.	Approved
3	Institute of Certified Accountants of Kenya (ICPAK)	Insert a provision for qualifications of the Director, term and vacation of the office of the Director.	To ensure competitive recruitment of a suitable and a competent person and stability of the office of the Director.	Not approved
		Provide for official register of community groups.	This for reference, posterity and in adherence to Article 35 of the Constitution on Access to Information.	Approved.
	COG	Amend to enable a County Governor to designate a County Executive Committee Member to be responsible for social development.	The functions assigned to the Director are county government functions. Social development consultative functions should be established under county government structures.	Approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
4	ICPAK	The specific county public service board should appoint their respective county coordinators.	To decentralize appointment procedures and to foster interdependence between the National and county governance structures.	Not Approved.
		Provide for qualifications of the County Coordinator.	To ensure competitive recruitment of a suitable and a competent person.	Not approved.
		Provide a mechanism for registration of community groups at the grassroots level.		Not approved
	COG	Delete the entire clause.	The administrative structures provided under the County Governments Act can undertake the function.	Approved
5	ICPAK	Provide for the tenure and reduce the number of members of Social Development Committees.	To provide continuity and rationalize public expenditure.	Align it to the structures of devolution. Co-opt members of national government and other development structures.
	COG	Delete the entire clause.	The administrative structures provided under the County Governments Act can undertake the function	
6	COG	The functions of the social development committee should be undertaken by social development officers at	The functions should be done by the offices of sub-county and ward administrator.	Align to the previous amendments.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		both the sub-county and ward levels. The social development officers should also act as the link between the government, community groups and development partners.	This is also in line with sections 50 and 51 of the County Governments Act.	
7	COG	Delete the entire clause.	The business and affairs of the offices of the sub-county and ward administrators are regulated under the County Governments Act.	Not approved
8	COG	Delete the entire clause	The clause is redundant.	County Public Service Boards in consultation with SRC
9	COG	Replace Director with the County Executive Committee Member.	A standard fee shall be prescribed under section 40 on regulations.	Approved.
10	ICPAK	Model constitution under clause 10 (2) is a procedural matter that can be contained in Regulations.	To keep up with trends and for drafting requirements.	Not approved.
11	ICPAK	There is need to define the unique nature of special interests and their membership thereof.	For clarity and to avoid ambiguity.	Approved. Remove any reference to special community interest groups.
13	COG	Replace the Director with the CECM and provide a timeline of twenty one (21) days	To provide clarity on feedback timelines to community groups.	Approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
14	ICPAK	Delete clause 14.	Registration should not lapse. Community groups should instead file annual returns.	Not approved
	COG	Replace the Director with the CECM and provide a timeline of twenty one (21) days	To provide clarity on feedback timelines to community groups.	Approved
15	ICPAK	Provide for appeals to the High Court for cancellation of registration.	To promote fairness.	Not approved.
26	COG	Give the Ward Administrator and the CECM the power for dispute resolution and provide timelines for the same.	This is to provide a simple and efficient dispute resolution mechanism in line with Article 47 of the Constitution on fair administrative action.	Not approved.
28	COG	A penalty for late submission should be prescribed by Regulations.	A standard fee shall be prescribed under section 40 on regulations.	Delete subclause (2)
26 & 39	ICPAK	Increase the penalty to fifty thousand or two years in prison or to both.	To harmonize with other existing laws.	Delete 26 (7)
33	ICPAK	Align the period of reporting with other organizations.	To align with the period of preparation of reports.	Not approved.
	COG	Reports should be submitted to the CECM within the specified timelines. A penalty for late submission should be	A standard fee shall be prescribed under section 40 on regulations.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		prescribed by Regulations.		
37	Nature Kenya	Revise the clause to require those convicted to—  (a) Pay back to the group or government ten times the amount misappropriated; (b) Introduce a two year prison sentence; or (c) Both (a) and (b).	This is to cater for the value of what has been misappropriated.	Align with other financial misappropriation law
40	COG	CECM should be given power to make regulations for carrying out of the Act.	Community groups registration and regulation is an exclusive function of county governments.	Approved.
41	COG	Provide a clause on the transfer of records maintained by National government on community groups.	This is to ensure effective transfer of the functions.	Approved
Other matters	COG	(1) Replace “Director” with “County Executive Committee Member” throughout the Bill; (2) Replace “county coordinator of social development” with the “county director responsible for		Approved with modifications.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		(3) Replace “sub-county social development committee” with the social development officer at the sub-county and ward level respectively.		

**OTHER COMMENTS**

1. The Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes supported the Bill fully.
2. The Council of Governors informed the Committee that the defunct Transition Authority unbundled Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution as follows—
  - (a) developing systems, standards and operational procedures for community participation;
  - (b) facilitating formation or restructuring of community level structures for community engagement and participation in development initiatives;
  - (c) facilitating formation, registration and certification of community groups;
  - (d) undertake community groups capacity building and sensitization;
  - (e) providing grant support to community groups to support up-scaling or replication of best practices; and
  - (f) facilitation of community capacity support centres.

### **Annex 3: Minutes of the Committee**

#### **MINUTES OF THE 10<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 8<sup>TH</sup> MARCH, 2022 AT 9.30 AM.**

##### **MEMBERS PRESENT**

- |                                       |               |
|---------------------------------------|---------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson |
| 2. Sen. Madzayo Stewart Mwachiru, CBS | - Member      |
| 3. Sen. Makori Beatrice Kwamboka, CBS | - Member      |
| 4. Sen. Naomi Masitsa Shiyonga        | - Member      |
| 5. Sen. (Dr.) Milgo Alice Chepkorir   | - Member      |
| 6. Sen. (Dr.) Isaac Mwaura, CBS       | - Member      |

##### **ABSENT WITH APOLOGIES**

- |                              |                  |
|------------------------------|------------------|
| 1. Sen. Johnes Mwaruma       | - V. Chairperson |
| 2. Sen. Paul Mwangi Githiomi | - Member         |
| 3. Sen. Susan Kihika         | - Member         |

##### **SENATE SECRETARIAT**

- |                       |                              |
|-----------------------|------------------------------|
| 1. Ms. Mary Chesire   | - Deputy Director, DCOM      |
| 2. Ms. Mwanate Shaban | - Senior Clerk Assistant     |
| 3. Mr. Kevin Kibet    | - Clerk Assistant/HO         |
| 4. Ms. Marale Sande   | - Principal Research Officer |
| 5. Mr. Jeremy Chabari | - Legal Counsel              |
| 6. Ms. Lilian Onyari  | - Fiscal Analyst             |
| 7. Ms. Fatuma Abdi    | - Audio Officer              |
| 8. Mr. Ruben Kimosop  | - Serjeant-At-Arms           |

##### **MINUTE SEN/SCLSW/39/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 9.55 am. followed by a word of prayer.

##### **MINUTE SEN/SCLSW/40/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP as follows-

#### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration and Adoption of the Report on the Sports (Amendment) Bill, 2021;**
4. **Consideration and Adoption of the Report on the Employment (Amendment) Bill, 2021;**
5. **Consideration and adoption of the Report on the Community Groups Registration Bill, National Assembly Bills No. 20 of 2021;**
6. **Confirmation of Minutes 9, 8, 7, 6 and 5;**
7. **Consideration of the Petition on Recruitment, Remuneration and termination of ECDE Teachers serving in Nyamira County;**
8. **Statements before the Committee; and**
9. Any Other Business & Adjournment.

#### **MINUTE SEN/SCLSW/41/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE EMPLOYMENT (AMENDMENT) BILL, 2021**

The Committee considered the report on the Employment (Amendment) Bill, 2021 and adopted it after being proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. (Dr.) Alice Milgo, MP.

#### **MINUTE SEN/SCLSW/42/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE SPORTS (AMENDMENT) BILL, 2021**

The Committee considered the report on the Sports (Amendment) Bill, 2021 and adopted it having been proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. (Dr.) Isaac Mwaura, MP.

**MINUTE SEN/SCLSW/43/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE COMMUNITY GROUPS REGISTRATION BILL, NATIONAL ASSEMBLY BILLS NO. 20 OF 2021**

The Committee considered the report on the Community Groups Registration Bill no. 20 of 2021 and adopted it after it was proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP.

**MINUTE SEN/SCLSW/44/2022: CONFIRMATION OF MINUTES 9, 8, 7, 6 AND 5**

1. The Minutes of the 9<sup>th</sup> meeting held on Saturday, 19<sup>th</sup> February, 2021 at 1.00 pm were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP;
2. The Minutes of the 8<sup>th</sup> meeting held on Saturday, 19<sup>th</sup> February, 2022 at 10:00 a.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Masitsa Shiyonga, MP and seconded by Sen. (Dr.) Alice Milgo, MP;
3. The Minutes of the 7<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 2:45 p.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Masitsa Shiyonga, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP;
4. The Minutes of the 6<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 12:30 p.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. (Dr.) Alice Chepkorir Milgo, MP and seconded by Sen. Naomi Shiyonga, MP; and
5. The Minutes of the 5<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 10:00 a.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP.

**MINUTE SEN/SCLSW/45/2022: CONSIDERATION OF THE PETITION ON RECRUITMENT, REMUNERATION AND TERMINATION OF ECDE TEACHERS SERVING IN NYAMIRA COUNTY**

The Committee acknowledged the Petition by residents of Nyamira County and members representing Early Childhood Development Education (ECDE) Teacher's Association of Nyamira County, concerning the recruitment, remuneration and termination of ECDE Teachers in Nyamira County.

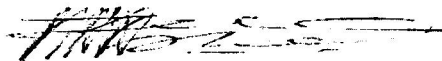
The Committee deliberated on the matter and resolved to invite the Nyamira County Public Service Board (CPSB), the Governor and the petitioners to an online meeting the following week to deliberate on the issues raised in the Petition.

**MINUTE SEN/SCLSW/46/2022: STATEMENTS BEFORE THE COMMITTEE**

The Committee resolved to comprehensively deal with this agenda item during its retreat the following week in Mombasa County.

**MINUTE SEN/SCLSW/47/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

1. The Committee resolved to hold a Working Retreat in Mombasa County from 14<sup>th</sup> - 18<sup>th</sup> March to deal with all the pending legislative business.
2. There being no other business, the meeting was adjourned at 10.15 a.m.



**SIGNATURE:** .....

**SEN. MWARUMA JOHNES, MP,  
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: TUESDAY, 15<sup>TH</sup> MARCH, 2022**

**MINUTES OF THE 8<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON SATURDAY, 19<sup>TH</sup> FEBRUARY 2022 AT 10.00 AM IN CONFERENCE ROOM 1B, TRADEMARK HOTEL, VILLAGE MARKET, KIAMBU COUNTY.**

**MEMBERS PRESENT**

- |                                       |                            |
|---------------------------------------|----------------------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson              |
| 2. Sen. Johnes Mwaruma                | - V. Chairperson (Virtual) |
| 3. Sen. Paul Mwangi Githiomi          | - Member (Virtual)         |
| 4. Sen. Makori Beatrice Kwamboka, CBS | - Member (Virtual)         |
| 5. Sen. Naomi Masitsa Shiyonga        | - Member (Virtual)         |
| 6. Sen. (Dr.) Milgo Alice Chepkorir   | - Member                   |

**ABSENT WITH APOLOGIES**

- |                                       |          |
|---------------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru, CBS | - Member |
| 2. Sen. Susan Kihika                  | - Member |
| 3. Sen. (Dr.) Isaac Mwaura, CBS       | - Member |

**SENATE SECRETARIAT**

- |                         |                            |
|-------------------------|----------------------------|
| 1. Ms. Mwanate Shaban   | - Clerk Assistant          |
| 2. Mr. Kevin Kibet      | - Clerk Assistant/HO       |
| 3. Ms. Marale Sande     | - Senior Research Officer  |
| 4. Mr. Jeremy Chabari   | - Legal Counsel            |
| 5. Mr. Frank Mutulu     | - Media Relations Officer  |
| 6. Mr. Humphrey Ringera | - Research Officer/CA      |
| 7. Ms. Sakina Halako    | - Secretary, DCOM's Office |
| 8. Mr. Hassan Adow      | - Office Assistant         |
| 9. Ms. Fatuma Abdi      | - Audio Officer            |
| 10. Mr. Ruben Kimosop   | - Serjeant-At-Arms         |
| 11. Mr. Collins Leteipa | - Intern, DCOM's Office    |
| 12. Mr. Athman Ramadhan | - Intern, DCOM's Office    |

## **MINUTE SEN/SCLSW/30/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 10.15 am. followed by a word of prayer.

## **MINUTE SEN/SCLSW/31/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Paul Mwangi Githiomi, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP as follows-

### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration of the Amendments to the Sports (Amendment) Bill (Senate Bill No. 40 of 2021);**
4. **Consideration of the Amendments to the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021); and,**
5. Any Other Business & Adjournment.

## **MINUTE SEN/SCLSW/32/2022: CONSIDERATION OF THE AMENDMENTS TO THE SPORTS (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2021);**

The Committee approved the following proposed amendments to the Sports (Amendment) Bill (Senate Bill No. 40 of 2021) -

1. Amend Clause 2, the proposed amendment be deleted in its entirety and the definition of County Sports Association envisaged in Regulation 2 of the Sports Registrar's Regulations 2016 be retained.
2. Clause 5
  - (i) Include the following additional Board Members—
    - (a) the Chief Executive Officer, Sports, Arts and Social Development Fund;
    - (b) the Sports Registrar;
    - (c) the Director of Sports
  - (ii) Delete Section 5 (1A) (b).
3. Amend Clause 6 as follows—
  - (a) in paragraph (c) by inserting the words "county sports organisations" immediately after the words "higher learning"
4. Amend Clause 7—
  - (i) Include the following as additional Council Members—

- (a) the Chief Executive Officer, Sports, Arts and Social Development Fund;
  - (b) a representative from a recognized higher learning institution responsible for training and research; and
  - (c) the Principal Secretary in the Ministry for the time being responsible for sports
- (ii) Delete clause 7 (1A) (b)
5. Clause 8, delete clause 8 (1A) (b).
  6. Clause 13, the entire proposal to amend section 46 be deleted and the current section of the Sports Act be retained.
  7. Amend Clause 55 to read, “The tribunal shall have original and appellate jurisdiction to adjudicate on any dispute relating to sports.”

**MINUTE SEN/SCLSW/33/2022: CONSIDERATION OF THE AMENDMENTS TO THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021);**

The Committee approved the following proposed amendments to the Community Groups Registration Bill (National Assembly Bills no. 20 of 2021)-

1. Clause 2;
  - (v) Amend the definition of the term “Director” and replace with the definition of “County Executive Committee Member” (CECM).
  - (vi) Amend the definition of “social development officer” to be an officer under the respective County Public Service Boards.
  - (vii) Insert the definition of “office of the sub-county administrator” as provided under section 50 of the County Governments Act.
  - (viii) Insert the definition of “office of the ward administrator” as provided under section 51 of the County Governments Act.
2. Clause 3
  - (iii) Provide for official register of community groups.
  - (iv) Amend to enable a County Governor to designate a County Executive Committee Member to be responsible for social development.
3. Delete Clause 4 entirely.
4. Clause 5 should be aligned to the structures of devolution by co-opting members of national government and other development structures.
5. Amend Clause 6 to align it to the previous amendments.

**MINUTE SEN/SCLSW/34/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 12.37 p.m.



**SIGNATURE:** .....

**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022**

**MINUTES OF THE 5<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON FRIDAY, 18<sup>TH</sup> FEBRUARY 2022 AT 10.00 AM IN CONFERENCE ROOM 1B, TRADEMARK HOTEL, VILLAGE MARKET, KIAMBU COUNTY.**

**MEMBERS PRESENT**

- |                                       |                            |
|---------------------------------------|----------------------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson              |
| 2. Sen. Johnes Mwaruma                | - V. Chairperson (Virtual) |
| 3. Sen. Paul Mwangi Githiomi          | - Member (Virtual)         |
| 4. Sen. Makori Beatrice Kwamboka, CBS | - Member (Virtual)         |
| 5. Sen. Naomi Masitsa Shiyonga        | - Member (Virtual)         |
| 6. Sen. (Dr.) Milgo Alice Chepkorir   | - Member                   |

**ABSENT WITH APOLOGIES**

- |                                       |          |
|---------------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru, CBS | - Member |
| 2. Sen. Susan Kihika                  | - Member |
| 3. Sen. (Dr.) Isaac Mwaura, CBS       | - Member |

**SENATE SECRETARIAT**

- |                         |                            |
|-------------------------|----------------------------|
| 1. Ms. Mwanate Shaban   | - Clerk Assistant          |
| 2. Mr. Kevin Kibet      | - Clerk Assistant/HO       |
| 3. Ms. Marale Sande     | - Senior Research Officer  |
| 4. Mr. Jeremy Chabari   | - Legal Counsel            |
| 5. Mr. Frank Mutulu     | - Media Relations Officer  |
| 6. Mr. Humphrey Ringera | - Research Officer/CA      |
| 7. Ms. Sakina Halako    | - Secretary, DCOM's Office |
| 8. Mr. Hassan Adow      | - Office Assistant         |
| 9. Ms. Fatuma Abdi      | - Audio Officer            |
| 10. Mr. Ruben Kimosop   | - Serjeant-At-Arms         |
| 11. Mr. Collins Leteipa | - Intern, DCOM's Office    |
| 12. Mr. Athman Ramadhan | - Intern, DCOM's Office    |

**MINUTE SEN/SCLSW/18/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 10.25 am. followed by a word of prayer.

**MINUTE SEN/SCLSW/19/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Paul Mwangi Githiomi, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP as follows-

**AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration of the Public Hearing Submissions Matrix of the Community Groups Registration Bill, 2021 (National Assembly Bill No. 20 of 2021) and,**
4. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/20/2022: CONSIDERATION OF THE PUBLIC HEARING SUBMISSIONS MATRIX OF THE COMMUNITY GROUPS REGISTRATION BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 20 OF 2021)**

1. The Committee acknowledged submissions from the following stakeholders –
  - i. The Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes;
  - ii. The Council of Governors;
  - iii. The Institute of Certified Accountants of Kenya (ICPAK); and
  - iv. Nature Kenya.
2. The Committee also noted the following comments from the Stakeholders -
  - i. The Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes supported the Bill fully; and
  - ii. The Council of Governors was opposed to the Bill stating the unbundling of functions (Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution) by the now defunct Transition Authority as follows—

- a) developing systems, standards and operational procedures for community participation;
- b) facilitating formation or restructuring of community level structures for community engagement and participation in development initiatives;
- c) facilitating formation, registration and certification of community groups;
- d) undertake community groups capacity building and sensitization;
- e) providing grant support to community groups to support up-scaling or replication of best practices; and
- f) facilitation of community capacity support centres.

3. The Committee then considered specific amendments and resolved as follows -

CLAUSE	STAKE HOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
Long title	Council of Governors (COG)	Amend the long title and link it with Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution.	The Bill primarily seeks to give effect to paragraph 14 of Part 2 of the Fourth Schedule to the Constitution on the registration and regulation of community groups.	Not approved
2	COG	Amend the definition of the term "Director" and replace with the definition of "County Executive Committee Member" (CECM).	Community groups registration and regulation is a county governments function and should be undertaken under county structures	Approved
		Amend the definition of "social development officer" to be an officer under the respective County Public Service Boards.	Community groups registration and regulation is a county governments function and should be undertaken under county structures	Approved
		Insert the definition of "office of the sub-county administrator" as provided under section 50 of the County Governments Act.	This is for implementation of the Bill. Especially what Social Development Committees are supposed to implement.	Approved
		Insert the definition of "office of the ward	This is for implementation of the	Approved

CLAUSE	STAKE HOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		administrator” as provided under section 51 of the County Governments Act.	Bill. Especially what Social Development Committees are supposed to implement.	
3	Institute of Certified Accountants of Kenya (ICPAK)	Insert a provision for qualifications of the Director, term and vacation of the office of the Director.	To ensure competitive recruitment of a suitable and a competent person and stability of the office of the Director.	Not approved
		Provide for official register of community groups.	This for reference, posterity and in adherence to Article 35 of the Constitution on Access to Information.	Approved.
	COG	Amend to enable a County Governor to designate a County Executive Committee Member to be responsible for social development.	The functions assigned to the Director are county government functions. Social development consultative functions should be established under county government structures.	Approved.
4	ICPAK	The specific county public service board should appoint their respective county coordinators.	To decentralize appointment procedures and to foster interdependence between the National and county governance structures.	Not Approved.
		Provide for qualifications of the County Coordinator.	To ensure competitive recruitment of a suitable and a competent person.	Not approved.
		Provide a mechanism for registration of community groups at the grassroots level.		Not approved
	COG	Delete the entire clause.	The administrative structures provided under the County Governments Act can undertake the function.	Approved

CLAUSE	STAKE HOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
5	ICPAK	Provide for the tenure and reduce the number of members of Social Development Committees.	To provide continuity and rationalize public expenditure.	Align it to the structures of devolution. Co-opt members of national government and other development structures.
	COG	Delete the entire clause.	The administrative structures provided under the County Governments Act can undertake the function	
6	COG	The functions of the social development committee should be undertaken by social development officers at both the sub-county and ward levels. The social development officers should also act as the link between the government, community groups and development partners.	The functions should be done by the offices of sub-county and ward administrator.  This is also in line with sections 50 and 51 of the County Governments Act.	Align to the previous amendments.
7	COG	Delete the entire clause.	The business and affairs of the offices of the sub-county and ward administrators are regulated under the County Governments Act.	Not approved
8	COG	Delete the entire clause	The clause is redundant.	County Public Service Boards in consultation with SRC
9	COG	Replace Director with the County Executive Committee Member.	A standard fee shall be prescribed under section 40 on regulations.	Approved.
10	ICPAK	Model constitution under clause 10 (2) is a procedural matter that can be contained in Regulations.	To keep up with trends and for drafting requirements.	Not approved.
11	ICPAK	There is need to define the unique nature of special interests and their membership thereof.	For clarity and to avoid ambiguity.	Approved.

CLAUSE	STAKE HOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
13	COG	Replace the Director with the CECM and provide a timeline of twenty one (21) days	To provide clarity on feedback timelines to community groups.	Approved.
14	ICPAK	Delete clause 14.	Registration should not lapse. Community groups should instead file annual returns.	Not approved
	COG	Replace the Director with the CECM and provide a timeline of twenty one (21) days	To provide clarity on feedback timelines to community groups.	Approved
15	ICPAK	Provide for appeals to the High Court for cancellation of registration.	To promote fairness.	Not approved.
26	COG	Give the Ward Administrator and the CECM the power for dispute resolution and provide timelines for the same.	This is to provide a simple and efficient dispute resolution mechanism in line with Article 47 of the Constitution on fair administrative action.	Not approved.
28	COG	A penalty for late submission should be prescribed by Regulations.	A standard fee shall be prescribed under section 40 on regulations.	Delete subclause (2)
26 & 39	ICPAK	Increase the penalty to fifty thousand or two years in prison or to both.	To harmonize with other existing laws.	Delete 26 (7)
33	ICPAK	Align the period of reporting with other organizations.	To align with the period of preparation of reports.	Not approved.
	COG	Reports should be submitted to the CECM within the specified timelines. A penalty for late submission should be prescribed by Regulations.	A standard fee shall be prescribed under section 40 on regulations.	Not approved.
37	Nature Kenya	Revise the clause to require those convicted to—  (d) Pay back to the group or government ten times the amount misappropriated;	This is to cater for the value of what has been misappropriated.	Align with other financial misappropriation law

CLAUSE	STAKE HOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		(e) Introduce a two-year prison sentence; or (f) Both (a) and (b).		
40	COG	CECM should be given power to make regulations for carrying out of the Act.	Community groups registration and regulation is an exclusive function of county governments.	Approved.
41	COG	Provide a clause on the transfer of records maintained by National government on community groups.	This is to ensure effective transfer of the functions.	Approved
Other matters	COG	(4) Replace "Director" with "County Executive Committee Member" throughout the Bill; (5) Replace "county coordinator of social development" with the "county director responsible for social development"; and (6) Replace "sub-county social development committee" with the social development officer at the sub- county and ward level respectively.		Approved

**MINUTE SEN/SCLSW/21/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 12.10 p.m.



SIGNATURE: .....

(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022

**MINUTES OF THE 2<sup>ND</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY, 2<sup>ND</sup> FEBRUARY, 2022 AT 2.30 PM.**

**MEMBERS PRESENT**

1. **Sen. Johnson Sakaja, CBS** - **Chairperson**
2. **Sen. Makori Beatrice Kwamboka, CBS** - **Member**
3. **Sen. Paul Mwangi Githiomi** - **Member**
4. **Sen. (Dr.) Milgo Alice Chepkorir** - **Member**
5. **Sen. Naomi Masitsa Shiyonga** - **Member**

**ABSENT WITH APOLOGIES**

1. **Sen. Johnes Mwaruma** - **V. Chairperson**
2. **Sen. Susan Kihika** - **Member**
3. **Sen. Madzayo Stewart Mwachiru, CBS** - **Member**
4. **Sen. (Dr.) Isaac Mwaura, CBS** - **Member**

**IN ATTENDANCE**

1. **Mr. Nelson Marwa, CBS** - **PS, State Department of Social Protection, Senior Citizens and Special Programmes**
2. **Ms. Josephine Muriuki** - **Director, Social Development Programme**
3. **Ms. Winnie Mwasiaji** - **Deputy Director, Community Development Programme (CDP)**
4. **Ms. Tepla Sitati** - **Directorate of CDP**
5. **Ms. Charity Kiilu** - **Directorate of CDP**
6. **Ms. Irene Moraa Ogamba** - **Director, Legal Services (COG)**
7. **Mr. Kizito Wangalwa** - **COG**
8. **Ms. Rosemary Irungu** - **COG**
9. **Ms. Joyce Mugure** - **COG**
10. **Ms. Zipporah Muthama** - **COG**
11. **Mr. Mutuma Nkanata** - **ED, NGO Coordination Board**
12. **Ms. Juliet Karari** - **Legal Officer, NGO Coordination Board**

## SENATE SECRETARIAT

1. Ms. Mwanate Shaban - Clerk Assistant
2. Mr. Kevin Kibet - Clerk Assistant/HO
3. Ms. Marale Sande - Senior Research Officer
4. Mr. Jeremy Chabari - Legal Counsel
5. Mr. Frank Mutulu - Media Relations Officer
6. Ms. Fatuma Abdi - Audio Officer

### MINUTE SEN/SCLSW/05/2022: PRELIMINARIES

The Chairperson called the meeting to order at 2.52 p.m. followed by a word of prayer.

### MINUTE SEN/SCLSW/06/2022: ADOPTION OF THE AGENDA

The agenda of the Meeting was adopted after it was proposed by Sen. Beatrice Kwamboka, CBS, MP and seconded by Sen. (Dr.) Alice Milgo, MP as follows—

#### AGENDA

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Stakeholder Meeting on the Community Groups Registration Bill, 2021 (National Assembly Bills No. 20 of 2021); and**
4. Any Other Business & Adjournment.

### MINUTE SEN/SCLSW/07/2022: STAKEHOLDER MEETING ON THE COMMUNITY GROUPS REGISTRATION BILL, 2021 (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)

- a) **Presentation by the Executive Director, NGO Coordination Board, Mr. Mutuma Nkanata**

The Executive Director, NGO Coordination Board, Mr. Mutuma Nkanata submitted as follows;

1. That, the definition of “community group” under Clause 2 to read;  
*“community group” means a voluntary association of individuals from the same community which is self-organised for a common purpose aimed at improving the*

*livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organisation but shall not include a Public Benefit Organization, NGO or groups formed to champion a political cause or contrary to public policy.”*

2. He proposed amendment of section 12 to add the following sub-section:

Section 12 (e) the proposed name of the community group is identical to or resembles the name of a registered community group or National or International Non-Governmental Organization or Public Benefit Organization as to be likely to mislead the public as to its nature or identity;

3. Advocated for a Provision of an option to appeal rejection to an application;

Section 13(3) a person aggrieved by the decision of the Director may appeal to the Cabinet Secretary in writing.

4. He agreed that the Bill now expressly provides on the second schedule that Community Groups should indicate how assets and liabilities will be treated upon dissolution; and
5. That the Community Groups Registration Bills’ does not usurp or in any way affect the implementation and enforcement of the NGOs Co-ordination Board Act, and therefore agree with the contents of the said Bill.

#### **b) Presentation by the Council of Governors (COG)**

Ms. Irene Moraa Ogamba Director, Legal Services at COG presented as follows;

1. The 4<sup>th</sup> Schedule of the Constitution assigns functions between the National and County Governments. Part 2, the 14<sup>th</sup> function, is exclusively assigned to county governments;

*“Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.”*

2. None of the functions in part 1 of the 4<sup>th</sup> schedule assigns the National Government a direct role in community organization and development;
3. The Transition Authority unbundled the 14<sup>th</sup> county function as follows;
  - i) Developing systems, standards and operational procedures for community participation.
  - ii) Facilitating formation, restructuring of community level structures for community engagement and participation in development initiatives.
  - iii) Facilitating formation, registration and certification of community groups
  - iv) Undertake community groups capacity building and sensitization.
  - v) Providing grant support to community groups to support up-scaling/ replication of best practice; and
  - vi) Facilitation to community capacity support centers.

4. The unbundled function enumerated above are similar to the functions provided in the Bill and therefore, the Bill legislates on county functions;
5. It is on the basis of the above fundamental objects and principles and the unbundled function that the county governments opposes the Bill on the ground that it contravenes the Constitution of Kenya and is a flagrant claw back on devolution; and
6. She added that registration of community groups is decentralized as opposed to being devolved.

**c) Presentation by the State Department for Social Protection, Senior Citizens Affairs and Special Programmes**

Ms. Josephine Muriuki, Director of Social Development Programme presented as follows;

1. On the rationale for the Bill, the country has not had clear guidelines or legal frameworks on community mobilization and registration of community groups;
2. A legal framework will aid in addressing the challenge of clandestine groups which have at times been avenues of insecurity;
3. The Community Groups Registration Bill will streamline registration and management of community groups in the country and ensure standardized registration processes and instruments for uniformity and quality assurance;
4. The Bill provides for the Office of the Director of Social Development which is under the Public Service Commission (PSC);
5. Provides for a platform for the two levels of government to partner through representation at the Committee level; and
6. The Bill creates an enabling operational environment that promotes community empowerment, self-reliance and sustainable development of community groups and projects.

**d) Members' Interventions**

1. Members noted that the function of community group registration are devolved as outlined in the 4<sup>th</sup> Schedule; Part 2, 14<sup>th</sup> function; and
2. Members advised the Council of Governors (COG) to present their proposed amendments to the Bill, aligning it to Devolution, for consideration.

**MINUTE SEN/SCLSW/08/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

1. The Committee deliberated on the implementation of the County Governments Retirement Schemes Act, 2019 and noted that they had met the stakeholders in March, 2021. The Committee resolved to have a follow-up Stake-holder forum on Wednesday, 9<sup>th</sup> February, 2022 to be apprised of the progress in the operationalisation of the Act by the Stakeholders;

2. The Committee also noted the correspondence from Mr. Daniel Matendechere and Broadway Bakeries Limited and resolved to write to Broadway requesting them to facilitate the compensation of Mr. Daniel Matendechere; and
3. There being no other business, the meeting was adjourned at 3.37 p.m.



**SIGNATURE:** .....

**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE:**                    **Saturday, 19<sup>th</sup> February, 2022**

**Annex 3: Public Hearing Advert**

The Standard, Friday, December 31, 2021

**REPUBLIC OF KENYA**



**TWELFTH PARLIAMENT | FIFTH SESSION  
THE SENATE**

**INVITATION FOR SUBMISSION OF MEMORANDA**

At the sitting of the Senate held on Wednesday, 22<sup>nd</sup> December, 2021, the Bills listed below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees Indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The Memoranda may be sent **by email** on the address: [csenate@parliament.go.ke](mailto:csenate@parliament.go.ke) and copied to the email addresses of the respective Committees Indicated at the fourth column below, to be received on or before **Friday, 14<sup>th</sup> January, 2022 at 5.00 p.m.**

	<b>Bill</b>	<b>Committee Referred To</b>	<b>Email Address</b>
a)	The Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021)	Standing Committee on Roads and Transportation	<a href="mailto:senatesroadsst@gmail.com">senatesroadsst@gmail.com</a>
b)	The Community Groups Registration Bill (National Assembly Bills No. 20 of 2021)	Standing Committee on Labour and Social Welfare	<a href="mailto:senatelabourcommittee@gmail.com">senatelabourcommittee@gmail.com</a>

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/senate-bills>.

**J.M. NYEGENYE, CBS,  
CLERK OF THE SENATE.**



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**REPUBLIC OF KENYA**

**PARLIAMENT**

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**NATIONAL ASSEMBLY BILLS**

*(Bill No. 20 of 2021)*

**THE COMMUNITY GROUPS  
REGISTRATION BILL, 2021**

(A Bill published in the Kenya Gazette Supplement No.88 of 5<sup>th</sup> May, 2021 and passed by the National Assembly, with amendments, on 25<sup>th</sup> November, 2021.)

**N.A. /Bill/No. 20/2021**

**THE COMMUNITY GROUPS REGISTRATION BILL, 2021****ARRANGEMENT OF CLAUSES***Clause***PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.

**PART II—ADMINISTRATION**

- 3—Director of Social Development.
- 4—County co-ordinator of social development.
- 5—Social development committees.
- 6—Functions social development committees.
- 7—Business and affairs of social development committees.
- 8—Remuneration of members of social development committees.

**PART III—REGISTRATION OF COMMUNITY GROUPS**

- 9—Registration of community groups.
- 10—Community group constitutions.
- 11—Special interest community groups.
- 12—Rejection of application.
- 13—Period within which application to be determined.
- 14—Renewal of registration.
- 15—Cancellation of registration.
- 16—Voluntary dissolution.
- 17—Merger of community groups.
- 18—Director to approve merger.
- 19—Amalgamation of community groups.
- 20—Director may make changes in register.

**PART IV—REGULATION OF COMMUNITY GROUPS**

- 21—General objects of community groups.
- 22—Contact address.

- 23—Officer bearers.
- 24—Restriction of appointment of certain office bearers.
- 25—Change of office bearers or title of office.
- 26—Dispute resolution.
- 27—Purporting to act as office bearer.
- 28—Register of members.
- 29—Inspection of register of members.
- 30—Confidentiality of members' details.

**PART V—FINANCIAL PROVISIONS**

- 31—Financial records.
- 32—Treasurer responsible accounts.
- 33—Reports.
- 34—Inspection of accounts and documents.
- 35—Director may request information and financial records.
- 36—Audit of financial records.
- 37—Resource mobilization.

**PART VI—GENERAL PROVISIONS**

- 38—Obstruction of the Director
- 39—General penalty.
- 40—Regulations.
- 41—Transitional provisions.

**FIRST SCHEDULE—THE CONDUCT OF BUSINESS AND  
AFFAIRS SOCIAL DEVELOPMENT  
COMMITTEES**

**SECOND SCHEDULE—MATTERS TO BE PROVIDED FOR IN  
THE CONSTITUTION ON OF A  
COMMUNITY GROUP**

**THE COMMUNITY GROUPS REGISTRATION  
BILL, 2021**

**A Bill for**

**AN ACT of Parliament to provide a regulatory  
framework for the registration and regulation of  
community groups and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART—I PRELIMINARY**

1. This Act may be cited as the Community Groups Registration Act, 2021. Short title.

2. In this Act, unless the context requires— Interpretation.

“amalgamation” means the arrangement where two or more community groups unite to form a community-based organisation but the constituent community groups retaining their respective, individual identities;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to social development;

“Civil Society Organizations” means organizations that provide technical and advocacy support to the communities but do not provide funding;

“community” means persons resident in the same geographic locality or who are considered as a unit because of their shared common interests;

“community development” means a process where a community takes collective action and generates solutions to common problems;

“community group” means a voluntary association of individuals from the same community which is self-organised for a common purpose aimed at improving the livelihood of the group members or for a community benefit and includes a special interest group, community project and community-based organisation but shall not include a Public Benefit Organization, Non-Governmental

Organization or groups formed to champion a political cause or contrary to public policy;

“Community Group Constitution” means basic rules or by-laws set by a community group to govern the operations of their group or any projects that the groups may undertake;

“Director” means the Director for Social Development appointed under section 3;

“merger” means the arrangement where two or more community groups dissolve in order to unite into a single community group and the dissolved community groups lose their individual identities;

“Non-Governmental Organisation” has the meaning assigned to it under the Non-Governmental Organizations Act; No.19 of 1990.

“office bearer” means a person elected or appointed by a community group in accordance with that community group’s constitution to be responsible for the management of the community group for the specified period and includes persons designated as the chairperson, secretary, treasurer, or any other position as established by its constitution;

“Public Benefits Organization” has the meaning assigned to it under the Public Benefits Organizations Act; No.18 of 2013.

“social development” means the growth of the capabilities and choices of individuals, groups, people and their institutions;

“social development officer” means a person appointed by the Ministry as a social development officer; and

“special interest community group” means a community group declared by the Director to be a special interest community group under section 11.

## PART II—ADMINISTRATION

3. (1) There shall be a Director of Social Development which shall be an office in the Public Service. Director of Social Development.

(2) The Director shall be responsible for—

(a) mobilising communities to form groups to

- undertake community projects;
- (b) the registration of community groups;
- (c) the supervision, monitoring and evaluation of community projects by community groups and, on the request of an interested party, the investigation of community group activities;
- (d) the establishment and maintenance of a community development management information system;
- (e) the establishment of capacity-building and training programmes for community groups;
- (f) enhancing partnerships, collaboration and linkages with other persons, groups or organisations for the benefit of the community;
- (g) overseeing the operations of social development committees;
- (h) approving, monitoring and evaluating the budget proposals provided by social development committees; and
- (i) performing such other functions as may be assigned by the Cabinet Secretary.

4. (1) The Director shall appoint a county co-ordinator of social development for each county.

County co-ordinator of social development.

(2) The county co-ordinator of social development shall be responsible for the performance of the Director's functions in the county.

(3) Despite the generality of subsection (2), the county co-ordinator of social development shall be responsible for—

- (a) the establishment and supervision of social development committees in the county;
- (b) the nomination of representatives of civil society organisations and social development partners to social development committees; and
- (c) the performance of any other functions as may be assigned by the Director.

5. (1) There is established, in every sub-county, a

Social development

committee to be known as the social development committee which shall comprise— committees.

- (a) the sub-county social development officer from the national government;
- (b) two representatives from the county government, one of whom shall be the officer responsible for social development in the county government;
- (c) a representative of the Deputy County Commissioner responsible for the sub-county;
- (d) four representatives of development partners and civil society organizations operating in the county who shall be nominated by the county coordinator of social development;
- (e) five representatives of registered community groups operating in the sub-county who shall be nominated by the community groups; and
- (f) where necessary or practicable, representatives of national government ministries, departments or agencies operating in the sub-county.

(2) The persons under sub-section (1) shall be appointed by the county co-ordinator of social development who shall, in making the appointments, ensure ethnic and regional balance and the inclusion of persons with disabilities.

(3) The sub-county department responsible for social development shall provide the secretariat for the social development committee.

6. A social development committee shall—

Functions of  
social  
development  
committees

- (a) act as a link between the national government and community groups, communities and other development partners;
- (b) support community mobilisation, and the formation and registration of community groups;
- (c) support capacity building for its members and members of community groups;
- (d) support mobilisation of, and awareness-creation on,

social development programmes and emerging issues in the community;

- (e) participate in setting priorities on the types of social development programmes and projects to be implemented by community groups;
- (f) provide information on current and emerging social and community development needs;
- (g) make recommendations for community groups for material, capacity-building and financial support;
- (h) support the Director in the monitoring, evaluation and research on community development programmes at the sub-county level;
- (i) support in dispute resolution and management of community groups;
- (j) support social impact assessment and social risk assessment processes at sub-county level; and
- (k) perform such other functions as may be assigned by the Director.

7. (1) The business and affairs social development committees shall be conducted in accordance with the First Schedule.

Business and affairs of social development committees.

(2) Except as provided in the First Schedule, social development committees may regulate their own procedure.

8. The Cabinet Secretary shall, on the advice of the Salaries and Remuneration Commission, determine the allowances payable to the members of social development committees for out-of-pocket expenses incurred in the performance of their functions.

Remuneration of members of social development committees.

### **PART III—REGISTRATION OF COMMUNITY GROUPS**

9. (1) A group of persons may, if they so wish, apply in the prescribed form to the Director for registration as a community group.

Registration of community groups.

(2) A group shall qualify for registration under this Act if—

- (a) the members are adults;

- (b) the members have a common purpose; and
- (c) the group comprises of—
  - (i) at least ten persons, or
  - (ii) in the case of a special interest community group, at least five persons.

(3) The Director may require additional information from an applicant under this section or conduct an investigation as may be necessary before approving or rejecting the application.

(4) The Director may prescribe fees in respect of applications under this section.

10. (1) An application under section 9 shall be accompanied by a community group constitution.

Community group constitutions.

(2) A rule or a purpose within a community group constitution that is inconsistent with the Constitution, this Act or any written law shall have of no effect to the extent of the inconsistency.

(3) The information contained in the Model Community Group Constitution set out in the Second Schedule shall be sufficient for the purposes of this Act and a community group may adopt the Model Community Group Constitution for its own purposes.

(4) A community group which amends its constitution shall submit the amended constitution to the Director within one month of the amendment.

11. (1) The Director may, upon application and payment of fees prescribed by the Director, declare a community group to be a special interest community group.

Special interest community groups.

(2) A special interest community group shall comprise of individuals who share a common interest that, due to its unique nature of that interest, condition or need, has failed to raise a large membership within the community.

12. The Director may reject an application under section 9 if—

Rejection of application.

- (a) the applicants have not complied with the requirements of this Act;
- (b) the Director has reasonable cause to believe that

the applicants have among their objects, the pursuit of an unlawful or immoral cause or purpose that is prejudicial to the peace, welfare or good order of the community or is likely to carry out unlawful or immoral actions;

- (c) the constitution of the community group is inconsistent with the Constitution or any other written law;
- (d) the applicants have submitted false or misleading information; or
- (e) the proposed name of the community group is identical to or resembles the name of a registered community group, Public Benefit Organization or Non-Governmental Organization as to be likely to mislead the public as to its nature or identity.

13. (1) The Director shall, within fourteen days of receiving an application under section 9, either register or refuse to register a community group.

Period within which application to be determined.

(2) Where the Director refuses to register a community group, the Director shall notify the applicants of the refusal in writing setting out the reasons for refusal.

(3) A person aggrieved by the decision of the Director may appeal to the Cabinet Secretary in writing.

14. (1) A community group registered under this Act may, on the expiry of two years after its registration, apply to the Director in the prescribed form and after paying the prescribed fees for the renewal of its registration and, thereafter, apply for renewal of its registration at the expiry of a period of one year.

Renewal of registration.

(2) An application under subsection (1) shall be made at least two months before the date of the application for renewal of registration.

(3) An application under subsection (1) shall be accompanied by a report of the community group's activities for the two years immediately preceding the application, its financial report and any other report the Director may require.

(4) The Director shall, within fourteen days of receiving an application under subsection (1), either renew

the registration or refuse to renew the registration.

(5) Where the Director refuses to renew the registration of a community group, the Director shall notify the applicants of the refusal in writing setting out the reasons for refusal.

(6) Where the Director is satisfied that the applicants qualify for the renewal of registration, the Director shall approve the application and renew the community group's certificate of registration.

15. (1) The Director may cancel the registration of a community group if—

Cancellation of registration.

- (a) the community group fails to comply with this Act;
- (b) the members of the community group fail to comply with the community group's constitution;
- (c) the community group fails to submit any information required under this Act or requested by the Director in accordance with this Act; or
- (d) the community group was fraudulently registered.

(2) Before the Director cancels the registration of a community group, the Director shall—

- (a) give the office bearers of the community group at least fourteen days' notice of the intention to cancel the group's registration; and
- (b) give the office bearers and members of the community group the opportunity to make representations to the Director as to why the group's registration should not be cancelled.

16. (1) A community group may dissolve itself voluntarily if the members pass a resolution for voluntary dissolution in accordance with the community group's constitution.

Voluntary dissolution.

(2) A community group that passes a resolution for voluntary dissolution shall notify the Director in writing of the voluntary dissolution.

(3) A notification under subsection (2) shall be signed by at least two-thirds of the members and be accompanied by—

- (a) the community group's certificate of registration;
  - (b) a copy of the minutes and the resolution of the meeting recommending the dissolution of the community group stating—
    - (i) the community group's intention to be voluntarily dissolved;
    - (ii) the reasons for the resolution to voluntarily dissolve; and
    - (iii) a date, at least two months after the date of the notice, on which the dissolution is intended to take effect.
- (4) On receiving the notice under subsection (2), the Director shall—
- (a) confirm whether or not the resolution has been made in accordance with the community group's constitution;
  - (b) where the notice is in order, cancel the certificate of registration of the community group;
  - (c) amend the register to indicate that the community group has been voluntarily dissolved; and
  - (d) notify the community group in writing of its dissolution and the effective date of the dissolution.
- (6) The Director shall, before acting in accordance with subsection (4), ensure that the assets of the community group have been properly distributed and any outstanding claims have been settled in accordance with the community group's constitution, and the Director may impose such conditions as may be necessary for the protection of the welfare of the members of the group or the community.
- (7) A community group shall be deemed to have dissolved voluntarily if the community group fails to renew its registration for a period of four years.
17. (1) A community group may, in accordance with its constitution, pass a resolution to merge with another community group.
- (2) A community group shall not merge with another

Merger of  
community  
groups.

community group unless at least three quarters of all the members of each of the community groups agree to the merger.

(3) A merger of community groups shall not take effect unless—

- (a) the community group has settled or made arrangements to settle its debts and its creditors have acknowledged settlement of their dues or the arrangement to settle their dues;
- (b) the claims of the members of the community group who have not agreed to the merger and have exercised their option to leave the group have been met in full or otherwise satisfied;
- (c) information of the proposed merger and details about the settlement of claims of members and creditors has been submitted to the Director; and
- (d) the community groups proposing to merge have surrendered their certificates of registration to the Director.

(4) Where community groups merge, they shall cease to exist as independent community groups and their assets and liabilities shall be transferred to the merged group.

(5) A resolution passed by a community group under subsection (1) shall be sufficient to vest the assets held or liabilities incurred by or on behalf of the community group on the members of the merged community group.

(6) A merged community group may change its name or constitution by issuing a notice of the change of name or constitution to the Director.

(7) A notice of change of a community group constitution under subsection (6) shall be accompanied by the new community group constitution.

18. (1) The Director shall, save for just cause, approve the merger of community groups where the groups have complied with the provisions of section 17.

Director to approve merger.

(2) The Director shall on approval of a merger of community groups—

- (a) enter into the register the name and relevant details

of the new community group;

- (b) amend the register with respect to the merging community groups to indicate that they have merged; and
- (c) cancel the certificates of registration of the community groups that have merged.

19. (1) Two or more community groups may, in accordance with their constitutions, pass resolutions to amalgamate.

Amalgamation of community groups.

(2) Each community group that resolves to amalgamate with another shall apply to the Director in the prescribed form.

(3) An application under subsection (2) shall be accompanied by the certificates of registration of the community groups that intend to amalgamate.

(4) Where the Director has approved the amalgamation of community groups, the Director shall issue to the resulting community-based organisation with a certificate of registration.

(5) The Director shall—

- (a) enter into the register the relevant details of the resulting community-based organisation;
- (b) amend the register with respect to the amalgamating community groups; and
- (c) cancel the certificates of registration of the amalgamating community groups.

20. (1) The Director may, upon reasonable notice given by a community group, make changes or corrections relating to any entry in the register with respect to the community group.

Director may make changes in register.

(2) A notice issued under this section shall be accompanied by—

- (a) a resolution passed by a majority of the members of the community group approving the proposed changes; and

- (b) a list of members who were present at the meeting at which the resolution was passed.

**PART IV—REGULATION OF COMMUNITY GROUPS**

21. A community group may, in accordance with its constitution—

General objects of community groups.

- (a) invest and deal with funds of the community group not immediately required for its objects;
- (b) raise or borrow money on any terms and in any manner as resolved by a majority of its members;
- (c) jointly secure the repayment of funds raised or borrowed by the community group or the payment of a debt or liability of the community group by giving mortgages, charges or securities on or over all or any of the property of the community group; and
- (d) do anything that is incidental or conducive to the attainment of the purposes of the powers of the community group.

22. (1) A community group shall establish and maintain an official physical address to which all members shall have access and all correspondence, notices and similar communication with the community group shall be delivered.

Contact address.

(2) All communication and notices required under this Act shall be delivered to the physical address established under subsection (1).

(3) A community group shall, within one month of the change of its physical address, notify the Director and the members of the group of the change and the details of the new address.

23. A community group shall ensure its office bearers assume office in accordance with the provisions of this Act and its constitution.

Officer bearers.

24. (1) A person who has been convicted of a crime involving fraud or dishonesty shall not, within a period of five years from the date of conviction, be eligible to be

Restriction of appointment of certain office bearers.

appointed or elected—

- (a) as an office bearer of a community group;
- (b) to any office the holder of which is responsible for the collection, disbursement, custody or control of the funds of a community group or for a community group's accounts; or
- (c) as an auditor of a community group.

(2) A member of a community group shall not be elected or appointed as the auditor of the community group.

25. (1) A community group shall notify the Director in writing of any changes in an office or title of an office of the community group within one month of the change.

Change of office bearers or title of office.

(2) A notice under subsection (1) shall be accompanied—

- (a) by a resolution of the community group signed by three office bearers of the community group;
- (b) by a signed attendance list of the members who were present at the meeting at which such change was adopted;
- (c) by evidence that the meeting had quorum in accordance with the constitution of the community group; and
- (d) by the minutes of the meeting at which the change was adopted.

(3) The Cabinet Secretary shall make regulations prescribing the procedure and fees under this section.

26. (1) Each community group shall, in its constitution, prescribe mechanisms for the resolution of disputes between one member of the community group and another.

Dispute resolution.

(2) If a dispute occurs between one community group and another community group, parties shall refer the dispute to the sub-county social development committee which shall hear and determine the dispute expeditiously.

(3) Where a sub-county social development committee fails to determine a dispute that has been referred to it under subsection (2), it shall refer the dispute to the

relevant county social development committee which shall hear and determine the dispute expeditiously.

(4) Where a county social development committee fails to determine a dispute referred to it under subsection (3), it shall refer the dispute to the Director who shall hear and determine the dispute expeditiously.

(5) On receipt of a reference under subsection (2), the Director may—

- (a) investigate the facts and circumstances of the dispute;
- (b) summon any member of the community groups for the purpose of enquiring into the facts and circumstances of the dispute; and
- (c) call for such documents as may be necessary to ascertain the facts and circumstances of the dispute.

(6) The Director shall, within fourteen days of the referral of a dispute under subsection (4), determine the dispute and notify the parties of the determination in writing.

(7) Any person who refuses to honour any summons by the Director under subsection (5) (b) commits an offence and, on conviction, shall be liable to a fine of not more than ten thousand shillings or to imprisonment for a term not exceeding six months or both.

(8) A person aggrieved by a decision of the Director under this section may appeal to the High Court.

~~27.-(1) A person commits an offence if that person—~~

~~purporting to act as office bearer.~~

- (a) has not been duly appointed or elected as an office bearer of a community group and acts or purports to act as an office bearer of that community group; or
- (b) having been appointed or elected as an office bearer of a community group other than at the time of the formation of the community group, acts as an office bearer after the end of the period agreed by the members without giving a notification to the Director.

28. (1) A community group registered under this Act shall keep a register of its members in such form as may be prescribed, and shall cause to be entered in the register the name and contact address of each member and the date of admission into membership.

Register of  
members.

(2) A community group which contravenes subsection (1), and every office bearer commits an offence and—

- (a) the community group shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or suspension for such period as the offence continues or to both; and
- (b) every office bearer shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

(3) Every community group shall submit to the Director a list of its members—

- (a) whenever required by the Director upon reasonable notice; and
- (b) once every two years or within such longer or shorter period as may be specified by the Director in any particular case for reason given in writing.

(4) A community group which fails to submit an updated list of members within the specified period will attract a penalty for late submission.

(5) A community group shall enter in its register the date on which a person ceases to be a member of the community group within fourteen days from that date.

29. A member of a community group shall, subject to the constitution of the community group, have the right to inspect the register of members upon reasonable notice.

Inspection of register of members.

30. (1) Subject to Article 33 of the Constitution, a person shall not disclose any personal information obtained from the register of members of a community group unless the information—

Confidentiality of members' details.

(a) is directly related to the management of the community group or the purpose for which the community group was established; and

(b) is not prohibited by the constitution of the community group.

(2) A person who violates the provisions of subsection (1) commits an offence.

#### PART V—FINANCIAL PROVISIONS

31. (1) A community group shall maintain financial records that—

Financial records.

(a) correctly record and explain its transactions, its financial position and performance; and

(b) enable the preparation of true and fair financial statements.

(2) A community group shall retain its financial records for a period of seven years after the transactions covered by the records are completed.

32. (1) The constitution of a community group shall provide for the designation of a member of the community group as its treasurer or person responsible for its financial affairs including the maintenance of the community group's financial records.

Treasurer responsible accounts.

(2) A person designated as the treasurer of a community group shall be responsible for the accounts of the community group, the collection, disbursement, custody and control of its funds and shall—

(a) at least once in every year at such time as may be specified in the group constitution;

(b) at any other time as may be required to do so by a resolution of the members of the community group; and

(c) upon resigning or otherwise vacating office;

render to the community group and its members a full and true account of all monies received and paid during the period which has elapsed since the date of assuming office or, if such person has previously rendered an account, since the last date upon which that person rendered such account, and of the monies remaining in the treasurer's hands at the time of rendering the account, and of all other property of the community group entrusted to that person's custody or under that person's control.

(3) After an account has been rendered under subsection (2), the treasurer shall, if the treasurer is resigning or vacating office or required to resign or vacate office, hand over to the succeeding treasurer, the monies as appear to be due from the treasurer, and all bonds, securities, effects, books, papers and property of the community group in the treasurer's hands or otherwise under the treasurer's control in accordance with the community group constitution and any other written laws.

33. (1) Every community group shall, once every two years, furnish the Director, by the 30th June of the year in which it is made, a report, which shall provide for the community group's—

Reports.

- (a) activities;
- (b) financial affairs;
- (c) any other matter as may be required by the Director.

(2) A report under this section shall be adopted at the community group at its annual general meeting before being submitted to the Director under subsection (1).

(3) Where a community group is unable to comply with subsection (1), it shall notify the Director stating the reasons it is unable to comply.

(4) Any person who willfully makes or orders or causes or procures to be made any false entry in or omission from a report made under this section commits an offence.

(5) The Director may levy a late-filing fee on a community group that submits a report required under this

section out of time without notifying the Director of the delay in accordance with subsection (3).

(6) The Director may suspend the certificate of a community group that fails to submit a report required to be submitted under this section until the community group submits the report.

34. A community group shall, upon reasonable notice, make its financial records and related documents, and the register of members of the community group available—

Inspection of accounts and documents.

- (a) for inspection by any office bearer or member of the community group at such place and at such times as may be provided for in the constitution of the community group;
- (b) for inspection by the Director, or by any person authorized by the Director in writing in that behalf, at the office of the Director at any reasonable time specified; and
- (c) when applying for the renewal of its certificate of registration.

35. (1) Where the Director has reasonable cause to believe that circumstances have arisen which render it expedient for the proper performance of the Director's functions under this Act to do so, the Director may require in writing that a community group furnish the Director with—

Director may request information and financial records.

- (a) a copy of the group's constitution;
- (b) a complete list of the group's office bearers and members;
- (c) the minutes of any meeting held by the group at which office bearers were elected or appointed;
- (d) the financial records of the group covering such period as the Director deems necessary for the purpose for which the request is made; and
- (e) such other accounts, returns and other information as the Director may request.

(2) A community group shall comply with the request given under subsection (1) within such period as may be specified in the request or within such longer period as the

Director may, upon request, allow.

(3) A community group which has had its registration cancelled for failing to comply with the provisions of this Act concerning registration or fails to comply with a request to furnish financial records under this section, shall not be registered again, and no community group which, in the opinion of the Director, is a successor of such community group shall be registered, unless the application for registration is accompanied by financial records.

(4) If any information or document furnished to the Director under this section is false, incorrect or incomplete in any material particular community group shall be deemed to have failed to comply with the provisions of this section.

36. The Director may direct that the financial records of a community group be audited at the community group's cost if the audit is expedient and necessary for the resolution of a dispute between a member of the community group and another.

Audit of financial records.

37. (1) A community group may mobilize resources for the benefit of its members or the community in which it operates.

Resource mobilisation.

(2) A person who diverts or misappropriates resources belonging to a community group for any other use other than for the purposes for which the community group was established commits an offence and, on conviction, shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(3) The Cabinet Secretary may issue guidelines for resource mobilisation by community groups and a person who carries out resource mobilisation in contravention of such guidelines commits an offence.

#### **PART VI—GENERAL PROVISIONS**

38. Any person who obstructs the Director in carrying out any functions under this Act commits an offence.

Obstruction of the Director.

39. A person who commits an offence under this Act for which no penalty is prescribed shall be liable to a fine not exceeding ten thousand shillings or a community

General penalty

service order for a period not exceeding three months.

40. (1) The Cabinet Secretary 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 Cabinet Secretary may make regulations prescribing—

- (a) the forms to be used for the purposes of this Act;
- (b) the particulars to be included in—
  - (i) applications or notifications to the Director;
  - (ii) certificates of registration issued by the Director;
- (c) procedures, requirements and guidelines on registration, suspension, cancellation and reinstatement of registration of any community group including a special interest group;
- (d) information to be included in the register of a community group;
- (e) the records to be kept by a community group;
- (f) charges, fees or other payments under this Act;
- (g) guidelines for community mobilisation;
- (h) the guidelines for resource mobilisation;
- (i) dispute resolution procedures under this Act;
- (j) guidelines for the establishment of social development committees;
- (k) guidelines on community group management; and
- (l) any other matter or thing required to be prescribed to give effect to the provisions of this Act.

41. (1) Every community group which was, immediately before the commencement of this Act, registered as a community group by the national government shall, at the commencement of this Act, be deemed to have been registered under this Act. Transitional provisions.

Provided that a community group to which this section applies, shall within a period of one year after the commencement of this Act, put in place measures

necessary to ensure compliance with the provisions of this Act.

FIRST SCHEDULE

(s. 7)

THE CONDUCT OF BUSINESS AND AFFAIRS OF  
SOCIAL DEVELOPMENT COMMITTEES

1. (1) The National, county and sub county Committees shall meet at such place within their area of jurisdiction as the chairperson may determine and the meetings shall be convened by the chairperson. Meetings.

(2) The committees shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next meeting.

(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 Director.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the 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 Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the 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 Committee.

(8) The 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 Committee.

2. (1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the Committee, and is present at a meeting of the Conflict of interest.

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.

(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 Quorum of a meeting shall not be less than half of the appointed members of the Committee.

(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 Committee shall postpone the consideration of the matter in question until there is a quorum.

4. A question before the 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.

5. The Committee shall—

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

Rules of Procedure and minutes.

**SECOND SCHEDULE**

**(s. 10(3))**

**MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION  
OF A COMMUNITY GROUP**

**Title of the Constitution**

1. Indicate name of group.

**Purpose of the community group**

2. State the reason for which the community group has been established.

**Address of the Group/Project**

3. Physical and postal addresses of the project

**Goal**

4. State the broad objectives of the community group

**Specific Objectives**

5. State the means of achieving the goal of the community group

**Values**

6. A statement of the values of the group

**Group activities**

7. A statement of the group's activities

**Membership**

8. Including eligible members, nature of membership (open or closed), procedure of joining, procedure of removal, procedure of departure, duties of member, rights of member, discipline of members, etc.

**Office bearers**

9. Including chairperson, vice-chairperson, secretary and treasurer; election or appointment of office bearers; removal or resignation of office bearers; qualification or disqualification to be office bearers; functions or roles of office bearers; etc.

**Tenure of office bearers**

10. Term of holding office; whether eligible for a new term or not; etc.

**Group finances**

11. Specific roles and powers of treasurer; sources of funds of the community group; the management and accounting for funds of the community group; banking arrangements for the funds of the community group; maintenance of financial records of the community group; auditing of the financial records of the community group; financial reports of the community group; etc.

**Utilization of funds**

12. Authorised expenses of the community group including remuneration or allowances of employees or staff of the community group; operational expenses of the community group; statutory expenses of the community group such as taxes; etc.

**Group Assets**

13. The procedures for handling the distribution, disposal and sharing of assets and upon voluntary dissolution.

**Record Management**

14. The types of records that the community group should keep including members register, member shares register, payment vouchers, cashbook, minute book/file financial statements, etc.

**Meetings**

15. Type and frequency of meetings; procedure at meetings; agenda of meetings; records relating to meetings; procedure for convening of meetings; quorum at meetings; authorised business of meetings; adoption of certain reports at specified meetings; etc.

**Elections**

16. Eligibility to vote; method of voting; supervision of elections; notice of election; reporting and confirmation of election results; special dispute resolution procedures regarding elections; transitional procedures relating to elections, etc.

**Dispute resolution**

17. The procedures for handling disputes or conflicts within the group; the acceptable methods of dispute resolution; notice periods relating to disputes or conflicts in the community group; etc.

**Amendment of the community group constitution**

18. Notice periods relating to amendments to the community group

constitution; quorum for amending the community group constitution; procedure for proposing amendment of community group constitution; transitional procedures regarding amendments; adoption of amendments; etc.

**Indemnity**

19. Office bearers protected from liability for activities done on behalf of the community group in good faith; group liable to third parties to pay compensation for activities of the group that cause loss, damage or injury to the third parties; etc. Office bearers liable for loss, damage or injury caused by acts done in contravention of community group constitution or without authorization if authorization was required or withheld by members of the group.

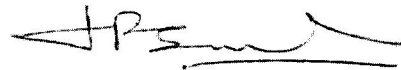
**Dissolution**

20. Circumstances under which community group may be dissolved; procedure for the dissolution of community group; notice periods in respect of the dissolution of community group; quorum for the dissolution of community group; transitional procedures during dissolution; treatments of assets and liabilities of community group after dissolution; etc.

**Commitment clause**

21. Community group members should sign and commit to the provisions of the community group constitution.

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 25<sup>th</sup> November, 2021 .



*Clerk of the National Assembly*

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.



*Speaker of the National Assembly*