

# EMBU COUNTY GOVERNMENT

14



## OFFICE OF THE GOVERNOR

Mobile: +254 771 304 003/+254 703 192 924  
 Address: P.O. Box 36 – 60100 Embu Town House

Tel: 068-2231174/2231175  
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Our Ref: ECG/GVN/CAE/VOL.1/10

Date: 28<sup>th</sup> November, 2023

The Clerk  
 County Assembly of Embu  
 P.O. Box 140 - 60100  
**EMBU**



Dear *[Signature]*,

**RE: MEMORANDUM OF REASONS FOR THE REFERRAL IN THE MATTER OF THE EMBU COUNTY SEXUAL AND GENDER BASED VIOLENCE BILL 2023 & EMBU COUNTY ABATTOIRS MANAGEMENT BILL, 2023 PASSED BY THE COUNTY ASSEMBLY OF EMBU ON THE 8<sup>TH</sup> DAY OF NOVEMBER 2023 AND PRESENTED FOR ASSENT BY THE GOVERNOR ON THE 17<sup>TH</sup> NOVEMBER 2023**

The office received three County Bills passed by the County Assembly of Embu which the office has considered and makes the following observations and recommendations.

Description	Observation	Remarks	Recommendations
<b>EMBU COUNTY SEXUAL AND GENDER BASED VIOLENCE BILL 2023</b>			
(a) Section 2 Interpretations	The Bill defines "Member" to mean County Executive Committee member for the time being responsible for Gender and social services.	This term is only used in clause 33 (Regulations).	The term to be defined is County "Executive Committee member"
(b) Section 2 Interpretations	There is no interpretations of the following expressions though adversely used in the Bill and this creates vagueness of the interpretations of the Bill. a) "County Executive Committee Member" Sections 8(c)(d)(k);	The "County Executive Committee member" term is used interchangeably in Clause 8 to refer to CECM education, gender, finance	<ul style="list-style-type: none"> <li>➢ Define the expression expressly to whom it refers to in the clause.</li> <li>➢ Define Embu County Government</li> <li>➢ Define Governor to mean Governor</li> </ul>

*Hon. Speaker  
 F-11  
 20/11/23*

*(3)  
 ALPCS  
 T.N.A  
 14/12/23*

**EMBU COUNTY GOVERNMENT**

(14)



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Date: 28<sup>th</sup> November, 2023

The Clerk  
 County Assembly of Embu  
 P.O. Box 140 - 60100  
**EMBU**



*Approved for Signing*  
*CSA*  
*30/11/2023*

Dear *Cave*,

**RE: MEMORANDUM OF REASONS FOR THE REFERRAL IN THE MATTER OF THE EMBU COUNTY SEXUAL AND GENDER BASED VIOLENCE BILL 2023 & EMBU COUNTY ABATTOIRS MANAGEMENT BILL, 2023 PASSED BY THE COUNTY ASSEMBLY OF EMBU ON THE 8<sup>TH</sup> DAY OF NOVEMBER 2023 AND PRESENTED FOR ASSENT BY THE GOVERNOR ON THE 17<sup>TH</sup> NOVEMBER 2023**

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*Hon. Speaker*  
*F-71 & further directions*  
*20/11/23*

		<p>17(1);29(2)(3);30(3).</p> <p>b) <b>County Government.</b> sec.21(2)(3);22(1); sec.25(1),(2);Sec.30(1)(2).</p> <p>c) <b>Governor</b></p>		Embu County Government
(c)	Section 4. Collaboration Approaches	Sub-section (2)(a) talks of established 'units'.	There is no interpretation of the term 'units'	➤ Define the term 'units'
(d)	Section 6: Establishment of Committee	Sub-section (2) provides composition of the Management of Committee	-Considering the composition of the Committee, it is possible to have all the members except the chairperson (occasionally) being of the same gender. This may impair the operation of the Committee.	The section should be amended to provide for both options.
(e)	Section 8; Functions of the Committee	Sub-section (c) the budgetary estimates prepared by the Committee are submitted to the CECM who already is a member of the Committee.	-Since the Committee consists of senior Members of the Executive Committee, the report then ought to be submitted to the County Executive Committee.	-Consider amending the Clause to mean the County Executive Committee
(f)	Section 14: Obligations to report Sexual Gender Based Violence	-Subsection (4) creates and offence with penalty. The <b>General Penalty</b> Section 32 is about a person making false statement.	By convention. The criminal system requires where there is an offence, a reasonable penalty shall be provided for deterrence	Provide a penalty for the offence.

(g)	Section 17. Education in institutions of learning	Sub –section (1)(2) obligates the CECM Gender work with relevant stakeholders to integrate instruction on issues of gender based violence in subjects taught in public youth polytechnics, ECDE centres and related institutions	The County has no role in development of education curriculum. This is the role of National Government	Delete the two provisions.
(h)	PART V- ACCESS TO HEALTH CARE SERVICES	The whole Part obligates the County Government to make provision of minimum packages to victims and does define what these packages are, ensure establishment of centres, for provision of free security, medical and legal services	The County cannot be in a position to provide some services like legal and security as this might contravene other legislations in place including County Government Act, County Attorney Office Act, and witness Protection related laws.	-amendment or repeal of the whole Part.

**EMBU COUNTY ABATTOIRS MANAGEMENT BILL, 2023**

(a)	Section 2. Interpretation	"Carcass" the meaning includes the by-products i.e. skin, hides, hair, hooves and offal	The meaning contradicts the interpretation of The Meat Control Act Cap. 356. The meaning does not include the by-products of the animal.	Delete the by-products listed therein.
		The interpretation of 'authorized officer' is cross-referenced to be under Section 7.	Section 7 is about obstructing of officer	Amend to make correct cross-referencing
(b)	Section 6: Authorized Officers	Sub-section (1) obligates the Director to appoint for each sub-county any person or class of persons to be authorized officers for purposes of the Act	This contravenes the provisions of the County Governments Act on the Functions/Roles of the County Public	Amend the expression 'appoint' and substitute with 'nominate/deploy' -Again meat inspector's nomination

			Service Board. The Director can only nominate among the appointed persons to act as meat inspectors.	criteria is guided by the meat Control Act.
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As a result of the foregoing, the two Passed Bills are hereby referred back to the County Assembly of Embu to consider the proposed amendments before the same are assented to.

Yours 



**H.E CECILY MUTITU MBARIRE MGH**  
**GOVERNOR, EMBU COUNTY**