

PETITIONS

I. INTRODUCTIONS

This brochure has been prepared to provide information on how to prepare and submit petitions to the county assembly. It also sets out the manner of preparing petitions following the requirements of Article 37 of the Constitution of Kenya (CoK), 2010; Section 15 of the County Governments Act (CGA), 2012; Public Petitions Act, 2012 and Part XXVI of the County Assembly of Kiambu Standing Orders.

The Brochure also explains on the procedure to be followed from the presentation, consideration until when the petitioner(s) receives the report on the decision taken on a petition by the Assembly.

a) What is a petition

Standing Order 229 defines a petition as a written prayer to the Assembly by a member of the public requesting the Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

There are two types of Petitions that may be permissible in the County Assembly:

- i. Public petition on under Article 37 of CoK, Section 15 of CGA and Part XXVI of the County Assembly Standing Order; and,
- ii. Petition for removal of Members of County CPSB & CASB:
 - a. *Removal of Members of County Public Service Board in line with section 58(5) of the County Governments Act and Assembly Standing Order 88 (2)*
 - b. *Revocation of the appointment of an appointed Member of the Assembly Service Board pursuant to section 12(5) (b) of the County Governments Act and Assembly Standing Order 89 (2).*

b) Who Can Petition The County Assembly

Article 37 of the CoK 2010 provides that; *every citizen has the right to peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.* Further section 15 of the CGA states that; *a person has the right to petition a county assembly on a matter within its authority including enacting, amending or repealing any of its legislation.*

This therefore means any person, including a company; an association or a body of persons whether incorporated or unincorporated can present a petition to the County Assembly on matter within its authority.

II. HOW TO PETITION THE COUNTY ASSEMBLY

a) submission of petitions

- i.) A petition to the County Assembly may be submitted to the Clerk by the petitioner or presented by a Member on behalf of a petitioner, with the consent of the Speaker.

ii.) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

iii.) Where the Clerk considers that a petition does not comply with requirements of these Standing orders and of the law, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with the requirements.

iv.) The Clerk shall, if satisfied that the petition meets the requisite requirements, forward the petition to the Speaker for conveyance to the Assembly if the petition is submitted to the Clerk or for presentation to the Assembly by the Member if the petition is submitted by a Member on behalf of a petitioner.

v.) When the Order “**Petition**” is read, in case of a petition presented by a Member, the Speaker directs that the Member presents the Petition to the Assembly and in case of a Petition presented through the Clerk, reports the Petition to the Assembly.

b) Forms of a petition

A person presenting petitions to the County Assembly is required to use the form set out in the Second Schedule to the County Assembly Standing Orders.

A petition must:

- a) be handwritten, printed or typed;
- b) be in English or Kiswahili and be written in respectful, decorous and
- c) temperate language;
- d) be free of alterations and interlineations in its text;
- e) be addressed to the Assembly;
- f) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- g) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- h) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- i) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- j) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- k) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly

onto the petition and not pasted thereon or otherwise transferred to it;

- l) not have any letters, affidavits or other documents annexed to it;
- m) in the case of a petition presented by a Member on behalf of a petitioner,
- n) be countersigned by the Member presenting it; and,
- o) Be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

c) Inadmissible petition

A petition is disallowed if:

- i. It is purported to be presented by a Member on his/her behalf;
- ii. Contains prayers that are not within the mandate of Kiambu County as set out in Article 185, Forth Schedule to the CoK and section 8 of CGA;
- iii. Contains offensive and impolite impressions;
- iv. Is clear that the relevant body, court or constitutional or statutory body is dealing with or has conclusively dealt with the prayers or; and,
- v. Lacks the signatures or thumb impressions of the petitioner(s).

III. PRESENTING A PETITION

a) Role of a Member of the County Assembly presenting a petition:

- i. Check that the subject matter is within the authority of the County Assembly;
- ii. Ensure fulfillment with the requirements of the law and the County Assembly of Kiambu Standing Orders;
- iii. Indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- iv. Gives the Clerk at least two days’ notice of his/her intention to present a petition and allow publication in the **NOTICES** section of the Order Paper for the day the petition is to be presented to the Assembly; and,
- v. Reads the summary of the petition focusing on the subject matter, the name(s) of the petitioner(s) and the number of other signatures attached, the concerns of the petitioner(s) and the prayers sought, and thereupon lays the petition on the table of the Assembly.

b) Role of the Clerk in processing a petition

The Clerk:

- Receive petitions submitted through his/her office;
- Examines a petition and ensure that it is presented in the manner, form and content required by the Standing Orders;
- Gives direction where necessary for amendment to a petition presented to ensure that it complies with standing orders and the law;
- Forwards to the Speaker the petition for conveyance;
- Notifies the petitioner(s) of the decision of the Assembly on the petition; and,
- Maintains a register of petitions presented to the County Assembly.

c) Role of the Speaker:

- Receive petitions submitted through his/her office;
- Approves the petitions for presentation to the Assembly;
- Reports/conveys petitions to the Assembly presented through the Clerk by reading out its summary; and,
- Refers the petition reported /presented to the relevant committee for consideration.

IV. WHAT HAPPENS WHEN YOU PRESENT A PETITION TO THE COUNTY ASSEMBLY

a) Referral to the relevant committee

Upon presentation of the petition in the assembly, it is referred to the relevant committee for consideration and reporting within sixty calendar days. The committee invites the petitioners(s) for a hearing and allows the concerned authority respond to the issues raised in the subject of the petition in writing or verbally in a meeting of the committee. The committee may also undertake a site visit to the concerned physical area of region depending on the nature of the petition.

b) Report of the Committee to the petitioner(s)

Within sixty calendar days the committee responds to the petitioner(s) through a report that is tabled in the assembly. Thereafter the Clerk notifies the petitioners of the decision of the Assembly on the petition by forwarding the report of the Committee within fifteen days of such decision.

c) Forwarding of the report to the implementing authority

The Clerk also forwards the report of the committee to the responsible authorities for implementation. The implementation status of such a report is tracked by the Committee on Implementation.

V. APPENDIX

General Form of a Public Petition [Standing Order 233]

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of the County or region, workers of industry, etc.)

DRAW the attention of the Assembly to the following:

(Here, briefly state the reasons underlying the request for the intervention of the Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the Assembly to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) Pray that Assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish the Assembly to take or refrain from.)

Name of petitioner, Full Address, ID/Passport No., Signature/Thumb impression

.....
.....

(Here, repeat the summary in first page)

Name of petitioner Signature/Thumb impression

.....
.....

(Subsequent Pages)

*** This form may contain such variations as the circumstances of each case may require.**



COUNTY ASSEMBLY OF KIAMBU

FACT SHEET ON PETITIONS



A vibrant, value oriented, quality driven & people responsive County Assembly in Kenya

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