



**COUNTY GOVERNMENT OF BUNGOMA**  
**THIRD COUNTY ASSEMBLY – SECOND SESSION**  
**ORDERS OF THE DAY**  
**WEDNESDAY 1<sup>ST</sup> MARCH, 2023 AT 2:30 P.M.**  
**ORDER OF BUSINESS**

**PRAYERS**

1. ADMINISTRATION OF OATH
2. COMMUNICATION FROM THE CHAIR
3. MESSAGES
4. PETITIONS
5. PAPERS

- I. Report by Implementation Committee on the implementation status of the Bungoma County Industrialization and Bungoma County Drilling Rig Policies

*(Chairperson, Committee on Implementation)*

- II. Memorandum submitted by Bungoma County child rights network to the County Assembly on Holistic Skills Development in Bungoma County

*(The Leader of the Majority Party)*

**6. NOTICES OF MOTION**

**THAT**, this House adopts the report by Implementation Committee on the implementation status of the Bungoma County Industrialization and Bungoma County Drilling Rig Policies.

*(Chairperson, Committee on Implementation)*

7. STATEMENTS
8. MOTIONS
9. BILLS

**THE BUNGOMA COUNTY CULTURAL HERITAGE BILL, 2022**

*A Bill of an Act of the County Assembly of Bungoma to promote and protect culture and cultural heritage in the county and for connected purposes*

*(Chairperson, Sectoral Committee on Gender, Culture and Social Welfare)*

**(Second Reading)**

**10. COMMITTEE OF THE WHOLE HOUSE**

**THE BUNGOMA COUNTY CULTURAL HERITAGE BILL, 2022**

*(The Chairperson, Committee of the Whole House)*

*Notice is given THAT, the Chairperson of the Sectoral Committee on Gender, Culture and Social Welfare intends to move the following amendments to the Bungoma County Cultural Heritage Bill, 2022*

*(Bungoma County Bill No. 4 of 2022) at the Committee Stage;*

**Clause Amendments**

Clause 3 **THAT**, Clause 3 be amended by deleting the words **“regulate, protect and promote the following activities and services of county importance for the interest and enjoyment of the community and persons visiting the county”** immediately after the words **“Act are”**.

And that paragraphs (a) and (b) be deleted and the words **cultural sites and cultural activities** be part of the paragraph so as to read:

***3.(a)The objects of the Act are to Regulate, protect and promote the cultural sites and cultural activities for the interest and enjoyment of the community and persons visiting the county-***  
**and that sub clauses from (c), (d), (e), (f), (g), (h), (i) be rearranged as (b), (c), (d), (e), (f), (g), respectively.**

Clause 4 **THAT**, sub clause 4 (c) be **approved with amendments** by inserting the words **“or Acts of Parliament”** immediately after the word **“Constitution”**.

So as to read:

***4.(c)vested under the national level of government by virtue of the Constitution or Acts of parliament***

Clause 5 **THAT**, clause 5 be approved with amendments;

(a) by inserting the word **“in consultation with the County public Service Board”** after the word **“Member”** and

(b) and by deleting the word **“County”**. So as to read:

***The Executive Committee Member in consultation with the County Public Service Board shall by notice in the Gazette, appoint such number of officers with knowledge and experience in culture to be authorized officers to oversee the activities taking place in cultural sites under this Act***

Clause 6 **THAT**, sub clause 6(1)(a) be approved with amendments; by inserting the word **“thereto”** immediately after the word **“individual”** so as to read:

***hold in trust for the communities in the county, any cultural articles and cultural sites not owned by an individual thereto or organization;***

And that sub clause (i) be amended by deleting the words **“items of”** after the word **“protect”** and inserting therefore, the words **“and promote their intellectual property relating to.”** so as to read:

***assist communities, groups and individuals to protect and promote their intellectual property relating to their cultural activity or***

**heritage;**

And that paragraph (n) be deleted and paragraphs (o) and (p) be re-numbered respectively

Clause 7 **THAT**, Clause 7 sub clause (a) of the Bill be approved with amendments by deleting the words “**shall compel another**” after the words “**no person**” and substituting it therefore with the words “**is compelled**”; so as to read;

***no person is compelled to perform, observe or undergo any cultural practice or rite***

Clause 8 **THAT**, Clause 8(1) of the Bill be approved with amendments by deleting the words “**establish cultural infrastructure**” and “**after the word “shall”**” and by inserting the word “**establish**” after the word “**center**” so as to read;

***The Department shall in consultation with the Kenya Cultural Centre, establish at least one cultural centre the objects of which are to provide-***

Clause 9 **THAT**, Clause 9 sub clause 2 of the Bill be approved with amendments by inserting the word “**cultural**” immediately after the word “**public**” so as to read;

***The public cultural forum shall consist of-***

Clause 11 **THAT**, the headnotes in Clause 11 of the Bill be approved with amendments by inserting the word “**and activities**” immediately after the word “**articles**” so as to read;

***Protection of cultural articles and activities***

Clause 14 **THAT**, Clause 14 sub clause (1) of the Bill be approved with amendments by inserting the words “**and members of the community**” immediately after the word “**Government**” so as to read;

***The Executive Committee Member responsible for cultural activities after consultation with the National Government and members of the community and after taking into consideration the usage; historical significance and other relevant matters relating to a site, declare any site to be a cultural site protected under this Act.***

Clause 17 **THAT**, Clause 17 sub clause (1) of the Bill be approved with amendments by deleting the expression “**20**” and substituting therefore with the expression “**14**”; so as to read as; -

***The Department shall determine the times, dates and conditions under which a cultural site declared under 14 is open to the public.***

and sub clause (5) by inserting the words “**the cultural site**” and “**a person ordered to leave**” immediately after the word “**leave**”.

so as to read; –

***Where a person in a cultural site commits an offense relating to this part, an authorized officer may order that person to leave the cultural site and a person ordered to leave must leave the premises by the shortest route available to the public***

Clause 22 **THAT**, Clause 22 of the Bill be approved with amendments by deleting the words “**commits an offense**” and replacing with “**who**” and introducing a new sub clause (1) so as to read;

***22(1) A person who-***

and sub –clause (2) be amended by deleting the words “**or any other section under this part**” appearing after the words “**under sub-section (1)**” so as to read;

***22(2) A person who commits an offense under subsection (1 is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or both***

And by deleting sub-clause (3) in its entirety

Clause 23 **THAT**, Clause 23 of the Bill be approved with amendments by inserting the words “**any relevant**” after the words “**this Act**” so as to read;

***The Department may issue permits relating to the management of cultural centers, sites or institution and the use of protected flora or fauna of cultural importance in accordance with the provisions of this Act and any relevant national legislation***

Clause 25 **THAT**, Clause 25 of the Bill be approved with amendments by deleting the words “**as long as the said Act is in line with the Constitution and the Public Officers Code of Conduct**” so as to read;

***No action or omission by a public officer shall, if the Bill was done in good faith for the purpose of carrying out the provisions of this Bill or any other law, subject the person to any liability, action, claim or demand***

Clause 27 **THAT**, Clause 27 sub clause 2 of the Bill be approved with amendments by deleting the word “**the inspector**” after the article “**the**” and substituting therefore the words “**such an officer**” so as to read;

***Despite subsection (1), such an officer shall produce a valid identification document before entering any premises.***

Clause 2 **THAT**, Clause 2 of the Bill be amended by deleting the interpretation of the word “**vehicle**” in its entirety