



TRANSFER OF FUNCTIONS TO COUNTY GOVERNMENTS

Section 15 of the Sixth Schedule to the constitution provides that 'Parliament shall, by legislation, make provision for the phased transfer, over a period of not more than three years from the date of the first election of county assemblies, from the national government to county governments of the functions assigned to them.

Pursuant to the provisions of Section 23(1) of the Transition to Devolved Government Act, 2012, the Transition Authority is required to identify functions listed in the Fourth Schedule of the Constitution that may be transferred to county governments immediately after the first elections under the Constitution. This was done through **Legal Notice No 16 of 2013**.

Section 23 (2) of the Transition to Devolved Government Act, 2012 provides that after the initial transfer of functions every county government shall make a request in the prescribed manner to the Authority for transfer of other functions in accordance with section 15 of the Sixth Schedule to the Constitution.

Section 24 of the Transition to Devolved Government Act, 2012 provides the following criteria that should be met for the transfer of functions:

- (a) whether there is in existence legislation relating to the function applied for;
- (b) whether a framework for service delivery has been put into place to implement the function;
- (c) whether, where applicable, the county government has identified or established administrative units related to the function;
- (d) whether the county government has undertaken a capacity assessment in relation to the function;
- (e) the arrangements for and the extent of further decentralization of the function and provision of related services by the county government;
- (f) whether there is the required infrastructure and systems to deliver the function;
- (g) whether the county government has the necessary financial management systems in place;
- (h) whether the county government has an approved plan in relation to the function;
- (i) and any other variable as may be prescribed after consultations between the Authority, county governments and the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation.

Counties are therefore invited to initiate processes that will ensure there is capacity to undertake the functions as provided under the Fourth Schedule to the Constitution, keeping in mind the criteria established under Section 24 of the Transition to Devolved Government Act.

	Functions as listed in the Fourth Schedule of the Constitution of Kenya 2010	Functions gazetted for initial transfer by Legal Notice No. 16 of 2013	Functions ready for transfer by 1st of July 2013
1	Agriculture, including— (a) crop and animal husbandry; (b) livestock sale yards; (c) county abattoirs; (d) plant and animal disease control; and (e) fisheries	Agriculture: (a) livestock sale yards; (b) county abattoirs/slaughter house services.	Agriculture a) crop and animal husbandry b) plant and animal disease control; and fisheries
2	County health services, including, in particular— (a) county health facilities and pharmacies; (b) ambulance services; (c) promotion of primary health care; (d) licensing and control of undertakings that sell food to the public; (e) veterinary services (excluding regulation of the profession); (f) cemeteries, funeral parlours and crematoria; and (g) refuse removal, refuse dumps and solid waste disposal.	County Health Services: (a) county health facilities and pharmacies (specific to Nairobi County, Kisumu County, Mombasa County, Nakuru County and UasinGishu County); (b) ambulance services (specific to Nairobi, Kisumu, Mombasa, Nakuru, UasinGishu Counties); (c) cemeteries, Funeral Parlors/ Mortuary services and Crematoria Services; (d) refuse removal, refuse dumps and solid waste disposal.	County Health Services a) All county health facilities (including provincial general hospitals) and pharmacies in counties not listed in Legal Notice No 16 of 2013 b) Ambulance services in counties not listed in Legal Notice No 16 of 2013 c) promotion of primary health care; (d) licensing and control of undertakings that sell food to the public; (e) veterinary services (excluding regulation of the profession);
3	Control of air pollution, noise pollution, other public nuisances and	Control of outdoor advertising:	Control of air pollution, noise pollution, other public nuisances

	outdoor advertising.		
4	<p>Cultural activities, public entertainment and public amenities, including—</p> <p>(a) betting, casinos and other forms of gambling;</p> <p>(b) racing;</p> <p>(c) liquor licensing;</p> <p>(d) cinemas;</p> <p>(e) video shows and hiring;</p> <p>(f) libraries;</p> <p>(g) museums;</p> <p>(h) sports and cultural activities and facilities; and</p> <p>(i) county parks, beaches and recreation facilities.</p>	<p>Cultural services, public entertainment and public amenities but limited to:</p> <p>(a) betting services;</p> <p>(b) liquor licensing;</p> <p>(c) video shows and hiring;</p> <p>(d) sports and cultural activities and facilities;</p> <p>(e) county parks, beaches and recreation facilities</p>	<p>Cultural services, public entertainment and public amenities</p> <p>a. Racing</p> <p>b. Cinemas</p> <p>c. libraries;</p> <p>d. museums</p>
5	<p>County transport, including—</p> <p>(a) county roads;</p> <p>(b) street lighting;</p> <p>(c) traffic and parking</p> <p>(d) public road transport; and</p> <p>(e) ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.</p>	<p>County Transport:</p> <p>(a) access roads;</p> <p>(b) street lighting;</p> <p>(c) traffic and parking.</p>	<p>County Transport:</p> <p>a. county roads</p> <p>b. public road transport</p> <p>c. ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.</p>
6	<p>Animal control and welfare, including—</p> <p>(a) licensing of dogs; and</p> <p>(b) facilities for the accommodation, care and burial of animals.</p>	<p>Animal control and Welfare:</p> <p>(a) licensing of dogs;</p> <p>(b) facilities for the accommodation, care and burial of animals</p>	<p>Already transferred</p>

7	Trade development and regulation, including— (a) markets; (b) trade licences (excluding regulation of professions); (c) fair trading practices; (d) local tourism; and (e) cooperative societies.	Trade development and regulation: (a) markets; (b) trade licensing (excluding regulation of professionals); (c) local tourism.	Trade development and regulation: a. fair trading practices b. cooperative societies
8	County planning and development, including— (a) statistics; (b) land survey and mapping; (c) boundaries and fencing; (d) housing; and (e) electricity and gas reticulation and energy regulation.	County planning and development: (a) land survey and mapping; and (b) housing.	County planning (a) statistics; (b) boundaries and fencing; (c) electricity and gas reticulation and energy regulation.
9	Pre-primary education, village polytechnics, homecraftcentres and childcare facilities.	Pre-primary education, home-craft centre and childcare facilities	village polytechnics
10	Implementation of specific national government policies on natural resources and environmental conservation, including (a) soil and water conservation; and (b) forestry.	Implementation of specific national government policies on natural resources and environment conservation: (a) protection of water springs; (b) protection of wells and dams.	soil and water conservation; and forestry.
11	County public works and services, including—	County public works and services specific to storm water	water and sanitation services

	(a) storm water management systems in built-up areas; and (b) water and sanitation services.	management systems in built-up areas.	
12	Fire fighting services and disaster management	Fire fighting services and disaster management.	Already transferred
13	Control of drugs and pornography.	Control of drugs and pornography.	Already transferred
14	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.		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.

Note: Functions that are not listed here are still being restructured.

This advert follows the one carried on Monday 22nd April 2013, which had erroneously omitted the column containing the initial transfer of functions gazetted vide Legal Notice No. 16 of 2013

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