

REPUBLIC OF KENYA

16 MAY 2024



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COUNTY GOVERNMENT OF NYAMIRA
DEPARTMENT OF GENDER, YOUTH, SPORTS, CULTURE AND SOCIAL SERVICES

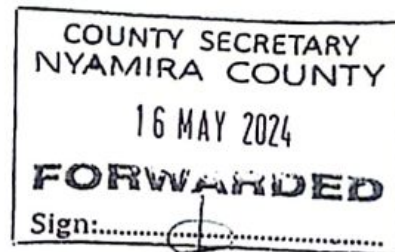
Ref:N: NCG/GYSC&SS/ ASSEMBLY/ VOL. II/24

15th May 2024

The Clerk,
NYAMIRA COUNTY ASSEMBLY

THROUGH

The County Secretary &T Head of Public Service
NYAMIRA COUNTY



RE: REQUEST FOR APPROVAL OF PWDs REGULATIONS

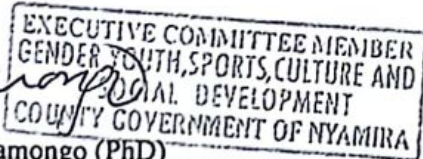
The above subject matter refers.

Attached here with are copies of the regulations of PWDs Act, 2023 which were approved by the Cabinet for processing by the Assembly.

Thank you for your continued support in this undertaking.

Regards,

Dr. Grace Nyamongo (PhD)



CECM, Department of Gender, Youth, Sports, Culture & Social Services



LEGAL NOTICE NO.....

NYAMIRA COUNTY PERSONS WITH DISABILITIES

REGULATIONS 2024

(REGULATION NO. OF 2024)

ARRANGEMENT OF REGULATIONS

Regulation

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3. Objects

PART II – ADMINISTRATION

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6. Nomination and appointment of Chief Executive Officer

PART III – INFORMATION, EDUCATION AND COMMUNICATION.

7. County Government information, Education and Communication
8. Education and Dissemination as part of healthcare
9. Research

PART III –ACCESS TO EMPLOYMENT, SERVICES AND FACILITIES

10. Promotion of employment of persons with disabilities.
11. Facilities in public buildings.

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THE NYAMIRA COUNTY PERSONS WITH DISABILITIES REGULATIONS, 2024

PURSUANT to the provisions of Section 37 of the Nyamira County Persons with Disabilities Act, 2023, the Nyamira County Executive Committee Member in charge of Gender, Youths, Sports, Culture and Social Services, makes the following Regulations:

PART I - PRELIMINARY

Citation	1. These Regulations may be cited as the Nyamira County Persons with Disabilities Regulations 2024
Interpretation	<p>2. In these Regulations, unless the context otherwise requires—</p> <p>"Act" means the Nyamira County Persons with Disabilities Act, 2023;</p> <p>"board" means the Nyamira County Board for Persons with disabilities established under Part II of the Act;</p> <p>"County Chief Officer" means the County Chief Officer for the time being responsible for accounting Gender, Youths, Sports, Culture and Social Services</p> <p>"County Treasury" has the meaning assigned to it by section 2 of the Public Finance Management Act, 2012;</p> <p>"Care giver" means a person who gives care to persons with disabilities;</p> <p>"Executive Committee Member" means the County Executive Committee Member for the time being responsible for Gender, Youths, Sports, Culture and Social Services;</p> <p>"Guardian" means a person who has a legal right and responsibility of taking care of persons with disabilities;</p> <p>"parent" includes adoptive and step-parent;</p> <p>"public service vehicle" has the meaning assigned to it in the Traffic Act (Cap. 403);</p> <p>"rights of persons with disabilities" means the rights of persons with disabilities set out under Part III of the Act;</p>
Objects	<p>3. The object of these Regulations is to;</p> <p>a) Operationalize the County Board for persons with disabilities;</p> <p>b) establish procedures for realization of rights and privileges of persons with disabilities;</p> <p>c) provide a framework for protection of the rights of persons with disabilities from any form of discrimination;</p> <p>d) prescribe procedures for adaptation of public buildings and public service vehicles to suit persons with disabilities;</p>

PART II ADMINISTRATION

Nomination, Approval and Appointment of Board Members, Chairperson and	<p>4. The County Executive Committee Member shall forward the names of the Members of the Board pursuant to Section 5 (1) of the Act to the County Assembly for approval.</p> <p>5. The Governor shall pursuant to Section 6(1) of the Act nominate and forward to county assembly names for approval in the positions of Chairperson and Vice-Chairperson of the Board.</p>
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Vice Chair person of the Board and the Chief Executive Officer.	6. The County Public Service Board shall pursuant to Section 8 (2) of the Act competitively forward to the County Assembly the name of the Chief Executive Officer of the Board for approval.
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PART III- INFORMATION, EDUCATION AND COMMUNICATION

County Government Information, education and communication	<p>7. The County Government shall disseminate the provisions of the Act and shall promote</p> <p>(1) public awareness about the rights of persons with disabilities, through a comprehensive county-wide education and information campaign conducted by the Government through the relevant departments, authorities and other agencies.</p> <p>(2) The education and information campaign referred to in sub regulation (1) shall focus on the family and shall be carried out in all schools and other institutions of learning, all prisons, remand homes and other places of confinement, amongst the disciplined forces, at all places of work and in all communities throughout the County.</p> <p>(3) The County Government shall provide training, sensitization and awareness programmes on the rights of persons with disabilities for community workers, social workers, media professionals, educators, decision makers, administrators and other concerned persons to enable them acquire skills for proper information, dissemination and education on the rights of persons with disabilities.</p> <p>(4) In conducting the education and information campaigns referred to in this regulation, the County Government shall ensure the involvement and participation of persons with disabilities and organizations of and for persons with disabilities.</p> <p>(5) The County Government shall in collaboration with civil society organizations and the relevant Ministry, shall conduct education and information campaigns on the rights of persons with disabilities within the County.</p> <p>(6) The Board shall coordinate the activities provided for under these Regulations.</p>
Education and dissemination to form part of health care	<p>8. (1) Education and information dissemination on the rights of persons with disabilities shall form part of health care services by healthcare providers.</p> <p>(2) For the purposes of sub regulation (1), the County Government shall provide training for healthcare providers to acquire skills for proper information dissemination and education on the rights of persons with disabilities.</p>
Research	<p>9. (1) The Board in collaboration with the relevant County Government departments, research institutions, development partners and local authorities shall undertake, promote and sponsor research, in the following areas as they relate to persons with disabilities—</p> <p>(a) prevention of disability;</p> <p>(b) rehabilitation including community-based rehabilitation;</p> <p>(c) development of assistive devices including their psycho-social aspects;</p> <p>(d) job identification for persons with disability;</p> <p>(e) on site modifications in offices and factories;</p> <p>(f) Conducting research on school going children with disability.</p>

PART III – ACCESS TO EMPLOYMENT, SERVICES AND FACILITIES

<p>Promotion of employment of persons with disabilities in private sectors</p>	<p>10. (1) Pursuant to section 13 of the Act, the County requests any employer to consider reserving at least five per cent, or such higher percentage as the employer may accept, of the employment positions of the employer, for persons with disabilities.</p> <p>(2) The Board may recommend to the County Executive Committee Member for matters relating to finance and subject to such conditions as the Cabinet Secretary may specify, for the County Executive Committee Member responsible for finance to prescribe tax waivers, tax credits and other privileges to be enjoyed by an employer who or which voluntarily accepts to reserve not less than five per cent of employment positions of such employer for persons with disability.</p> <p>(3) The Board shall liaise with relevant public and private bodies and advise on suitable means of realizing the reservation of at least five per cent of all employment positions in the public and private sector for persons with disabilities.</p>
<p>Public service employment</p>	<p>11. (1) No County public service establishment may dispense with, or reduce in rank, an employee merely on account of a disability.</p> <p>(2) Where an employee, after acquiring disability is not suitable for the post he or she was holding, such employee may be shifted to some other suitable post on the same pay scale and service benefits.</p> <p>(3) Where it is not possible to adjust an employee against a post, such employee may be kept on a supernumerary post until a suitable post is available or he or she attains the age of superannuation, whichever is earlier.</p> <p>(4) No promotion shall be denied to a person merely on the ground of his or her disability.</p> <p>(5) The County Executive Committee Member may having regard to the type of work carried out on any establishment issue conditions, by notification and subject to such conditions, if any, as may be specified in such notification.</p>

Facilities in public buildings	<p>12. The County Executive Committee Member shall ensure—</p> <ul style="list-style-type: none"> (a) provision of suitable ramps in public buildings; (b) adaption of all public toilets for wheel chair users and other persons with disability; (c) provision of Braille symbols and auditory signals in elevators or lifts; (d) provision of ramps in hospitals, health centres and other medical care and rehabilitation institutions. <p>(b) at least one parking space for every five hundred square meters or one per cent of the available car parking spaces whichever is higher, shall be reserved for persons with disabilities, and the parking should be accessible through a lift or a wheel chair access ramp.</p>
Television programmes	<p>13. (1) Local broadcasting stations shall endeavor to incorporate sign language in their television programs targeting the general public including news, talk shows, documentaries, and educational programs.</p>
Sports, recreation and social integration	<p>14. 1) The County Government shall create conditions for equality of persons with disabilities with the other persons.</p> <p>(2) The relevant Chief Executive Committee Member shall ensure the optimum access and use of recreation, culture, sport and tourist events and services for persons with disabilities through—</p> <ul style="list-style-type: none"> (a) determining and adapting such places for persons with disabilities; (b) providing free of charge specialized information for use of services, routes, architectural-transport and other alleviation at the places for public use, destined for recreation, culture and sport; and (c) ensuring adapted visual and sound translation of cultural, recreation, sports and other programs and materials for persons with impaired sight and hearing. <p>(3) Relevant County public bodies, the sports federations, associations and clubs shall ensure the social integration of persons with disabilities through—</p> <ul style="list-style-type: none"> (a) adapting sports facilities for use in sports activities by persons with disabilities together with other persons; (b) providing specialized sport facilities and bases to persons with disabilities; (c) providing information about sports events for persons with disabilities promoting such events in media. <p>(4) The County Government shall provide the necessary material base and the resources for the social contacts of persons with disabilities</p>

public service vehicles	<p>15. The owners of public service vehicles shall from such date as the County Executive Committee Member may prescribe by Notice in the Gazette appoint—</p> <p>(a) adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to persons with disabilities;</p> <p>(b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit wheel chair users and other persons with disabilities to use them conveniently.</p>
Access to education	<p>16. (1) Every institution of education within the County shall ensure that students with disabilities are reasonably accommodated within that institution.</p> <p>(2) Every institution of education within the County shall provide students with disabilities with the appropriate core service or services necessary to ensure equal access.</p> <p>(3) The core services referred to in paragraph (3) shall include—</p> <p>(a) sign language;</p> <p>(b) oral and tactile interpreter services or other technological alternatives;</p> <p>(c) textbooks and other educational materials in alternative media, including, but not limited to, large print, braille, electronic format, and audio tape;</p> <p>(d) access to adaptive equipment including FM communicators, closed caption devices, amplified telephone receivers, closed circuit televisions, low-vision reading aids, player and recorders for 15/16 4-track tapes, photocopy machines able to use eleven-by-seventeen inch paper, braille devices, and computer enhancements;</p> <p>(e) release of syllabi, study guides, and other appropriate instructor-produced materials in advance of general distribution, and access beyond the regular classroom session to slides, films, overheads and other media and taping of lectures.</p>

PART IV- DISABILITY PRIVILEGE

Support and relief	<p>17. (1) Subject to applicable Regulations relating to tax exemptions a person with disability may apply for and obtain support and relief for—</p> <p>(a) purchase and repair of personal technical auxiliary devices;</p> <p>(b) purchase and adaptation of personal vehicle and adaptation of a parking place;</p> <p>(c) tax relief for import or local purchase of a personal vehicle;</p> <p>(d) restructuring of the home;</p> <p>(e) escorts and interpreters for people with impaired sight and hearing.</p> <p>(2) Subject to applicable Regulations the support referred to in subregulation (1) shall include—</p> <p>(a) support to the persons with disabilities for purchasing and repair of technical devices and equipment;</p>
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	<p>(b) subsidies for specialized enterprises, cooperatives and workshops for persons with disabilities;</p> <p>(c) ensuring of accessible living and natural environment;</p> <p>(d) financing projects and programmes for vocational education and requalification of the persons with disabilities;</p> <p>(e) culture, sports and tourism;</p> <p>(f) financing of projects and programmes for rehabilitation and social integration;</p> <p>(g) support of the activities of the Fund.</p> <p>(3) Persons with severe disabilities who cannot, alone or by the help of their relatives or other persons, meet their basic vital needs have the right to support.</p> <p>(4) The extent of the support granted under this regulation the conditions and the order of granting them shall be determined by the Board in consultation with the County Executive Committee Member for the time being responsible for matters relating to finance.</p>
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Dated

15/5/2024

EXECUTIVE COMMITTEE MEMBER
GENDER, YOUTH, SPORTS, CULTURE AND
SOCIAL DEVELOPMENT
COUNTY GOVERNMENT OF NYAMIRA

Dr Grace Nyamongo (PhD)

County Executive Committee Member

Department of Gender, Youth, Sports & Social Services