

IN EXERCISE of the powers conferred by section 50 of the Children Act, 2020, the Council makes the following Regulations -

**THE NATIONAL COUNCIL FOR CHILDREN’S SERVICES (GENERAL) REGULATIONS,
2020**

Arrangement of Regulations

Regulations	PART I - PRELIMINARY
1.	Citation and Commencement
2.	Interpretation
3.	Guiding Principles
	PART II – THE NATIONAL COUNCIL FOR CHILDREN’S SERVICES
4.	Database on Children
5.	Procedure for Appointment of Certain Members
6.	Procedure for Filling Vacancy in Certain Cases
7.	Vacancy Not to Affect Proceedings
8.	Meetings of the Council
9.	Committees of the Council
10.	Reports of Committees
11.	Delegation by the Council
12.	Independence of the Council
13.	Co-operation with other Agencies

	PART I - PRELIMINARY
Citation and Commencement	1. These Regulations may be cited as The National Council for Children Services (General) Regulations, 2020 and shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.
Interpretation	2. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned to it, and unless the context otherwise requires – “ Act” means the Children Act, 2020. “Cabinet Secretary” has the meaning assigned to it under section 2 of the Act; “Chief Executive Officer” has the meaning assigned to it under section 2 of the Act;

	<p>“County Advisory Committee” has the meaning assigned to it under section 2 of the Act;</p> <p>“Council” has the meaning assigned to it under section 2 of the Act;</p> <p>“Public Benefits Organisations” has the meaning assigned to it under section 2 of the Act;</p>
Guiding Principles	<p>3. In exercise of its functions and powers under the Act, the Council shall –</p> <p>(a) ensure reasonable access to its services in all parts of the Republic pursuant to Article 6(3) of the Constitution;</p> <p>(b) be bound by the national values and principles of governance prescribed in Article 10 of the Constitution;</p> <p>(c) observe the values and principles of public service prescribed in Article 232(1) of the Constitution; and</p> <p>(d) at all times, promote, protect and uphold the welfare and the rights of the child as guaranteed by Article 53 of the Constitution, and ensure that the best interest of the child is of paramount consideration.</p>
	<p>PART II – THE NATIONAL COUNCIL FOR CHILDREN’S SERVICES</p>
Database on Children	<p>4. The data base required to be kept and maintained by the Council pursuant to section 37 (2) (o) of the Act shall contain the following particulars:</p> <p>(a) the names of the children;</p> <p>(b) the respective ages and gender of the children;</p> <p>(c) the ethnic identity of the children;</p> <p>(d) the special needs of the children; and</p> <p>(e) any other particulars which the Council considers necessary for the effective discharge of the functions of the</p>

	Council, and for the promotion and protection of the rights and welfare of the child under the Constitution and the Act.
Procedure for Appointment of Certain Members	<p>5. (1) The procedure for appointment of members of the Council specified in section 38 (1) (f) sub-paragraphs (i) and (ii) of the Act is as set out in sub-regulation (2).</p> <p>(2) The Cabinet Secretary shall appoint two of the three members of the Council referred to in section 38 (1) (f) of the Act from among the persons nominated by the organisations specified in sub-paragraphs (i), (ii) (ii) as follows –</p> <p>(a) two persons of opposite gender nominated in writing by the relevant public benefit organisations;</p> <p>(b) two persons of opposite gender nominated in writing by faith-based organisations; and</p> <p>(b) two persons of opposite gender nominated in writing by the private sector.</p>
Procedure for Filling Vacancy in Certain Cases	<p>6. (1) In addition to the matters specified in section 42 (1) of the Act, the office of the chairperson or member of the Council shall become vacant if the holder –</p> <p>(a) ceases to be a member of the nominating organisation;</p> <p>(b) is, without reasonable cause, absent from three consecutive meetings of the Council;</p> <p>(c) is unable to perform the functions of the office of chairperson or member of the Council arising out of physical or mental infirmity;</p> <p>(d) is negligent or incompetent in the performance of their functions;</p> <p>(e) is adjudged or otherwise declared bankrupt under any written law for the time being in force in Kenya; or</p> <p>(f) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.</p> <p>(2) The Cabinet Secretary shall –</p> <p>(a) notify every vacancy in the gazette within fourteen days of</p>

	<p>the occurrence of the vacancy;</p> <p>(b) in relation to a member nominated for appointment in accordance with section 38 (1) (f) sub-paragraphs (i) and (ii) of the Act, invite nomination of a replacement by the respective nominating organisation within fourteen days from the date of the gazette Notice referred to in paragraph (a) of this sub-regulation; and</p> <p>(c) appoint a new member to fill the vacancy within seven days from the date of receipt of the nomination under paragraph (b) of this sub-regulation.</p>
Vacancy Not to Affect Proceedings	7. The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any member, or by reason of the fact that a person who was not entitled to do so took part in the proceedings of the Council.
Meetings of the Council	8. The meetings, business and affairs of the Council shall be conducted in accordance with the Second Schedule to the Act.
Committees of the Council	<p>9. (1) A committee of the Council established pursuant to section 44 (1) of the Act shall consist of at least three members.</p> <p>(2) A committee shall serve for the duration of the Council in office.</p> <p>(3) The Council shall determine in writing the terms of reference of a committee established under the Act and these Regulations.</p> <p>(4) The Council shall designate a member of a committee as the chairperson, who may be deputised by one of its members nominated by the members of that committee at its first sitting.</p> <p>(5) A committee shall appoint its secretary from among –</p> <p>(a) its members; or</p> <p>(b) the members of the staff of the Council.</p> <p>(6) The procedure for a meeting of the Council, including the manner of recording conflicts of interest, shall apply to a</p>

	<p>meeting of a committee with necessary modifications.</p> <p>(7) The secretary to a committee shall keep, with respect to the proceedings of that committee –</p> <p>(a) record of the proceedings;</p> <p>(b) minutes;</p> <p>(c) a register of attendance; and</p> <p>(d) a register of conflicts of interest (if any) signed by members in attendance.</p> <p>(8) An expert or consultant engaged or co-opted into a committee of the Council may be paid such fees and allowances as the Council may determine.</p> <p>(9) Sub-regulations (4), (5), (6), (7) and (8) apply, with necessary modifications, to County and Sub-County Advisory Committees respectively established by the Council in accordance with sections 51 and 52 of the Act.</p>
Reports of Committees	<p>10. (1) At the conclusion of the business of a committee, the chairperson of the committee shall submit to the Council a written report of the committee’s deliberations, findings and recommendations for consideration by the Council.</p> <p>(2) On receipt of a committee’s report, the Council may, at its next meeting –</p> <p>(a) consider and adopt the report of the committee, and make such resolutions as the Council considers appropriate for the effective discharge of its functions; or</p> <p>(b) remit the report or any of the matters dealt with in the report for reconsideration by the committee or any other committee of the Council.</p>
Delegation by the Council	<p>11. The Council may, by resolution either generally or in relation to any particular case, delegate to any of its committees or to any member of staff of the Council, the exercise of any of the powers for the performance of any of its functions or duties under the Act.</p>

Independence of the Council	12. In the performance of its functions, the Council shall act independently, and shall not be subject to the direction or control of any person or authority.
Co-operation with other Agencies	13. Where the Council proposes to enter into co-operation with any organisation in or outside Kenya for the effective discharge of its functions under the Act or any other written law, the Council shall do so by resolution, and shall execute a memorandum of association or other instrument that expressly defines the terms of such co-operation, including the objectives and the duration of the co-operation.