

SPECIAL ISSUE

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REPUBLIC OF KENYA

**BARINGO COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

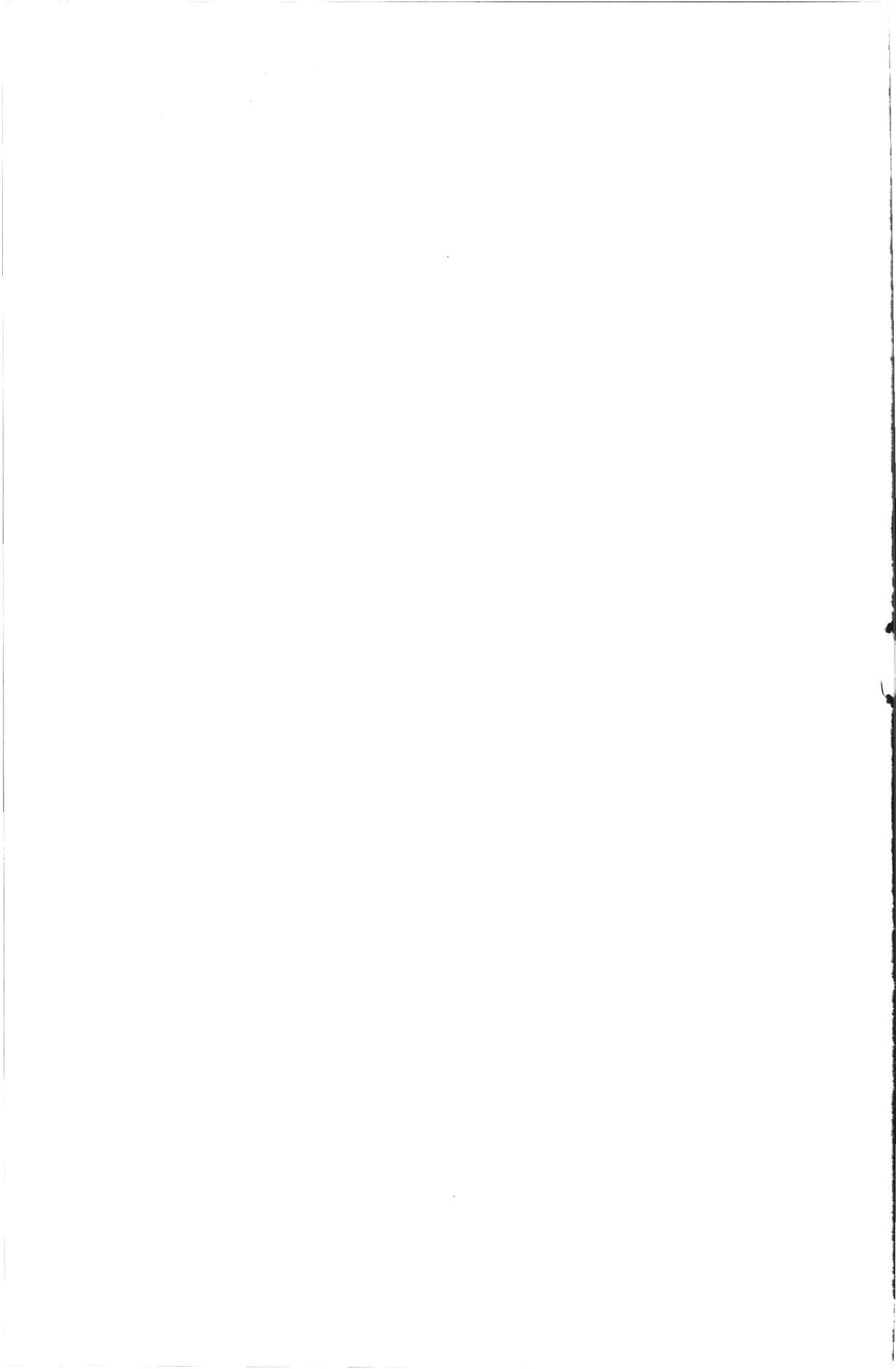
NAIROBI, 22nd September, 2014

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**THE BARINGO COUNTY POLYTHENE
MATERIALS CONTROL AND MANAGEMENT
ACT, 2014**

Date of Assent: 17th July, 2014

Date of Commencement: 22nd September, 2014

AN ACT to provide for the control, management and regulation of the manufacture, importation, sale, use and disposal of plastic and polythene materials and products in Baringo County and for matters related and incidental thereto.

ENACTED by the Baringo County Assembly as follows—

1. (1) This Act may be cited as the County Polythene Materials Control and Management Act, 2014. Short title.

(2) The Act shall come into force upon publication and in accordance with the provisions of Section 25 of The County Governments Act.

2. In this Act, unless the context otherwise requires - Interpretation

“Agent” means officer of or other person duly authorised by the County;

“County” means Baringo County;

“Gazette” means the Official gazette of the County;

“Import” means bringing or causing to be brought into the County from without the geographical limits of the County any plastic or polythene material;

“Manufacture” means the process of industrial transformation of the raw materials used to make plastics and polythene materials into such materials and includes the intermediate processes involving the production of the materials in their finished or semi-finished states.

“Plastics” synthetic material made through a chemical transformation

“Polythene” means a synthetic low density chemical industrial product.

3. The objectives of this Act are to:—

(a) Establish a framework within which the County Government of Baringo shall conserve

Object and
Purpose of the
Act.

- and protect the environment and natural resources of the County and ensure their sustainable use and management for the present and future generations of the people of Baringo County;
- (b) Protect the environment, natural resources, biological diversity and ecological sustainability of Baringo County from processes, Activities and nuisance that pollute, harm and endanger them through the use and disposal of plastic and polythene material;
 - (c) Provide a system for the management and disposal of plastic and polythene waste;
 - (d) Encourage recycling and re-use of plastic and polythene packaging materials so as to control and reduce the polythene nuisance and pollution in the County;
 - (e) Promote, conserve and protect a clean and healthy environment in Baringo County;
 - (f) Promote good land use and solid waste management practices for the sustainable development of the County;
 - (g) Protect genetic, soil and water resources, biodiversity and infrastructure including livestock, drainage and sewerage systems, rivers, lakes and other water bodies in County;
 - (h) Promote the use of biodegradable and environmentally friendly materials for packaging in Baringo County order to preserve the soils for increased and sustainable productivity;
 - (i) Establish a framework for, encourage and promote public participation in the protection, conservation and management of the environment in the County; and
 - (j) Establish systems of environmental impact assessment, environmental monitoring and audit and brand Baringo County as a green and clean county.

4. This Act shall have general application within Baringo County of the Republic of Kenya.

5. (a) A clean and healthy environment is a right of every resident of Baringo County. Administration.

(b) The County Government has the duty and responsibility to protect and conserve the environment and natural resources of the County for the benefit of the people.

6. (1) The County Government shall establish, in consultation with the National Government, a list of and specify plastic and polythene packaging materials that may be used within the County.

(2) The list of plastic and polythene materials established and specified under Subsection (a) may be updated from time to time by the County Government it may deem fit.

(3) The list established and the plastics and polythene materials specified therein shall be published annually in the County Gazette and such publication shall be deemed to constitute sufficient notice of the list.

(4) Plastic and or polythene packaging material contained in the schedule to this Act may not be included in the list to be established under this Section.

7. No person may manufacture, import into, sell or use, within Baringo County, any plastic or polythene packaging material not specified in the list referred to in Section 6 of this Act.

8. (1) Every person wishing to manufacture, import, sell or use, in Baringo County, any plastic or polythene packaging material shall first establish and put in place a plastics and polythene waste disposal management system as may be approved by the County Environmental Chief Officer.

(2) The plastic and polythene waste management system established under sub-section (1) shall ensure that the waste is not hazardous and will not constitute a danger and or nuisance to the environment, human or animal life in the County.

9. (1) Any person wishing to manufacture, import, sell or use any polythene material specified in the list under Section 8 of this Act shall apply in writing to the County Chief Environment Officer for authority to manufacture, import into, sell or use such material within Baringo County.

(2) The County Chief Environment Officer shall make and keep a register of all applications made pursuant to and in accordance with this section and indicate whether or not an application was authorised.

(3) A person manufacturing, importing, selling or using plastic and or polythene materials contained in the schedule to this Act shall not be required to apply for authority from the County Environmental Chief Officer

(4) An application under sub-section (1) shall state

- (a) The name and registered physical address of the applicant;
- (b) The quantities of the plastic and or polythene sought to be manufactured, imported, sold or used;
- (c) The location or locations where the plastic and or polythene materials are to be manufactured, sold or used;
- (d) Whether or not the manufacturer, importer, seller or user has an approved plastic and polythene material waste disposal system;
- (e) Arrangements made for the management, collection and disposal of the plastic and or polythene materials waste; and
- (f) The arrangements in place for the ultimate disposal of the waste of the plastic and or polythene material and the location of such disposal site;

(5) If the County Chief Environment Officer is satisfied that the manufacturer, importer, seller or user has a sound polythene material waste management system, the Officer may grant the required upon such terms and conditions as may be necessary.

10. (1) Any person who contravenes this section commits an offence and is liable to a fine not exceeding Kenya Shillings five hundred Thousand (KSh. 500,000) or to a term of imprisonment not exceeding two years or both such fine and term of imprisonment.

(2) Upon conviction for an offence under this Section, the polythene materials shall be liable to forfeiture and destruction.

11. The County Government and every person in Baringo County shall ensure that the environment and natural resources of in Baringo County are ecologically and sustainably developed, used and managed for the benefit of the people of Baringo County.

Participation of
the people.

12. Every person in Baringo County has a duty to cooperate with the County Government, its agencies and other persons to protect and conserve the environment and the natural resources in the County.

13. (1) The County Government of Baringo shall construct and establish in every sub-location and public institution in the County, a waste disposal and dumping site at which there shall be a designated section for plastics and polythene materials

(2) (a) Every private business undertaking, educational, health institution or religious organisation in its place of worship, shall establish and operate a waste disposal system that shall have a distinct plastic and polythene materials waste sections into which shall be collected plastic and or polythene material waste from business, institution or place of worship.

(b) It shall be the responsibility of the business undertaking, educational, health institution or religious organisation to ensure that the waste collected is regularly deposited in the County dump site as may be prescribed.

(3) (a) Every public transport operator carrying passengers shall have in the vehicle or vessel, a container in which shall be deposited all and any waste and litter

including plastic and polythene materials waste created in the vehicle and or vessel.

- (b) It shall be the duty of the operator to carry and deposit such waste or litter in the nearest County waste dump.

(4) Every household in the County shall maintain a plastic and polythene litter or waste bin into which it shall collect and from which it shall dump all plastic and polythene materials waste into the appropriate sub-location County waste dump.

(5) No person may litter or otherwise dispose of any plastic or polythene material other than in accordance with the provisions of this Act.

(6) The County Village Administrator shall oversee and ensure full compliance with the provisions of this section by all parties concerned.

14. Any person who contravenes the provisions of Section 14 commits an offence and is liable, on first conviction, to a fine of Kenya Shillings Twenty Thousand (Kshs.20,000) and, for any subsequent conviction, to fine not exceeding Kenya Shillings Five Hundred Thousand (Kshs. 500,000) or to imprisonment for term not exceeding two years or both such fine and imprisonment.

15. (1) The County Environment Chief Officer may appoint an officer or any person or persons for the purpose of enforcing the provisions of this Act and

Miscellaneous.

(2) Any person who obstructs, impedes or in any other way interferes with such officer or person appointed by the County Environment Chief Officer commits an offence and shall be liable on conviction to a fine not exceeding Kenya Shillings Five Hundred Thousand (Kshs.500000) or to imprisonment to a term not exceeding two years or both such fine and term of imprisonment.

16. Where an offence under this Act is committed by a body corporate, if it is proved that the offence was committed with the knowledge, consent connivance or negligence attributable to any Act or default on the part of a director, manager or such other officer of the corporation, or person Acting or purporting to Act in such capacity, then, such director, manager or officer shall likewise be liable in addition to the principal offender and the corporation.