



LEGAL NOTICE NO.

THE CHILDREN ACT
(No. 29 of 2022)

**THE CHILDREN (NATIONAL COUNCIL FOR CHILDREN SERVICES)
REGULATIONS, 2024**

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THE CHILDREN ACT
(No. 29 of 2022)

IN EXERCISE of the powers conferred by section 53 of the Children Act, 2022, the National Council for Children Services, with the approval of the Cabinet Secretary for Labour and Social Protection, makes the following Regulations —

**THE CHILDREN (NATIONAL COUNCIL FOR CHILDREN'S SERVICES)
REGULATIONS, 2024**

Citation.

1. These Regulations may be cited as the Children (National Council for Children's Services) Regulations, 2024.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

No. 29 of 2022.

“Act” means the Children Act, 2022;

“Advisory Committee” means a County Children Advisory Committees established in accordance with section 54 of the Act;

“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;

“Children Database” means the Integrated National Children Database established under regulation 21;

“County Children Advisory Committee” has the meaning assigned to it under section 2 of the Act;

“Council” has the meaning assigned to it under section 2 of the Act;

“public benefits organisation” has the meaning assigned to it under section 2 of the Act;

“Sub-County Committee” means a sub-county children advisory committee constituted in accordance with section 55 of the Act.

“sub-county administrator” means the officer in charge of the administrative sub-county under the county government structure

Scope of application.

3. These Regulations shall apply to—

- (a) conduct of business and affairs of the Council and the Children Advisory Committees;
- (b) execution of the functions of the Council provided under the Act.

Guiding principles.

4. The object and purpose of these Regulations is to provide a legal framework for the Council to effectively discharge its functions under the Act.

5. In the performance of its functions under the Act and these Regulations, the Council shall be guided by the following principles—

- (a) ensuring reasonable access to its services in all parts of the Republic pursuant to Article 6(3) of the Constitution;
- (b) the national values and principles of governance set out under Article 10 and 232 of the Constitution;
- (c) ensuring that the best interest of the child is upheld;
- (d) professionalism in the discharge of its functions; and
- (e) integrity, transparency and accountability.

Committees of the Council

Terms of operation.

6. A committee of the council established pursuant to section 47(1) of the Act shall operate on such terms as the Council may specify.

Conduct of business of committee of the Council.

7. The procedure for the conduct of business and affairs of the Council, including the manner of recording conflicts of interest, shall apply, with necessary modifications, to the conduct of business and affairs of a committee of the Council.

Membership of committees of the Council.

8. The members of a committee of the Council shall be at least three members.

County Children Advisory Committee

Chairperson and vice-chairperson of County Advisory Committee.

9. (1) The membership of the County Children Advisory Committee shall be as set out in section 54 of the Act.

(2) The chairperson of a County Children Advisory Committee shall be the County Commissioner.

(3) The vice-chairperson of a county Children Advisory Committee shall be the children officer-in-charge of the area.

(4) The Children Advisory Committee may, where necessary, invite any person to attend a meeting of the Advisory Committee for that person's special skills, interest and knowledge on matters related to children.

Secretariat of the Children Advisory Committee.

10. (1) The Council shall provide secretariat services to every Advisory Committees.

(2) The secretariat services envisaged under paragraph (1) shall include—

- (a) convening the meetings of the Children Advisory Committee;
- (b) communicating the resolutions of the Children Advisory Committee;
- (c) organising and keeping records of the meetings of the Advisory Committee; and
- (d) performing any other relevant function for the effective discharge of its duties under these Regulations.

Conduct of business of Children Advisory Committee.

11. (1) Unless otherwise provided under these Regulations, a Children Advisory Committee shall regulate its own procedures for the conduct of its proceedings.

(2) A Children Advisory Committee shall meet at least once every quarter in each financial year.

(3) The quorum for the conduct of business of a Children Advisory Committee shall be two-thirds of the total membership of the Advisory Committee.

(4) A person invited to attend meetings of the Children Advisory Committee under paragraph (3) shall not count in determining the quorum of a meeting of the Children Advisory Committee.

Operational expenses of Children Advisory Committees.

12. The operational expenses of Children Advisory Committee shall be met by the Council.

Working groups of a Children Advisory Committee.

13. (1) A Children Advisory Committee may constitute standing or *ad hoc* working groups for the better carrying out of its functions.

(2) The Children Advisory Committee shall determine the membership, terms of reference and procedures for a working group constituted under this regulation.

(3) The membership of a working group —

- (a) shall not exceed one-third of the members of the Children Advisory Committee at any one time; and
- (b) may include a person invited to attend a meeting of the committee under regulation 12.

Decisions of Children Advisory Committee.

14. The decisions of a Children Advisory Committee shall be—

- (a) made by consensus taking into account the objects and purpose for which the Children Advisory Committee is established and the objects and purposes of the Act; and
- (b) may be in the form of the recommendations or resolutions to the Council;
- (c) recorded in writing and be jointly signed by the chairperson, the vice-chairperson and Secretary of the Children Advisory Committee.

Reports of Children Advisory Committees.

15. (1) Every Children Advisory Committee shall prepare and submit to the Council quarterly and annual reports of its operations and activities during the immediate preceding year.

(2) The reports under paragraph (1) shall consist of—

- (a) a general report of its activities during the year under

review; and

- (b) a consolidated report summarising any reports received from any of its working groups or respective sub-county advisory committees.

(3) The general report under paragraph (2) shall provide—

- (a) an overall description of the purpose and activities of the Children Advisory Committee;
- (b) the progress of any activity undertaken by the Children Advisory Committee during the period under review;
- (c) the progress made on any decision, resolution or recommendation issued by the Council;
- (d) the status of implementation of the functions for which it was established; and
- (e) such other information as may be determined by the Council.

(4) Without prejudice to paragraph (1), the Children Advisory Committee shall prepare such other reports as may be required under the Act.

Sub-County Children Advisory Committees

Composition of sub-county advisory committee.

16. (1) A sub-county committee shall consist of—

- (a) the chairperson shall be the deputy County commissioner or a representative;
- (b) the vice – chairperson shall be the children officer in charge of the sub-county;
- (c) the officer in charge of education at the sub-county or a representative;
- (d) the sub-county commander of police or a representative;

- (e) a medical officer of health;
- (f) a public health officer;
- (g) the sub-county administrator;
- (h) a labour officer;
- (i) a probation officer;
- (j) the National Council for Persons with Disability;
- (k) the Civil Registrar;
- (l) the Director of Public Prosecutions;
- (m) one person representing each of the following entities operating within the sub-county—
 - (i) a public benefits organization dealing with child protection matters in the subcounty;
 - (ii) faith based organization dealing with child protection matters in the subcounty;
 - (iii) a special interest group organization dealing with child protection matters in the subcounty.

(3) The Sub-county Committee may, where necessary, invite or co-opt any person with special skills, interest and knowledge to assist it in its deliberations but not more than three persons may be coopted at any one time.

Conduct of business of sub-county Advisory Committee.

17. The provisions of regulation 12 shall apply, with necessary modifications, to the conduct of business and affairs of the Sub-County Advisory Committee.

Operational expenses of Sub-County Advisory Committee.

18. The operational expenses of the Children Advisory Committees shall be met by Council.

Reports of Sub-County Advisory Committees.

19. (1) In accordance with section 55(3)(f) of the Act, every Sub-County Committee shall prepare and submit an annual report to the Advisory Committee.

(2) The report under paragraph (1) shall contain information on—

- (a) a description of the activities of the Sub-County Advisory Committee;
- (b) the progress of any activity undertaken by the Sub-County Advisory Committee during the period under review;
- (c) such other information as may be determined by the Council.

Children database

Children database.

20. (1) Pursuant to section 42(t) of the Act, the Council shall establish and maintain a database of children to be known as the Integrated National Children Database.

(2) The Children Database shall serve as a platform to facilitate—

- (a) the submission and receipt of information relating to child care, welfare and protection of children;
- (b) the synchronised processing of data or information relating to child care, welfare and protection of children;
- (c) the tracking of projects and programmes initiated and implemented under the Act;
- (d) the transparency and accountability to all stakeholders in the implementation of projects and programmes under the Act;
- (e) the access to information relating to child care, welfare and protection of children;
- (f) the co-ordination and partnership among the Council and other relevant Government ministries, Government entities or agencies and stakeholders dealing with child care, welfare and protection of children.

(3) The Secretary to the Council shall have authority to request for report and data from any state and non-state agency in relation to children.

21. The Children Database —

- (a) shall be in electronic form or such other form as the Council may determine;
- (b) shall contain such information relating to children as is necessary to for purposes of safeguarding and promoting the rights and welfare of the child;
- (c) shall include—
 - (i) personal information of children such as age, origin, gender, religion, tribe, race, health and mental status, any disability or any other status;
 - (ii) a guide on the minimum indices to be captured by any operator or controller of the database; and
 - (iii) any other information necessary to achieve the objectives under paragraph (2).

Management of the
database.

22. The Council shall adopt relevant national and internationally accepted standards, procedures, technical details and formalities for the effective use and management of the Children Database.

Public access to the
Children Database.

23. The Council shall make the Children Database available to the public, subject to any restrictions imposed for purposes of safeguarding the rights and the best interest of the child.

Made on the , 2024.

FLORENCE BORE,
Cabinet Secretary for Labour and Social Protection.