

SPECIAL ISSUE

Kenya Gazette Supplement No. 9 (Marsabit County Acts No. 2)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MARSABIT COUNTY ACTS, 2018

NAIROBI, 31st December, 2018

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THE MARSABIT COUNTY EDUCATION FUND ACT, 2018

AN ACT of the County Assembly of Marsabit to provide for the establishment of a Fund to finance secondary and higher education courses in designated fields at recognized institutions of learning and for connected purposes

ENACTED by the County Assembly of Marsabit as follows—

PART I— PRELIMINARY**Short title**

1. This Act may be cited as the Marsabit County Education Fund Act, 2018.

Interpretation

2. In this Act, unless the context otherwise requires—

“County” means the Marsabit County;

“County Assembly” means the County Assembly of Marsabit as constituted under Article 176(1) of the Constitution, as read with Article 177;

“County Education Fund Selection Committee” means the Committee established under section 9(1) of this Act;

“County Executive Committee” means the County Executive Committee established pursuant to Article 179 of the Constitution;

“County Executive Committee Member” means County Executive Committee member for the time being responsible for matters relating to Education;

“designated courses” means any of the academic courses determined in accordance with section 25(1) of this Act;

“eligible person” means any person, who, being a resident of Marsabit County, has attained the minimum entry requirement and has been admitted by a recognized institution of higher learning for a designated course or has been admitted to an institution offering secondary school education;

“Fund” means the Marsabit County Education Fund established by section 4 of this Act’;

“indigent person” includes a person who cannot afford to pay for their education including the poor, vulnerable, persons with disability or marginalized persons;

“scholarship” means a grant, bursary, gift or donation to be utilized for the purposes of sponsoring an eligible person;

“student” means any person who, being domiciled in the county, has been admitted to or is pursuing secondary school education or higher education in any of the designated fields with assistance from the Fund;

“Sub-county” means, in accordance with section 48(1)(b) of the County Governments Act, equivalent of a constituency within the county established under Article 89 of the constitution;

“Ward Fund Selection Committee” means the Ward Fund Selection Committee established under section 18(1) of this Act to receive and review applications for scholarships at the ward level; and

“Ward” means an electoral area delimited in accordance with Article 89 of the Constitution of Kenya, 2010 and section 26 of the County Governments Act, 2012.

Objectives of the Act

3. The objectives of this Act are to establish a legal and institutional framework to provide financial assistance to eligible students in the County in order to—

- (a) ensure access to education by granting scholarships to students in institutions of higher learning, secondary education and special category of students;
- (b) increase enrolment and improve transition from one level of education to the next;
- (c) enhance equity in education for all residents of the County;
- (d) improvement of human resource gap in designated fields in the County; and
- (e) ensure a portion of the County annual budget is devoted to the Education Fund for the purposes of this Act.

PART II — ESTABLISHMENT AND ADMINISTRATION OF THE COUNTY EDUCATION FUND

Establishment of the Fund

4. There is established a fund, to be known as the Marsabit County Education Fund.

- (2) The Fund shall consist of—

- (a) monies allocated by the County Assembly for the purposes of the Fund, of an amount of not less than 1.5 % of all the county government annual budget in every financial year;
- (b) any grants, scholarship, gifts, donations, loans or other endowments received for the purpose of this Fund; and
- (c) such monies as may vest in or accrue to the Fund.

(3) There shall be paid out of the Fund any expenditure approved by the County Education Fund Selection Committee and incurred in connection with the administration of the Fund.

(4) The administration costs of the Fund shall not exceed three (3%) percent of the approved budgets of the Fund.

(5) The administrator of the Fund shall ensure that money held in the fund, including any earnings or accruals is spent only for the purposes for which the fund is established.

Administration of the Fund

5. The County Executive Committee Member responsible for Finance shall designate a person who shall administer the Marsabit County Education Fund.

(2) The Fund Administrator designated under subsection (1) above shall be the accounting officer of the Fund.

(3) The Fund Administrator shall—

- (a) prepare and keep the accounts of the Fund in each financial year;
- (b) not later than three (3) months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and
- (c) present financial statements to the County Assembly.

(4) The Fund Administrator of a County Public Fund shall ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

Responsibilities of the Fund Administrator

6. (1) The Fund Administrator shall—

- (a) Ensure that the Fund keeps financial and accounting records that comply with the Public Finance Management Act;

- (b) Ensure that all financial and accounting records that the Fund keeps in any form including in electronic form are adequately protected and backed up;
- (c) Ensure that all contracts entered into on behalf of the Fund are lawful and are complied with;
- (d) Ensure that all applicable accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance;
- (e) Bring a matter to the attention of the County Executive Committee Member if, in the accounting officer's opinion a decision or policy or proposed decision or policy of the Fund may result in resources being used in a way that is contrary to the provisions of this Act
- (f) Submit the estimates of the Fund to the County Executive Committee Member who, after approving it, shall forward it to the County Executive Committee Member responsible for finance;
- (g) Not later than three (3) months after the end of each financial year, prepare annual financial statements for that financial year and submit them to the Auditor—General for audit, with a copy to the County Treasury;
- (h) Manage the assets of the Fund to ensure that it receives value for money when acquiring, using or disposing of its assets;
- (i) Dispose of assets at the most competitive price and at the lowest possible cost ensuring that the proceeds from all asset disposals are deposited in the bank account of the Fund;
- (j) Ensure that the Fund has adequate systems and processes in place to plan for, procure, account for, maintain, store and dispose of assets, including an asset register that is current, accurate and available to the relevant County Treasury or the Auditor-General;
- (k) provide the County Treasury with any information it requires to fulfil its functions under this Act;
- (l) Provide information on any frauds, losses, or any violations of subsection (1) and provide explanations for the actions taken to prevent similar conduct in future; and

- (m) Carry out such other responsibilities as may be specified in regulations by the County Executive Committee Member responsible for matters finance.

Management of Assets and Liabilities of the Fund

7. The Fund Administrator is responsible to the Marsabit County Education Fund Selection Committee for the management of the Fund's assets, income and expenditures and discharge of all liabilities of the Fund

(2) The Fund Administrator shall dispose of assets only in terms of the Public Procurement and Disposal Act and pursuant to Article 227 of the Constitution, and shall ensure that the proceeds from all asset disposals are credited into the Fund's bank account."

Allocation of Funds

8. The distribution of the amount set aside for disbursement under this Act shall be in two categories:

- (a) Three percent of the fund allocation to cater for administrative costs;
- (b) The remaining amount after deducting the amount in (a) shall be allocated as fifty (50%) percent equal share to all the ward and the remaining fifty (50%) percent in accordance with the prescribed formula depending on the number of applicants received per ward.
- (c) The Committees established under this Act shall ensure that the Funds allocated to the Wards are utilized to fund both secondary level and higher level education including vocational training.

PART III — ESTABLISHMENT OF THE COUNTY AND WARD EDUCATION FUND SELECTION COMMITTEES

County Education Fund Selection Committee

9. (1) There is established a Committee to be known as the Marsabit County Education Fund Selection Committee.

- (2) The Committee shall consist of —
 - (a) a Chairperson, not being an employee of national government or the county government appointed by the Governor and with the approval of the County Assembly;
 - (b) the Chief Officer responsible for matters relating to education;
 - (c) the Chief Officer responsible for matters relating to finance;

- (d) the Fund Administrator who shall be the secretary of the Committee, the head of the secretariat and an *ex officio* member; and
 - (e) four persons competitively recruited from each of the sub-counties.
- (3) The Chairperson shall—
- (a) preside over all meetings of the County Education Fund Selection Committee;
 - (b) be the spokesperson for the County Education Fund Selection Committee; and
 - (c) give policy direction to the work of the County Education Fund Selection Committee.
- (4) The County Education Fund Selection Committee may establish a secretariat drawn from existing county public service establishment to assist in the day-to-day running of the affairs of the fund.
- (5) The fund shall be administered and managed in compliance with the provisions of Public Finance Management Act with a fund administrator designated by the County Executive Committee Member responsible for matters Finance
- (6) The Secretary shall be the Accounting officer of the Fund and shall be responsible to the County Education Fund Selection Committee for all assets, income and expenditures and the discharge of all liabilities of the Fund.

Functions of the County Education Fund Selection Committee

- 10.** (1) The functions of the County Education Fund Selection Committee shall include—
- (a) to formulate sound policies for regulating management of the Fund and other related matters;
 - (b) to raise and solicit for funds and other assistance to promote the objectives of the Fund;
 - (c) to set and review the criteria and conditions governing the granting of scholarships and bursaries subject to the County Assembly approval;
 - (d) to receive any gifts, donations, grants or endowments made to the Fund;

- (e) to make final determination on applications for scholarships and bursaries as received from the Ward Education Fund Selection Committee;
- (f) to establish and maintain links with other persons, bodies or organizations within or outside Kenya as may be necessary for the furtherance of the object and purpose of the Fund;
- (g) to mentor beneficiaries of the Fund;
- (h) to advise the County Government on all matters relating to financing of education; and
- (i) to perform any other function as may be conferred by any county legislation or as may be necessary to ensure prudent management of the Fund.

Powers of the County Education Fund Selection Committee

11. (1) The County Education Fund Selection Committee shall have all the powers necessary for the execution of its functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the County Education Fund Selection Committee shall have powers to—

- (a) do or perform all such other things or acts for the proper discharge of its functions under this Act, including—
- (b) gathering, by such means as it considers appropriate, any relevant information on an Applicant or beneficiary of the Fund;
- (c) compelling the production of any information it considers necessary for consideration of scholarship granted to an eligible student;
- (d) holding inquiries for the purposes of performing its functions under this Act; and
- (e) taking any measures it considers necessary to ensure compliance with the provisions of this Act.

Qualification for appointment as Chairperson and Members of the County Education Fund Selection Committee

12. (1) A person shall be qualified for appointment as Chairperson of the County Education Fund Selection Committee if the person—

- (a) is a resident of the County;
- (b) holds a Bachelors degree from a university recognized by Commission for University Education;

- (c) has had a demonstrably distinguished career of at least ten years in his career/professional field; and
- (d) meets the leadership and integrity requirements of Chapter Six of the Constitution of Kenya.

(2) A person shall be qualified for appointment as member of the Committee referred to in Section 9 (1) (e) if the person —

- (a) is a resident of the Ward;
- (b) holds a Bachelor's degree from a university recognized by the Commission for University Education;
- (c) has had a demonstrably distinguished career of at least five years in his career; and
- (d) meets the leadership and integrity requirements of Chapter six of the Constitution.

Terms and conditions of service

13. (1) A member of the County Education Fund Selection Committee under section 9 (1) (a) and (e) shall hold office for a period of 3 years and shall be eligible for re-appointment for a further one term.

(2) The Members of the County Education Fund Selection Committee may be entitled to allowances as determined by the Salaries Remuneration Commission.

Removal from Office

14. The Chairperson or a member of the County Education Fund Selection Committee may be removed from office in accordance with terms of service and conditions of service for—

- (a) inability to perform the functions of the office of Chairperson; arising out of physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution;
- (e) any other ground that would justify removal from office under the terms and conditions of service.

Vacancy in the office of the Chairperson

15. (1) The Office of the Chairperson of the County Education Fund Selection Committee shall become vacant if the holder—

- (a) dies;

- (b) by notice in writing addressed to the Governor, resigns from office;
- (c) is convicted of a felony;
- (d) is absent from three consecutive meetings of the County Education Fund Selection Committee without justifiable cause;
- (e) is adjudged bankrupt by a court of competent jurisdiction;
- (f) for reasons of physical or mental infirmity, is unable to continue performance of the functions of his office, and the County Education Fund Selection Committee has passed a unanimous resolution affirming such inability to continue performance of the assigned functions;
- (g) is removed from office for gross misconduct or violation of any provision of the Constitution, this Act or any other written law in force in the Republic or the County; or
- (h) the term of office of the holder expires.

Oath of Office

16. The Chairperson and members of the County Education Fund Selection Committee shall, before assuming office, make and subscribe, to the oath of office or affirmation set out in the Second Schedule.

Decentralization of the Fund Selection Committees

17. The County Department responsible for matters relating to education shall ensure access to County Education Fund Selection Committee services in all parts of the County in accordance with the provision of Article 176(2) of the Constitution.

Establishment a Ward Education Fund Selection Committee

18. (1) There is established a Ward Education Fund Selection Committee for each Ward in the County.

(2) The Ward Education Fund Selection Committee shall comprise of—

- (a) a Chairperson elected in accordance with sub-section (3);
- (b) a Ward Administrator who shall be the Secretary of the Committee and an *ex officio* member; and
- (c) maximum of 5 members who are residents of the ward.

(3) The Ward Education Fund Selection Committee shall elect a chairperson from amongst the members appointed under sub-section 2 (c).

(4) The members of the Ward Education Fund Selection Committee shall be appointed by the County Executive Committee Member in line with Article 232 of the Constitution and with the approval of the County Assembly.

(5) In making appointments under subsection (4) the County Executive Committee Member shall ensure that not more than two-thirds of the members of the Ward Education Fund Selection Committee are of the same gender and shall have due regards to the principles of equal opportunities for persons with disabilities as well as ethnic diversity within the ward.

Functions of the Ward Education Fund Selection Committee

- 19.** (1) Each Ward Education Fund Selection Committee shall —
- (a) receive, review and approve applications for education grant, bursary or scholarship, as the case may be, under this Act;
 - (b) determine the amount of education grant, bursary or scholarship, as the case may be, to be awarded to each eligible student;
 - (c) transmit the decision of the Ward Education Fund Selection Committee to the County Education Fund Selection Committee for final determination;
 - (d) monitor and evaluate the progress and performance of the eligible students supported under this Act;
 - (e) creating awareness among the residents of the ward about the Fund;
 - (f) carrying out such other roles as are necessary for the implementation of the object and purpose of this Act, and perform such other functions as may be assigned by the County Executive Committee Member or the County Education Fund Selection Committee.

Tenure of office of the Ward Education Fund Selection Committee

20. A member of the Ward Education Fund Selection Committee shall hold office for a period of 3 years and shall be eligible for appointment for a further one term.

Terms and conditions of service

21. The Members the Ward Education Fund Selection Committee may be entitled to allowances as determined by the Salaries Remuneration Commission.

Conduct of business

22. (1) The conduct of business of the Committees established under sections 9 and 18 shall be in accordance with the procedure provided for in the Third Schedule.

(2) The County Executive Committee Member may in consultation with the Ward Education Fund Selection Committee designate county public officers for purposes of providing secretariat services to the Ward Education Fund Selection Committee.

Guiding principles

23. In fulfilling their mandates under this Act, all offices, officers and institutions bearing any responsibility under this Act shall act in accordance with the values and principles set out in Articles 10(2), 201 and 232(1) and Chapter Six of the Constitution of Kenya, as well as provisions of relevant national and county legislation. In particular, they shall observe and respect—

- (a) the social, economic, political, religious, cultural and other diversities of the people of Marsabit County;
- (b) inclusiveness, non-discrimination, gender equality and gender equity;
- (c) integrity, transparency and accountability;
- (d) prudence and responsibility in utilization and management of public funds and assets, as well as clarity in fiscal reporting;
- (e) the need to ensure equity in allocation of resources;
- (f) the rights of the public to participate in policy-making and legislative processes;
- (g) the need to ensure impartial, responsive, prompt, effective, efficient and equitable service provision;
- (h) the rights of the public to be provided timely and accurate information;
- (i) the need for protection of the vulnerable and the marginalised groups and communities; and
- (j) the rules of natural justice.

PART IV — GRANTS AND AWARDS OF SCHOLARSHIPS

Eligibility Criteria and Conditions for the Grant of Scholarships

24. (1) An applicant may be eligible for an education grant or scholarship under this Act if the applicant—

- (a) falls under any of the categories listed under sub-section (2);

- (b) has or had a parent or guardian who has been a resident in the ward for at least three years;
 - (c) is a student, and attending a secondary school or, enrolled in a public institution of higher learning recognized by the relevant authorities;
 - (d) has not received full financial support towards payment of the required school fees for that year; and
 - (e) meets the conditions set out under section 25, 26 or 27 of this Act depending on the category they fall under.
- (2) An education grant, or bursary, or scholarship under this Act shall only be granted to a person who is either—
- (a) a student admitted in a recognized institution of higher learning including vocational training institutes pursuing a grade test, a certificate course, diploma or a degree in any of the designated fields listed under Section 25 of this Act;
 - (b) a student from a public primary school who has been admitted to a public secondary school; or
 - (c) special category of students including students from marginalized and disadvantaged areas within the county who may not meet the criteria and conditions for the grant of scholarships under section 27 of this Act.

Conditions for grant of scholarship to a student enrolled in an institution of higher learning

25. (1) An eligible student in a recognized institution of higher learning including vocational training institute who has been admitted to or is pursuing a grade test, a certificate course, diploma or a degree in any of the following designated fields shall be funded—

- (a) hydrology/geology/energy and petroleum-related courses;
- (b) livestock production/ animal health/ veterinary medicine/ fisheries;
- (c) human medicine and nursing;
- (d) law;
- (e) engineering/architecture/quantity survey
- (f) actuarial science
- (g) teaching; and

(h) specialized artisan and vocational courses, including masonry, woodwork, metalwork, electrical works, and mechanical works.

(2) In granting the scholarship, the County and Ward Education Fund Selection Committees shall take into account, among other things—

- (a) the relevance of the Applicant's chosen field to the County's human resource development priority;
- (b) the academic record and related achievement(s) of the Applicant;
- (c) the socio-economic status of the Applicant's family;
- (d) the character of the Applicant, as attested to by a recognized leader from his Ward or Village;
- (e) the Applicant's co-curricular abilities;
- (f) the Applicant's engagement in local community development and social justice activities; and
- (g) the Applicant's leadership potential.

(3) The County Executive Committee Member shall, with the approval of the County Assembly, periodically review the list of designated fields or the requirements for qualification under this Section.

(4) In reviewing the list of designated fields, the County Executive Committee Member and the County Assembly shall take into account the prevailing human resource capacity gaps in the County and other relevant factors.

Conditions for grant of scholarship to a student enrolled admitted in a secondary school

26. An eligible student under category stipulated under section 24 (2) shall only be granted a scholarship if that student—

- (a) is from a public primary school;
- (b) has been enrolled in a public secondary school;
- (c) has attained a minimum of 300 marks and 320 marks for a girl and a boy respectively at the nationally administered examination of primary level education by the relevant authority;
- (d) comes from an indigent family.

Special category of students

27. (1) The County Education Fund Selection Committee may give consideration to special category of students who may not meet the criteria and conditions for the grant of scholarships in the spirit of affirmative action and ensuring that equity and fairness is achieved.

(2) In making such consideration, the Committees shall be guided by regulations issued by the County Executive Committee Member with the approval of the County Assembly.

(3) The regulation referred in (2) above shall be enacted within 6 months of the commencement of this Act and should list the eligible Charity education institutions.

(4) For purposes of this Act, special category of students include students from indigent families enrolled in charity education institution that are not profit making institutions.

Application, Processing and Approval of Scholarships

28. (1) An eligible student applying for an education grant or award of bursary or scholarship under this Act shall apply to the Ward Education Fund Selection Committee in the prescribed form under the First Schedule.

(2) The County and Ward Education Fund Selection Committees shall ensure that the forms are accessible in at least the offices of the Ward Administrator, Member of County Assembly Offices, the County Government's Offices at the ward level and Official Website.

(3) An applicant shall not be charged any fee for accessing the forms prescribed under this Act.

(4) An applicant shall submit the duly filled form—

(a) by 1st December each year for students pursuing secondary level education; or

(b) if enrolled in a higher institution of learning, submit an application form between the months of January to March in each year.

Review of Applications and Awards

29. (1) The Ward Education Fund Selection Committee shall review and consider the applications submitted under section 29 within fourteen days after the expiry of the stipulated date of submission.

(2) The Ward Education Fund Selection Committee shall, within seven days, forward its resolution and report of all applications received

and shortlisted to the County Education Fund Selection Committee for consideration and final determination.

(3) The County Education Fund Selection Committee shall within fourteen days after receipt of the Ward Education Fund Selection Committee resolution award the scholarship to successful applicants, as the case may be, in accordance with the criteria set out under this Act.

(4) The County and Ward Education Fund Selection Committees shall award scores in each category out of a possible one hundred, and the applicants with the highest scores shall be awarded an education grant, bursary or scholarship, as the case may be.

(5) The County and Ward Education Fund Selection Committees shall ensure that proper minutes and records of all the meetings are maintained.

(6) In considering the applications under this section, the County and Ward Education Fund Selection Committees shall liaise, where applicable, with other relevant public or private entities to ascertain whether an applicant has been awarded an education grant, bursary or scholarship under a similar scheme to cater for the same year and the amount awarded.

(7) Where the County Education Fund Selection Committee establishes that an applicant has been awarded an education grant, bursary or scholarship under sub-section (6), it may award additional education grant or bursary to the applicant to meet the remaining fees deficit.

(8) Notwithstanding sub-section (7) the Committee may give priority to applicants who have not received any education grant, bursary or scholarship from any other source.

Verification of information

30. The County and Ward Education Fund Committee shall verify all the information provided by the applicant, and may-

- (a) visit the residence of an applicant;
- (b) seek further information to support the application; or
- (c) invite the applicant to appear in person before the County Education Fund Selection Committee or the Ward Fund Selection Committee as the case may be.

Decision of the County Education Fund Selection Committee

31. (1) The County Education Fund Selection Committee shall make a decision on every application without undue delay and not later

than 21 days after the submission of the resolution and report of the Ward Education Fund Selection Committee.

(2) The County Education Fund Selection Committee shall notify the Ward Education Fund Selection Committee and the successful applicants of its decision in the prescribed manner.

(3) Where it reject an application, the County and Ward Fund Selection Committee shall provide reasons for rejection of the application.

Disbursement of Funds

32. (1) The County Education Fund Selection Committee shall submit the list of beneficiaries and minutes of its proceedings to the Fund Administrator for preparation of payment for the education grant or scholarship awarded.

(2) The Fund Administrator shall make payments in favor of the beneficiary directly to the respective educational institutions in which the eligible students are enrolled, and there shall be no payment to any eligible students.

(3) The Fund Administrator shall ensure that all the payments are processed—

- (a) in the case of continuing eligible students, not later than 31st January each year;
- (b) in the case of new students, not later than the last day of February each year; and
- (c) in the case of new students joining institution of higher learning within the month of intake as shall be specified in the application form.

Right of Appeal

33. (1) Any applicant aggrieved by the decision of the Ward Education Fund Selection Committee may appeal to the County Education Fund Selection Committee within fourteen days of the Ward Education Fund Selection Committee's forwards its report to the County Education Fund Selection Committee.

(2) The County Education Fund Selection Committee may, after giving the applicant a hearing, confirm or reverse the decision of the Ward Education Fund Selection Committee.

(3) Nothing in this provision limits the right of an aggrieved person from seeking redress from courts of law under the Fair Administrative Actions Act or any other written law.

Publication list of beneficiaries

34. (1) The County Education Fund Selection Committee shall publish the list of beneficiaries in the office of the Ward Administrator or the office of the Member of County Assembly; the county government offices in the Ward or such other place as the County Education Fund Selection Committee may determine.

(2) The County Education Fund Selection Committee shall ensure that list of beneficiaries is accessible to the public.

Withdrawal and Cancellation of Scholarship

35. (1) The County Education Fund Selection Committee may withdraw or cancel a scholarship where an Applicant—

- (a) in filling an application form, knowingly makes any false representation relating to any matter affecting his request for the fund;
- (b) fails to, without reasonable cause, furnish any required information or particulars affecting his request for a scholarship; or
- (c) is granted a scholarship on the basis of false information or particulars.

(2) Where the County Education Fund Selection Committee withdraws or cancels a scholarship for any of the reasons in subsection (1), it may proceed to institute criminal proceedings against the Applicant, who shall on conviction be liable to a fine of not less than fifty thousand shillings or to imprisonment for a term not less than six months, or both.

PART V—FINANCE**Bank Accounts**

36. (1) A bank account of the Fund shall be opened and maintained at a public commercial bank by the Fund Administrator in accordance with the provisions of the Public Finance Management Act.

(2) The signatories to the bank account maintained in accordance with subsection (1) shall be—

- (a) the Chairperson of the County Education Fund Selection Committee;
- (b) the Chief Officer; and
- (c) the Fund Administrator.

(3) The signatories of the account shall be the Fund Administrator and two other members stated in sub-section (2) above on all payments in cheques or any other instruments intended for actual release of money from the Fund.

Financial Year

37. The financial year of the Fund shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.

Annual Estimates

38. (1) In every budget cycle, the County Education Fund Selection Committee shall cause to be prepared estimates of the Fund's income and expenditure for the given fiscal year.

(2) The annual estimates shall make provisions for all estimates of expenditure relating to administration and management of the Fund for the given fiscal year, and shall in particular provide for—

- (a) the cost of grant of scholarships and bursaries to eligible students;
- (b) County and Ward Education Fund Selection Committees' cost of administering, managing or otherwise dealing with the Fund;
- (c) payments or reimbursements to members of the County and Ward Education Fund Selection Committees of monies in respect of expenses incurred in the course of executing their respective duties;
- (d) cost of maintenance of equipment and the buildings and grounds of the County and Ward Education Fund Selection Committees;
- (e) funding of training, research and development activities of the County and Ward Education Fund Selection Committees; and
- (f) funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Selection Committee may think fit.

PART VI—MISCELLANEOUS PROVISIONS

Annual Report

39. (1) As soon as practicable after the end of each financial year, the County Education Fund Selection Committee shall submit a report to the Governor and the County Assembly.

(2) The report of the County Education Fund Selection Committee shall, in respect of the financial year to which it relates, contain—

- (a) the financial statements of the Fund;
- (b) a description of the activities of the County and Ward Education Fund Selection Committees and the Secretariat;
- (c) information relating to the progress made in implementing the Act;
- (d) recommendations made by the County and Ward Education Fund Selection Committees to the County Government and the action taken on such recommendations;
- (e) any impediments to the work of the County and Ward Education Fund Selection Committees; and
- (f) such other information as the County and Ward Education Fund Selection Committees considers appropriate or relevant in relation to any of its functions under the Act.

(3) Without prejudice to subsection (1), the Governor or the County Assembly may at any time require the County and Ward Education Fund Selection Committees Education Fund Selection Committees to submit a report on a particular issue.

Code of Conduct

40. The County Education Fund Selection Committee shall, within six months of its establishment, develop a code of conduct for its members and a member of the secretariat of the Fund.

Offences

41. Any person who—

- (a) submits false or misleading information to the County Education Fund Selection Committee or a member of the secretariat of the Fund acting under this Act;
- (b) fails to discharge an obligation whatsoever due on his part under this Act;
- (c) without justification or lawful excuse, obstructs or hinders, assaults or threatens a member of the County Education Fund Selection Committee or a member of the secretariat of the Fund acting under this Act;
- (d) fails to honour summons issued by the County Education Fund Selection Committee or any other institution established under this Act and so empowered to issue summons; or

- (e) misrepresents to or knowingly misleads a member of the County Education Fund Selection Committee or a member of the secretariat of the Fund acting under this Act,

Commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not more than one year, or to both.

Repeal and savings

42. (1) The Marsabit County Scholarship Fund Act, 2015, is hereby repealed.

(2) Notwithstanding the repeal of the Marsabit County Scholarship Fund Act, 2015—

- (a) all successful candidates of the repealed law shall be deemed to be successful candidates under this Act;
- (b) on the commencement day, all the funds, assets and other property both movable and immovable, which immediately before such date were vested in the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, shall by virtue of this subsection, vest in the County Education Fund Selection Committee established under this Act;
- (c) on the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the County Scholarship Fund Management Committee established under Marsabit County Scholarship Fund Act, 2015 shall be deemed to be vested, imposed or enforceable against the County Education Fund Selection Committee;
- (d) any reference in any written law or in any document or instrument to the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015 shall, on and after the commencement day, be construed to be a reference to the County Education Fund Selection Committee;
- (e) the annual estimates of the County Scholarship Fund Management Committee, established under the Marsabit County Scholarship Fund Act, 2015, financial year in which the commencement day occurs shall be deemed to be the annual estimates of the County Education Fund Selection Committee for the remainder of that financial year;

- (f) the administrative directions made by the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, which are in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the County Education Fund Selection Committee under this Act;
- (g) any person who is an officer or employee of the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, immediately before the commencement date of this Act shall be an officer or employee of the County Education Fund Selection Committee in the same capacity and on the same terms he or she was serving before the enactment of this Act;
- (h) the members of the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015 and the chief executive officer shall continue in office as members of the County Education Fund Selection Committee and the chief executive officer respectively until the expiry of their existing terms or upon such a time that the committees established under this Act are constituted whichever is earlier; and
- (i) the Fund established under section 4 of this Act shall be the successor to the Marsabit County Scholarship Fund established by section 4 of the Marsabit County Scholarship Fund Act, 2015.

Regulations

43. (1) The County Executive Member may make regulations generally for the better carrying into effect of any provisions of this Act and such regulations shall be tabled before the County Assembly for approval.

(2) Without prejudice to the generality of subsection (1), the County Executive Member may make regulations in respect of—

- (a) receipt, processing and approval of applications for scholarships;
 - (b) the preparation and maintenance of beneficiaries records;
 - (c) the withdrawal, recovery and cancellation of scholarship already granted.
- (3) For purposes of Article 94 of the Constitution—
- (a) the purpose of the delegation under this section is to enable the County Executive Committee Member to make regulations for better carrying into effect the provisions of this Act;

- (b) the Authority of the County Executive Committee Member to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this Section;
- (c) the principles and standards applicable to the delegated power referred to under this section are those found in—
 - (i) Statutory Instruments Act, 2013;
 - (ii) the Interpretations and General Provisions Act;
 - (iii) General Rules of International Law as specified under Article 2(5) of the Constitution;
 - (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

SCHEDULES

FIRST SCHEDULE (S. 28(1))

THE SCHOLARSHIP APPLICATION FORM

COUNTY SCHOLARSHIP FUND APPLICATION FORM—20.../20

SUB-COUNTY

WARD

VILLAGE UNIT

Notes:

- (a) This registration form applies to students who intend to benefit from the Marsabit County Education Fund established under this Act.
- (b) The registration form shall be used by the Ward Education Fund Selection Committee and County Education Fund Selection Committee to gather information of applicants to determine whether or not they qualify to benefit from the fund.
- (c) The registration form shall be filled and submitted by the applicants through the Ward Education Fund Selection Committee.
- (d) The submission of false information in the registration form is an offence and may result in prosecution.
- (e) The applicant must provide all information requested in this form.

PART A

1. Name: (State full name).

Surname Other Names

2. Level of Study (Secondary/Certificate/Diploma/ Degree)

3. Field studied (Post-Secondary level only)

4. Sex: Male () Female () (Tick as appropriate)

5. Date of Birth (state year and place of birth)

6. Marital Status:

7. ID Number:

8. PIN Number: (if applicable)

9. Postal Address

10. Knowledge of Languages: (Specify Languages)

11. Education: (List, in reverse chronological order, each secondary school, university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance and academic award obtained).

Name of School, College, University attended	Dates of attendance	Continuing, Certificate, Diploma, Degree awarded

12. Employment Record: (List in reverse chronological order all employments with which you have been affiliated as an officer or consultant). *(If applicable)*

Name of employment	Position	Dates of service	Total Years served

13. Have you ever been charged in a court of law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded the judgment of the court, or otherwise, how the case was concluded.

PART B

Year of Study:

1st Year (), 2nd Year (), 3rd Year (), 4thYear (), 5th Year (), 6th Year (),

Other (specify) () (Tick as appropriate)

Course/Level of Study

Name of Institution

Admission Number

School Account Number

Bank

Branch

School Fees

Student's mobile number

Student's email address

Students Signature

(Please attach a copy of school/collegel/university fee structures and the student's ID as well as the National ID card; for fresh students attach Copies of Admission Letter and Fee Structure).

PART C

Do you suffer from any Disability? Yes () No () *(Tick as appropriate)*

Give details

.....

.....

.....

.....

PART D

FAMILY STATUS

Parents - Both alive (), One alive (), Both not alive ()

(Tick as appropriate)

Name of Parents/Guardians

.....

.....

Occupations

Mobile Number

(Please attach copies of parents'/guardians' ID cards or Death Certificates).

Do you have siblings YES (), NO ()

How many

Give details:

NO.	FULL NAME	AGE	CURRENT INSTITUTION, COLLEGE & CLASS/ YEAR

14. References: (List three persons and their phone contacts who are not your relatives who are familiar with your character, qualification and work). (e.g. any religious leader or chief)

NB: the referees to officially stamp against their signatures

NAME	ID NUMBER	PHONE NUMBER	DATE	SIGNATURE
1.				
2.				
3.				

PART E
DECLARATION

I declare
that the information I have given hereinabove is true to the best of my
knowledge, information and belief.

.....
SIGNATURE DATE

PART F
FOR OFFICIAL USE ONLY

**1. WARD EDUCATION FUND SELECTION COMMITTEE
RECOMMENDATION**

School fees

KSh.

Amount in Words:

Amount Applied:

KSh.

Amount in Words:

.....

**COMMENTS FROM WARD EDUCATION FUND SELECTION
COMMITTEE**

.....

.....

.....

Committee Secretary Name

Date

Official stamp & signature

Committee Chairperson

Name

Date

Official stamp & Signature

2. COUNTY EDUCATION FUND SELECTION COMMITTEE RECOMMENDATION

Amount Approved:

KSh.

Amount in Words:

COMMENTS FROM THE COUNTY EDUCATION FUND SELECTION COMMITTEE:

.....
.....
.....

Committee Secretary

Name

Date

Official stamp & signature

Committee Chairperson

Name

Date

Official stamp & Signature

SECOND SCHEDULE

(S. 16)

**THE OATH/AFFIRMATION OF THE OFFICE OF
CHAIRPERSON OF THE COUNTY EDUCATION FUND
SELECTION COMMITTEE**

I
having been appointed the Chairperson of the County Education Fund Selection Committee under the Marsabit County Education Fund Act, 2018, do solemnly swear/affirm that I will at all times obey, respect and uphold the Constitution of Kenya and all other laws of the Republic of Kenya as well as the Laws of the County Government of Marsabit; that I will faithfully, impartially and to the best of my knowledge and ability discharge the trust and perform the functions and exercise the powers bestowed upon me by virtue of this appointment without fear, favour, bias, affection, or prejudice.

(SO HELP ME GOD)

Sworn/declared by the said

.....

Before me thisday of

THIRD SCHEDULE**(S. 22)****PROVISIONS RELATING TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE COMMITTEES**

1. (1) The committees shall have at least four and a maximum of six meetings in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Meetings shall be convened by the Chairperson of the committee in consultation with the Secretary and shall be held at such times and such places as the Chairperson shall determine.

(3) The Chairperson shall preside over all meetings and in the absence of the Chairperson, a member elected by the Committee member shall preside over the meeting for that purpose.

(4) The Chairperson may at any time convene a special meeting of the committee, and shall do so within seven days of the receipt by the Chairperson of a written request signed by at least four other members.

(5) Notwithstanding paragraph (4) above the special sitting shall be within the maximum six sittings allowable under this Act.

2. (1) The quorum of a meeting of the committee shall be one half of the members of the respective committee present and voting.

(2) For special meetings, the quorum is six members present and voting.

3. A decision of the committee shall be by a majority of the members present and voting and, in the case of an equality of votes; the person presiding at the meeting shall have a second or casting vote.

4. Minutes of all meetings shall be kept and entered in records kept for that purpose.

5. (1) If a person is present at a meeting of the Committee at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest.

(2) The person making the disclosure of interest under subsection (1) above must not, unless the committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching on the matter.

