

SPECIAL ISSUE

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REPUBLIC OF KENYA

***BUSIA COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 30th June, 2014

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**THE BUSIA COUNTY ASSEMBLY WARD
DEVELOPMENT FUND (AMENDMENT) ACT**

No. 4 of 2014

Date of Assent: 26th June, 2014

Date of Commencement: 30th June, 2014

**AN ACT of Busia County Assembly to amend the
Busia County Ward Development Fund Act,
2014.**

ENACTED by the County Assembly of Busia, as follows—

1. This Act may be cited as the Busia County Ward Development Fund (Amendment) Act, 2014 and shall come into force on the date of its publication in *Kenya Gazette* and Busia County Gazette.

Short Title and Commencement

2. Section 2 of the Principal Act is amended by inserting the following new definitions in their correct alphabetical order—

Amendment of Section 2 of the Principal Act.

“Chief Executive” means the Chief Executive of the Fund appointed under section 6A (g) of this Act;

“Village Administrator” means the village administrator appointed under the County Government Act, 2012.

No. 17 of 2012

“Ward account” means a bank account maintained for each of the electoral wards in Busia County pursuant to section 15 of this Act.

“Ward Administrator” means the ward administrator appointed under the County Government Act, 2012.

3. Section 5 of the Principal Act is amended by —

Amendment of Section 5 of the Principal Act.

- (a) deleting the entire paragraph (c);
- (b) deleting the entire paragraph (e); and
- (c) deleting the entire paragraph (h)

4. Section 6 of the Principal Act is amended by deleting the entire paragraph (b)—

Amendment of Section 6 of the Principal Act.

5. Section 6A of the Principal Act is amended by;

Amendment of section 6A of the Principal Act.

- (a) deleting the word “secretary” at paragraph (b) of subsection (1);

(b) inserting a new paragraph (g) as follows—

“(g) The Chief Executive of the Fund appointed by the Member of the Executive Committee with the approval of the County Assembly from among three persons proposed by the County Public Service Board;

(c) inserting a new subsection (3) as follows—

“(3)” The Chief Executive of the Fund shall be the Secretary to the County Committee and shall, for purposes of section 148 of the Public Finance Management Act, be the accounting officer of the Fund”

(d) inserting a new subsection (4) as follows:

“(4) A person shall not be qualified for appointment as the Chief Executive of the Fund unless such person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya or its equivalent;
- (c) has had at least five years relevant professional experience;
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

6. Section 6B of the Principal Act is amended by deleting at paragraph (d) the words ”through Sub-County Committees”

Amendment of section 6B of the Principal Act.

7. Section 7A of the Principal Act is deleted.

Amendment of section 7A of the Principal Act.

8. Section 7B of the Principal Act is deleted.

Amendment of section 7B of the Principal Act.

9. Section 7C of the Principal Act is amended—

Amendment of section 7C of the Principal Act.

(a) at subsection (1) by—

- (i) deleting paragraph (a) and substituting therefor the following new paragraph—

- “(a) A Chairperson elected by the members referred to under paragraph (b) below from amongst themselves;”
- (b) deleting the phrase ” assembly representing the ward in consultation with the Sub-County administrator” at paragraph (b) and replacing it with “Executive Committee”
- (c) Inserting a new paragraph (c) as follows:
- “(c) the Ward Administrator of the relevant electoral Ward”
- (d) at subsection (2) by inserting the phrase ”with the approval of the County Assembly “ immediately after the word “Member”;
- (e) at subsection (3) by deleting entire subsection (3) and replacing it with the following new subsection (3);

“(3) The Ward Administrator shall be the secretary to the Ward Development Fund Committee whose duties shall be to:

- (a) keep minutes and records of the Ward Development Fund Committee;
- (b) prepare reports of the Ward Development Fund Committee;
- (c) transmit the list of proposed projects to the County Committee;
- (d) transmit reports required under this Act to be submitted to the County Committee; and
- (e) act as the main project implementing agent in the Ward”.

10. Section 7D of the Principal Act is amended by deleting the entire paragraph (c).

Amendment of section 7D of the Principal Act.

11. Section 8 of the Principal Act is amended—

- (a) at subsection (1) by adding at the end the following words—

Amendment of section 8 of the Principal Act.

“in accordance with the County Integrated Development Plan and the County Fiscal Strategy Paper”.

- (b) at subsection (2) by adding the words “for the next financial year”;
- (c) at subsection (4) by deleting the word “Sub-County” and replacing it with “County”; and
- (d) by deleting the entire subsection (5).

12. Section 15 of the Principal Act is amended by deleting the entire sub-section (4) and replacing it with the following new sub-section (4);

Amendment of section 15 of the Principal Act.

“(4) The Signatories to the ward account shall be—

- (a) the relevant Ward Administrator as a mandatory signatory; and
- (b) at least two other members of the relevant Ward Development Committee.”

13. Section 20 of the Principal Act is amended by deleting the entire paragraph (b).

Amendment of section 20 of the Principal Act.

14. Section 21 of the Principal Act is amended—

Amendment of section 21 of the Principal Act.

- (a) at subsection (3) by deleting the words “**the sub-County Committee and**”;
- (b) by inserting a new subsection (4) as follows—

“(4) The emoluments and allowances referred to at subsection (2) and (3) respectively shall be payable only after the advice of the Salaries and Remuneration Commission has been sought pursuant to Article 230(4) (b) of the Constitution.”

15. The Principal Act is amended by introducing a new part viii as follows:

Introduction of a new Part viii to the Act.

PART VIII—TRANSITIONAL PROVISIONS

Transitional duties of the Ward Administrator.

“**27.** (1) Pending the appointment of the Village Administrators, the Ward Administrators to whom a particular village Administrator is supposed to report shall perform all the functions required of the village administrator under this Act.

(2) With respect to the functions of a particular village administrator subsection (1) above lapses upon appointment of that village administrator.

2014

Busia County Ward Development Fund (Amendment)

No. 4

Transitional duties
of Chief Officer in
Charge of Public
Service.

28. (1) Pending the appointment of the Chief Executive, the Chief Officer in charge of Public Service in the County shall perform all the functions required of the Chief Executive under this Act”.

(2) Subsection (1) above lapses with the appointment of Chief Executive.

16. The Fifth Schedule is deleted.

Amendment
of the Fifth
Schedule.