

SPECIAL ISSUE

Kericho County Gazette Supplement No. 15 (Acts No. 3)



REPUBLIC OF KENYA

***KERICHO COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 16th May, 2014

CONTENT

Act—	PAGE
The Kericho County Bursaries Act, 2014	1

KERICHO COUNTY BURSARIES ACT, 2014

No. 3 of 2014

Date of Assent: 6th May, 2014

Date of Commencement: 16th May, 2014

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

PART I-PRELIMINARY

- 1 Citation and commencement
- 2 Definitions

PART II-ESTABLISHMENT AND ADMINISTRATION OF THE FUND

- 3 Establishment of the fund
- 4 Sources of funds

PART III-ESTABLISHMENT AND FUNCTIONS OF THE BOARD

- 5 Establishment of the Board
- 6 Board Members
- 7 Secretary of the Board
- 8 Functions of the Board
- 9 Meetings of the Board
- 10 Delegation

PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD BURSARIES COMMITTEES

- 11 Establishment of Committees
- 12 Members of the Committee
- 13 Ward Office Coordinator
- 14 Functions of the Committee
- 15 Committee meetings

PART V-APPLICATION FOR BURSARIES

- 16 Application for bursaries
- 17 Appeal to the Board

PART VI- ADMINISTRATION AND FINANCE

18 -- Officers and Staff of the Board

19 -- Bank Accounts

20 --- Income and Expenditure

21 --- Books of Accounts

PART VII-MISCELLANEOUS

22 --- Rules and regulations

THE KERICHO COUNTY BURSARIES ACT, 2014

AN ACT of Kericho County Assembly to provide for the establishment of a Fund to be used to assist students to obtain education at recognized institutions and for matters incidental thereto and connected therewith.

ENACTED by the County Assembly of Kericho, as follows—

1. This Act may be cited as the Kericho County Bursaries Act, 2014 and shall come to operation on the date of publication in the Kenya Gazette.

Citation and Commencement.

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

Definitions.

“Board” means the Bursaries Management Board established under section 5 of this Act;

“Committee” means Ward Bursaries Committee established under section 11 of this Act;

“Education” means pre-primary schools, secondary schools, integrated schools with special needs, special schools, village polytechnics, home craft schools, tertiary institutions and universities.;

“Executive Committee Member” means County Executive Committee Member in charge of education, youth affairs, culture and social services;

“Fund” means Bursaries Fund established by section 3 of this Act;

“Secretary” means secretary to the Board appointed under section 6 of the Act;

“Student” means any student or pupil who is domiciled in Kericho County and admitted to a recognised educational institution.

“Special school” includes schools for the visually impaired, hearing impaired, physically and mentally challenged.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

3. (1) There is hereby established a Fund to be known as the Bursaries Fund which shall be managed and administered by the Board.

Establishment of the Fund.

(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries to assist

needy students to pursue education at such recognized institutions.

4. (1) The sources of funds for the Fund shall consists of- Sources of funds

- (a) at least 2% of the county revenue fund should be voted by the county assembly for that purpose;
- (b) any gifts, donations, grants and endowments made to the Fund.

(2) There shall be paid out of the Fund any expenditure approved by the Board and incurred in connection with the administration of the Fund which shall not exceed 3 per cent of the total fund.

PART III—ESTABLISHMENT AND FUNCTIONS OF THE BOARD

5. (1) There is hereby established a Board to be known as the Bursaries Management Board which shall be a body corporate with perpetual succession and a common seal. Establishment of the Board.

(2) The Board shall be capable in its corporate name of

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

6. (1) The Board shall consist of the following persons appointed by the Governor with the approval of the County Assembly — Board Members.

- (a) Chairperson who shall be the executive committee member;
- (b) Five members of the public ;
- (c) Secretary who shall be the chief officer in charge of

Education, culture and community services,

(2) The members of the Board other than the Secretary and persons appointed under section 18 shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(3) The office of a member of the Board, other than the Secretary and persons appointed under section 6(a) and (c) shall fall vacant -

- (a) if a member submits resignation in writing to the Governor through the Secretary;
- (b) if the Board is satisfied that such a member is by reason of physical or mental infirmity unable to execute the functions of the member's office;
- (c) if a member has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on the member's status as a member of the Board;
- (d) if a member is found to have been in contravention of Chapter Six of the Constitution of Kenya; or
- (e) upon death.

(4) Where the office of a member becomes vacant under subsection (3), the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

7. (1) The Secretary shall be the Chief Executive of the Board and shall be responsible for the management of the day-to-day activities of the Board.

The Secretary to the Board.

(2) The Secretary shall hold office for five years and shall be eligible for re-appointment.

(3) The Secretary shall be the head of the officer appointed under section 18 and shall be responsible to the officers in ensuring that the officers satisfactorily carries out duties and performs functions assigned to it by the Board.

(4) The secretary shall be an ex-officio member of the board and shall have no right to vote at the meetings of the board.

8. The functions of the Board shall be -

- (a) to formulate sound policies for regulating the

Functions of the

management of the Fund;

Board.

- (b) to raise and solicit for funds and other assistance to promote the functions of the Board;
- (c) to set the criteria and conditions governing the granting of bursaries;
- (d) to receive any gifts, donations, grants or endowments made to the Board, and to make legitimate disbursements there from;
- (e) to establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Board may consider appropriate for the furtherance of the purposes for which the Board is established;
- (f) to grant bursary fund , to eligible students upon recommendation of the Committee;
- (g) to consider and entertain appeals made by the aggrieved applicant. and
- (h) to perform and exercise all other functions and powers conferred on the Board by this Act.

9. (1) The Chairperson shall preside at all the meetings of the Board unless absent from a particular meeting in which case the members present shall elect one of themselves to preside at that particular meeting or part thereof.

Meetings of the Board.

(2) The Board shall meet at least, three times per year but the Chairperson shall, upon requisition in writing by at least four members, convene a special meeting of the Board at any time.

(3) All questions at any meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall, in case of equality of votes, have a casting vote.

(5) The Secretary shall cause minutes and proceedings of all the Board's meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Act, the Board shall regulate its own

proceedings.

10. The Board may delegate to the Committee, any of its member, officer, employee or agent such of its powers and duties as it may deem necessary.

Delegation

PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD BURSARIES COMMITTEES

11. There is established Ward Bursaries Committee in each Ward.

Establishment of Committees.

12. (1) The Committee shall consist of—

Members of the Committee.

- (a) two men from the public;
 - (b) two women from the public;
 - (c) one person representing the youth;
 - (d) one person with disability
 - (e) one teacher;
 - (f) Ward Office Coordinator who shall be the secretary;
 - (g) one religious leader; and
 - (g) Ward Administrator.
- (2) The elected Ward Member of County Assembly shall be the Patron of the Committee.
- (3) (a) The members other than the Ward Administrator shall be nominated by the elected Ward representative and forward the names to the Board for formal appointment.
- (b) The chairperson shall be elected amongst the members of the committee.

(4) The members of the Committee other than the Ward Office Coordinator, Ward administrator and the Patron shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(5) The office of a member of the committee , other than the Ward Office Coordinator, Ward administrator and the Patron shall fall vacant—

- (a) if a member submits his resignation in writing to the Board through the Secretary of the Board;
- (b) if the committee is satisfied that such a member is

by reason of physical or mental infirmity unable to execute the functions of the member's office;

- (c) if a member has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on the member's status as a member of the committee;
- (d) if a member is found to have been in contravention of Chapter Six of the Constitution of Kenya; or
- (e) upon death.

(5) Where the office of a member becomes vacant under subsection (4) the Ward Office Coordinator shall forthwith notify the vacancy to the appointing authority for appropriate action.

13. (1) The Ward Office Coordinator shall be the Administrator of the Committee, and shall be responsible for the management of the day-to-day activities of the Committee.

Ward Office Co-ordinator

(2) The Ward Office Coordinator shall hold office for the current term and shall be eligible for re-appointment for a maximum of two terms.

(4) The Ward Office Coordinator and Ward Office administrator shall be an ex officio member of the Committee and shall have no right to vote at the meetings of the Committee.

14. The functions of the Committee shall be -

Functions of the Committee.

- (a) to receive and consider bursary applications;
- (b) to recommend to the board the grant and award of bursaries to eligible students;
- (c) to conduct research and maintain data on the eligibility of students for bursaries;
- (d) to monitor the academic performance of bursaries recipients; and
- (e) to perform and exercise all other functions and powers conferred on the Committee by this Act.

15. (1) The Chairperson shall preside at all the meetings of the Committee unless absent from a particular meeting in which case the members present shall elect one of

Committee Meetings

themselves to preside at that particular meeting or part thereof.

(2) The Committee shall meet at least, three times per year but the Chairperson shall, upon requisition in writing by at least three members, convene a special meeting of the Committee at any time.

(3) All questions at any meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall, in case of equality of votes, have a casting vote.

(5) The Ward Office Co-ordinator shall cause minutes and proceedings of all the Committee's meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Act, the Committee shall regulate its own proceedings.

PART V—APPLICATION FOR BURSARIES

16. (1) Every student wishing to be considered for the grant of bursary shall make an application to the Committee in a prescribed form.

Application for bursaries.

(2) the Committee may accept or reject any application for a bursary.

(3) if the Committee accepts the application, it shall recommend to the Board to grant bursary to the eligible student.

(4) if the Committee rejects the application, it shall notify the applicant such rejection in writing and the reasons thereof.

17. Any applicant aggrieved by the decision of the Committee may appeal to the Board within fourteen days of the Committee's decision.

Appeal to the Board.

PART VI- ADMINISTRATION AND FINANCE

18. (1) The Board shall appoint such officers and other staff as are necessary for the proper management of the Fund and discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

Officers and Staff of the Board

19. (1) A bank account of the Fund shall be opened and maintained at the commercial bank approved by the

Bank Accounts

Executive Committee Member in charge of finance and economic planning.

(2) The signatories to the account of the fund maintained in accordance with sub section (1), shall be the Chairperson of the board, secretary and one other person appointed by the Executive Member of Finance and economic planning

(3) The signing instructions shall be such that the signature of the Secretary shall be mandatory on all payment cheques and / or instruments intended for actual release of money from the fund, plus any one of the other two signatories.

20. (1) The Board and Ward Committees shall submit to the Executive Committee Member an estimate of its income and expenditure as specified in the budget cycle for approval.

Income and
Expenditure

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Board and Ward Committees for the financial year and shall provide for -

- (a) the grant of bursaries to eligible students;
- (b) the cost of administration of the Board and Ward Committees including payment of salaries, allowances, pensions, gratuities and other charges whatsoever payable to the staff and members of the Board; and
- (c) the payment or reimbursement to the members of the Board and Ward Committees of monies in respect of expenses incurred during the attendance of the meetings of the Board.

(3) Except with the approval of the Executive Committee Member, no expenditure shall be incurred for the purposes of the Board and Ward Committees except in accordance with the annual estimates approved under subsection (2).

21. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Fund and other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions

Books of Accounts.

of the Board.

(2) The Executive Committee Member in charge of finance and economic planning shall lay audited report of accounts of the Board before the County Assembly at the end of each financial year.

PART VII—MISCELLANEOUS

22. The Board may make regulations for the smooth running of the Fund and such regulations shall be approved by the County Assembly before implementation.

Rules and
Regulations