

The Narok County Bursary Fund Act, 2013

The Bursaries Fund Act 2013)



NAROK COUNTY GAZETTE SUPPLEMENT

ACTS, 2013

NAROK, 28th October, 2013

CONTENT

Act of the Narok County Assembly—

	PAGE
The Narok County Bursary Act 2013

THE NAROK COUNTY BURSARIES ACT, 2013

An Act for

AN ACT of Narok County Assembly to provide for the establishment of a Board for the management of a Fund to be used for granting bursaries to assist students to obtain education at recognized institutions within Kenya and for matters incidental thereto and connected therewith

ENACTED by Narok County Assembly as follows—

PART I-PRELIMINARY

1. This Act may be cited as the Narok Bursaries Act, 2013

Citation

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

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

Definitions

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

"education" means primary, secondary and tertiary education;

"Executive Committee Member" means County Executive Committee Member in charge of finance.

"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 who is domiciled in Narok County and admitted to education institution on full time course basis.

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
the Fund

(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries to assist students to pursue education at such recognized institutions.

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

Sources
of
funds

(a) sums of money which may from time to time be voted by County Assembly for that purpose; and

(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

The Narok County Bursary Fund Act, 2013

incurred in connection with the administration of the 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.

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

Establishment
of the Board

(a) suing and being sued;

(b) talking, 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—

(a) Chairman;

(b) Six members;

(c) Secretary; and

(d) such other persons not more than three as the Board may co-opt from time to time.

Board
Members

(2) The members of the Board other than the Secretary and persons appointed under subsection 1(d) members 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 subsection 1(d) members shall fall vacant -

(a) if he submits his resignation in writing under his hand to the Governor through the Secretary;

(b) if the Board is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;

(c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Board;

(d) if he is found to have been in contravention of Chapter Six of the Constitution of Kenya; or

The Narok County Bursary Fund Act, 2013

(e) upon his death.

(5) Where the office of a member becomes vacant under subsection (4), 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 Secretariat and shall be responsible to the Board in ensuring that the Secretariat 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 management of the Fund;

Functions of
the 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 therefrom;

(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, as the Board may deem fit, to eligible students upon recommendation of the Committee;

(g) to consider and entertain appeals from the Committee; and

(h) to perform and exercise all other functions and powers conferred on the Board by this Act.

9. (1) The Chairman shall preside at all the meetings of the Board unless he is 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 once in every two calendar months, but the chairman shall, upon requisition in writing by at least four members, convene a special meeting of the Board at any time.

(3) The quorum necessary for transaction of the business of the Board shall be five members:

The Narok County Bursary Fund Act, 2013

Provided that the quorum at any requisitioned meeting shall be any number of the members of the Board entitled to attend such meeting and the meeting shall be free to adopt any procedure thereat suitable in the circumstances.

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

(5) The Chairman shall, in case of equality of votes, have an original and a casting vote.

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

(7) 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.

PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD BURSARIES COMMITTEES

Delegation

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

12. (1) The Committee shall consist of—

Establishment
of
Committees

(a) Ward Administrator who shall be the Chairman;

(b) Member of County Assembly Nominee;

Members of
the
Committee

(c) A representative of the youth;

(d) A representative of women;

(e) A representative of religious community;

(f) Bursaries Co-ordinator who shall be the Secretary.

(2) The members of the Committee other than the Bursaries Co-ordinator 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 Bursaries Co-ordinator appointed under subsection 1(d) members shall fall vacant -

(a) if he submits his resignation in writing under his hand to the Governor through the Secretary;

(b) if the Board is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;

(c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Board;

(d) if he is found to have been in contravention of Chapter Six of the Constitution of

The Narok County Bursary Fund Act, 2013

Kenya; or

(e) upon his death.

(5) Where the office of a member becomes vacant under subsection (4), the Bursaries Co-ordinator shall forthwith notify the vacancy to the appointing authority for appropriate action.

13. (1) The Bursaries Co-ordinator shall be the Administrator of the Committee, and shall be responsible for the management of the day-to-day activities of the Committee.

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

(4) The Bursaries Co-ordinator 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 -

(a) to receive and consider bursary applications;

(b) to recommend to the board the grant and award of bursaries to eligible students; Functions of the Committee

(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 Chairman shall preside at all the meetings of the Committee unless he is 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.

(2) The Committee shall meet at least once in a calendar month, but the chairman shall, upon requisition in writing by at least four members, convene a special meeting of the Committee at any time. Committee Meetings

(3) The quorum necessary for transaction of the business of the Committee shall be three members:

Provided that the quorum at any requisitioned meeting shall be any number of the members of the Board entitled to attend such meeting and the meeting shall be free to adopt any procedure thereat suitable in the circumstances.

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

(5) The Chairman shall, in case of equality of votes, have an original and a casting vote.

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

The Narok County Bursary Fund Act, 2013

(7) 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.

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

Application
for bursaries

(3) if the Committee accept 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 thirty days of the Committee's decision.

PART VI- ADMINISTRATION AND FINANCE

Appeal to the
Board

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

(2) The principal management structure of the Board shall be established or varied by the Board with the approval of the Governor.

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

Bank
Accounts

(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the Secretary and three other persons appointed by the Board from amongst its members.

(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 two of the other three signatories.

20. (1) The Board shall submit to the Executive Committee Member an estimate of its income and expenditure during the succeeding financial year three months before the commencement of the financial year for approval.

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

Income and
Expenditure

(a) the grant of bursaries to eligible students;

(b) the cost of administration of the Board 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 of monies in respect of

The Narok County Bursary Fund Act, 2013

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 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 audits 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 of the Board.

Books of
Accounts

(2) The accounts of the Board shall be audited by the County Auditor.

(3) Within a period of three months after the end of each financial year, the auditor shall report on the examination and audit of the accounts of the Board to the Executive Committee Member.

(4) The Executive Committee Member shall lay the auditor's report submitted to him under subsection (3) before the County Assembly as soon as practicable.

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

The Narok County Bursary Fund Act, 2013

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Act is provide for legislative framework for the management of Narok County Bursaries Fund to assist needy students from the County.

Part I of the Act provides for preliminary matters including citation and definitions of the words used in the Act.

Part II of the Act provides for the Establishment of the Bursaries Fund.

Part III provides for the Establishment and Functions of the Bursaries Management Board.

Part IV of the Act provides for the Establishment and Functions of the Ward Bursary Committees

Part V makes provisions for application for the bursaries.

Part VI sets out the administrative and finance aspect of the Fund

Part VII is miscellaneous

The enactment of this Act shall occasion additional expenditures of public funds which shall be provided for through the estimates.

Dated 30th September 2013

D. MASIKONDE

CHAIRMAN, BUDGET & FINANCE COMMITTEE



