

NATIONAL COUNCIL FOR LAW REFORMS

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**NYANDARUA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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THE NYANDARUA COUNTY BURSARY FUND ACT

No. 3 of 2014

Date of Assent: 26th June, 2014

Date of Commencement: See Section 1

ARRANGEMENT OF CLAUSES

Clause

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NYANDARUA COUNTY BURSARY FUND ACT

AN ACT of the County Assembly of Nyandarua to provide for a County Bursary Fund to support needy students and for matters incidental thereto and connected therewith

ENACTED by the County Assembly of Nyandarua County as follows—

PART 1—PRELIMINARY

1. This Act may be cited as the 'Nyandarua County Bursary Fund Act, 2014 and shall come into operation on such a date as the County Executive Committee Member may appoint and different dates may be appointed for different provisions.

Short title and commencement

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

Interpretation

"Beneficiary" The recipient of funds or other benefits from the fund created under this Act;

"chief officer" means the chief officer in charge of Education;

"committee" means the Ward Bursary Allocation Committee established under Section 5 of this Act;

"county" means Nyandarua County;

"director" means the director in charge of education;

"Executive Committee Member" means the County Executive Committee Member for the time being in charge of Education;

"fund" means the County Bursary Fund established under Section 4 under this Act;

"tertiary institution" Education institutions beyond secondary level to include universities as well as institutions that teach specific capacities of higher learning such as colleges, professional schools, technical training institutes, nursing schools, research laboratories, centers of excellence, polytechnics and distance learning centers

"village elder" a person appointed pursuant to Section 53(3) of the County Government Act No. 17 of 2012

"ward administrator" means the officer in charge of the office established under Section 51 of the County Government Act, Act No 17 of 2012;

“ward office “ means the Ward Administrator's Office.

3. The provisions of this Act shall apply as provided for in this Act and more specifically to students whose parents are residents of the county and shall ensure that at least one point five percent of the county annual budget is devoted to the fund for purposes of providing support to needy students in public education institutions to cushion the vulnerable groups against negative effects of high cost of education.

Object and
purpose

PART II—ESTABLISHMENT OF THE COUNTY BURSARY FUND

4. (1) There is established a fund to be known as the County Bursary Fund which shall—

- (a) be a county fund consisting of monies of an amount of not less than one point five percent of the county government budget in every financial year as it may be appropriated by the County Assembly and shall be deposited into that fund at the first quarter of every financial year.
- (b) comprise of any monies accruing to or received by the department from any other source.

Establishment of
the Fund

(2) The fund shall be administered by the Executive Committee Member or by a person appointed by him or her with the concurrence of the County Executive Committee Member for Finance and with the approval of the County Assembly.

(3) Once funds are allocated for the bursary fund, they shall remain allocated for that fund in that financial year.

(4) Not more than 5% of the fund shall be set aside for administrative expenses.

5. (1) There is established a committee to be known as the Ward Bursary Allocation Committee.

Establishment of
the Committee

(2) The Committee shall consist of—

- (a) elected member of County Assembly of the respective ward who shall be the patron;
- (b) a chairperson to be elected by the committee among its members during the first sitting of the committee;

- (c) the respective ward administrator who shall be the secretary to the committee;
- (d) one religious leader;
- (e) one area chief or assistant chief;
- (f) two village elders;
- (g) one youth;
- (h) one person with disability;
- (i) one Education Officer appointed by the Executive Committee Member.

(3) the membership of the committee shall to the fullest extent possible reflect the true representation of the ward in terms of villages and take into account the principles of affirmative action as provided for in the Constitution.

Election of the committee

6. (1) The members of the committee mentioned in Section 5 subsection 2 (d-h) shall be elected by the ward residents from among persons with the following qualifications—

- (a) have attained O-Level education; and
- (b) meets the requirements of Chapter Six of the Constitution; and
- (c) is a resident of the Ward.

(2) The Executive Committee Member shall cause a notice to be put in a national newspaper with wide circulation, a local radio station, notices in the respective ward offices, chiefs' offices and other strategic places notifying members of the public of the date, time and venue of the election of the committee.

(3) The respective sub county administrator shall preside over the elections under subsection 1 above.

(4) The elected committee members shall hold office for a term of five years and are eligible for re-election once.

(5) The County Executive Committee Member shall make regulations on the guidelines for nomination and election of the members of the committee.

7. (1) The office of a committee member shall become vacant if:

Vacancy in the office a committee member

- (a) The holder —
- (i) dies;
 - (ii) resigns by a notice to the sub county administrator;
 - (iii) is convicted of an offence under this Act or a felony;
 - (iv) fails to attend three consecutive committee;
 - (v) meetings without a justifiable cause ;
 - (vi) is unable to discharge his or her duties by reason of either mental incapacity;
 - (vii) is voted out by a majority of the members of the committee on grounds of incompetence and lack of confidence.
- (b) the term of the office holder expires.

(2) where a vacancy occurs in the membership of the committee , the sub county administrator shall recommend a person for appointment by the Executive Committee Member to serve for the remaining period of the term.

Filling of vacancy

8. (1) The functions of the Committee shall be—

- (a) to notify the residents of the respective ward of the amount of allocation awarded to the ward and invite them to apply for bursary ;
- (b) to issue bursary application forms through the office of the ward administrator;
- (c) to receive, compile, verify and keep records of all the applicants;
- (d) to vet all the applicants in accordance with the provisions of this Act and the circumstances of each student;
- (e) to liaise with other bursary allocation committees in the ward for rationalization;
- (f) to award bursary to the eligible and deserving applicants;
- (g) to compile and forward a list of the successful applicants to the Executive Committee Member duly signed and stamped by the chairperson and the secretary;

Functions of the Committee

- (h) to publicize the list of the successful applicants by mounting the list in the notice boards of the offices of the ward administrator, area member of the County Assembly, local administration and any other community establishments within the ward;
- (i) to monitor the academic performance and prepare an annual report on the academic status and advancement of the beneficiaries;
- (k) to perform and exercise any other functions and powers necessary for the achievements of its mandate as conferred by this Act.

(2) Where any issues of policy arise in the course of performance of its functions under this Act, the Committee shall refer the same to the Executive Committee Member.

(3) The County Executive Committee members shall make regulations outlining the functions of each state officer in the committee.

9. (1) The chairperson shall preside at all meetings of the committee unless he is absent from a particular meeting of the committee in which case the members shall elect one of them to preside over that particular meeting or part thereof.

Committee
meetings

(2) the committee shall meet three times per year and each time not exceeding three days, but the chairperson shall upon requisition in writing by at least five members convene a special meeting of the committee at any time with the approval of the County Executive Committee member.

(3) the quorum necessary for the transaction of the day's business shall be not less than half of the members.

(4) members of the committee shall be obligated to disclose any vested interests in the business before the committee during any sitting.

(5) all questions at the meeting of the committee shall be determined by simple majority of the votes of members present and voting.

(6) the chairman shall have a casting vote in case of an equality of votes.

(7) (a) the secretary to the committee shall cause minutes and proceedings of all the committee's meetings to be entered into the minutes book kept for that purpose;

(b) the minutes shall be available to members of the public on request subject to payment of a specified fee.

(8) All meeting shall be held with the knowledge of the patron.

10. (1) Each disbursement from the fund shall be approved and minuted by the Committee.

Fund approval

(2) All disbursements from the fund shall be for payment of school fees for the approved beneficiaries in accordance with the procedures outlined in this Act.

11. (1) The Executive Committee Member shall ensure that the fund is distributed equally amongst all the wards.

Powers of the Executive Committee Member

(2) The Ward Bursary Allocation Committee shall set aside a at least ten percent of the disbursement for the First Term to be utilized for form one applicants owing to their late admissions to schools which applications must reach the secretary by the 15th day of February of each year.

(3) The secretary to the committee shall ensure that the list of the successful form one applicants is submitted to the Executive Committee Member by 25th day of February each year.

(4) The County Executive Committee member shall within 30 days of the coming into force of this law make regulations for the smooth running of this Act and shall forward the regulations for approval in the County Assembly within 21 days and upon expiry of the 21days without the approval, the regulations shall take effect.

PART III—APPLICATION FOR BURSARIES

12. (1) Every parent, guardian or student wishing to be considered for the grant of the bursary shall make an application to the committee in the prescribed form under Schedule II of this Act obtainable free of charge from the ward offices.

Application for bursaries

(2) The duly filled bursary application forms shall be returned to the ward office where they shall be received and

be put in a serialized register to be kept by the secretary to the committee.

(3) The list of all the prospective applicants together with the serialized register shall be submitted to the committee for consideration.

(4) Bursary applications shall be done three times a year and the County Executive Committee member shall make regulations on the deadline for submission of filled application forms by applicants to the committee and the list of successful applicants by the committees to the County Executive County member

(5) The list of all successful applicants shall be submitted to the Executive Committee Member in the prescribed form set out in Schedule III of this Act.

13. (1) The Committee shall award bursary in accordance with the terms and conditions prescribed under Schedule I of this Act.

Terms and conditions of award

(2) The allocation of funds to the beneficiaries is the responsibility of the Committee to be exercised at its own discretion within the provisions of this Act.

14. (1) Beneficiaries under this Act shall be bright and needy students in educational institutions, partial or total orphans or children with disabilities who are unable to meet costs related to education.

Eligibility for bursary

(2) Any funding under this Bill shall be for full or partial settlement of the school fees balance for the beneficiary whose criteria for determination will be as per the schedule I of this Act.

15. (1) Any party aggrieved by the decision of the committee may lodge an application in writing for review of the committee's decision within fourteen days of the decision to the sub county administrator.

Review

(2) Upon receipt of the application for review, the sub county administrator shall within seven days notify the Executive Committee Member who shall within seven days appoint a director who together with sub county administrator shall cause to be reviewed by the committee in a meeting in which both the director and the sub-county administrator shall sit within seven days.

(3) the review decision shall be in writing and shall be final.

(4) The review decision shall be communicated to the Executive Committee Member and the Applicant within seven days.

PART IV—FINANCE AND ADMINISTRATION

16. (1) The list of eligible beneficiaries fully signed and stamped by the chairman and secretary to the Committee shall be submitted with a forwarding letter to the Executive Committee Member for release of the bursary funds.

Disbursement
from the fund

(2) Every payment out of the fund shall be made strictly on the basis of a minuted resolution of the Committee.

(3) An accurate record of all disbursements made to the beneficiaries shall be kept and updated by the Committee after every sitting.

(4) The Committee shall submit an annual report on the activities, operations and expenditures under this Bill to the Executive Committee Member not later than 30th September every year.

Annual report

17. (1) A bank account of the fund shall be opened and maintained at a commercial bank approved by the executive committee member.

Fund account

(2) the signatories to the account of the fund maintained in accordance with subsection (1), shall be the chief officer, the director and any other person appointed by the Executive Committee Member responsible for Finance.

(3) the signing instructions shall be such that the signature of the chief officer shall be mandatory on all payment cheques or instruments and transfers intended for actual release of monies from the fund plus anyone of the other two signatories.

(4) the money intended for the beneficiary shall only be released to the respective beneficiary's school bank account.

(5) the respective head of the beneficiary's institution shall upon receipt of the monies acknowledge receipt and notify the Executive committee Member.

PART V—OFFENCES AND MISCELLANEOUS PROVISIONS

18. Any person who contravenes the provisions of this Act shall upon conviction be guilty of an offence punishable by imposition of a fine not exceeding Kenya shillings thirty thousand or imprisonment for a term not exceeding six months or both.

General Offences

19. Any person who knowingly misrepresent facts so as to influence the committee to grant any person the bursary proceeds shall upon conviction be guilty of an offence punishable by imposition of a fine not exceeding Kenya shillings thirty thousand or imprisonment for a term not exceeding six months or both.

Giving false information

20. Any person who with intent to deceive forges or alters any supporting document with the intent to influence award of bursary shall upon conviction be guilty of an offence punishable of by imposition of a fine not exceeding Kenya shillings forty thousand or by imprisonment for a term not exceeding one year.

Forgery of documents

21. Any committee member who contravenes the provisions of this Act shall upon conviction be guilty of an offence punishable by imposition of a fine not exceeding Kenya shillings fifty thousand or by imprisonment for a term not exceeding three years and shall be further censured and barred from holding public office.

Offence by a committee member

22. The County Executive Committee member or any officer who contravenes the provisions of this Act shall be investigated and be barred from holding any public office.

FIRST SCHEDULE**CRITERIA FOR AWARD OF BURSARIES BY THE COMMITTEE**

1. Consideration will be made for students from Nyandarua county enrolled in education institutions within and outside the county

2. Institutions to be considered will be:

(a) Special schools.

(b) Day and boarding secondary schools.

(c) Tertiary institutions and colleges.

(d) Public boarding primary schools.

3. The awards will be for needy students.

4. Amounts to be awarded to be as follows:

Category	Minimum amount (Ksh)
Special Schools	5,000
Boarding primary \Day secondary schools	5,000
Boarding secondary schools	6,000
Youth polytechnics	5,000
Tertiary institutions (colleges)	10,000

5. Students with disabilities in boarding schools shall be given special consideration while awarding bursary.

SECOND SCHEDULE
BENEFICIARY APPLICATION FORM
COUNTY GOVERNMENT OF NYANDARUA
MINISTRY OF EDUCATION, YOUTH, CHILDREN AFFAIRS,
CULTURE AND SOCIAL SERVICES

TELEPHONE: 020-2660859

P.O. BOX 701-20303

OL'KALOU

FAX: 0202660859

Email: education@nyandaruacounty.or.ke

BURSARY APPLICATION FORM

A1 For Special Schools/Secondary Day/Boarding School /Public Boarding Primary Schools/Polytechnics (Tick where Applicable)

- (i) Name of the student
- (ii) Name of Institution.....
- (iii) Address.....
- (iv) Tel. No. of the Institution.....
- (v) Form/Class.....
- (vi) Adm No.
- (vii) Year.....
- (viii) Outstanding fees balance.....
 (Attach supporting documents and the report forms)
- (ix) Confirmation by Headteacher/Principal
 Name.....Sign.....Date.....

School Rubber Stamp

A2 For College/University Students Only

- Name of the student
- Name if Institution.....
- Address.....
- Reg. No.

- (i) Year of study
- (ii) Student cell phone No.....
- (iii) Outstanding fees balance.....
(Attach fees structure)

A3 Residence

- (i) Home District.....
- (ii) Division.....
- (iii) Ward.....
- (iv) Location
- (v) Sub-Location.....
- (vi) Village

A4 (A) Confirmation by the Chief/Ass.Chief

- (i) Name.....
- (ii) Sign.....
- (iii) Date.....

Official Stamp

A4 (B) Confirmation by elected Member of County Assembly

- (i) Name.....
- (ii) Sign.....
- (iii) Date.....

A5 Family Status (Tick the Relevant Box)

(i) Parents

(a) Both alive (b) One alive (c) Both deceased

- (ii) Name of Parent/Guardian.....
- (iii) Occupation.....
- (iv) If both parents are not alive i.e. (Total orphan) who has been paying your school fees?.....
- (v) Parent/Guardian Phone Number

A6 Disclosure of any other Bursary benefit

(i) Have you received any other Bursary? (Tick the relevant box)

Yes No

(ii) If Yes, disclose the source and the amount granted

Source.....

Year Received

Amount Granted KSh.....

A7 Note

- (i) All relevant sections in this form must be filled and ensure that the information given is correct
- (ii) Wrong information will automatically disqualify the applicant
- (iii) One should apply one form at a time and in one ward only
- (iv) Supporting documents be attached e.g.
 - (a) Fees Structures
 - (b) Admission letter
 - (c) Performance Report/Recent Report Form/Transcript
 - (d) School/College/University ID Card
 - (e) Any other relevant documents

A8 For official use only by Bursary Committee

- (i) Bursary award.....KSh.....
- (ii) Reason for the award.....
- (iii) Authorized by:
 - Name.....Designation.....
 - Sign.....Date.....

The money awarded will be sent to the respective education institution through a cheque. Under no circumstance will funds be given out in cash.

THIRD SCHEDULE

Beneficiaries list submission form

Ward.....

S/No	Name of student	Admission No.	Ward	School name and address	Class/ form	Amount allocated (KSh)	Fee balance after allocation	School bank, branch and A/C Number

Chairman..... ID Number.....Phone Number.....

Signature.....Date.....

SecretaryID Number.....Phone Number.....

Signature.....Date.....



