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Nyeri County Elimu Fund

No. 6

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THE NYERI COUNTY ELIMU FUND ACT, 2015

AN ACT of County Assembly of Nyeri to provide for the establishment of the County Elimu Fund, to provide for the management, governance and the administration of the Fund, and for connected purposes

ENACTED by the County Assembly of Nyeri as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nyeri County Elimu Fund Act, 2015.

Short title.

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

Interpretation.

“board” means the Fund Management board established under section 7 of this Act;

“bursary” means a monetary award to students that allows them to continue with their studies;

“committee” means the Elimu Fund Ward Committee established under section 15;

“county public service board” means the Nyeri County Public Service board established under section 57 of the County Governments Act, 2012;

“education” means pre-primary, primary, secondary, village polytechnic, home craft, tertiary and university education;

“executive committee member” means County Executive Committee Member for the time being in-charge of Finance;

“fund” means Elimu Fund established by section 4 of this Act;

“funds manager” is an officer seconded from the Department of Finance to Manage the Elimu Fund Bursary in accordance with section 116 of the Public Finance Management Act;

“scholarship” means a grant in aid to a student

“secretary” means secretary to the board appointed under section 8 of the Act;

“student” means any student who is domiciled in Nyeri County and admitted to a recognized educational institution;

“ward” means a ward referred to under section 26 of the County Governments Act 2012.

“ward office co-ordinator” is the already existing Officer at the Member of the County Assembly Office.

3. The purpose of this Act is to provide a legal framework for establishing a County Education Fund for providing financial assistance to eligible students in the county and such other purpose as may be established by this act, in order to—

Purpose of the Act.

- (a) enhance access to education;
- (b) promote and increase enrollment, retention, completion and transition rates in schools;
- (c) improve education standards and literacy levels; and
- (d) reduce poverty and inequality.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

4. (1) There is hereby established a Fund to be known as the Nyeri County Elimu Fund which shall be managed and administered by a board.

Establishment of the Fund.

(2) The object of the Fund shall be to provide funds to be used for granting money to assist students to pursue education at such recognized institutions; not leaving out persons with disabilities who deserve support to pursue their education at recognized schools and educational institutions.

5. (1) The Fund shall be used for—

Fund Expenditure.

- (a) providing education grants or bursaries to eligible students enrolled in youth polytechnics, secondary schools, universities and colleges and special Early Childhood Development Education Centres, primary or secondary schools;
- (b) granting scholarships in accordance with the criteria established under this Act;
- (c) starting and contributing to an endowment fund account;
- (d) subject to availability of funds, support

infrastructure development and activities aimed at improving education and training in the county, and

- (e) meeting any expenditure related to administration of the Fund as may be approved by the board; provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund.

(2) An amount totaling to seventy per cent of the monies set aside for disbursement under this Act shall be allocated equally to all the wards.

(3) An amount totaling fifteen per cent of the monies set aside for disbursement under this Act shall be allocated in accordance with the prescribed formula determined in accordance with the population of secondary school going children, poverty levels and such other criteria as may be determined under this Act.

(4) An amount totaling to seven per cent of the monies shall be set aside for special cases that may arise after disbursement.

(5) An amount totaling to five percent of the monies shall be set aside as a contribution to the endowment Fund Account.

(6) An amount totaling to three percent of the monies shall be set aside for administration costs of the Fund.

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

Capitalisation of the Fund.

- (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
- (c) money from any other lawful source accruing to the Fund

(2) The corporate and non-corporate organizations that donate to this fund or to the endowment fund will earn credits that will be considered in future relations with the County Government.

**PART III—ESTABLISHMENT AND FUNCTIONS OF
THE ELIMU FUND MANAGEMENT BOARD**

7. (1) There is hereby established a board to be known as Elimu Fund Management board which shall be a body corporate with perpetual succession and a common seal.

Establishment of the board.

The board shall be capable in its corporate name to—

- (a) sue and be sued;
- (b) take, purchase or otherwise acquire, hold, charge or dispose of movable and immovable property; and
- (c) do or perform all other things or acts that may be lawfully done or performed by a body corporate for the proper discharge of its functions under this Act.

8. (1) The board shall consist of the following persons appointed by the Executive in-charge of Education in consultation with the Governor—

Composition of the board.

- (a) Chairperson who shall not be a public officer;
- (b) The County Director of education who shall be an *ex-officio* member and the secretary to the board;
- (c) Chief Officer in the department in-charge of Education or a representative;
- (d) the Chief Officer for finance for finance or a representative who shall be designated as a fund manager; one person representing faith based organizations involved in education matters in the county nominated by the joint forum of faith based organizations in the county;
- (e) one person representing non-governmental organizations or community based organizations involved in education matters in the county nominated by the joint forum of non-governmental organizations and community based organizations in the county;
- (f) one person experienced in education matters representing persons with disability nominated by the joint forum organisations of persons with disability in the county;
- (g) one person representing the youth nominated by

the joint forum youth organizations in the county;

- (h) one person representing Parents Teachers Associations in the county;
- (i) one person representing the chamber of commerce in the county;
- (j) one person representing the associations of teachers in the county.

(2) The members of the board other than the secretary and persons appointed under section 8(1) (c) and (d) shall hold office for a period of three consecutive years and may be eligible for re-appointment for one further and final term.

9. (1) A person shall not be qualified for appointment as a member under section 8(1) (e), (f), (g), (h), (i), (j) and (k) unless the person—

Qualification for appointment as member of the board.

- (a) holds at least a diploma in any field from a recognized institution;
- (b) meets the requirements of Chapter Six of the Constitution;
- (c) is experienced in community development, education, administration or management and leadership.

10. (1) The office of a member of the board, other than the secretary and persons appointed under section 8(1) (c and d) shall fall vacant—

Removal from and vacancy of office.

- (a) if he/she submits his/her resignation in writing under his/her hand to the Executive in-charge of Education through the secretary;
- (b) if the board is satisfied that such a member is by reason of his/her physical or mental infirmity unable to execute the functions of his/her office;
- (c) if he/she has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his/her status as a member of the board;
- (d) if he/she is found to have been in contravention of Chapter Six of the Constitution of Kenya; or

(e) Upon his/her death.

(2) Where the office of a member becomes vacant under subsection (1), the secretary shall forthwith notify the vacancy to the appointing Authority for appropriate action.

11. (1) The Director in-charge of Education shall be the secretary to the board

Secretary to the board.

(2) 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.

(3) The secretary shall be the head of the officers appointed under section 8(1) (e), (f), (g), (h), (i), (j) and (k) and shall be responsible to the officers in ensuring that the officers satisfactorily carry out duties and perform functions assigned to them 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.

12. The functions of the board shall be—

Functions of the board.

- (a) to formulate sound policies for regulating the management of the Fund;
- (b) to establish, regulate and manage endowment fund to facilitate the objects of this act;
- (c) to raise and solicit for funds and other assistance to promote the functions of the board;
- (d) to set the criteria and conditions governing the granting of bursaries;
- (e) to receive any gifts, donations, grants or endowments made to the board, and to make legitimate disbursements there from;
- (f) 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;
- (g) to grant bursary fund , to eligible students upon recommendation of the committees;
- (h) to consider and entertain appeals from the Committees; and

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- (i) to perform and exercise all other functions and powers conferred on the board by this Act or any other.

13. (1) The Chairperson shall preside at all the meetings of the board unless he/she 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, three times in a year but the Chairperson shall, upon requisition in writing by at least four members, convene a special meeting of the board at any time when need arises.

(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 an original and 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.

14. The board may delegate its powers and duties to any of its committees, members, officers, the Ward Fund Co-ordination Committee or the Sub-location Fund Committee as it may deem necessary.

Delegation of powers.

PART IV—ESTABLISHMENT AND FUNCTIONS OF WARD ELIMU FUND CO-ORDINATION COMMITTEES

15. There is established the Elimu Fund Co-ordination Committee in each Ward.

Establishment of Ward Elimu Fund Co-ordination committees.

- (1) The committee shall consist of—
 - (a) The Chairperson who shall be elected from among the members present during the first meeting of the committee;
 - (b) The County Government officer in-charge of Education in the Ward who shall be the secretary;
 - (c) The Ward Administrator;

- (d) one person representing faith based organizations involved in education matters in the County nominated by the joint forum of faith based organizations in the Ward;
- (e) One village elder nominated from among the 'nyumba kumi' elders in the Ward;
- (f) one person experienced in education matters representing persons with disability nominated by the joint forum organisations of persons with disability in the Ward;
- (g) one person representing the youth nominated by the joint forum youth organizations in the Ward;
- (h) one person representing the women nominated by the joint forum women organizations in the Ward.

(2) Where none of the members in 15(1) is an educationist, the committee shall in their first meeting co-opt one non-practicing from the Ward.

16. The functions of the Elimu Fund Ward Co-ordination Committee shall be—

- (a) to sensitize the community on the Fund;
- (b) to avail the Fund application forms to applicants;
- (c) to receive and consider Fund applications;
- (d) to recommend to the board the grant and award of funds to eligible applicants;
- (e) to conduct research and maintain data on the eligibility of students for funds provision;
- (f) to monitor the academic performance of funds recipients;
- (g) to perform and exercise all other functions and powers conferred on the committee by this Act.

17. (1) The Chairperson shall preside at all the meetings of the committee unless he/she 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.

Functions of Elimu
Fund Ward Co-
ordination
Committee.

Meetings of the
Ward Co-ordination
Committee.

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

(3) All questions at any meeting of the Co-ordination Committee shall be determined by the majority of all the members of the committee;

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

(5) The Committee Secretary 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—EDUCATION GRANT AND BURSARY AWARDS

18. In awarding education grant or bursary, the committee shall be guided by the following principles—

Guiding principles.

- (a) fairness in allocating monies;
- (b) equitable distribution of allocation of monies to all parts of the ward;
- (c) inclusivity and non discrimination in ensuring that all residents are included in the process;
- (d) public participation;
- (e) accountability and transparency; and
- (f) efficiency in funds disbursement.

19. An applicant may be eligible for an education grant or bursary or scholarship under this Act if the applicant—

Eligibility for education grant, bursary or scholarship.

- (a) is a student, and attending a secondary school or, special school, at either primary or secondary level on a full time basis, or enrolled in a university or college;
- (b) has not received full financial support towards payment of the required school fees for that year from any other institution or person; and

- (c) meets the conditions set out under section 20 of this Act.

20. An education grant, or bursary, or scholarship under this Act shall only be granted to a needy person who is—

Conditions for education grant, bursary or scholarship.

- (a) an orphan;
 (b) vulnerable due to family or social setting;
 (c) person with disability, or has special needs.

21. (1) An eligible student applying for an education grant or award of bursary or scholarship under this Act shall apply to the board through the committee in the prescribed form.

Application for education grant, bursary or scholarship.

(2) The board shall ensure that the forms are accessible in at least—

- (a) the County Government offices; and
 (b) the County Government Website.

(3) Notwithstanding subsection (2), the board may partner or collaborate with education stakeholders such as schools, faith based or non-governmental or community based organizations for provision of the forms to eligible students.

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

(5) An applicant who is either a continuing student, new student or a student enrolled in a university or college shall on the date of submission submit a duly filled form to the committee.

22. The committee shall review and consider the applications submitted under section 21 within fourteen days after the expiry of the date of submission.

Review of applications.

23. (1) The committee may, after considering an application under section 22, recommend awarding an education grant, bursary or scholarship, as the case may be, in accordance with the criteria set out under subsection (2) and the guidelines issued by the Executive Member for Education in regard to specific amounts that may be awarded to each category of applicant.

Awarding education grant, bursary or scholarship.

(2) The committee shall consider the following categories of applicants in determining the amount of the education grant, bursary or scholarship recommended for award—

- (a) family status ranked as total orphan, partial orphan, single parent, or parents in financial need;
- (b) affirmative action or special circumstances such as girl-child, boy-child, children from informal settlements, marginalized areas or of special needs, or with disability;
- (c) discipline ranked as excellent, very good, good, fair or poor;
- (d) academic performance ranked as excellent, very good, good, average or below average; and
- (e) such other categories as may be prescribed by Regulations by the board.

(3) The committee 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.

(4) The committee shall ensure that proper minutes and records of all the meetings are maintained.

(5) In considering the applications under this section, the committee 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.

(6) Where the committee establishes that an applicant has been awarded an education grant, bursary or scholarship under subsection (5), it may award additional education grant or bursary to the applicant to meet the remaining fees deficit.

Provided that the committee may give priority to applicants who have not received any education grant, bursary or scholarship from any source.

24. The committee shall verify all the information provided by the applicant, and may—

Verification of information.

- (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 committee.

25. (1) The committee shall submit the list of recommended beneficiaries and minutes of the proceedings to the board for final approval and preparation of payment for the education grant, bursary or scholarship awarded.

Disbursement.

(2) Where an applicant who is not eligible under this Act is recommended for an award of an education grant, bursary or scholarship by the committee, the board may cancel the grant, bursary or scholarship, and refer the matter back to the committee with reasons for the said cancellation.

(3) The board shall submit the final list of beneficiaries to the County Treasury for approval through the Executive for Education.

(4) After approval in (3) the board shall make payments in favour of, and directly to, the designated educational institutions in which the eligible students are enrolled, and there shall be no payment to any eligible students or their parents directly.

(5) The board shall ensure that all the payments are processed—

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

26. The monies disbursed for an education grant, bursary or scholarship may be applied towards any or all of the following uses depending on each eligible student's needs and any guidelines prescribed by the board—

Application of Disbursed Funds.

- (a) the tuition fees in the designated educational institution in which the eligible student is registered;

- (b) the cost of books and other course-related supplies; and
- (c) the cost of school uniform; and
- (d) where the eligible student is enrolled in a designated educational institution outside the Ward in which he or she is resident and is required to board in such institution, the cost of boarding and lodging of the eligible student in the designated educational institution, and necessary supplies in reasonable quantities, for such student as prescribed by the designated educational institution.

27. (1) A person who is aggrieved by the decision of the committee may appeal to the board. Appeals.

(2) The board may uphold the decision of the committee, or make further recommendations to the committee within fourteen days after receiving an appeal under subsection (1).

28. (1) The committee shall publish the list of beneficiaries in— Publication list of beneficiaries.

- (a) the office of the Ward Administrator;
- (b) the office of the Member of County Assembly;
- (c) the office of the officer-in-charge of education in the Ward;
- (d) the office of the National Government officer responsible for co-ordination of National Government functions in the Ward; and
- (e) such other place as the board may determine.

(2) The committee shall ensure that list of beneficiaries is accessible to the public.

(3) The committee shall convene a public forum for all the applicants awarded an education grant, bursary or scholarship in each financial year and education stakeholders in the Ward, in order to inform them on the successful eligible students for the respective financial year.

29. The County Government and the board may collaborate, consult or enter into partnership with other County Governments, public entities or private entities for the purposes of implementing this Act. Partnership.

30. (1) The board may convene an annual forum for all successful eligible students and their parents or guardians who are beneficiaries of the education grant, bursary or scholarship under this Act.

Annual forum.

(2) The annual forum shall provide a platform for reviewing and evaluating the education grant, bursary award or scholarship scheme established under this Act.

31. The board may establish a mentorship and leadership empowerment program for students supported under this Act.

Mentorship.

PART VI—FINANCIAL PROVISIONS OF THE FUND AND ITS ADMINISTRATION

32. (1) The board shall open a bank account of the Fund and such other accounts of the board in accordance with section 119 of the Public Finance Management Act, 2012.

Bank account.

(2) The signatories to the bank accounts maintained under subsection (1) shall be the secretary to the board, Fund manager and two other persons appointed by the board with the approval of the Executive Committee Member.

(3) The signing instructions shall be such that the signature of the secretary to the board shall be mandatory on all payment cheques or other instrument intended for actual release of money from the fund, in addition any one of the other three signatories.

33. The financial year of the Fund shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year.

Financial year.

34. (1) At least three months before the commencement of each financial year, the board through the secretary and Fund Manager shall cause to be prepared estimates of the revenue and expenditure of the board, committees and the Fund for that year.

Estimates of income and expenditure.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the board, committees and the Fund for the relevant financial year and shall provide for—

- (a) the grant of bursaries to qualifying students;

- (b) the cost of the administration and operations of the board and committees, including payment of salaries, allowances, pensions, gratuities and other charges payable to the staff and members of the board and committees; and
 - (c) the payment and reimbursement of members of the board and committees of monies in respect of expenses incurred during the attendance of the meetings.
- (3) The financial estimates referred to under subsection (1) and (2) shall—
- (a) differentiate between recurrent and disbursement expenditure; and
 - (b) itemize every activity that the board intends to undertake in respect of the Fund in the coming financial year under a separate vote head.
- (4) The annual estimates shall be approved by the board two months before the commencement of the financial year to which they relate and shall be submitted to the County Executive Committee through the County Executive Committee Member for Education, for tabling in the County Assembly for its approval.
- (5) No expenditure shall be incurred by the board except in accordance with the annual estimates approved under subsection (4).
- (6) Upon the approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund and the board shall be paid into the relevant accounts established under section 32.

35. (1) The board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the board and the Fund.

Accounts and audit.

(2) Within a period of three months after the end of each financial year, the board shall submit to the Auditor-General the accounts prepared under subsection (1) in respect of that year together with a statement of—

- (a) the income and expenditure of the board during that year;

- (b) the income and expenditure of the Fund and
- (c) the assets and liabilities of the board on the last day of that financial year.

(3) The annual accounts referred to under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act.

(4) The board shall present the financial statements of the Fund to the County Assembly within a period of three months after the end of each financial year in accordance with section 116(7) of the Public Finance Management Act, 2012.

PART VII—MISCELLANEOUS

36. (1) The board may establish a scholarship scheme for persons who are eligible for education grant or bursary under this Act.

Scholarship scheme.

37. (1) The board may through the County Public Service board appoint such qualified officers and staff as are necessary for the proper functioning of the board and management of the Fund and upon terms and conditions that the board may determine.

Officers and Staff of the board.

(2) A management structure of the board shall be developed, established and where necessary varied by the board with the approval of the County Assembly before implementation.

38. (1) The Chairperson and members of the board or committees, may be paid such allowances and other benefits as the County Executive Committee, with the approval of the County Assembly and on the advice of the Salaries and Remuneration Commission, shall determine.

Remuneration of members and staff.

39. (1) The board shall, within a period of three months after the end of each financial year or within such longer period as the Executive Committee Member may approve in writing, submit to the Executive Committee Member a report of the operations of the Fund and the board during that year.

Annual Report and Publication.

(2) The board shall, after submission of the report to the Executive Committee Member, publish the report, in the County Gazette and in at least one newspaper of wide circulation in the county.

(3) The Executive Committee Member shall lay the reports before the County Assembly, including the balance sheet and the statements of accounts, within a period of fourteen days of the receipt of the reports and statements, or, if the County Assembly is not sitting, within fourteen days of the commencement of its next sitting.

40. No act, matter or thing done or omitted to be done by—

Protection from personal liability.

- (a) any member of the board or its committee;
- (b) any member of staff or other person in the service of the board; or any person acting under the direction of the board;
- (c) shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or direction, render that member or person personally liable to any civil liability.

41. (1) The Executive Member may make Regulations generally for the better carrying out of the objects of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) provide for the scope and manner of the scholarship scheme;
- (b) prescribe additional guidelines regarding education grant or bursary awards;
- (c) prescribe the relevant forms .

(3) Pursuant to Article 94(6) of the Constitution, the Authority delegated to the Executive Member in this section shall be exercised only for the purpose and intent specified in this section and in accordance with the principles and standards set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEES

1. A member of the committee may —

Vacation of office.

- (a) at any time resign from office by notice in writing to the Executive Member for Education through the secretary;
- (b) be removed from office by the Executive Member for Education, if the person —
 - (i) has been absent for three consecutive meetings of the committee without the permission of the Chairperson;
 - (ii) is convicted of a criminal offence, and sentenced to imprisonment;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is adjudged bankrupt, or enters into a composition scheme of arrangement with his or her creditors;
 - (v) is incapacitated by prolonged physical or mental illness, or is deemed otherwise unfit to discharge his or her duties as a member of the committee; or
 - (vi) fails to comply with any of the provisions of this Act.

2. (1) The committee shall meet not less than three times 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.

Meetings.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least four members shall, convene a special meeting of the committee at any time for the transaction of the business of the committee.

(3) Unless three quarters of the total members of the committee otherwise agree, at least fourteen days' written notice of every meeting of the committee shall be given to every member of the committee.

(4) The quorum for the conduct of the business of the committee shall be five members including the Chairperson or the person presiding.

(5) The chairperson shall preside at every meeting of the committee at which he or she is present but, in his or her absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the committee shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the committee shall be invalid by reason only of a vacancy among the members thereof.

3. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the committee, and is present at a meeting of the committee at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the contract or matter:

Conflict of interest.

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the committee may permit the member to participate in the deliberations subject to such restrictions as it may impose, but such member shall not have the right to vote on the matter in question.

(2) A member of the committee shall be considered to have a conflict of interest for the purposes of this Act if he or she acquires any pecuniary or other interest that could conflict with the proper performance of his or her duties as a member of the committee.

(3) Where the committee becomes aware that a member has a conflict of interest in relation to any matter before the committee, the committee shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the Chairperson has a conflict of interest he or she shall, in addition to complying with the other provisions of this section, disclose the conflict in writing to the Executive Member.

(5) Upon the committee becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the committee, and the member with the conflict of interest shall not vote on this determination.

5. Within six months of the commencement of this Act, the committee shall adopt a code of conduct prescribing standards of behaviour to be observed by the members and staff of the committee in the performance of their duties.

Code of conduct.

6. The committee shall cause minutes of all resolutions and proceedings of meetings of the committee to be entered in books kept for that purpose.

Minutes.