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THARAKA NITHI COUNTY ACTS, 2014

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THARAKA NITHI COUNTY BURSARIES FUND ACT, 2014

No. 3A of 2014

Date of Assent: 2nd May, 2014

Date of Commencement: 23rd May, 2014

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THARAKA NITHI COUNTY BURSARIES FUND ACT, 2014

AN ACT of Tharaka Nithi 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 Tharaka Nithi as follows—

PART I — PRELIMINARY**Short title and Commencement**

1. This Act may be cited as the Tharaka Nithi Bursaries Fund Act, 2014

Interpretation

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

"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 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 Tharaka Nithi County and admitted to a recognized educational institution in Kenya.

"ward office coordinator" means the office manager of the county assembly ward office.

Application

3. The provisions of this Act will apply to the Tharaka Nithi County.

Object and Purpose of the Act

4. The object and purpose of this Act is to establish a legislative framework to increase to the access to secondary schools education; Ensure students remain in secondary schools; Promote transition and completion; and reduce disparities and inequality in the provision of secondary school educations

**PART II—ESTABLISHMENT AND ADMINISTRATION OF THE
FUND**

Establishment of the Fund

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

- (a) monies appropriated by county assembly which amount shall not be less than 1.5 per centum of the county ordinary revenue and transfers received from the national government in accordance with article 202(1) and article 203(2) of the constitution.
- (b) comprise of any moneys accruing to or received by the Board from any other source;
- (c) disbursed by the county government through the Board to wards in the manner provided for by this Act; and
- (d) be managed and administered by the Board.

Sources of the Fund

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

- (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 incurred in connection with the administration of the Fund.

**PART III—ESTABLISHMENT AND FUNCTIONS OF THE
BOARD**

Establishment of the board

7.(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 –

- (a) suing and being sued;
- (b) 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, provided that the Board shall exercise the powers confirmed by this section for purposes only of performing enhancing, propagating and/or carrying out lawful functions and activities for realizing the objectives of the Board.

Members of the Board

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

- (a) Chairman;
- (b) Secretary; and
- (c) such other persons not more than three

(2) The members of the Board other than the Secretary and persons appointed under subsection 1(c) members shall hold office for a period of three consecutive years and may be eligible for re-appointment for another one term.

(3) The office of a member of the Board, the Secretary and persons appointed under subsection 1(c) 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
- (e) upon his death.

(4) 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.

(5) All members of this board shall take office upon swearing the appropriate oath prescribed in Schedule one(1)

The secretary to the Board

9. (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.

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

(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.

Functions of the Board

10. The functions of the Board shall be—

- (a) to formulate sound policies for regulating the management of the Fund;
- (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) the board through the secretary shall forward to the County Assembly an annual report on the administration of the fund.
- (h) to consider and entertain appeals from the Committee and any other body or person; and
- (i) to perform and exercise all other functions and powers conferred on the Board by this Act.

Meetings of the Board

11. (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.

(2) The Board shall meet at least, three times per year but the Chairman 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 Chairman 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.

Delegation

12. 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

Establishment of Committees

13. There is established Ward Bursaries Committee in each Ward

Members of the Committee

14. (1) The Committee shall consist of—

- (a) Ward Administrator who shall be the Chairperson;
- (b) Ward Office Co-ordinator who shall be the Secretary;
- (c) A person representing religious community;
- (d) Additional three members of the community, bearing into consideration gender balance, representation of the youth and persons with disability.

(2) The elected Ward Member of County Assembly shall be the Patron of the Committee.

(3) The persons under subsection (1) (b) –(d) shall be appointed by the Governor and with the approval of the County Assembly.

(4) The members of the Committee other than the Ward Office Co-ordinator and the Patron shall hold office for a period of three consecutive years and may be eligible for re-appointment for another one term.

(5) The office of a member of the Board, other than the Ward Office Co-ordinator and the Patron 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
- (e) upon his death.

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

Ward Office Co-ordinator

15. (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.

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

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

Functions of the Committee

16. 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;
- (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.

Committee Meetings

17.(1) The Chairperson 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, 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 an original and a casting vote.

(5) The Ward 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

Application for bursaries

18. (1) Every student wishing to be considered for the grant of bursary shall make an application to the Committee in a prescribed form to be prepared by the Bursaries Management Board.

(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 within two weeks upon making the decision.

Appeal to the Board

19. Any applicant aggrieved by the decision of the Committee may appeal to the Board within thirty days of the Committee's decision and the Board shall deliver a determination on the same within twenty one (21) days.

PART VI— ADMINISTRATION AND FINANCE**Officers and Staff of the Board**

20. (1) The staff of the board shall be seconded from the county government 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.

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

Bank Accounts

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

(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.

Income and Expenditure

22. (1) The Board shall submit to the Executive Committee Member an estimate of its income and expenditure as specified in the budget cycle 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—

- (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 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).

(4) The chairperson and members of the office, other than the ex-officio members, shall be paid such salary, allowances and benefits as the County Executive Committee shall, with the approval of the County

Assembly and on the advice of the salaries and remuneration commission determine.

Books and Accounts

23. (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.

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

PART VII—MISCELLANEOUS

Rules and Regulations

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

SCHEDULE ONE (1)

OATH/AFFIRMATION OF OFFICE

Oath/Affirmation of Member of the Board

I having been appointed as Chairperson/Vice Chairperson/Member of the Bursaries Management Board do swear/solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill-will discharge the functions of the office of Chairperson/Vice-Chairperson/Member of the Bursaries Management Board, and that I will not, directly or indirectly, reveal any matter relating to such function to unauthorised persons or otherwise than in the course of my duty.

SO HELP ME GOD.

Sworn/Declared by the said

before me this day of

Chairperson/Secretary

Bursaries Management Board

Oath of Confidentiality

I having been appointed as Chairperson/Vice Chairperson/Member of the Bursaries Management Board do swear/solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill-will discharge the functions of the office of Chairperson/Vice-

Chairperson/Member of the Bursaries Management Board, and that I will not, directly or indirectly, reveal any matter relating to such function to unauthorised persons or otherwise than in the course of my duty.

SO HELP ME GOD.

Sworn/Declared by the said

before me this day of

Chairperson/Secretary

Bursaries Management Board

Oath/Affirmation of Officer of the Board

I being called upon to exercise the functions of secretary Officer/[other] of the Bursaries Management Board, do swear/solemnly and sincerely declare and affirm that I will not, directly or indirectly, reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as an officer of the Board.

SO HELP ME GOD.

Sworn/Declared by the said

before me this day of

Chairperson/Secretary

Bursaries Management Board