

**SPECIAL ISSUE**

Baringo County Gazette Supplement No. 5

2nd May, 2014

(Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

**THE PUBLIC FINANCE MANAGEMENT ACT**

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 116 of the Public Finance Management Act, 2012, the County Executive Member for Finance, Baringo County Government, hereby makes the following Regulation—

**THE PUBLIC FINANCE MANAGEMENT (BARINGO COUNTY EDUCATION BURSARY FUND) REGULATIONS, 2014**

1. These Regulations may be cited as the Public Finance Management (Baringo County Education Bursary Fund) Regulations, 2014.

Citation

2. In these Regulations, unless the context otherwise requires—

Interpretation

"Board" means the County Education Bursary Fund Board established under regulation 7 (1);

"Chairperson" means the Chairperson of the Board;

"Ward" means an electoral unit within a constituency delimited in accordance with Article 89 of the constitution or the Elections Act, 2011;

"Committee" means the Ward Education Fund Committee established under 14 (1)

"Fund" means the Bursary Fund established under regulation 3;

"County Assembly" means a County Assembly of Baringo established under Article 176 of the Constitution;

"County Assembly Member" means a member of Baringo County Assembly elected or nominated in accordance with Article 177(1) of the Constitution;

"County Chief Officer" means a County Chief Officer of Baringo appointed under section 45 of the County Governments Act;

"County Executive Member" means a member of the County Executive Committee of Baringo established in accordance with Article 176 of the Constitution;

No. 17 of 2012

"County Government" means the County Government of Baringo provided for under Article 176 of the constitution;

3. There is established a Fund to be known as Baringo County

Establishment of the

Education Bursary Fund.	Fund
4. (1) The overall objective of the Fund is to provide financial support to needy but bright students and vocational trainees from Baringo County.	Objectives and purpose of the Fund
(2) Without prejudice to the generality of sub-regulation (1) the objectives of the Fund include;	
<ul style="list-style-type: none"> <li>a) the enhancement of equitable access to skills and opportunities for the youth of Baringo County;</li> <li>b) assisting students and trainees from needy and disadvantaged backgrounds to obtain Education;</li> <li>c) helping students to continue in education and training where financial barriers are evident;</li> <li>d) providing mentorship program for beneficiaries of the fund; and</li> <li>e) ensuring that students are retained in school after enrolment thus equalizing educational opportunities through bursary subsidies among children from poor households.</li> </ul>	
5. (1) The initial capital of the Fund shall consist of thirty Million Kenya Shillings million appropriated by the County Assembly in the Appropriation Act, 2013.	Initial Capital and other resources of the Fund
(2) Other resources of the Fund shall consist of—	
<ul style="list-style-type: none"> <li>(a) any other monies allocated by the County Government and approved by the County Assembly from time to time;</li> <li>(b) <i>all</i> other sums of money that may, in any manner, become payable to or vested in the Fund including grants and donations.</li> </ul>	
6. Subject to regulation 7 (2) the Board may appoint a financial institution to administer the Fund on its behalf.	Financial Institution
7. (1) The fund shall be managed by a Board to be referred to as the Baringo County Education Bursary Board.	Management and Administration of the Fund
(2) The Board shall consist of the following ten members—	
<ul style="list-style-type: none"> <li>a) the Executive Committee Member for Education who shall be the chairperson;</li> <li>b) the County Chief Officer in charge of finance who shall be the financial advisor;</li> <li>c) the County Chief Officer for Education;</li> <li>d) four persons appointed by the Governor to represent members of the public;</li> <li>e) the County Director of Education;</li> <li>f) the County KESSHA Chairman; and</li> </ul>	

g) Director, Youth Training

(3) The County Executive Committee (CEC) member for finance shall designate a person responsible for administering the Fund in accordance with section 116(2) of the Act.

(4) The administrator designated in (2) above shall be the Secretary of the Board.

(5) For effective administration of the Fund, the Board may organize itself into committees.

8. (1) The Board shall be responsible for the general Management of the Fund and as such shall—

Functions of the Board

- a) ensure timely and efficient disbursement of funds to the identified needy students;
- b) ensure efficient management of the Fund;
- c) receive and discuss annual reports and returns from the wards;
- d) ensure the compilation of proper records, returns and reports from the wards;
- e) receive and address complaints and disputes and take any appropriate action in consultation with the ward bursary committee;
- f) approve the funding of needy students in accordance with the relevant policy and send funds to the respective institutions' accounts of the approved beneficiaries;
- g) oversee the policy framework and matters that may arise in relation to the Fund;
- h) continually review the framework set out for the efficient management of the Fund;
- i) make reports, other than the statutory report, to appraise the County Assembly on various matters relating to the Fund and seek various approvals as required by the Act.

(2) The Board shall ensure that the list of beneficiaries forwarded to it by each ward is, upon approval, funded in accordance with these regulations.

(3) The Board May Perform such other duties as may be necessary, from time to time, for the proper management of the Fund.

9. The appointed members of the Board shall hold office for a period of five years or until new Members of the Board are appointed on such terms and conditions as may be specified in the instrument of appointment,

Tenure of the Board

10. A member of the Board may—

Vacation of Office

- a) resign from office;
- b) be removed from office by the Governor on

recommendation of the Board if the member—

- i. has been absent from three consecutive meetings of the Board without its permission;
- ii. is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
- iii. is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
- iv. is otherwise unable or unfit to discharge his functions.

11. The Board shall meet not less than six and not more than twenty times in every financial year and in any case not more than two months shall elapse between the date of one meeting and the date of the next meeting.

Conduct  
Business by the  
Board

(2) Unless at least three members of the Board otherwise agree, at least seven days' written notice of every meeting of the Board shall be given to every member of the Board.

(3) The quorum for the conduct of the business of the Board shall be five members.

(4) The Chairperson shall preside at every meeting of the Board and the chairperson may appoint a member to preside in the absence of the chairperson and the person so appointed shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

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

12. The administrator of the Fund shall be responsible for maintenance of proper books of accounts and the preparation of annual financial statements which shall include but not limited to the following—

Proper books of  
accounts

- (a) income and expenditure account;
- (b) statement of financial position;
- (c) statement of cash flows.

(2) The administrator of the Fund shall ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

(3) The administrator of the Fund shall cause to be prepared quarterly returns to be submitted to County Executive Member responsible for finance the county Assembly and the Board on or before the tenth day after the end of each quarter.

(4) The returns referred to in sub-regulation (3) shall include but

not limited to—

- a) a summary of the beneficiaries received from the wards in the preceding disbursement and indicating the approval status of the disbursements;
- b) a summary of the status of disbursements of funds to the wards for that preceding disbursement.
- c) a summary of the status of disbursements from the county government; and
- d) any restriction imposed on any ward bursary committee in accordance with these regulations.

13. The annual financial statements of the Fund shall be subject to audit by the Auditor-General.

Audit of books of account and financial statements

14. There shall be established a Ward Bursary Committee in every electoral Ward consisting of—

Ward Bursary Committees

- (a) the County Assembly member for the Ward who shall be the patron and an ex officio;
- (b) the ward Administrator who shall be the Secretary;
- (c) two women appointed by County Executive Member for Education in consultation with the patron;
- (d) two men appointed by the County Executive Committee Member for Education in consultation with the patron;
- (e) one person with disability nominated by persons with disabilities in the ward;
- (f) one youth appointed by the County Executive Committee Member for Education in consultation with the patron;
- (g) one person nominated from among the active religious groups in the Ward; and
- (h) One Chief in the Ward.

(2) The Committee shall elect a chairperson and vice chairperson from among themselves and the chairperson and the vice chairperson shall not be of the same gender.

(3) The quorum of the Committee shall be five members.

(4) The term of office of the members of the ward bursary Committee shall be two years but shall be renewable and shall come to an end upon the appointment of a new ward bursary Committee in a manner provided for in this regulations.

(5) The ward administrator shall be the custodian of all records of the Committee.

(6) Whenever a vacancy occurs in the Committee by reason of resignation, incapacitation or demise of a member, the vacancy shall be filled from the same category of persons where the vacancy has occurred.

(7) The ward bursary Committee shall meet at least two times in a year and not more than six times in every financial year including public forum meetings.

(8) A member of the committee may be removed from office on any one or more of the following grounds-

- (a) lack of integrity;
- (b) gross misconduct;
- (c) embezzlement of public funds;
- (d) bringing the image of the Committee into disrepute through unbecoming personal public conduct;
- (e) promoting unethical practices;
- (f) causing disharmony within the Committee;
- (g) physical or mental infirmity;
- (h) corruption;
- (i) tribalism, nepotism and cronyism

15. (1) Beneficiaries under this Fund shall be students in secondary Schools and trainees in Vocational Training institutions including Technical Institutions.

Eligibility for  
Bursary Funds

(2) All beneficiaries shall be vetted through a transparent, democratic, equitable and fair process that is Community- based in order to ensure that prospective benefits of the fund are available to a widespread cross-section of needy students in Baringo County.

16. The County Executive Committee member for education shall for each financial year allocate funds to each Ward which allocation shall be approved by the County Assembly.

Allocation of Funds

(2) Once funds are allocated for a particular beneficiary, they shall remain allocated for that beneficiary and may only be re-allocated to another beneficiary during the financial year with the approval of the Board and if for any reason money allocated to particular beneficiary is cancelled or discontinued during the financial year, funds allocated for such a person shall be returned to the Fund for the Committee to identify a beneficiary.

(3) A portion of the Fund, equivalent to five per centum referred to as the "Emergency Reserve" shall remain unallocated and shall be available for emergencies that may occur within the County. The Board shall determine the allocation of the emergency reserve in accordance with the policy.

(4) "Emergency" shall be construed to mean an urgent, unforeseen bursary need for which it is in the opinion of the Board that it cannot be delayed until the next disbursement without harming the interest of the beneficiary.

(5) For each disbursement, the Board shall set aside a sum of Three per centum of the total allocation to cater for the administration

expenses of the fund. The sum set aside under this regulation shall be properly accounted for and proper books of accounts kept and returns made to the Board on how the sum has been used.

17. Awarded bursary shall be paid directly to the institutions bank account and acknowledged in writing for formal receipts to be issued to the beneficiaries and to the Bursary Board for accounting purposes.

Procedure for administration of Fund

(2) Application for Bursary form must be filled appropriately and submitted to the Ward Bursary Committee.

(3) The identification, vetting and award of bursary to the needy students in each Ward is the responsibility of the Ward Bursary Committee to be exercised in accordance with the provisions of these regulations.

(4) The list for each ward shall be numbered by the ward bursary committee and the serial numbers of all beneficiaries in a ward shall bear the name of the sub county, the ward, the village, the name of the beneficiary and the parents/guardians in order to ensure equity in disbursement.

18. A member who has an interest in any matter present at a meeting, shall as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of interest

(2) A disclosure of interest made under paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

19. The County Executive Committee member for Finance may, with the approval of the County Assembly, amend the regulations generally for the proper carrying out of the purposes and provisions of these regulations and in particular, may make provisions:—

Power to amend Regulations

Made on the 24th April, 2014.

**Hon. GEOFFREY BARTENGE**

*County Executive Committee Member for Treasury and Economic Planning Baringo County Government*

FIRST SCHEDULE Reg. 17 (2)

BARINGO EDUCATION BURSARY FUND APPLICATION FORM

SECTION A: STUDENTS PERSONAL INFORMATION

FULL NAME OF APPLICANT: -----

(As they appear in institutional admission register)

GENDER: MALE

: FEMALE

Date of Birth. \_\_\_\_\_ Birth Certificate No \_\_\_\_\_

Reg/Adm NO \_\_\_\_\_

ID NO :( where applicable) \_\_\_\_\_ Village \_\_\_\_\_ Sub

Location \_\_\_\_\_ Location \_\_\_\_\_

Ward \_\_\_\_\_ Sub - County \_\_\_\_\_

STATUS: Normal / Physically Challenged (Tick where applicable)

State category [P.H], [M.H], [V.I], [H.I], [any other] (Tick where applicable)

SECTION B: INSTITUTIONAL INFORMATION

For those joining Form One

1.Name of Primary School Attended-----

Year: from

2.(a) School admitted ( Please attach Joining Instructions)

National  District

(b) Former Primary School Head teacher

(i) Student/Pupil conduct:

Excellent  Good  Good  poor

(ii) KCPE Marks attained -----

(iii) Name of School attended-----

I declare that to the best of my knowledge the above information is true/or the applicant to attach a copy of certified school leaving certificate.

Name: -----

Signature Date & School Stamp Mobile No.

Name of the School/training Institution/College-----

Postal Address----- Tel/Mobile No: -----

Physical Address: -----

For continuing students

Name of School/ College-----

Postal Address----- Telephone-----

Level of Training (Tick where applicable)

Certificate Diploma Degree

Course: -----

Adm/Reg. No: -----

Duration of the Course -----

Year of Admission: -----



SECTION C: FAMILY INFORMATION

Parent/Guardian Name: -----

Occupation-----

What is your Parental status? Both Parents Alive | |
Single Parent [ ]
Orphan | |
Partial orpha. [ |
Any disability [ ]

(Tick as Appropriate)

NB: For orphaned/disabled attach documentary evidence (death certificate, letter of registered disabled persons, letter from the chief, religious leaders etc)

Who pays your School/Institutional/College fees?

Annual fees payable Kshs. -----

Amount paid Kshs. -----

Outstanding Balance Kshs. -----

(Attach Relevant documentary evidence from the School/Institute/College)

How many brothers and sisters do you have?

Sisters [ ] Brothers [ ] Total [ ]

How many attend School-----

Have you ever benefited from any other Bursary fund?

Yes [ ] No [ ]

If Yes state the amount and the donor Kshs.[ ]

INFORMATION ABOUT FAMILY FINANCIAL STATUS

I)Gross Income in the last 12 months in KSHS.

Table with 5 columns: INCOME, FATHER, MOTHER, GUARDIAN/SPONSOR, TOTAL. Row 1: Gross Income

II)Applicants siblings in Educational Institutions

Table with 7 columns: SIBLINGS NAME/GUARDIAN'S CHILDREN, NAME OF INSTITUTION, YEAR OF STUDY/CLASS, TOTAL FEES, FEES PAID, OUT-STANDING BALANCE

--	--	--	--	--	--

COMMENT FROM CHIEF/ASSISTANT CHIEF  
 Comment on the status of the family/Parents

I certify that the information given above is correct

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Official Stamp:

COMMENTS FROM RELIGIOUS LEADERS  
 Comment on the family/parents/guardians status

I certify that the information given above is correct

Name: \_\_\_\_\_ Signature \_\_\_\_\_

Date \_\_\_\_\_

Position \_\_\_\_\_ in \_\_\_\_\_ the \_\_\_\_\_ Church/Mosque

Official Stamp

Signature

(Pastor, Reverend or Kadhi)

#### SECTION D: DECLARATION

##### 1. STUDENT DECLARATION

I declare to the best of my knowledge the information given here is true

Student's signature \_\_\_\_\_ Date \_\_\_\_\_

##### 2. PARENT/GUARDIAN 'S DECLARATION

I declare that I have read this form/this form has been read to me and I hereby confirm that information given herein is true to the best of my knowledge.

Parent's/Guardian's Name \_\_\_\_\_ Signature \_\_\_\_\_

Date \_\_\_\_\_

##### 3. INSTITUTIONAL VERIFICATION

For continuing students Trainees

Year \_\_\_\_\_ Position in class/Course \_\_\_\_\_

Out of \_\_\_\_\_

Term 1 \_\_\_\_\_ Term 2 \_\_\_\_\_ Term 3 \_\_\_\_\_

(Attach transcripts and academic report forms)

Student's Discipline:

Excellent [ ] Very Good [ ] Good [ ] Fair [ ] Near Average [ ]

Head of Institution brief comments on student's level of need, discipline and capabilities

I declare that the above named student in this institution deserves assistance/not deserve assistance

Manager's/Principal's Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Official Stamp \_\_\_\_\_

**PART E: FOR OFFICIAL USE ONLY BY WARD BURSARY COMMITTEE**

Score [ ]

Approved for Bursary [ ]

Not approved for Bursary [ ]

Reason \_\_\_\_\_

Bursary awarded Kshs. \_\_\_\_\_

Chairman Name: \_\_\_\_\_ Signature \_\_\_\_\_

Date: \_\_\_\_\_

Official Stamp: \_\_\_\_\_

Secretary Name \_\_\_\_\_ Signature \_\_\_\_\_

Date \_\_\_\_\_

Official Stamp: \_\_\_\_\_

**SECOND SCHEDULE Reg. 17 (4)**

**WARD BURSARY SUBMISSION FORM**

Constituency name..... Ward Name..... Financial year .....

Chairman WBC Committee.....

Signature.....

Date.....

SR/NO	Name of beneficiary	Amount allocated	School/ Institution	Category of institution	Name of parent/ Guardian	Village	Remarks
<b>Total for the financial year</b>							



LEGAL NOTICE NO. 2

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 116 of the Public Finance Management Act, 2012, the County Executive Member for Finance, Baringo County Government, hereby makes the following Regulation:—

THE PUBLIC FINANCE MANAGEMENT (BARINGO COUNTY ASSEMBLY (MEMBERS) CAR LOAN SCHEME FUND) REGULATIONS, 2014

1. These Regulations may be cited as the Public Finance Management (Baringo County Assembly (Members) Car Loan Scheme Fund) Regulations, 2014.

Citation

2. In these Regulations, unless the context otherwise requires—

Interpretation

‘*Applicant*’ means a Member of Baringo County Assembly elected or nominated pursuant to Article 177(1) of the constitution.

“Board” means the County Assembly Service Board established under section 12 of the County Governments Act, 2012.

No. 17 of 2012

“Financial year” means the period of twelve months ending on the 30th June in each year;

‘*Borrower*’ means a person in receipt of a car loan and or mortgage out of the fund

‘*Committee*’ means the Loan Management Committee established under these Regulations;

“Officer administering the Fund” means the Administrator appointed under regulation 8.

“Government” means the Baringo County Government.

‘*Member of the County Assembly*’ means a member elected or nominated in accordance with Article 177(1) of the Constitution;

“*Executive Committee member*” means the County Executive Committee member responsible for Finance;

“hire purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee;

3. (1) There is hereby established a Fund to be known as The Baringo County Assembly (Members) Car Loan Scheme Fund.

Establishment of the Fund

4. The object and purpose of the Fund shall be to provide a loan scheme for the purchase of motor vehicles by members of the County Assembly as is prescribed by the Salaries and Remuneration Commission in their letter dated 27th November 2013.

Object and purpose of the Fund

5 (1) The initial capital of the Fund shall consist of monies appropriated by the County Assembly in the Supplementary Appropriation Act of 6th March 2014. Initial Capital and other resources of the Fund

(2) Other resources of the Fund shall consist of—

- (a) all sums of money received by or falling due to the Fund in respect of loans made therefrom and the interest on those loans;
- (b) any amounts that may from time to time be allocated by Government and appropriated by the County Assembly
- (c) all sums of money borrowed by the Committee with the approval of the County Assembly subject to provisions of section 142 of Public Finance Management Act for the purpose of exercising any of its functions or discharging any of its obligations;
- (d) all sums of money earned by or arising from investment made in respect of the Fund;
- (e) all other sums of money that may in any manner become payable to or vested in the Fund including gifts, grants, wills and donations.

6. The Committee shall appoint a financial institution to administer the Fund on its behalf.

Financial institution

7. There is established a committee to be known as the Loans Management Committee, which shall consist of:

The Loans Management Committee

- (a) The Speaker of the County Assembly who shall be the Chairperson to the committee.
- (b) Leader of Majority Party to the County Assembly.
- (c) Leader of Minority Party to the County Assembly.
- (d) Administrator of the Fund who shall be the Secretary of the committee appointed under regulation 8.
- (e) One person appointed to the County Assembly Service Board under section 12 (3) (d) of the County Government Act (2012).
- (f) Two Members elected by members of the County Assembly, one representing either gender.
- (g) The County Assembly Head of Finance. (Ex – officio member)
- (h) The County Assembly Legal Officer. (Ex – Officio Member)
- (i) The County Chief Officer, Treasury and Economic Planning or his/her representative (Ex – Officio Member)

(2) The officer administering the Fund designated under Regulation 8 shall be an ex-officio member of the Committee and the

secretary to the Committee.

(3) The meetings of the Committee shall be convened by the chairperson or in the absence of the chairperson, by a member designated by the chairperson and shall be convened at such times as may be necessary for the discharge of the Committee's functions.

(4) The quorum for a meeting of the Committee shall be chairperson and any other three members.

(5) The Committee may organize itself into sub-committees for purposes of effective administration of the Fund.

8. The County Executive Committee Member for finance shall designate a person responsible for administering of the Fund in accordance with section 116(2) of Act, 2012 with the approval of the County Assembly.

Administration of  
the Fund

(2) The officer administering the Fund—

- (a) shall supervise and control the administration of the Fund.
- (b) may impose conditions on the use of any moneys in the Fund and may also impose any reasonable restriction or other requirement concerning such use;
- (c) shall cause to be kept proper books of accounts and other books and records in relation to the Fund and for all loans financed from the Fund.
- (d) shall prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the CEC member may from time to time direct in accordance with Public Finance Management Act;
- (e) shall cause the safe keeping of log-books for all motor vehicles acquired under the Fund.
- (f) shall furnish such additional information as he may deem to be proper and sufficient for the purpose of examination and audit by the Auditor-General.

(3) In order to effectively administer the Fund, the Officer Administering the Fund may request the Committee to hire staff for the Fund. The terms and conditions of service of staff shall be determined by the Committee and their salaries, wages and other expenses shall be a charge on the Fund.

9. A member of the Assembly who wishes to apply for a loan from the Fund shall present to the officer administering the Fund a duly completed purchase proposal in such a form as the Committee may prescribe in consultation with the Financial Institution appointed in Regulation 6.

Operation of the  
Fund

(2) The officer administering the Fund shall satisfy himself of the applicant's financial status and capacity to repay the loan applied for and where so satisfied shall forward the application to the Committee for consideration.

(3) If the Committee approves the application, the applicant shall enter into a hire purchase agreement in the prescribed form.

(4) All decisions of the Committee shall be made through minuted resolutions.

10. A loan approved under regulation 9 shall be released from the Fund in such a manner, taking into account the security of the funds, as may be prescribed by the Committee.

(2) The log-book of a vehicle subject to a loan from the Fund shall be issued jointly between the Baringo County Government and the member of the Scheme and shall be kept in the custody of the officer administering the Fund until the Loan is repaid in full by the member of the Scheme.

11. (1) The officer administering the Fund shall be responsible for renewal of necessary licences.

Renewal of  
licences

(2) The cost incurred in paragraph (1) shall be borne by the borrower.

12. (1) The maximum loan amount that a member of the Scheme may receive shall be Kenya Shillings Two Million (Ksh. 2,000,000).

Loan amounts

(2) Notwithstanding the provisions of paragraph (1), no member of the Scheme shall receive a loan the repayment of which shall result in salary deductions exceeding two thirds of the monthly emoluments of the member of the Scheme.

(3) For the purposes of these Regulations, the value of the new motor vehicle shall be quoted on the invoice from the supplier where the value of a used motor vehicle shall be as determined by a report from a body known as the Automobile Association of Kenya or the Government department dealing with such matters.

13. (1) The repayment of the loan granted under these Regulations shall be made through a check-off system from the member's monthly emoluments. Loan check-off forms shall be prescribed by the Committee.

Repayment of  
loan

14. (1) The loan granted to a member of the Scheme under these Regulations, shall carry an interest rate of three per cent (3%) per annum in accordance with Salaries and Remuneration requirements.

Interest rate

(2) The interest charged under paragraph (1) shall be utilized to defray the administrative expenses of the Fund.

15. (1) A loan advanced under these Regulations shall be repaid in full over a maximum period of sixty (60) months or end of the member's term in Assembly whichever comes earlier.

Repayment period

16. (1) A member of the Scheme shall comprehensively insure

Insurance



any vehicle purchased through the Scheme.

(2) Where a member of the Scheme is unable to raise the funds required for the initial insurance premium, such funds may be advanced from the Fund subject to limit approved by the Committee, but subsequently annual premiums shall be paid by the member of the Scheme.

(3) A member of the Scheme who is unable to pay the subsequent annual premiums referred to in paragraph (2) may apply to the Committee for a loan from the Fund which shall be repaid within a period of one (1) year.

(4) Every loan granted under these Regulations shall be insured through an Insurance service provider competitively sourced by the Committee for the benefit of the member of the Scheme and the premium in respect thereof shall be debited to the account of the member.

17. Where a repayment of loan is not made in accordance with the terms and conditions in these Regulations, the sums of money due and owing to the Fund shall be recoverable by the Committee, without prejudice to any other remedy, in civil proceedings in the High Court.

Recovery of Loan

18. The responsibilities of the financial institution appointed under these regulations shall be—

Responsibilities of financial institution

- (a) to operate individual accounts for each borrower, which shall provide details of recoveries of loan;
- (b) to charge security on vehicles acquired through loans from the Fund to protect the interests of the Fund and act as custodian of such charges;
- (c) to disburse cheques for newly approved loans to various vendors, after the necessary documentation is completed by the Committee;
- (d) upon default, to call in the loan and on behalf of the Committee sell the charged property by public auction or private treaty, in which event the Fund shall meet any shortfall between the loan outstanding and the proceeds of the sale.

19. Upon full repayment of the loan, a signed loan discharge certificate in such form as may be prescribed by the Committee shall be issued to the member of the Scheme and a copy thereof shall be forwarded to the Registrar of Motor vehicles.

Loan discharge

(2) The loan discharge certificate shall release the member of the Scheme from any further financial obligation in respect of the loan and shall act as sufficient authority to remove caveat on the motor vehicle pursuant to regulation 9.

20. (1) The officer administering the Fund shall be responsible for maintenance of proper books of accounts and the preparation of annual financial statements which shall include but not limited to the

Proper books of accounts

following:-

- (a) income and expenditure account
- (b) statement of financial position
- (c) statement of cash flows

(2) The officer administering the Fund shall ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

(3) The officer administering the Fund shall cause to be prepared quarterly returns to be submitted to County Executive Member and the Committee on or before the tenth day after the end of the quarter.

21 The annual financial statements of the Fund shall be subject to audit by the Auditor-General.

Audit of books of account and financial statements  
Supplementary terms

22. (1) These Regulations shall be supplemented by such terms as may, from time to time, be detailed in the application form supplied by the Committee and in the contract between the financial institution and the Committee.

(2) Subject to these Regulations, the Committee shall issue guidelines on-

- (a) the criteria for approving and disbursing loans to borrowers; and
- (b) such other matters as may be necessary for the proper management and administration of the Fund.

23. The County Executive Committee member may, with the approval of the County Assembly, amend the regulations generally for the proper carrying out of the purposes and provisions of these regulations and in particular, may make provisions:—

Power to amend Regulations

(a) providing for the administration, management and investment of the resources of the Fund;

(b) requiring a member of the Scheme to whom a loan and is granted under these Regulations to furnish such information as may from time to time be required by the Committee;

(c) prescribing the basis on which a loan may be obtained;

(d) prescribing the procedure to be followed prior to the obtaining of a car loan and for payment of the amount due on a loan together with any interest thereon;

(e) prescribing anything which may be or is required to be prescribed under this regulation.

Made on the 24th April, 2014.

**GEOFFREY BARTENGE,**  
*The County Executive Committee Member for Treasury  
and Economic Planning Baringo County Government.*