LEGAL NOTICE NO. 1

THE NANDI COUNTY EDUCATION FUND ACT, 2016
(No. 1 of 2016)
THE NANDI COUNTY EDUCATION FUND REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

1 —Citation.
2 —Interpretation.
3 —Administration of the Fund.
4 —Appointment of the chairperson.
5 —Designation of County Education Officer to the Committee.
6 —Appointment of other committee members
7 —Term of office.
8 —Remuneration of the Committee.
9 —Application of the Fund.
10 —Eligibility criteria.
11 —Procedure for identification of beneficiaries.
12 —Disbursement procedure.
13 —Bank account.
14 —Government social responsibility projects.
15 —Administration of the revolving Fund.
16 —Monitoring and evaluation.
17 —Guidelines.
THE NANDI COUNTY EDUCATION FUND ACT, 2016
(No. 1 of 2016)

IN EXERCISE of the powers conferred by section 36 of the Nandi County Education Fund Act, 2016, the County Executive Committee Member in charge of Education, Research and Vocational Training makes the following Regulations—

THE NANDI COUNTY EDUCATION FUND REGULATIONS, 2017

Citation

1. These Regulations may be cited as the Nandi County Education Fund Regulations, 2017.

Interpretation

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

“access” means the right or opportunity to use or benefit from the Fund;

“affirmative action” means an action or policy favoring those who tend to suffer from discrimination, especially in relation to education;

“Board” means the Nandi County Public Service Board;

“Chief Officer” means the accounting officer for the time being responsible for matters relating education, research and vocational training;

“Committee” means the Nandi County Education Fund Committee established under Section 12 of the Act;

“community” means residents of a particular geographical area or region defined as county ward, location, sub-location or village and having common interests;

“County Executive Committee Member” means the County Executive Committee member for the time being responsible for matters relating to Education, Research and Vocational Training;

“County” means the County Government of Nandi;

“Department” means the County department relating to Education, Research and Vocational Training;

“education improvement” means the development, enhancement and progression of education;

“eligible person” means any person, who being a resident of Nandi County has met minimum entry requirements and has been admitted to a recognized institution of learning to complete a full course;

“equity” means the act of being fair and impartial in considering a matter;

“Fund” means the County Education Fund established under section 5 of the Act;

“higher education” means any course of education offered by an institution above the standard of Kenya Certificate of Secondary Education or any equivalent certificate approved by the County Government;

“Scholarship” means an award of financial aid to a student to further their education;
"tertiary education" means education provided for by polytechnics, colleges and universities;

"ward" means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution; and

"youth" means a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

Administration of the Fund

3.(1) The Fund shall be managed by the Committee.

(2) The Committee shall be responsible for the overall management of this Fund including—

(a) funds acquisition;
(b) disbursement;
(c) records keeping;
(d) complaint receipt and dispute resolution; and
(e) annual reporting.

(3) The County Executive Committee Member in charge of finance shall appoint an administrator to be responsible for administration of the Fund.

(4) The Fund Administrator shall be responsible to the Chief Officer in ensuring that—

(a) payment of the amount allocated to each beneficiary, upon receipt of a certified list of beneficiaries from the County Executive Committee Member;
(b) payment is made directly to the designated institution's account;
(c) no direct payments are made to beneficiaries;
(d) all payments are made in good time;
(e) Section 28 of the Act relating to application of disbursed funds is complied with;
(f) the minimum award rule under Section 30 of the Act is complied with; and
(g) any other related matter is dealt with in accordance with the Act.

(5) The County Assembly Committee on Education formed in accordance with the County Assembly standing orders shall play an oversight role in the management of the Fund.

Appointment of the chairperson

4.(1) The chairperson of this Committee shall be competitively sourced by the County Public Service Board in accordance with the following procedure—

(a) a notice inviting interested qualified members of the public to apply for the post of chairperson with the qualifications stated under Section 12 (3) of the Act shall be published;
(b) the applicants must be residents of the County;
(c) a list of the qualified applicants shall be published inviting the shortlisted candidates for interviews; and

(d) the Board shall then recommend three (3) suitably qualified candidates to the County Executive Member for appointment.

(2) The County Executive Committee Member shall appoint a qualified and experienced chairperson from among three (3) persons recommended by the Board.

Designation of the county education officer to the Committee.

5. The County Executive Committee Member shall designate a county education officer to form part of the membership of the Committee and such appointing power shall be discretionary, provided that the officer so appointed is not below the rank of a County Director of Education.

Appointment of other committee members

6.(1) A person representing each Sub–County shall be appointed to the Committee by the County Executive Committee Member as outlined by Section 12 (1) (c) of the Act.

(2) Identification of the members of the Committee referred to in sub-rule (1) shall be done at public barazas.

(3) The process of identification of the members of the Committee referred to in sub-rule (1) will be coordinated by the Sub-County Administrators in an open and transparent manner.

(4) The respective umbrella bodies of the three (3) organized groups referred to under Section 12 (1) (d) shall identify a person to be appointed as members of the Committee by the County Executive Committee Member.

(5) A person shall not qualify to be selected as a member under sub-rule (1) and (4) unless they hold a certificate in post-secondary education.

Term of office.

7. The term of office for members appointed under rules 4 and 6 sub-rule (1) and (4) shall be three (3) years, which shall be non–renewable.

Remuneration of the Committee

8.(1) The Committee shall be paid a sitting allowance whenever they have a meeting.

(2) The allowance rate shall be as per the guidelines set out by the Salaries and Remuneration Commission.

Application of the Fund.

9.(1) The funds allocated to the Nandi County Education Fund shall be shared as follows—

(a) At least 60% of these funds shall be used for functions under clause 6 (a) of the Act.

(b) At least 20% of these funds shall be used for functions under clause 6 (b) of the Act.
(c) Notwithstanding provisions of paragraph (a) and (b) above, not more than 20% of the total allocation of the Fund in a particular financial year will be used on the Nandi County Government Social Responsibility provision.

(2) The funds allocated to each ward under sub-rule (1) (a) above shall be shared out in the following manner—

(a) 30% shall be used towards supporting trainees enrolled in County Vocational training centres;

(b) 30% shall be used towards supporting Secondary education;

(c) 10% shall be used towards supporting learners with special needs; and

(d) 30% shall be used to supporting students in higher education learning institution.

Eligibility criteria.

10.(1) The beneficiaries of the Fund shall be in accordance with the provision of the Act and shall be as follows—

(a) Needy students enrolled in Vocational Training Centers, Secondary schools, special needs education and higher education institutions who will benefit from the Fund as bursaries;

(b) Needy students enrolled in higher educational institutions recognized by law will also benefit from the fund as conditional grants managed as a revolving fund which shall be administered as envisaged in the Third Schedule of the Act; and

(c) Any other person identified by the Committee under Nandi County Government Social Responsibility in education provision will benefit from bursaries, grants or scholarships.

(2) The beneficiaries in paragraphs (a), (b) and (c) of sub-rule (1) may be eligible for an award of bursary or sponsorship if they—

(a) emanate from the community;

(b) have parents or guardians who have been residents in the Ward or County for at least three (3) years;

(c) in the case of beneficiaries under paragraph (b) of sub-rule (1), the applicant should have been a resident in the Ward or County for at least three (3) years;

(d) be incapable of making payments of school fees; or

(e) are full-time students or an enrolled students at a learning institution.

Procedure for identification of beneficiaries.

11.(1) Identification of beneficiaries under the Act shall be done at the Ward level.

(2) In identifying the beneficiaries, the Sub-County Administrators of the respective Sub-Counties, together with the designated respective Sub-County education officers will plan and coordinate the process of identifying the beneficiaries in each Ward.

(3) The identification of the eligible beneficiaries will be done at public barazas coordinated by Sub-County Administrators who shall chair the identification process.
(4) In identifying the beneficiaries, the conditions under the application of the Fund must be fulfilled and must reflect a representation of the geographic or county administrative units.

(5) The designated Sub-County education officers shall act as secretaries maintaining the records of the identification process.

(6) The minutes of all the identification proceedings must be generated and the original copies forwarded to the Committee’s secretariat.

(7) The beneficiaries identified at the public barazas shall fill application forms set out under the Second Schedule of the Act which shall be forwarded to or kept, as the case may be, by the respective Sub-County Administrators.

(8) The powers exercisable by the Sub-County Administrators and Sub-County education officers under sub-rules (2), (5) and (7) may be delegated to the relevant Ward Administrators or Ward Education Officers as the case may be.

(9) The identified beneficiaries shall attach the following documents to the application form—
   (a) a recommendation letter from the Village Administrator, area Chief or Assistant Chief;
   (b) copies of National Identity card for the parents or death certificate if deceased; and
   (c) any other document required by the Committee.

(10) The duly filled serialized application forms together with the summary, as provided in the Second and the Fourth Schedule of the Act, shall then be forwarded to the Committee’s secretariat by the respective Sub-County Administrators.

(11) Serialization of the forms shall be performed administratively.

(12) Upon receiving the application forms, the chairperson of the Committee shall immediately convene a meeting to vet and award bursaries.

(13) The approved list of the successful applicants indicating the amount awarded to each applicant shall be forwarded to the County Executive Committee Member who shall publish the list in accordance with Section 29 of the Act.

(14) If incase any complaints are made to the Committee concerning the awards pursuant to rule (13), the chairperson of the Committee shall invite the complainant to a meeting, as soon as possible and not later than 7 days from the date of receipt of the complaint:

Provided that it shall be lawful to hear any objection at a shorter notice if all the persons entitled to be heard on the objection consent.

(15) On the consideration of a complaint, the complainants and any other interested party may appear and be heard, either in person or by an advocate or accredited representative, and may examine any witness before the Committee, and may call witnesses.

(16) The Committee shall then make a determination of the complaint brought before it, by approving or rejecting the complainants’ grievances and where necessary, the Committee shall rectify the list, and forward the same to the County Executive Committee Member.
(17) The County Executive Committee Member shall scrutinize the list to verify its authenticity in accordance with section 27 (3) of the Act and forward a certified list of beneficiaries to the Fund Administrator for processing of payment.

Disbursement procedure.

12.(1) The Chief Officer shall ensure that monies allocated to the Fund by the County Assembly are remitted directly to the Nandi County Education Fund Account.

(2) The Committee shall distribute the available funds equitably to all the Wards in the County.

(3) The Chief Officer shall inform the Sub-County Administrators the amount that each Ward in the respective Sub-County has been allocated.

(4) The minimum award that each beneficiary can benefit from shall not be below Kenya Shillings Five Thousand.

(5) The Fund Administrator shall make payment to the beneficiary’s learning institution and shall draft an advice slip indicating the name of the beneficiary who benefited from the said award.

(6) The County Executive Committee Member shall upon payment notify all the beneficiaries of such payment as provided under Section 29 of the Act.

(7) The Fund Administrator shall maintain and keep records of the disbursements made from the Fund in accordance with Part II of the Act for a period of five (5) years.

Bank Account

13.(1) The County Treasury through the County Executive Committee Member in charge of finance shall authorize the Fund Administrator to open an account known as “Nandi County Education Fund Account”.

(2) The account’s signatories will be the Fund Administrator and two other officers assigned by the County Executive Committee Member responsible for finance.

(3) The County Executive Committee Member in charge of finance shall assign the two officers mentioned in sub-rule (2) from the following categories—
   (a) the Chief Officer in charge of education;
   (b) the Chief Officer in charge of finance or an alternate finance officer not below a level of a director, and
   (c) the Committee chairperson.

(4) The bank account must be operated in accordance with Part II of the Act and the Public Finance Management Act, 2012.

Government social responsibility projects.

14.(1) Awards made under the government social responsibility category shall not exceed twenty (20) per centum of the total funds allocated to the Fund.

(2) Funds allocated to awards made under the government social responsibility will be used to enhance equity in educational services as anticipated under Section 6 (c) of the Act as educational grants, scholarships or bursaries.

(3) The beneficiaries of the category specified under sub-rule (1) shall be selected by the Committee pursuant to Section 13 (1) (e) of the Act.
(4) The following categories shall be eligible for an award in relation to government social responsibility—

(a) students who have performed exemplarily well and are in need of financial support to gain access to an educational institution;
(b) students who demonstrate talents in specific disciplines;
(c) county affirmative action in specific skills;
(d) county affirmative action on special circumstance such as girl child, boy child, children from informal settlements or marginalized areas, or children/persons with special needs; and
(e) any other category approved by the Committee.

(5) Notwithstanding the afore mentioned categories in (a) to (e), conditions under Section 25 (1) of the Act must be fulfilled.

(6) The following procedure will be followed in identifying beneficiaries and disbursement of funds under government social responsibility:

(a) The County Executive Committee Member shall determine and recommend opportunities to be supported under the government social responsibility to the committee for consideration.

(b) Applications shall be invited from interested eligible candidates, addressed to the secretary to the Committee, and forwarded through the respective Sub-County Administrators’ offices.

(c) The Sub–County Administrators shall forward all the application forms together with a summarized list of all applicants as per the prescribed form under the Forth Schedule.

(d) The Committee shall then vet, deliberate and award bursaries, grants and scholarships under this rule taking into consideration conditions set out under Sections 17 and 25 of the Act.

(e) Notwithstanding the provisions of (b) and (c) above, the County Executive Committee Member may make recommendation of persons to be considered under government social responsibility directly to the Committee.

(f) The approved list of the successful applicants indicating the amount awarded shall be forwarded to County Executive Committee Member for approval and onward transmission to the Fund Administrator for processing of payments.

(g) The Fund Administrator shall make payment to the beneficiary’s learning institution and shall draft an advice slip indicating the name of the beneficiary who benefited from the said award.

(h) The County Executive Committee Member shall upon payment notify all the beneficiaries of such payment as outlined under Section 29 of the Act.

(i) The Fund Administrator shall maintain and keep records of the disbursements made from the Fund in accordance with Part II of the Act for a period of five (5) years.
Administration of the revolving Fund.

15. The revolving Fund shall be administered in accordance with the regulations set out under the Third Schedule of the Act.

Monitoring and Evaluation

16. (1) Every year, monitoring and evaluation shall be done so as to provide feedback on the progress and challenges faced in the implementation of the Act.

(2) Capacity building for staff, committee members and other persons responsible for this Fund shall be conducted and facilitation thereof shall be deducted from the Fund.

Guidelines.

17. The County Executive Committee Member shall make guidelines relating to the better carrying out of the provisions of the Committee for consideration.


ROSEMARY C. KORIR
County Executive Committee Member,
Education Research and Vocational Training
County Government of Nandi.