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 Committee Member for finance makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (MARSABIT COUNTY SOCIAL PROTECTION FUND) REGULATION, 2015

Citation

1. These Regulations may be cited as the Public Finance Management (Marsabit County Social protection Fund) Regulations, 2015.

Interpretation

2. In these Regulations, unless the context otherwise requires—
   "beneficiary" means a person receiving social protection services from the County Government;
   "child" means a person under the age of eighteen years;
   "committee" means the County Social Protection and Coordination Committee established under regulation 4;
   "financial assistance" means social protection assistance provided by the County Government to a beneficiary through payment—
   (a) of food, shelter, clothing, fuel, utilities, household supplies and other personal requirements,
   (b) for special needs prescribed by the County Executive Committee Member responsible for Tourism, Culture and Social services,
   (c) for care of the elderly in residential institutions,
   (d) for travel and transportation expenses for vulnerable and disadvantaged persons,
   (e) for funeral and burial expenses for vulnerable and disadvantaged persons,
   (f) for health care services for vulnerable and disadvantaged,
   (g) of comfort allowances and allowances for other needs of residents of residential institutions.
   "financial year" means the period of twelve months ending on the 30th June in each year;
   "fund" means the Marsabit County Social Protection Fund established under regulation 3;
   "officer administering the Fund" means the Chief Officer responsible for social services.

Establishment of the Fund

3. (1) There is established a Fund to be known as the Marsabit County Social Protection Fund.
   (2) The fund shall consists of—
(a) monies appropriated by the County Assembly; and
(b) grants and donations lawfully made to the Fund.

(3) The County Assembly shall, in appropriating monies under subsection (2) in each financial year, ensure that adequate monies are allocated to the Fund through the Departmental responsible for Tourism, Culture and Social services in accordance with its budget every year.

(4) The Fund within the Departmental responsible for Tourism, Culture and Social services.

County Social Protection and Coordination Committee

4. (1) There is established a committee to be known as the County Social Protection and Coordination Committee consisting of—

(a) the County Executive Committee Member responsible for Social Protection services who shall be the Chairperson;
(b) the Chief Officer of the Department responsible for social services who shall be the officer administering the Fund and secretary to the Committee;
(c) two representatives from religious groups;
(d) the County Coordinator, National Disaster Management Authority (NDMA);
(e) The County Social Services Officer;
(f) Member of County Assembly for the time being chairing the committee responsible for Social Protection Services;
(g) one representative from the Department of Administration; and
(h) the County Social Development Officer.

(3) The County Social Protection and Coordination Committee shall manage the Fund and as such the Committee shall—

(a) supervise and oversee the administration of the Fund;
(b) prescribe the form and manner of application for social protection service assistance from the Fund;
(c) consider and approve all applications;
(d) develop equitable criteria for the beneficiaries of the Fund;
(e) establish management guidelines to the officer administering the Fund as may be necessary for the effective operations of the Fund; and
(f) carry out such other duty as may be directed by the Executive Member for Finance for the proper management of the Fund.

(4) The Committee shall meet at least four times in a year at time and place as the Chairperson may decide.

(5) 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 functions of Committee.

(6) The quorum for a meeting of the Committee shall be the Chairperson and any three members of the Committee.
(7) The decisions of the Committee shall be by simple majority of the members present and voting and in the case of equality the Chairperson shall have a casting vote.

(8) Notwithstanding the provisions of regulation (4) of regulation 3, the Committee shall make its decisions independently of the Department.

Eligibility for Social Protections

5. (1) The County Government shall, in accordance with this regulation, provide social protection services to persons in need.

(2) The County Executive Committee Member responsible for Tourism, Culture and Social services shall, in consultation with the County Social Protection Committee determine and Gazette the categories of persons from which beneficiaries shall be drawn.

(3) Notwithstanding sub regulation (2) beneficiaries shall be drawn needy persons including—

(a) orphans and vulnerable children;
(b) poor elderly persons;
(c) unemployed persons;
(d) persons disabled by acute chronic illnesses;
(e) poor widows and widowers;
(f) persons with disabilities; and
(g) any other persons as may, from time to time, be determined by the Department of Tourism, Culture and Social services, in consultation with the Marsabit County Social Protection Committee and other stakeholders.

(4) A child qualifies to be a beneficiary under these Regulations if that child—

(a) is an orphan with no biological or adoptive parents and is not under the care of a guardian who provides the basic needs of the child;
(b) is under the care of a person who suffers a serious long-term ailment or disability which renders the person unable to care for the child;
(c) has been abandoned by his or her parent or parents and is not under the care of a guardian who provides the basic needs of the child; or
(d) is under the care of parents or guardians who are unable to provide for the child's basic needs.

(5) An elderly person qualifies for financial assistance if the person has attained the age of sixty years and above and—

(a) has been neglected or abandoned his or her relatives and is without any ascertainable means of support; or
(b) lives or begs on the street for a living.

(6) A person with disability shall be eligible for financial assistance under these regulation if—

(a) the person suffers from severe mental or physical disability;
(b) the person's disability renders him or her incapable of catering for his or her basic needs; and there is no known source of income or support for the person.

(7) To qualify for financial assistance through social protection services under these Regulations, a person must—
(a) meet the criteria set under these regulations;
(b) be a resident of Marsabit County; and
(c) comply with any requirement prescribed in bye laws by the department responsible for Tourism, Culture and Social services in consultation with the County social protection committee.

Programs to become Self-Sufficient
6. The Department of Tourism, Culture and Social services shall, in consultation with the Committee and any other relevant authority, provide programmes that are intended to—
(a) assist in the development of individual, family and community capacity to become self-sufficient;
(b) increase the ability of persons in need to assume greater responsibility for themselves;
(c) lessen dependence by the people in the County on public financial assistance;
(d) provide support services to allow persons who may otherwise be in need to avoid dependence on public financial assistance; and
(e) lessen, remove or prevent the causes and effects of poverty.

Suspension and Termination of the Programme
7. (1) If in the opinion of the Committee, a beneficiary abuses the social protection assistance, the Committee may—
(a) suspend payment of financial assistance to that person: or
(b) appoint a person to receive the financial assistance on behalf of the beneficiary and to apply it, subject to the prescribed conditions and any other conditions that the Committee may determine, for the benefit of the beneficiary.

(2) The Committee may suspend or cancel financial assistance if the assistance was—
(a) obtained through misrepresentation, deceit, fraud or failure to disclose any material information;
(b) in excess of amounts permitted by these Regulations; and
(c) approved and granted in error.

(3) The Committee may terminate payment of financial assistance to or on behalf of a person who is absent from the County for a continuous period of six months or longer.

(4) The Committee may reinstate financial assistance suspended under subsection (1) where the Committee is satisfied that the reasons advanced by the applicant justify the reinstatement.

Erroneous Payments
8. (1) If the Committee pays money erroneously to a person who is not entitled to social protection assistance, the amount of money so paid shall be an amount due to the Fund and shall be payable to the Fund by the person or, if the person is deceased, by the estate of that person.
(2) The Committee shall recover the amounts to which a person was not entitled, as provided for under subsection (1), in accordance with this regulation or any other law.

(3) The Committee shall remit an amount owing by a person in terms of subsection (1) if the person satisfies the committee that the person received the amount without knowing that they were not entitled to receive the payment.

Confidentiality of Information

9. (1) A person may not divulge any information furnished by an applicant in respect of an application for social protection under these Regulations except—

(a) to a person who requires it in order to perform a function in terms of these regulations;

(b) when required to do so by law or by an order of court; or

(c) with the consent of the applicant.

(2) If the information submitted by an applicant changes, the applicant shall inform the Committee of the change as soon as possible.

Lapse of Social Protection

10. Social protection services lapse—

(a) when the beneficiary dies; or

(b) if a beneficiary is out of the County for a continuous period of six months.

Review of Social Protection Services

11. The Committee shall review social protection services at any time where it has reason to believe that a change in the beneficiaries' circumstances may have occurred.

Officer Administering the Fund

12. (1) The Chief Officer of the Department responsible for Tourism, Culture and Social services shall be the officer administering the Fund.

(2) The officer administering the Fund shall—

(a) control the administration of the Fund;

(b) cause to be kept books of accounts and other books and records in relation to the Fund and for all social protection services financed from the Fund;

(c) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him or her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Committee may from time to time direct in accordance with the Public Finance Management Act;

(d) furnish additional information as he or she may deem proper and sufficient for the purpose of examination and audit by the Auditor-General.

(3) Every statement of account prepared under this regulation shall include details of the financial status of the Fund as at the end of the financial year concerned.

(4) All monies of the Fund shall be paid into the special account operated by the officer administering the Fund as approved by the Committee.

(5) All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.
LEGAL NOTICE NO. 3

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 Marsabit County Executive Committee Member for finance makes the following Regulations—

PUBLIC FINANCE MANAGEMENT (MARSABIT COUNTY STATE OFFICERS AND OTHER PUBLIC OFFICERS CAR LOAN SCHEME FUND) REGULATIONS, 2015

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management (Marsabit County State Officers and other Public Officers Car Loan Scheme Fund) Regulations, 2015.

Interpretation

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

“board” means the Marsabit County Public Service Board;

“committee” means the Car Loans Management Committee established under regulation 6;

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

“Fund” means the Marsabit County State and public officers Car Loan Scheme Fund established under Regulation 3;

“Loan Agreement” means an agreement between the Fund and a member of the scheme;

“Loanee” means a person in receipt of a loan out of the Fund;

“member of the Scheme” means County State Officers and County Public Officers;

“officer administering the Fund” means a fund administrator appointed by the Executive Committee Member responsible for finance in accordance with section 116 of the Act.

“SRC” means the Salaries and Remuneration Commission.

“staff” means an employee of the County Government responsible for daily operationalization of the fund;

“valuer” means a person registered as a valuer under the Valuers’ Act.
Establishment of the Fund

3. There is established a fund to be known as the Marsabit County State Officers and other and Public Officers Car Loan Scheme Fund.

Purpose of the Fund

4. The object and purpose of the Fund shall be to provide a loan scheme for the purchase of vehicles by members of the Scheme.

Capital of the Fund

5. (1) The initial capital of the Fund shall consist of the monies standing to the credit of the account of the Fund on the date of the coming into operation of these Regulations.

(2) The County Assembly may appropriate additional monies to the Fund.

Establishment of the Loans Management Committee

6. (1) There is established a committee to be known as the Marsabit County State Officers and other and Public Officers Car Loan Management Committee, which shall consist of—

(a) the County Chief Officer responsible for finance, who shall be the Chairperson;

(b) the Chief Finance Officer, who shall be the Officer administering the Fund;

(c) the Head of Human Resources;

(d) the County Chief Officer responsible for Public Administration;

(e) the County Chief Officer responsible for transport;

(f) Secretary to the County Public Service Board; and

(g) one representative from the workers union

(2) The officer administering the Fund shall be an ex-officio member of the Committee and secretary to the Committee.

(3) The Committee may appoint such other staff to attend its meetings if it deems fit.

(4) The meetings of the Committee shall be convened by the Chairperson or in the absence of the chairperson; the Secretary or 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.

(5) The quorum for a meeting of the Committee shall be the Chairperson and any three members of the Committee.

(6) The Committee shall consider and may approve the loan applications presented by the officer administering the Fund.

Application for loan

7. (1) A member of the Scheme who wishes to apply for a loan from the Fund shall make the application to the chairperson through the Secretary of the Committee of the Fund by presenting a form set out in the schedule to these Regulations.
(2) The officer administering the Fund shall satisfy himself or herself of the applicant’s financial status and capacity to repay the loan applied for in accordance with the laid down requirements 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 loan agreement in such form as the Committee may prescribe.

Utilization of Loan Monies

8. A loan obtained under these Regulations shall be utilized for the purchase of a motor vehicle for personal use by the applicant.

Conditions for Disbursement of funds

9. (1) A loan approved under Regulation 7 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 the vehicle acquired with a loan from the Fund, shall be issued jointly between the Committee and the member of the Scheme (loanee) and shall be kept in the custody of the Officer administering the Fund until the loan is repaid in full by the loane or his or her guarantor.

Loan Amount

10. (1) The loan amount that a member of the Scheme may receive shall be the value of the vehicle that the member of the Scheme proposes to purchase not exceeding a maximum amount of two million shillings and subject to the entitled amount stipulated in the Salaries and Remuneration Commission circular dated 17th December, 2014.

(2) For the purpose of these Regulations, the value of a new vehicle shall be as quoted on the invoice from the supplier whereas the value of a used vehicle shall be as determined by a report from the body known as the Automobile Association of Kenya, or the County Government Department dealing with such matters or any such valuer as may be approved by the Committee.

(3) Notwithstanding the provisions of paragraph (1), there may be advanced from the Fund to a member of the scheme an additional loan not exceeding ten per cent of the value of the vehicle purchased by the member of the Scheme to cater for an overhaul of the engine of the vehicle.

Interest Rate

11. (1) A loan granted to a member of the Scheme under these Regulations shall carry a declining interest rate of three per cent per annum.

(2) The interest charged under paragraph (1) shall be utilized to defray the administrative expenses of the Fund and any other surplus thereby shall be credited into the account of the Fund.

(3) Any administrative expenses shall be approved by the Committee in such terms as the Committee may approve.

Repayment of Loan

12. (1) A loan advanced under these Regulations shall be repaid in full as provided by the SRC Circular dated 17th December, 2014 for the Governor, Deputy Governor and Other public officers and by the SRC Circular dated 30th September 2014 for the county executive committee members.
(2) The mode of payment shall be by way of cheque-off system, cash deposit or bankers' cheque.

Insurance

13. (1) A member of the Scheme shall comprehensively insure any vehicle purchased through the scheme with an approved insurer by the Committee.

(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 an approved limit, 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 which shall be repaid within a period of one year (1) year.

(4) Every loan granted under these Regulations shall be insured for the benefit of the member of the scheme and the premium in respect thereof shall be debited to the account of the member of the Fund.

Loan Discharge

14. (1) Upon full payment of the loan, a signed loan discharge certificate and a duly signed transfer form in such forms 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.

(2) The loan discharge certificates 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 the caveat on the vehicle pursuant to Regulation 9

Administration of the Fund

15. (1) The officer administering the Fund shall—

(a) supervise and control the administration of the Fund;

(b) utilize the interest accruing thereto to defray operating expenses, and may impose other requirements concerning such use;

(c) cause to be kept books of accounts and other books and records in relation to the Fund and for all loans financed from the Fund;

(d) 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 or her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the committee may from time to time direct in accordance with the Public Finance Management Act;

(e) furnish such additional information as may be required for the purpose of examination and audit by the Auditor-General; and any other county relevant authority; and

(f) designate and appoint such staff as may be necessary to assist him or her in the administration of the Fund and may require such staff to carry out such inspections as may be necessary to verify any information submitted under these Regulations.
(2) Every statement of account prepared under these Regulations shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.

(3) All monies of the Fund shall be paid into an account operated by the Committee administering the Fund.

(4) Any account operated by the Fund for the purpose of loan disbursement shall be approved by the Committee.

Appointment of an Institution

16. The Committee may, if it considers it appropriate to do so, appoint a financial institution to administer the Fund on behalf of the Committee

Revocation of Legal Notice No. 2

17. The Public Finance Management (Marsabit County State Officers and other Public Officers Mortgage Scheme Fund) Regulations, 2015 published under Legal Notice No. 2 of 14th May, 2015 are hereby revoked.
TO: OFFICER ADMINISTERING EXECUTIVE CAR LOAN FUND

I ................................................................. Age ..............
of P.O Box 384-60500 Marsabit, hereby apply for a car loan to purchase the motor vehicle described below.

DESCRIPTION

1. Make ...................... Model ............... Type of Body ..............
   Engine No. .................. Chassis No. .......... Registration ..............
2. State if New or Second-hand ............... (If second hand, AAA Valuation Report should be attached).
3. Particulars of accessories and value if included in the cost price of vehicle:
   Cost price of the vehicle Ksh. ..............................................
   Less Deposit to be paid by me Ksh. ...........................................
   Balance of vehicle loan Ksh. ...................................................
   Add insurance Premium) only to be added if to be paid by the fund) Ksh. ...................
4. Name of insurance company .............................................
5. Name of supplier .........................................................
6. Address of Supplier .....................................................
   (In the event of supplier not being a recognize motor vehicle dealer, vendor must produce proof that he is owner of the Motor Vehicle. This should be a receipt, invoice or other such evidence of ownership as may satisfy the Fund Administrator approximate date of delivery)
7. I undertake to have the car registered in the name of County Government of Marsabit and myself.
8. I undertake to register a charge in favor of County Government of Marsabit entitling County Government of Marsabit to sell the Motor Vehicle in the event of breach of the terms and condition of loan agreement.
9. I wish to pay the amount due under that purchase Agreement by monthly installments recovered from my salary of KSh. ..............................................
10. I agree to hold the vehicle covered by full comprehensive insurance through-out the period of the loan repayment.

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

Car Loan Applicant
PART II
RECOMMENDATION BY THE OFFICER ADMINISTERING THE FUND
1. I certify that Hon. .................................................................is eligible for a motor vehicle loan and has a current net salary of Ksh. ............................................
2. I certify that payment of the monthly installments will not cause financial embarrassment/constraints.
3. I recommended that Hon .................................................................’s application be proved in full up to a limit of Ksh. ............................................Payable in ...............months

Signature ................................................................. Date .................
Officer Administering the Fund

PART III
APPROVAL BY LOANS MANAGEMENT COMMITTEE
TO: COUNTY EXECUTIVE OF MARSABIT CAR LOAN SCHEME
The loan Management Committee in their meeting of .........................approved Hon. .................................................................’s application of Ksh................................. in respect of car loan to be repaid over a period of ................. months and further sum of Ksh.................................in respect of insurance premium to be paid over 12 months the loan.

Signature ................................................................. Date .................
Chairperson of Car Loan Scheme Fund

Dated the 21st September, 2015.

GURACHA A. BIDHU,
County Executive Committee Member for Finance.