LEGAL NOTICE NO 3

THE PUBLIC FINANCE MANAGEMENT (NAKURU COUNTY PERSONS WITH DISABILITIES FUND) REGULATIONS 2015

ARRANGEMENT OF REGULATIONS

Regulation
1—Citation and Commencement
2—Interpretation
3—Object and Purpose of the Act

ESTABLISHMENT AND ADMINISTRATION OF THE FUND
4—Establishment of the Fund
5—Establishment and Composition of the Committee
6—Functions of the Committee
7—Removal from and Vacancy of Office
8—Conduct of the Members
9—Meetings of the Committee
10—Quorum at Meetings of the Committee
11—Ward Committees of Persons with Disabilities
12—Director of Sports and Officers
13—Remuneration of members
14—Beneficiaries of the Fund
15—Procedure for Allocating Funds

FINANCIAL PROVISIONS
16—Capitalization of the Fund
17—Bank Account of the Fund
18—Estimates of income and Expenditure
19—Annual Report and Publication
20—Accounts and Audit
21—Financial Year

MISCELLANEOUS PROVISIONS
22—Misuse of Funds Allocated
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 Nakuru County Executive Committee Member for Finance makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (NAKURU COUNTY PERSONS WITH DISABILITIES FUND) REGULATIONS 2015

Citation and Commencement

1 These regulations may be cited as the Public Finance Management (Nakuru County Persons with Disabilities Fund) Regulations 2015 and shall be deemed to have come into operation on 17th day of March 2015 being the date of adoption by the Assembly

Interpretation

2 In these regulations unless the context otherwise requires—

committee means the County Persons with Disabilities Fund Committee established under Regulation 5

county executive committee member means the County Executive Member in charge of persons with disabilities

county means County of Nakuru

disability means physical sensory, mental or other impairment including any visual hearing learning or physical incapacity which impacts adversely on social economic or environmental participation of a person

organization means an association or society or organization for persons with disabilities formed for the welfare, protection and rendering services to persons with disabilities

fund means the Persons with Disabilities Fund established under Regulation 4

Object and Purpose of the Act

3 The object and purpose of these Regulations is to—

(a) establish a Fund to provide financial aid and support to empower the development of persons with disabilities and

(b) provide for the management and administration of the Fund

ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of the Fund

4 (1) There is established a Fund to be known as the Persons with Disabilities Fund

(2) There shall be paid from the Fund—

(a) monies as may be approved by the Committee for the functioning and operation of the Committee under these Regulations

(b) not more than two point five percent of the Fund being operational expenses incurred in the administration of the Fund and
Establishment and Composition of the Committee

5 (1) The management of the Fund shall vest in the County Persons with Disabilities Fund Committee consisting of—

(a) the Chief Officer in charge of social services who shall be the chairperson
(b) the director of social services who shall be the secretary to the Committee
(c) one officer nominated by the Executive Committee Member responsible for finance to represent the Department of Finance and Economic Planning
(d) one person representing persons with visual disabilities nominated by their organization
(e) one person representing persons with hearing disabilities nominated by their organization
(f) a representatives of persons living with disabilities from the County Assembly
(g) one person representing persons with physical disabilities nominated their organizations,
(h) three persons representing the youth women and institutions supporting the welfare of persons with disabilities co opted by the Committee with the approval of the Executive Committee Member

(2) The members of the Committee nominated under Paragraphs (1) (e) (e) and (g) shall be formally appointed by the Executive Committee Member in charge of persons with disabilities

(3) The members appointed under sub regulation (2) shall hold office for a period of three years and shall be eligible for re appointment

Functions of the Committee

6 The functions of the Committee shall be to—

(a) formulate policies for the management of the Fund
(b) set the criteria and conditions for granting of aid or assistance
(c) equitably distribute the Funds for aid and assistance among the wards in the county
(d) approve disbursement of funds to awarded persons
(e) maintain an up to date database of all applicants and beneficiaries of the Fund,
(f) raise and solicit funds and other assistance for the Fund
(g) receive gifts donations grants or endowments made to the Fund and Committee
(h) grant assistance to eligible persons on the recommendation of the relevant Ward Committees
(i) perform and exercise all other functions and powers conferred on the Committee by this Act or any other law
Removal from and Vacancy of Office

7 (1) A member of the Committee may be removed from office for—

(a) violation of the Constitution or any other law
(b) gross misconduct, whether in the performance of the member's functions or otherwise
(c) physical or mental incapacity to perform the functions of office or
(d) incompetence or neglect of duty

(2) The Executive Committee Member may upon the recommendation of the Committee terminate the appointment of a member of the Committee on any of the grounds specified under Sub regulation (1)

(3) The office of a member of the Committee shall fall vacant if the member—

(a) resigns in writing addressed to the Executive Committee Member through the Secretary
(b) is adjudged bankrupt by a competent court of law
(c) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months,
(d) is absent from three consecutive meetings of the Committee without a reasonable excuse or
(e) dies

(5) Before a member is removed from office under Sub regulation (1) the member shall be given an opportunity to defend himself or herself against any of the allegations

Conduct of the Members

8 In the performance of the functions of the Committee a member shall—

(a) maintain his or her professional competence and personal ethics
(b) not conduct himself or herself in a manner that is likely to suggest that there was improper influence
(c) be efficient, punctual and meet the required deadlines,
(d) ensure that official duties and business of the Committee takes precedence over personal or other activities,
(e) be patient, dignified and courteous to persons living with disabilities, colleagues, members of the public
(f) ensure that the activities he or she carries out or supervises are conducted in an orderly manner with integrity and due decorum
(g) when evaluating persons living with disabilities and individuals do so honestly and ethically on the basis of their condition,
(h) use all efforts to ensure that appraisals and verifications of applications are conducted in a proper manner and with integrity
(i) not take advantage of a person with disability and shall uphold his or her integrity at all times

Meetings of the Committee

9 (1) The Committee shall have three ordinary meetings and not more than three special meetings in a financial year

(2) The chairperson shall preside at all the meetings of the Committee and in his or her absence the members present shall elect one of their number to preside at that meeting

(3) The agenda for an ordinary meeting of the Committee shall be circulated at least fourteen days before the date of the meeting and that for a special meeting shall be circulated at the same time with the notice calling the meeting and no matter shall be discussed at a special meeting unless it appears on the agenda

(4) The Secretary shall cause the proceedings of the meetings of the Committee to be kept and entered into the Minute Book kept for that purpose

(5) At every meeting of the Committee and before proceeding with any other business the Chairperson shall request the confirmation of the minutes of the previous meeting and shall have the confirmation recorded in the minutes

(6) Subject to the provisions of these Regulations, the Committee shall regulate its own proceedings

Quorum at Meetings of the Committee

10 (1) The quorum at any meeting of the Committee shall be two thirds of the total number of members provided that no business shall be transacted at any meeting without the presence of at least three of the appointed members

(2) All questions at a meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting

(3) The chairperson shall in case of equality of votes have an original and a casting vote

Ward Committees of Persons with Disabilities

11 (1) There shall be a Ward Committee in each ward consisting of not more than seven members appointed by the Director of Social Services

(2) In the appointment of a Ward Committee the Director of Social Services shall take into consideration persons with physical disability hearing disability visual disability and other vulnerable groups

(3) The members appointed under Sub regulation (1) shall hold office for a period of three years and shall be eligible for re appointment once

(4) The Ward Committee shall be responsible for vetting the beneficiaries of the Fund in the Ward and ascertain the authenticity of the information provided by such persons for recommendation to the Committee

Director of Sports and Officers

12 (1) The Director of social services shall be the officer administering the Fund and Secretary to the Committee and as such shall be responsible for the management of the day to day activities of the Committee
(2) The County Public Service Board shall designate qualified officers and staff as may be necessary for the proper functioning of the Committee and management of the Fund.

Remuneration of Members

13 The members of the Committee may be paid such allowances as the Executive Committee Member may with the approval of the County Public Service Board and on the advice of the Salaries and Remuneration Commission determine.

Beneficiaries of the Fund

14 (1) A persons shall qualify to receive assistance from the Fund for relief of distress if that person—

(a) has severe disabilities and is not trainable in any skill.

(b) is an elderly person above sixty-five years who is having disabilities and is not receiving benefit from any scheme from the national government.

(c) is a single parent having children with disabilities and for that purpose who cannot seek employment.

(d) is living with disability and is operating income generating projects with other persons as groups.

(e) is living with disability and is operating income generating projects as an individual.

(2) A persons qualifying for assistance and relief of distress under Sub regulation (1) may be allocated funds as follows—

(a) a person having severe disabilities referred to under Paragraph (1) (a) may on application, receive two thousand Kenya shillings every month as stipend.

(b) an elderly person above sixty-five years disabilities referred to under Paragraph (1) (b) may on application, receive two thousand Kenya shillings every month as stipend.

(c) a single parent referred to under Paragraph (1) (c) may on application, receive two thousand Kenya shillings every month as stipend.

(d) a person with disability referred to under Paragraph (1) (d) may on application receive ten thousand Kenya shillings as a group operating the project.

(e) a person with disability referred to under Paragraph (1) (e) may on application receive five thousand Kenya shillings to contribute to the project.

(3) The Fund may finance up to ten groups in each ward under Paragraph (2) (d) and up to thirty individuals in each ward under Paragraph (2) (d).

Procedure for Allocating Funds

15 (1) The Committee shall identify the beneficiaries on an objective and non-discriminatory basis based on the level of their vulnerabilities as may be presented to the Committee by relevant Ward Committee in consultation with the officers of social services and health and as applied for by individuals or group of persons using a designed application form.
(2) The committee shall allocate funds to individuals or group of persons only for a period of one year but may be reviewed on a case by case basis

FINANCIAL PROVISIONS

Capitalization of the Fund

16 (1) The Fund shall consist of the initial capital of fifty five million Kenya shillings appropriated by the County Assembly in the financial year 2014/2015

(a) monies appropriated by the County Assembly in subsequent financial years and

(b) grants contributions and donations lawfully made to the Fund

(2) The County Assembly shall, in appropriating monies under Sub regulation (1) in each financial year ensure that monies are allocated to the Fund through the Department responsible for Education Culture Sports Youth Affairs and Social Services

Bank Account of the Fund

17 (1) There shall be a Bank Account for the persons with disabilities Fund operated by the Ministry of Education Culture Youth Affairs Sports and Social Services through the Committee

(2) The mandatory signatories to the account shall be the Chief Officer the Director of Social Services and the departmental Accountant

(3) All receipts, savings and accruals of the Fund and the balance of the Fund at the close of every financial year, shall be retained for the purposes of the Fund and shall not be expended except for one or more of the purposes for which the Fund is established

Estimates of Income and Expenditure

18 (1) At least three months before the commencement of each financial year the Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee and the Fund for that year

(2) The annual estimates shall make provisions for all the estimates of the administration expenditure of the Committee and the Fund for the relevant financial year and shall—

(a) differentiate between recurrent and disbursement expenditure and

(b) itemize every activity that the Committee intends to undertake in respect of the Fund in the coming financial year under a separate vote head

(3) The annual estimates shall be approved by the Committee before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member for tabling in the County Assembly for its approval

(4) No expenditure shall be incurred by the Committee except in accordance with the annual estimates approved under Sub regulation (3)

(5) Upon the approval of the estimates by the County Assembly all monies appropriated for purposes of the Fund and the Committee shall be paid into the relevant account established under Regulation 17
Annual Report and Publication

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

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

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

Accounts and Audit

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

(2) Within a period of three months after the end of each financial year, the Committee shall submit to the Auditor General the accounts prepared under Sub-regulation (1) in respect of that year together with a statement of—
   (a) the income and expenditure of the Committee during that year.
   (b) the income and expenditure of the Fund.
   (c) the assets and liabilities of the Committee on the last day of that financial year.

No 12 of 2003

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

Financial Year

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

MISCELLANEOUS PROVISIONS

Misuse of Funds Allocated

22 Where the Committee finds out that all or any part of the funds allocated to a beneficiary are not used in furtherance of the purpose for which they are allocated under these Regulations, the Committee shall take reasonable and appropriate steps to stop the misappropriation including stopping any future funding to the party or persons involved and taking legal action against those concerned.

ANN NJENGA
County Executive Committee Member,
Finance and Economic Planning