

SPECIAL ISSUE

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**KIAMBU COUNTY GAZETTE
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**THE KIAMBU COUNTY EDUCATION BURSARY FUND
(AMMENDMENT) ACT, 2016**

No. 4 of 2016

Date of Assent: 15th September, 2016

Date of Commencement: 27th September, 2016

**AN ACT of the County Assembly of Kiambu to amend the Kiambu
County Education Bursary Fund Act, 2014**

ENACTED by the County Assembly of Kiambu, as follows—

Short title

1. This Act may be cited as the Kiambu County Education Bursary Fund (Amendment) Act, 2016.

Amendment of the Section 2 of No. 10 of 2014

2. Section 2 of the Kiambu County Education Bursary Fund Act, 2014, in this Act referred to as “the Principal Act” is amended in the definitions—

- (a) by adding the word “Ward” before the word “Committee”;
- (b) by deleting the definition of Chief Officer and replacing it therefor with the following new definition—

“means the Chief Officer appointed under Section 45 of the County Governments Act, 2012 for the time being responsible for matters related to education”;

- (c) by inserting the following new definitions in the correct alphabetical order—
 - (a) “administrator of the fund” means a person designated as such under Section 6;
 - (b) “beneficiary” means the recipient of education bursary from the Fund;
 - (c) “county” means Kiambu County;
 - (d) “county assembly member” means a member of the County Assembly of Kiambu;
 - (e) “county government” means the County Government of Kiambu;
 - (f) “county executive” means the County Executive Committee established under Article 179 of the Constitution;

- (g) “committee” means the County Education Bursary Committee established under Section 7.

Amendment of the Section 5 of No. 10 of 2014

3. Section 5 of the Principal Act is amended—
- (a) by deleting the marginal note and replacing therefor with the words “Uses of the Fund”;
 - (b) in subsection (1) (c) by deleting the words “provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund” appearing immediately after the words “Executive Member”;
 - (c) by deleting subsection (2) and replacing it therefor with the following new subsection—
“(2) The administration expenses shall not be more than three percent of the total monies in the Fund;”
 - (d) in subsection (3) by adding the words “in accordance with the criteria set out in the Regulations” immediately after the words “all the Wards”;
 - (e) by deleting subsection 4 and replacing therefor with the following new subsection—
“(4) An amount totaling nine per cent of the monies set aside for disbursement under this Act shall be utilized for special categories in accordance with the formula set out in the Regulations;”
 - (f) by deleting subsection (5) and replacing it therefor with the following new subsection—
“(5) An amount totaling to three percent of the monies in the Fund shall be utilized for monitoring and evaluation, training, sensitization on the Fund and facilitation of the activities of the mentorship programme.”

Amendment of the Section 6 of No. 10 of 2014

4. The Principal Act is amended by repealing Section 6 and replacing it therefor with the following new Section—

- “6. (1) The Fund shall consist of—
- (a) money appropriated by the County Assembly;
 - (b) grants, donations gifts or other bequests made to the Fund;
 - (c) income from investment of any balances in the Fund; and

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(d) money paid to the Fund from any other source as may from time to time be approved by the County Executive Committee Member for Finance.”

(2) The County Executive committee member responsible for matters relating to finance shall designate an officer to administer the Fund.

(3) The responsibilities of the Officer Administering the Fund shall be to—

- (a) supervise and control the administration of the Fund;
- (b) prepare budget estimates and such other plans related to the administration of the Fund and submit the County Executive Committee for approval;
- (c) impose conditions or restrictions on the use of any expenditure arising from the Fund;
- (d) cause to be kept proper books of accounts and other books and records relating to the Fund and all the activities financed under the Fund;
- (e) advise the Executive Member on any matter relating to the Fund;
- (f) prepare, sign and submit 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 in accordance with the Public Finance Management Act, 2012 and in such details as the County Treasury may from time to time direct;
- (g) furnish such additional information as may be required for examination and audit by the Auditor General, or under any other applicable law.

(4) The Officer administering the Fund shall cause an account in the name of the Fund to be maintained for the Fund in accordance with the provisions of the Public Finance Management Act.

(5) All monies payable to the Fund shall be received into the bank account for the Fund.

(6) All receipts, earnings and accruals to the Fund and the balances of the Fund at the close of each financial year shall be retained by the Fund for use for the purposes for which the Fund was established.

(7) The Executive Member shall designate such public officers as may be required to provide secretariat services to the Fund.

Establishment of the County Education Bursary Committee and its functions

5. The Principal Act is amended by inserting the following new section immediately after section 6—

“6A (1) There is established the County Education Bursary Committee which shall consist of—

- (a) the Chief Officer responsible for matters relating to Finance or a designated alternate not being below the level of a finance director;
- (b) the officer administering the Fund who shall be an ex-officio member with no right to vote and the secretary to the Committee;
- (c) the director of social services in the County Government;
- (d) director of polytechnics in the County Government; and
- (e) two other persons qualified in matters relating to education, community development or law appointed by the Executive Member through a competitive process.

(2) The functions of the Committee shall be to—

- (a) approve the disbursement of the education grant, bursary and scholarships to beneficiaries;
- (b) monitor and evaluate the activities of the Ward committees to ensure the implementation of this Act in a manner that promotes the objects of the Fund;
- (c) receive and address complaints that may arise from the implementation of the Act;
- (d) consider appeals from the Ward Committees;
- (e) make recommendations to the Executive Member on any matter relating to the Fund;
- (f) compile, update and forward reports to the Executive Member;
- (g) perform any other function as the Executive Member may determine.

(3) The business and affairs of the Committee shall be conducted in accordance with the Schedule.

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(4) Except as provided in the Schedule, the Committee may regulate its own affairs.

(5) Members of the Committee appointed under subsection (1) (e) shall serve for a term of three years and shall be eligible for appointment for a further one term.

(6) The Committee may invite a technical person to attend any of its meetings and participate in its deliberations, except where the subject is of classified nature and such an invitee shall not have a vote in any decision of the Committee.

(7) Members of the Committee shall be paid an allowance determined by the County Treasury in consultation with the Salaries and Remuneration Commission.

Amendment of the Section 7 of No. 10 of 2014

6. Section 7 of the Principal Act is amended—

(a) by deleting subsection (2) and replacing it therefor with the following new subsection—

“2. The Ward Committee shall consist of—

- (a) a chairperson appointed by the Executive Member through a competitive process;
- (b) the county officer in charge of education in the ward who shall be the secretary to the committee;
- (c) one person with experience in education matters nominated by a joint forum on faith based organizations in the ward;
- (d) one person experienced in education matters nominated by a joint forum of Non-Governmental Organizations in the ward;
- (e) one person experienced in education matters nominated by joint organizations of persons with disability in the ward; and
- (f) one person nominated by a joint forum of youth in the ward.

(b) in subsection (3) by inserting the words “of the Committee” immediately after the words “appointed as a member” and deleting the letters (d) (e) (f) and (h) appearing immediately after the words “subsection (2)”;

(c) in subsection (4) by inserting the letter (c) immediately after the words “under paragraph”, inserting the word “and” immediately

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after the letter “(e)” and deleting the words “and (g)” appearing immediately after the letter “(f)”;

- (d) by deleting subsection (5);
- (e) by deleting subsection (6) and replacing therefor with the following new subsection—
 “(6) The members of the Ward Committee shall serve for a term of three years and shall be eligible for reappointment for a further one term;”
- (f) by deleting subsection (7);
- (g) by renumbering the section accordingly.

Amendment of the Section 8 of No. 10 of 2014

7. Section 8 of the Principal Act is amended—

- (a) in subsection (1) by deleting paragraph (c) and replacing it therefor with the following new paragraph—
 “(c) monitoring and evaluating the progress of the beneficiaries;”
- (b) in subsection (1) by deleting paragraph (e) and replacing it therefor with the following new paragraph—
 “(e) performing such other function as may from time to time be assigned by the Executive Member;”
- (c) by deleting subsection (2);
- (d) in subsection (10) by adding the words “in consultation with the Salaries and Remuneration Commission” immediately after the words “County Treasury”.

Amendment of the Section 11 of No. 10 of 2014

8. Section 11 of the Principal Act is amended by deleting the words “in awarding education grant or bursary, the Committee” and substituting therefor with the words “in the performance of its functions, the Ward Committee.”

Amendment of the Section 12 of No. 10 of 2014

9. The Principal Act is amended by deleting Section 12 and replacing it therefor with the following with the following new Section—

“12. (1) A person is eligible for an education grant or bursary under this Act if that person—

- (a) has a parent or guardian who has been a resident in the County for at least three years preceding the application;

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- (b) is enrolled in a secondary school, special primary secondary school, university or college or any other education institution approved by the Executive Member; or
- (c) has no capacity to pay the full school fees for that year.”

Amendment of the Section 13 of No. 10 of 2014

- 10.** The Principal Act is amended by repealing Section 13.

Amendment of the Section 14 of No. 10 of 2014

11. The Principal Act is amended by repealing section 14 and replacing it therefor with the following new section—

“14. (1) An application for education grant or bursary shall be made to the Ward Committee in the form prescribed in the Regulations.

(2) Application forms shall be accessible in every county government ward office at no cost to the applicant.

(3) An applicant shall submit the application form—

- (a) by 5th December each year if the applicant is a continuing student;
- (b) by 31st January each year if the applicant is a new student; or
- (c) between January and 31st of August if the applicant is enrolled in a university or college.

(4) The Ward Committee shall consider the applications within twenty one days after the deadline for submission and shall have all the power necessary to verify the information given by the applicant.

(5) The Executive Member may by notice in the gazette extend or vary the period in subsection (3) and (4) where circumstances deem it necessary to do so.”

Amendment of the Section 15 of No. 10 of 2014

- 12.** The Principal Act is amended by repealing Section 15.

Amendment of the Section 16 of No. 10 of 2014

13. The Principal Act is amended by repealing Section 16 and replacing it therefor with the following new section—

16. (1) In considering an application for education grant or bursary, the Ward Committee shall, in addition to the provisions of Section (12) take into account—

- (a) the applicant’s academic performance and disciplinary background;

- (b) the applicant's family background;
- (c) the applicant's economic status;
- (d) whether the applicant is a beneficiary of education grant or bursary from any other source; or
- (e) any other criteria as may be prescribed by the Executive Member by Regulations under this Act.

(2) The Ward Committee shall award education bursary to applicants who qualify within the criteria set out under this Act and the Regulations hereunder.

(3) An applicant who is a beneficiary of only part of the school fees from any other source may qualify for education grant or bursary under this Act for the whole or part of the school fees balance as the case may be provided that the Ward Committee shall give priority to applicants who have not received any other education grant, bursary or scholarship.

(4) The Committee shall maintain proper records and minutes of all its meetings.

Amendment of the Section 17 of No. 10 of 2014

14. The Principal Act is amended by repealing Section 17.

Amendment of the Section 18 of No. 10 of 2014

15. The Principal Act is amended by repealing Section 18 and replacing it therefor with the following new section—

“18. (1) The Ward Committees shall submit the list of all beneficiaries and any other documents that may be required to the County Committee.

(2) The County Committee shall approve the disbursement of the education grant, bursary or scholarships to the beneficiaries not later than seven days after receipt of the list of beneficiaries from the Ward Committee.

(3) The County Committee shall publish a list of all the beneficiaries in all Sub-County and Ward offices.

(4) Where a person listed as a beneficiary is found to have given false information during the application process, the County Committee may remove such person from the list of beneficiaries.

(5) The County Treasury shall make payments directly to the institution where the beneficiaries are enrolled not later than fourteen days after approval by the County Committee.”

Amendment of the Section 20 of No. 10 of 2014

16. The Principal Act is amended by repealing Section 20 and replacing it therefor with the following new Section—

“20 (1) A person aggrieved by the decision of the Ward Committee may appeal to the County Education Bursary Committee within fourteen days of that decision.

(2) The Committee shall consider the appeal within fourteen days and may make recommendations to the Executive Member to—

- (a) confirm the decision of the Ward Committee; or
- (b) reverse the decision of the Ward Committee and award education grant, bursary or scholarship to the appellant in such terms as the County Committee may determine.

(3) In considering an appeal under this Section, the Committee shall be bound by the criteria set out under this Act or Regulations.

Amendment of the Section 21 of No. 10 of 2014

17. Section 21 of the Principal Act is amended in sub-section (1) by deleting paragraph (d).

Amendment of the Section 22 of No. 10 of 2014

18. The Principal Act is amended by repealing Section 22 and replacing it therefor with the following new section—

“22. The County Government may enter into agreement or partnership with any public or private institution for the proper implementation of this Act.”

Amendment of the Section 23 of No. 10 of 2014

19. The Principal Act is amended by repealing Section 23.

Amendment of the Section 24 of No. 10 of 2014

20. Section 24 of the Principal Act is amended by deleting the words “students supported” appearing immediately after the word “for” and replacing therefor with the words “beneficiaries of education grant, bursary or scholarship.”

Amendment of the Section 25 of No. 10 of 2014

21. The Principal Act is amended by repealing Section 25 and replacing it therefor with the following new section—

“25. (1) The Executive Member may establish a scholarship Scheme under this Act.

(2) The Executive Member may make regulations prescribing the criteria for qualification of a Scholarship, administration and management of the Scheme.”

Amendment of the Section 26 of No. 10 of 2014

22. Section 26 of the Principal Act is amended—

(a) in subsection (2) by deleting paragraph (a) and replacing it therefor with the following new paragraph—

“(a) prescribe the criteria for qualification, award, management and disbursement of County scholarships;”

(b) in subsection (2) by adding the following new paragraph—

“(d) prescribe the procedure for appeal to the County Education Bursary Committee;”

(c) by deleting subsection (3).

Amendment of the First Schedule of No. 10 of 2014

23. The First Schedule of the Principal Act is amended—

(a) by inserting a new Section 1A immediately before Section 1 as follows—

“1A. The First Schedule shall apply to all the Committees established under this Act;”

(b) in section 2 (4) by deleting the words “five members” appearing immediately after the words “the Committee shall be” and substituting therefor with the words “half plus one”.

Principal Act

24. The Principal Act is amended by renumbering the sections, subsections and paragraphs accordingly.