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TANA RIVER COUNTY BILLS, 2019

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**THE TANA RIVER COUNTY GOVERNOR'S
SCHOLARSHIP BILL, 2019**
A Bill for

**AN ACT of the County Assembly of Tana River to
establish the County Governor's Scholarship Fund
and for connected purposes.**

ENACTED by the County Assembly of Tana River as
follows—

1. This Act may be cited as the Tana River County Governor's Scholarship Act, 2019. Short Title

2. In this Act,— Interpretation

“County” means Tana River County;

“County Assembly” means the County Assembly of Tana River;

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to education;

“County Government” means the County Government of Tana River;

“eligible person” means any person, who, being a resident of the county, has attained the minimum entry requirement and has been admitted to a recognised institution of learning & training for a designated course;

“Finance Executive Committee Member” means County Executive Committee Member in charge of Finance;

“Financial Year” means the period of twelve months ending on thirtieth day of June.

“Fund” means the Tana River County Governor's Scholarship Fund established under section 3 of this Act;

“Scholarship” means any substantial non-repayable amount advanced to a student under this Act, independent of any loan advanced to the student;

“Student” means any student who is domiciled in Tana River County who is of Tana River County Origin and admitted to a recognised education and training institution in both public and private institutions.

**PART II — ESTABLISHMENT, OBJECT,
PURPOSE OF THE FUND AND OTHER MATTER
INCIDENTAL THEREOF**

3. There is established a fund to be known as the Tana River County Governor's Scholarship Fund, which shall—

Establishment of
the Fund

- (a) finance designated higher education courses in fields where the county has identified human resource capacity gaps;
- (b) be a County Fund consisting of monies of an amount not less than 10% (ten per centum) of the money allocated to County Government of Tana River from the National Government under Article 203 (2) of the Constitution;
- (c) include other moneys donated to the county in form of grants, scholarships, endowment funds among others in the area of Education & training and fall within the County Government;
- (d) be administered by the County Executive Committee Member responsible for matters of education and training; and
- (e) be awarded as full or partial financial scholarship assistance to the academically able but needy students in secondary schools, technical and vocational colleges, universities and special needs institutions of learning.

4. The object of the Fund shall be to—

Object of the Fund

- (a) provide funds to grant scholarships to academically able but needy students from the County to pursue education at institutions of learning and training duly recognised by the Ministry of early and basic education;
- (b) encourage and support learning in the field of Sciences and the development of technical skills;
- (c) develop professional and vocational skills and enhance opportunities for local employment;
- (d) encourage the best students to undertake training in county and national priority areas; and
- (e) seek allocation of more funds to specialised study

areas.

5. The purpose of the Fund is to enable payments to be made in respect of academically outstanding students within the County who have obtained admission in Secondary, college, university or technical institution registered and approved by the Ministry of Education.

Purpose of the
Fund

PART III — MANAGEMENT

6. (1) The Fund shall be managed by a Management Committee constituted by the Governor which shall operate within the Governor's office and patronised by the Governor.

Fund Management
Committee

(2) The Governor in appointing the Management Committee members, shall adhere to the principles of affirmative action.

(3) The names of the Management Committee members shall be forwarded to the County Assembly for approval.

(4) The composition of the committee shall include—

- (a) the chairperson;
- (b) the county chief officer for education;
- (c) the county chief officer for finance;
- (d) the county chief officer in the office of the Governor;
- (e) two members of bursary board;
- (f) the Fund administrator;
- (g) the County Attorney or his or her nominee; and
- (h) one principal of technical institution or college within the county.

(5) The chairperson and members of the Scholarship Fund Management Committee, save for the *ex-officio* members appointed under this Act shall serve on a part-time basis.

(6) The chairperson shall—

- (a) preside over all meetings of the Management Committee;
- (b) be the spokesperson for the Management

Committee; and

- (c) give policy direction to the work of the Management Committee.

7. (1) The functions of the Committee shall be to—

Functions of the
Management
Committee

- (a) receive and consider scholarship applications;
- (b) conduct research and maintain data on the eligibility of students for scholarships;
- (c) monitor the academic performance of scholarship beneficiaries;
- (d) award scholarships to individual applicants;
- (e) ensure there is full transparency in the distribution of scholarship funds and only academically outstanding students from needy families or those who are orphans are granted the scholarship through competitive vetting of the application forms;
- (f) review and recommend special and extremely needy cases to the County Executive Committee Member for education for partial or full scholarship consideration;
- (g) display on all public notice boards particulars of successful applicants including amounts awarded to them;
- (h) formulate sound policies for regulating management of the Fund and other related matters;
- (i) track funds disbursed by the Committee; and
- (j) advise the County Government on all matters relating to financing of education and training and development of the County's human resource.

(2) The County Executive Committee Member for Education shall, with the approval of the County Assembly, prescribe regulations for administrative procedures of the Committee.

(3) The Committee shall meet not more than four times in a year unless there is absolute necessity and with approval of the County Executive Member for Education.

(4) The quorum of the Committee shall be two thirds

of its members.

(5) The secretary of the Committee shall provide a full report on all scholarship committee meetings.

PART IV — APPLICATIONS

8. (1) The Fund Management Committee shall, in exercising its mandate under this Act, ensure fair and equitable distribution across the County in allocation of Scholarship support to applicants. Eligibility Criteria

(2) The Scholarship shall be issued on the following criteria—

- (a) Applicants must be Kenyan national and *bona fide* residents of Tana River County; and
- (b) have an academically outstanding record, has good moral character and demonstrates financial need;
- (c) has obtained admission in the University, College, technical institutions and Secondary Schools registered and approved by the Ministry of Higher Education and Technology; and
- (d) is pursuing a course in a profession with high demand in the County such as medicine, nursing, nutrition, education, accounting, law or engineering;
- (e) The applicant should not have benefited from any other scholarship for the same course or program; and
- (f) provide a letter of reference;
- (g) The applicant must be willing to work in Tana River County upon completion of his or her course for a certain period of time through a formal bond; and
- (h) For the continuing students, they shall submit to the Committee all the necessary documents from the institution of learning including a letter from the university confirming that the student is pursuing his or her studies from that institution.

(3) The Fund shall be open to applicants in any secondary school, post-secondary school institutions and special schools established for purposes of people living

with disabilities and adult & continuing education provided that in the opinion of the Committee such institutions qualify to benefit the larger public.

(4) The Committee shall ensure that strict criteria is adhered to in determining whether an applicant qualifies for Scholarship support and shall ensure that—

- (a) beneficiaries in secondary schools shall be students in national schools; and
- (b) priority is given to academically outstanding students from needy families and those who are total orphans, partial orphans, needy single parent and people living with disabilities;

(5) The Committee may in its opinion come up with other criteria not specified in this Act provided it does not contravene PART IV of this Act subject to approval by the County Executive Member for education.

(6) The above criteria will form the basis of application form design and any other deemed fit by the County Executive Committee and management committee.

9. (1) Every student wishing to be considered for the grant of scholarship fund shall make an application to the Committee in the prescribed form.

Application
Procedure

(2) All duly completed forms will be eligible for evaluation.

(3) The Committee after evaluation may accept or reject any application for scholarship assistance.

(4) If the Committee accepts the application it shall award an amount of scholarship to the applicant as they may deem necessary.

(5) Successful applicants shall be officially published on public notice boards.

PART V — ADMINISTRATION AND FINANCE

10. (1) A bank account of the Fund shall be opened and maintained at a well-established Commercial Bank, regulated by the Central Bank of Kenya where the Government has interest and is approved by the County Executive Committee Member for finance.

Bank Accounts

(2) The signatories to the account of the Fund

maintained in accordance with section (1) shall be the Committee Chairman, Secretary and two other persons appointed by the County Executive Committee member responsible for education.

(3) The signing instructions shall be such that the signature of the Secretary shall be mandatory on all payment cheques and/or instruments intended for actual release of money from the Fund, plus any two of the other three signatories.

11. (1) The Committee shall submit to the County Executive Committee Member for finance an estimate of its income and expenditure as specified in the budget cycle for approval.

Income and
Expenditure

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Committee for the financial year and shall provide for:

- (a) the grant of scholarships to eligible students; and
- (b) the cost of operations and management of the Fund shall not exceed 3% of the scholarship fund.

(3) Except with the approval of the County Executive Committee member for finance, no expenditure shall be incurred for the purposes of the Committee except in accordance with the annual estimates approved under subsection (1).

12. (1) The County Executive Committee member for Finance shall ensure timely disbursement of the Funds to the scholarship funds account not later than 31st December of each financial year.

Disbursement of
the Scholarship
Funds

(2) The County Executive Committee Member for education shall ensure that the awarded Scholarship funds reach their respective grantee or beneficiary institutions not later than 15th day of February every year.

(3) The County Executive Member for education, in disbursing the funds to various institutions, shall ensure that the disbursed funds are accompanied with the list of beneficiaries duly stamped and signed by the Chairperson and the Secretary of the Scholarship Committee in every page of the list.

(4) The Committee shall use not more than 3% (three

per centum) of the County allocation for scholarship as administrative expenses.

(5) The County Executive Committee Member for education shall make an order on the allowances payable to Committee members subject to Section 11(2) (b) and cause to circulate such orders from time to time as he or she deems necessary.

13. (1) The Committee shall keep all proper books and records of accounts of the income, expenditure, asset audits and liabilities of the Fund and other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the committee.

Accounting
Records

(2) The County Executive Committee member for finance shall lay audited report of accounts of the Committee before the County Assembly at the end of each financial year.

14. The financial year of the Management Committee shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.

Financial Year

PART VI — MISCELLANEOUS

15. (1) The County Executive Committee member in Charge of Education may make regulations for the smooth running of this Act.

Regulations

(2) The regulations made in Subsection (1) must be within the spirit of the Constitution and this Act and such regulations shall be approved by the County Assembly.

16. The Management Committee shall, within six months of its establishment, develop a code of conduct for its members and staff of the Fund's Secretariat.

Code of Conduct

17. Any person who—

Offences

- (a) submits false or misleading information to the Management Committee or a member of staff of the Secretariat acting under this Act;
- (b) fails to discharge an obligation whatsoever due on his part under this Act;
- (c) without justification or lawful excuse, obstructs or

hinders, assaults or threatens a member, of the Management Committee or a member of staff of the Secretariat acting under this Act;

- (d) fails to honour summons issued by the Management Committee or any other institution established under this Act and so empowered to issue summons; or
- (e) misrepresents to or knowingly misleads a member of the Management Committee or a member of staff of the Secretariat acting under this Act;

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

18. Legal proceedings for an offence under this Act or any rule and regulations made thereunder may, notwithstanding anything in any law to the contrary, be commenced at any time within twelve months from the date on which evidence sufficient in the opinion of the Management Committee to justify a prosecution for the offence comes to the knowledge of the Management Committee.

Legal Proceedings

19. Any fine imposed in accordance with any provision of this Act, and all sums recovered by legal proceedings in respect of sums which have been due but not paid to the Management Committee, shall be payable to the Management Committee.

Fines and Other
Sums Recovered
Payable to the
Management
Committee

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons of the legislative proposal

The principal purpose of this legislative proposal is to provide for legislative framework for the management of Tana River County Scholarship Fund to assist bright and needy students from the County, understanding the role Education will play in shaping the future of the County.

Quality education is an inalienable right to residents of Tana River County and it is the policy of the County Government to protect and promote the rights of all students to quality education and training. Therefore, the County Government shall take appropriate steps to make such education accessible to students.

The County Government recognises the complementary roles of public and private higher education institutions and technical vocational institutions in the education system and the invaluable contribution that the private tertiary institutions have made and will make to education. For these intents, the County Government shall:

- (a) provide adequate funding and such other mechanisms to increase the participation rate among all socioeconomic classes in technical and vocational education;
- (b) give priority to students who are academically able and who come from poor families;
- (c) ensure the optimised utilisation of government resources in education; and
- (d) Provide adequate guidance and incentives in channeling the youth in their career choices and envision work ethics.

Statement on the delegation of legislative powers

Clause 19 of this legislative proposal delegates legislative powers to the County Executive Committee member for education to make regulations.

Statement on limitation of fundamental rights and freedom

The Bill does not limit any fundamental rights and freedoms.

Statement on whether the Bill is a money Bill

This legislative proposal is a money Bill within the meaning of Article 114 of the Constitution and Section 21(4) of the County Governments Act.

Statement on the financial implications and expenditure of public moneys

The enactment of this Bill shall occasion additional expenditures of public funds which shall be provided for through the estimates.

Dated the 1st April, 2019.

RHODA KATISHA RAHA,

*Chairperson, Education, Vocational Training, Youth, Sports, Gender,
Culture and Social Services Committee.*

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