

SPECIAL ISSUE

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REPUBLIC OF KENYA

***BOMET COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 28th July 2014

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COUNTY ASSEMBLIES FORUM (CAF)
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NAIROBI, KENYA

**THE BOMET COUNTY SUPPORT FOR THE NEEDY ACT,
2014**

(No. 5 of 2014)

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**THE BOMET COUNTY SUPPORT FOR THE NEEDY ACT, 2014
(No. 5 of 2014)**

[Commencement date: 21st July 2014]

[Date of Assent: 21st July 2014]

**AN ACT of the County Assembly of Bomet to provide
for the establishment and administration of the
Old Persons Fund; the Bursary Fund and the
Compassionate Fund; and for related purposes.**

ENACTED by the County Assembly of Bomet as follows—

PART I – PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Bomet County Support
for the Needy Act, 2014 and shall come into operation upon
assent.

Interpretation.

2. In this Act, unless the context otherwise requires—
“congenital disorder” means a condition existing
at birth or that develops during the first month of life
regardless of causation;

“Executive Committee Member” means the
member of the county executive committee for the time
being responsible for education, Social Services, health as
the case may be;

“Fund” means the funds established under sections
3, 5 and 7 respectively;

“old person” means a person who has attained the
age of sixty-five years and above or such other age as may
be prescribed;

“person with disability” means a person with any
physical, sensory, mental psychological or other impair-
ment, condition or illness that has, or is perceived by signif-
icant sectors of the community to have a substantial or long
term effect on an individual’s ability to carry out ordinary
day to day activities.

**PART II – OLD PERSONS AND PERSONS WITH DISABILITY
FUND**

Establishment of the Fund. **3.** There is established a Fund to be known as the Bomet County Old Persons and Persons with Disability Fund.

Purpose of the fund. **4.** (1) The purpose of the fund is to —

- (a) provide stipend to the old persons and for persons with disabilities in accordance with the criteria established under this Act;
- (b) pay for National Health Insurance Fund for use by the old persons in accordance with the criteria established under this Act;
- (c) support persons with disability in accordance with the prescribed criteria; and
- (d) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

(2) There is established old persons and persons with disability fund committee which shall consist of the following—

- (a) Chief Officer, Finance;
- (b) Chief Officer, Gender, Culture, and Social Services;
- (c) Chief Officer, Administration;
- (d) Chief Officer, Health;
- (e) a man and a woman to represent the elderly;
- (f) a man and a woman to represent persons with disability;
- (g) faith based representative.

(3) The Executive Committee Member for the time being responsible for Gender, Culture and Social Services shall make regulations governing the operations and procedure of the Committee.

PART III – BURSARY FUND

Establishment of the Fund. **5.** There is established a Fund to be known as the Bomet County Bursary Fund.

Purpose of the fund. **6.** (1) The purpose of the fund is to—

- (a) enhance access to education;
- (b) promote and increase enrolment, retention, completion and transition rates in schools;
- (c) improve education standards and literacy levels; and
- (d) assist the poor but bright students access quality education; and
- (e) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

(2) There is established a County Bursary Fund Committee —

- (a) Three members appointed by the Governor;
 - (b) Executive Committee member for Education;
 - (c) Chief Officer, Education; and
 - (d) Chief Officer, Finance.
- (3) The Committee shall—
- (a) Equitably share the funds among the twenty-five wards existing in the county;
 - (b) review allocations to ensure support offered is adequate and sufficient;
 - (c) approve disbursement of fee support to awarded students;
 - (d) monitor allocations of support to ensure needy and deserving students benefit;
 - (e) conduct periodic county skills survey to identify critical skills for the purpose of refocusing support and encouraging students to pursue necessary disciplines;
 - (f) maintain an updated database of all applicants and beneficiaries of the fund; and

- (g) periodically produce and share annual disbursement reports with the Governor and the County Assembly.
- (4) The Executive Committee Member responsible for education shall make regulations governing the operations, procedures and business of the committee.
- (5) There is established a Ward Bursary Fund Appraisal Committee which shall consist of the following —
 - (a) member of county assembly who shall be the patron;
 - (b) ward administrator who shall be the secretary;
 - (c) seven members of the public resident in that particular ward appointed by the member of the assembly in consultation with the Executive Committee member for education which shall consist of the following—
 - (i) women representative;
 - (ii) youth representative;
 - (iii) two persons with disability;
 - (iv) an educationist;
 - (v) Non-Governmental Organization representative; and
 - (vi) Faith based organization representative.
- (6) The Ward Bursary Fund Appraisal Committee shall perform the following functions—
 - (a) invite applications for support;
 - (b) receive applications;
 - (c) scrutinize and verify all applications;
 - (d) nominate students to be supported with proposed amounts;
 - (e) maintain an updated database of all applicants; and
 - (f) forward to the county bursary fund committee minutes and records of nominated fees support beneficiaries.
- (7) The Executive Committee Member responsible for Education shall make regulations governing the operations, procedures and conduct of business of the committees.

PART IV – COMPASSIONATE FUND

Establishment of the Fund. **7.** There is established a Fund to be known as the Bomet County Compassionate Fund.

Purpose of the fund. **8.** The purpose of the fund is to—

- (a) support for medical expenses to children born with congenital disorders, from poor families; and
- (b) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

PART V – MISCELLANEOUS PROVISIONS

Sources of the funds. **9.** The sources of the established Funds shall be—

- (a) monies as shall be appropriated yearly by the County Assembly;
- (b) such sums as may be received as contributions, gifts or grants from any lawful source; and
- (c) any monies earned from interest or arising from any approved investment of the Funds.

Criteria for funding. **10.** (1) The Executive Committee Member responsible shall prescribe the criteria for funding which shall be approved by the Executive Committee.

(2) The criteria may be varied from time to time to take into consideration the changing circumstance of the purpose of the fund.

(3) Each year, the Executive Committee member responsible shall prepare a list of beneficiaries from the applicants received and developed in accordance with the prescribed criteria.

(4) The Executive Committee member responsible shall table the list of beneficiaries before the Executive Committee for approval and authorization before funds are disbursed.

Capitalization
and
administration
of the funds.

11. (1) The County Executive Committee Member for finance shall designate the accounting officer for the department responsible to be the administrator of the Fund.

(2) The duties of the administrator are to —

- (a) supervise and control the administration of the Fund;
- (b) be the accounting officer of the Fund;
- (c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;
- (e) cause to be kept proper books of account and 6 other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (f) 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 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 law.

(3) All monies received by the Fund shall be maintained in a separate bank account in the respective names opened with the approval of County Treasury and administered in accordance with the provisions of the Public Finance Management Act No. 18, 2012.

(4) The balance of the Fund at the close of each financial year shall be retained in the Fund for purposes for which the Fund is established.

Register of the
needy to be kept.

12. (1) The Executive Member responsible shall keep and maintain the register of the needy persons.

(2) The persons who wish to be considered from the Fund shall make an application in the prescribed manner in accordance with the prescribed criteria.

False
information.

13. A person who submits false information for purposes of registration in accordance with this Act, shall, on conviction, be liable to a fine of one hundred thousand shillings or to a term of imprisonment of one year.

Savings.

14. Any funds lawfully disbursed for the purpose of supporting the needy prior to the coming into force of this Act shall be deemed to have been disbursed in accordance with this Act.

Regulations.

15. (1) The Executive Member responsible for the fund may make regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

- (a) provide for the criteria and scope of the fund;
- (b) prescribe additional guidelines regarding fund;
- (c) prescribe the relevant forms;
- (d) providing for the registration and the procedure for registration;
- (e) provide for the amount and manner of disbursement; and
- (f) any other matter that is necessary for the implementation of the fund.

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