

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

Busia County Gazette Supplement No. 14 (Bills No. 11)



REPUBLIC OF KENYA

***BUSIA COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2014

NAIROBI, 24th June, 2014

CONTENT

Bill for Introduction into the Busia County Assembly —

PAGE

The Busia County Ward Development Fund (Amendment) Bill, 2014 1

**THE BUSIA COUNTY WARD DEVELOPMENT
FUND (AMENDMENT) BILL, 2014**

A Bill for

**AN ACT of Busia County Assembly to amend The
Busia County Ward Development Fund Act,
2014 (herein “the Principal Act”).**

ENACTED by the County Assembly of Busia, as
follows —

1. This Act may be cited as The Busia County Ward Development Fund (Amendment) Act, 2014 and shall come into force on the date of its publication in Kenya gazette and Busia County gazette.

Short Title and
Commencement

2. Section 2 of the Principal Act is amended by inserting the following new definitions in their correct alphabetical order

Amendment of
Section 2 of the
Principal Act

National
Assembly
No. 17 of
2012

“Chief Executive” means the Chief Executive of the Fund appointed under section 6A (g) of this Act;

“Village Administrator” means the village administrator appointed under the County Government Act, 2012. “Ward account” means a bank account maintained for each of the electoral wards in Busia County pursuant to section 15 of this Act.

“Ward Administrator” means the ward administrator appointed under the County Government Act, 2012.

3. Section 5 of the Principal Act is amended —

Amendment of
Section 5 of the
Principal Act

- (a) deleting the entire paragraph (c)
- (b) deleting the entire paragraph (e); and
- (c) deleting the entire paragraph (h)

4. Section 6A of the Principal Act is amended by;

Amendment of
section 6A of the
Principal Act

- (i) deleting the word “secretary” at paragraph (b) of subsection (1);
- (ii) inserting a new paragraph (g) as follows;

“(g) The Chief Executive of the Fund appointed by the Member of the Executive Committee with the

approval of the County Assembly from among three persons proposed by the County Public Service Board;

(iii) inserting a new subsection (3) as follows;

“The Chief Executive of the Fund shall be the Secretary to the County Committee and shall, for purposes of section 148 of the Public Finance Management Act, be the accounting officer of the Fund”

(iv) inserting a new subsection (4) as follows;

“(4) A person shall not be qualified for appointment as the Chief Executive of the Fund unless such person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya or its equivalent;
- (c) has had at least five years relevant professional experience;
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

5. section 6B of the Principal Act is amended by deleting at paragraph (d) the words “through Sub-County Committees”

Amendment of
section 6B of the
Principal Act

6. Section 7A of the Principal Act is deleted.

Amendment of
section 7A of the
Principal Act.

7. Section 7B of the Principal Act is deleted.

Amendment of
section 7B of the
Principal Act.

8. Section 7C of the Principal Act is amended –

Amendment of
section 7C of the
Principal Act.

i. at subsection (1) by —

- a. deleting paragraph (a) and substituting therefor the following new paragraph

“(a) A Chairperson elected by the members referred to under paragraph (b) below from amongst themselves;”

- b. deleting the phrase “ assembly representing the ward in consultation with the Sub-County

administrator” at paragraph (b) and replacing it with “Executive Committee”

- ii. inserting the phrase “with the approval of the County Assembly “ immediately after the word “Member” at subsection (2); and
- iii. deleting the entire subsection (3)

9. Section 8 of the Principal Act is amended;

Amendment of
section 8 of the
Principal Act

- i. at subsection (1) by adding at the end the following words—
“in accordance with the County Integrated Development Plan and the County Fiscal Strategy Paper”
- ii. at subsection (2) by adding the words “for the next financial year”
- iii. at subsection (4) by deleting the word “Sub-County” and replacing it with “County”; and
- iv. by deleting the entire subsection

10. Section 20 of the Principal Act is amended by deleting paragraph (b).

Amendment of
section 20 of the
Principal Act.

11. Section 21 of the Principal Act is amended—

Amendment of
section 21 of the
Principal Act.

- i. at subsection (3) by deleting the words” the sub-County Committee and”;
- ii. by inserting a new subsection (4) as follows—

“(4) The emoluments and allowances referred to at subsection (2) and (3) respectively shall be payable only after the advice of the Salaries and Remuneration Commission has been sought pursuant to Article 230(4) (b) of the Constitution.”

12. The Principal Act is amended by introducing a new part viii as follows;

Introduction of A
new Part viii

“PART VIII-TRANSITIONAL PROVISIONS

Transitional
Duties of the Ward
Administrator
“27. (1) Pending the appointment of the Village Administrators, the Ward Administrators to whom a particular village Administrator is supposed to report shall

perform all the functions required of the village administrator under this Act.

(2) Subsection (1) above lapses with the appointment of a village administrator with respect to the functions of that particular village administrator.

Transitional
Duties of
Chief
Officer in
charge of
Public
Service

28. (1) Pending the appointment of the Chief Executive, the Chief Officer in charge of Public Service shall perform all the functions required of the Chief Executive under this Act”

(2) Subsection (1) above lapses with the appointment of Chief Executive.”

13. The Fifth Schedule is deleted.

Amendment
of the Fifth
Schedule

MEMORANDUM OF REASONS

The Busia County Ward Development Fund (Amendment) Bill, 2014 seeks to amend the provision of the The Busia County Ward Development Fund (Amendment) Act, 2014 to comply with proper financial management principles.

Clause 3 of the Bill seeks to delete sporting activities, money for emergency purposes and for bursaries as well as Mock examinations from the list of what can be funded under section 5 of the Principal Act.

Clause 4 of the Bill seeks to amend section 6A of the Principal Act. It seeks to create the office of the Chief Executive of the Fund appointed by the Member of the Executive Committee with the approval of the County Assembly from among three persons proposed by the County Public Service Board.

The Chief Executive of the Fund is to be the Secretary to the County Committee and, for purposes of section 148 of the Public Finance Management Act, shall be the accounting officer of the Fund.

Clause 5, 6, 7, 9 (iii) and 11 (i) of the Bill seek to remove from the fund executive administrative structure the Sub-County Committee so that we are left with two levels in the structure; the Ward Committee at the ward level and the County Committee at the County level.

Clause 8 of the Bill seeks to amend the Principal Act with the effect of divorcing the Members of the County Assembly from any direct or indirect involvement in executive functions as provided for under section 9 of the County Governments Act.

Part VII of the Bill captures transitional provisions. It provides that the Pending the appointment of the Village Administrators, the Ward Administrators to whom a particular village Administrator is supposed to report shall perform all the functions required of the village administrator under this Act.

S. O. MUKANGA,
Chair, Justice and Legal Affairs Committee.