

SPECIAL ISSUE

Elgeyo/Marakwet County Gazette Supplement No. 3 (Acts No. 1)



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**ELGEYO/MARAKWET COUNTY
GAZETTE SUPPLEMENT**

ACTS, 2017

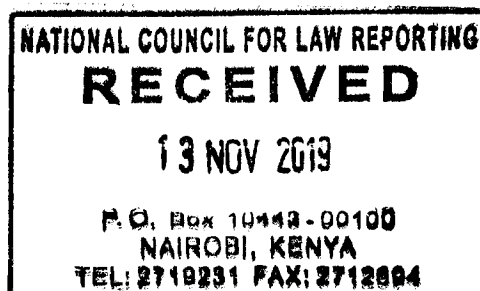
NAIROBI, 3rd March, 2017

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**THE ELGEYO/MARAKWET COUNTY EDUCATION FUND ACT,
2017**

No. 1 of 2017

Date of Assent: 16th February, 2017

Date of Commencement: See section 1

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2017

Elgeyo/Marakwet County Education Fund

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**THE ELGEYO/MARAKWET COUNTY
EDUCATION FUND ACT, 2017**

**AN ACT of the County Assembly of Elgeyo/Marakwet
to provide for the establishment of the County
Education Fund; management, governance and
administration of the Fund; and for connected
purposes**

ENACTED by the County Assembly of Elgeyo/Marakwet,
as follows—

1. This Act may be cited as the Elgeyo/Marakwet
County Education Fund Act, 2017 and shall come into
operation upon Gazettement.

Short title.

2. (1) In this Act, unless the context otherwise
requires —

Interpretation.

“access” means the right or opportunity to use or
benefit from education;

“Board” means the Higher Education Loans
Management Board established under Section 3 of the
Higher Education Loans Board Act;

No. 6 of 2005.

“bursary” means a person granted bursary, loan or any
other benefit under this Act;

“chief officer” means the county chief officer as
appointed under Section 45 of the County Governments
Act, 2012; and

Cap. 213A.

“community” means residents of a particular
geographical area or region defined as county, ward,
location, sub location or village and having common
interests;

“County Government” means the County Government
of Elgeyo/Marakwet;

“County Education Fund Committee” means the
committee established under section 14 of this Act;

“County Executive Committee member” means the
County Executive Committee responsible for matters
relating to Education, and Technical Training;

“eligible person” means any person, who being a
resident of Elgeyo/Marakwet County has met minimum
entry requirements and has been admitted to a

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recognized institution of learning to complete a full course;

“equity” means the act of being fair and impartial in considering a matter;

“Fund” means the Elgeyo/Marakwet County Education Fund established under section 5;

“higher education” means any course of education offered by an institution above the standard of Kenya Certificate of Secondary Education or any equivalent certificate approved by the County Government;

“loanee” means any person granted a loan under this Act;

“scholarship” means a grant, gift or donation given to a successful applicant;

“Ward Committee” means the Ward Education Fund Committee established in each ward under Section 12 of this Act;

“tertiary education” means education provided for by vocational training colleges, polytechnics, colleges, training institutions and universities;

“ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution; and

“youth” means a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

3. The objectives of this Act is to establish a legal and institutional framework to facilitate —

Objectives of the Act.

- (a) improved access to education by all residents of Elgeyo/Marakwet County by providing funds to grant bursaries and scholarships;
- (b) enhanced equity in education for all residents of Elgeyo/Marakwet County;
- (c) improvement of literacy level within Elgeyo/Marakwet County; and
- (d) ensuring that a specific portion of the county annual budget is devoted to the County Education Fund for the purposes of this Act.

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4. The guiding principles that shall govern the application of this Act shall be —

Guiding principles.

- (a) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (b) good governance, integrity, transparency and accountability;
- (c) sustainable development.

PART II—ESTABLISHMENT OF THE EDUCATION FUND

5. (1) There is established a fund, to be known as the Elgeyo/Marakwet County Education Fund.

Establishment of the Fund.

(2) The Fund shall consist of—

- (a) monies as allocated by the County Assembly for the purposes of the Fund, in every financial year;
- (b) any grants, scholarship, gifts, donations, loans or other endowments received by the County Government for the purpose of this Fund; and
- (c) such monies as may be payable or vested in the fund; and
- (d) monies earned or arising from any investment of the fund.

6. The resources of the Fund shall be utilized—

Application of the Fund.

- (a) as a bursary to secure the attendance to an educational institution recognized by the County Government pursuant to this Act;
- (b) as an Education loan to secure attendance to an educational institution of a nature of middle level colleges, vocational training colleges and universities or any other institution recognized by the county government pursuant to this Act; and

(c) to enhance equity in education.

7. (1) The County Executive Committee member responsible for finance shall appoint Chief Officer Education and Technical Training to administer the

Administration of the Fund.

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Elgeyo/Marakwet County Education Fund.

(2) The fund shall be managed in accordance with section 116 of the Public Finance Management Act, 2012.

No. 18 of 2012

8. (1) For the purpose of disbursement of funds under this Act, the Fund Administrator shall cause an account to be opened in a commercial bank, approved by the County Treasury, and such an account shall be known as the "Elgeyo/Marakwet County Education Fund Account."

Bank account of the Fund.

(2) The signatories of the account stated in subsection (1) above shall include the Fund Administrator, the Chief Officer responsible for finance and the Director of Education and Technical Training.

9. (1) Funds from the County Education Fund Account shall only be withdrawn as disbursements for a particular purpose in accordance with the provisions of section 6 of this Act.

Payments from the fund

(2) Every payment or instruction for payment out of the County Education Fund Account shall be strictly on the basis of minute resolutions of the County Education Fund Committee.

(3) All receipts, savings and accruals to the account and the balances thereof at the end of each financial year shall be returned to the Fund Account.

10. (1) The Fund Administrator is accountable to the County Assembly for ensuring that the resources of the Fund for which the officer is appointed are used in a way that is —

Responsibilities of the fund Administrator

- (a) Lawful and authorized;
- (b) Effective, efficient, economical and transparent.

(2) In carrying out the responsibilities imposed by subsection (1) above, the Fund Administrator, in respect of the Fund shall —

- (a) ensure that the Fund keeps financial and accounting records that comply with the Public Finance Management Act, 2012;
- (b) ensure that all financial and accounting records that the fund keeps in any form including in electronic form are adequately protected and

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backed up;

- (c) ensure that all contracts entered into on behalf of the Fund are lawful and are complied with;
- (d) ensure that all applicable accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance;
- (e) bring a matter to the attention of the County Executive Member responsible for finance if, in the accounting officer's opinion a decision or policy or proposed decision or policy of the Fund may result in resources being used in a way that is contrary to provisions of subsection (1) above.
- (f) submit the estimates of the Fund to the County Executive Committee member responsible for education who, after approving it, shall forward it to the County Executive Committee member for finance;
- (g) to resolve any issues resulting from audit that remain outstanding;
- (h) dispose of assets only in terms of the Public Procurement and Asset Disposal Act, 2015 and pursuant to Article 227 of the Constitution;
- (i) ensure that the Fund has adequate systems and processes in place to plan for, procure, account for, maintain, store and disposal of assets, including an asset register that is current, accurate and available to the relevant County Treasury or the Auditor-General;
- (j) provide the County Treasury with any information it requires to fulfill its functions under this Act;
- (k) provide information on any frauds, losses, or any violations of subsection (1) above and provide explanations for the actions taken to prevent similar conduct in future; and
- (l) carry out such other responsibilities as may be specified in regulations by the County Executive Committee member for finance.

No. 33 of 2015

11. The Fund Administer shall prepare reports in accordance with the provisions of section 81 and 83 of the Public Finance Management Act, 2012

Reports and audit

PART III—ESTABLISHMENT OF FUND COMMITTEES

12. (1) There is established in each ward, a Ward Education Fund Committee which shall consist of—

Ward Committees

- (a) the Ward Administrator who shall be the Secretary and an ex – officio member;
- (b) a representative from each sub-location domiciled in that specific Ward.

(2) The selection of members of each Ward Committee under section 12 (1)(b) shall—

- (a) take into account representation of men and women, persons with disabilities and youth; and
- (b) meet the requirements, standards and values of Articles 10, 27(4), 56(c) and 232(1) of the Constitution of Kenya.

(3) The members under Section 12 (1) (b) shall possess a minimum requirement of a certificate in post primary education.

(4) The chairperson and vice-chairperson shall be elected by the members from among themselves.

(5) The chairperson shall be a holder of a post-secondary certificate.

(6) The chairperson and vice-chairperson shall be of either gender.

(7) The term of office for members appointed under sub-section (1) (b) and (c) shall be three (3) years, and shall be eligible for re appointment for not more than one term.

(8) The Ward Administrator shall forward the names of members of the Ward Education Fund Committees to the County Executive Committee Member responsible for Education and Technical Training.

(9) The quorum of the Ward Committees shall be a simple majority.

(10) Whenever a vacancy occurs in the Ward

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Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.

13. (1) The chairperson of the Ward Committee shall convene meetings from time to time —

Functions of the
Ward Committees

- (a) as and when the resources are available in their respective wards; and
- (b) when a decision has to be made by the members of eligible successful applicants in relation to access of the fund.

(2) The Ward Education Fund Committee shall perform the following functions—

- (a) invite applicants for fees support;
- (b) scrutinize and verify applicants;
- (c) confirm students to be supported with proposed amounts;
- (d) maintain an updated database of all raw applicants;
- (e) forward too County Education Committee secretary
- (f) the secretary to the Committee shall compile proper records and minutes and make returns thereof to the County Education Fund Committee
- (g) any other function assigned to it by the County Education Fund Committee.

14. (1) There is established a committee to be known as the county Education Fund Committee.

Establishment of
the County
Education
Committee

(2) The County Executive Committee member responsible for Education and Vocational Training shall appoint members of the County Education Fund Committee with the approval of the County Assembly who shall consist the following—

- (a) one member from each sub-county
- (b) County Executive Member for Finance and Economic Planning;
- (c) Chairperson Kenya Secondary School Head

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Teachers Association;

- (d) a representative of the vocational Training Centers within the county;
 - (e) a representative of a religious organization
 - (f) representative of County Education Board
 - (g) the chief officer who shall be the secretary and *ex-officio* member of the Committee.
- (3) The selection of members of the County Education Fund Committee under subsection (2)(a) and (b) shall—
- (a) take into account representation of men and women, persons with disabilities and youth; and
 - (b) meet the requirements, standards and values of Articles 10, 27 (4), 56 (c) and 232 (1) of the Constitution of Kenya
- (4) Election and nomination of members of the Committee shall take into account the principles of equality and non-discrimination, regional balance and gender parity.
- (5) the chairperson and vice-chairperson shall be elected by the members of the committee from among themselves.
- (6) A person shall not be elected as a chairperson under subsection (1)(b) unless the person—
- (a) holds a minimum requirement of a bachelors degree from a recognized university; and
 - (b) has experience of at least five years in senior level management in public or private sector.
- (7) A person shall not qualify to be selected as a member under subsection (2)(a) unless they hold a certificate in post secondary education.
- (8) the chairperson and the vice-chairperson shall be of either gender.
- (9) The term of office for members appointed under subsection (2) (a) and (b) shall be three (3) years, which shall be non-renewable.
- (10) The County Executive Committee member shall cause the names of persons appointed as members of the County Education Fund Committee to be published in the

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Kenya Gazette.

(11) The quorum of the Education Fund Committee shall be a simple majority.

(12) Whenever a vacancy occurs in the Education Fund Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.

15. (1) The County Education Fund Committee shall—

Functions of the
County Education
Fund Committee

- (a) equitably share the fund among the wards existing in the county;
- (b) review allocation to ensure support offered is adequate and sufficient;
- (c) approve disbursement of bursary; grants and scholarships; awarded to the students;
- (d) monitor allocation of support to ensure the needy and deserving students benefit
- (e) maintain an updated database of all applicants and beneficiaries of the fund
- (f) periodically produce and share disbursement report to the County Executive Committee and the County Assembly
- (g) resolve disputes arising from the Ward Education Fund committee
- (h) receive, deliberate and approve applications for education loans.

(2) The secretary to the County Education Fund Committee shall compile proper records and minutes and make returns thereof to the County Executive Committee member.

16. The meetings of the Committees shall be conducted as provided for in the First Schedule.

Conduct of
meetings

17. (1) A member who has an interest in any matter presented at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the matter, or be counted in the quorum of the meeting

Declaration of
interest

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during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the committee who contravenes provisions of subparagraph (1) shall cease to be a member of the Committee.

(4) A member who contravenes the provisions of this Act commits an offence under this Act.

18. (1) The position of a person appointed as the chairperson or as a member of a committee shall become vacant, if such a person –

Removal from
office

- (a) dies;
- (b) resigns from office in writing to County Executive Committee member;
- (c) is convicted of an offence punishable by a term of imprisonment exceeding three (3) months;
- (d) violates the provisions of Chapter Six of the Constitution;
- (e) is culpable of gross misconduct, whether in the performance of the member's functions;
- (f) is incapable of performing the official functions of the office due to physical or mental incapacity;
- (g) is absent from three consecutive meeting without good cause;
- (h) is declared bankrupt; or
- (i) is incompetent or unfit to discharge official duties.

(2) Before removal from office under Subsection

(1), a member shall be accorded a fair opportunity to be heard by the County Executive Committee member responsible for Education and Technical Training.

(3) An appointment to fill a vacancy shall be for the remainder of the term of the member being replaced and shall be eligible to reappointment.

PART IV – EDUCATION FUND AWARDS

19. A Committee shall adhere to the following

Principles of
awarding fund

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principles while awarding funds —

- (a) equitability and fairness;
- (b) inclusivity and nondiscrimination;
- (c) public participation; and
- (d) accountability and transparency

20. For one to be eligible as a beneficiary he or she—

Eligibility for
award of funds

- (a) has to have a parent or guardian who has been a resident in the ward or county for at least three (3) years;
- (b) is a full-time student or enrolled student attending a secondary school, a vocational training center, middle level college, home craft center or any other institution recognized by the County Government;
- (c) is not financially capable of making payment of the school fees; and
- (d) meets the conditions set out under section 21 of this Act.

21. An education fund under this Act shall only be granted to a person who is —

Conditions for
education funds

- (a) an orphan;
- (b) vulnerable due to family or social setting; or
- (c) disabled, or has special needs; or
- (d) poor and whose parents have no means of providing financial support towards the person's education;
- (e) such other circumstances that may render a person financially incapacitated.

22. (1) An eligible applicant shall apply to the Ward Committee in the form set out under the Second Schedule.

Application for
award of an
education fund

(2) Each Ward Committee shall ensure that the application forms are accessible in at least—

- (a) the office of each Member of County Assembly;
- (b) the department's office;

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- (c) office of the ward administrator;
- (d) the county government registry; and
- (e) the county government website.

(3) Notwithstanding subsection (2), the Ward Committee may partner or collaborate with education stake holders such as schools, faith based or nongovernmental or community based organizations for provision of the forms to eligible students.

(4) An applicant shall not be charged any fee for accessing the forms prescribed under this section.

23. The Ward Committee shall receive and consider the applications submitted under section 20 within fourteen days after the expiry of the stipulated date of submission.

Review of the
applications

24. (1) A Committee shall consider the following categories of applicants in determining the amount of education grant or scholarship award-

Awarding education
grants

- (a) family status ranked as total orphan, partial orphan, or an applicant with parents in financial need;
- (b) affirmative action or special circumstances such as girl child, boy child, children from informal settlements, marginalized areas or of special needs, or with disability;
- (c) discipline ranked as excellent, very good, good, average or below average;
- (d) academic performance ranked as excellent, very good, good, average or below average; and
- (e) such other category as may be prescribed by the County Education Fund Committee.

(2) A Committee shall award scores under each category out of a possible one hundred marks, and the applicants with the highest scores shall be the successful candidates

(3) A Committee shall ensure proper and up-to-date minutes are maintained.

(4) In Considering the applications under this section, a Committee shall liaise, where applicable, with other relevant public or private entities to ascertain whether an

applicant has been awarded an educational award or scholarship under a similar scheme to cater for the same year and whether the amount has been awarded.

(5) Where a Committee establishes that an applicant has been awarded an education grant, bursary or scholarship under subsection (4), it may make additional award to the applicant to meet the remaining fee deficit:

Provided that the Committee shall give priority to applicants who have not received any educational grant, bursary or scholarship.

25. (1) A Committee shall have powers to verify information provided by an applicant and may, subject to the relevant laws—

Verification of
information

- (a) visit the residence of the applicant;
- (b) seek further information to support the application; or
- (c) invite the applicant to appear in person before the Committee.

(2) At the end of the application period the committee shall meet to open and record all applications.

26. (1) Each Committee shall submit the list of beneficiaries, together with minutes of the deliberation and award proceedings to the County Executive Committee member for approval and preparation of payment for the grant, bursary or scholarship.

Disbursements

(2) The list of beneficiaries shall be in the summary form set out under the Fourth schedule.

(3) Where an applicant who is not eligible under this Act is awarded a grant, bursary or scholarship by any Committee, the County Executive Committee member may cancel the grant, bursary or scholarship, and provide reason thereof to the committee.

(4) The County Executive Committee member shall then forward a certified list of beneficiaries to the Fund Administrator for processing of payment.

(5) The Fund Administrator shall make payments in favor of, and directly to, the designated educational institution's account, and there shall be no direct payments

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to any eligible successful candidates.

(6) The Fund Administrator shall ensure that all payments—

- (a) in case of continuing eligible students, not later than 31st January of each year;
- (b) in case of new successful applicants, not later than the last day of February each year or as specified by the educational institution.

27. The monies disbursed for an educational grant, bursary or scholarship may be applied towards any or all of the following uses depending on each successful candidates needs—

Application of
disbursed funds

- (a) the tuition fees in the designated educational institution in which the successful candidate is registered;
- (b) the cost of books and other course related materials;
- (c) the cost of school uniform; and
- (d) where the successful candidates are enrolled in a designated educational institution outside the ward in which they are residents and are required to board in such institutions, the cost of boarding and lodging of the successful candidate and such necessary supplies in reasonable quantities as may be approved by the school institution.

28. (1) The County Executive Committee member shall publish the list of successful candidates in—

Publication of list
of beneficiaries

- (a) the office of the Ward Administrator;
- (b) the office of the Member of County Assembly of that Ward
- (c) the office of the county officer in charge of education in the Ward;
- (d) the County Executive Committee member's office;
- (e) the County website and such other media platform; or
- (f) such other office as may be determined by the

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County Executive Committee member.

(2) The County Education Fund Committee shall ensure that the list of beneficiaries is accessible to the public.

PART V—APPLICATION OF COUNTY EDUCATION LOANS

29. (1) The County Government may enter into partnership agreement with the Board.

Agreement with the
Loans Board

(2) The agreement in the above sub-section (1) shall be entered into through a legal agreement.

(3) The objectives of the partnership shall include, but not limited to—

- (a) grant loans, with or without security, to any eligible person to enable him or assist any student to meet the cost of higher education;
- (b) receive and consider all loan applications from eligible person or students wishing to be considered for the award of higher education loans and to approve, withheld or reject such request in accordance to the provisions of this Act;
- (c) perform other functions relating to the granting of students' loans in accordance with the provisions of this Act.

(4) Any administer expenses of executing the agreement shall be dealt with in a manner prescribed in the contract agreement.

30. (1) An applicant who wishes to be considered in the scheme mentioned under section 29 shall make an application to the Board as per the regulations set out in the Third Schedule.

Eligibility and
qualification for the
Higher Education
Loans

(2) The County Education Fund Committee shall identify successful candidates who qualify to be awarded loans as per the Criteria and Means Testing Instrument established by the County Education Fund Committee.

(3) The County Education Fund Committee shall then submit the list of the successful candidate to the County Executive member who shall then forward the list to the

Fund Administrator to effect payment thereof using the most efficient way, and thereafter recover the loan as per the loan agreement between the County Government and loan applicant.

(4) If the County Education Fund Committee rejects the list submitted by the Board as per section 29 (3) (b), it shall notify the Board of its decision within 14 days with reasons of such rejection and recommendations thereof.

(5) Upon receipt of the notification from the County Education Fund Committee, the Board shall prepare a rejoinder and submit it to the County Education Fund Committee within 21 days.

(6) An unsuccessful candidate may appeal to the County Education Fund Committee for reconsideration of his or her loan application.

31. Notwithstanding any other provision in this Act, the provisions of sections 29 and 30 shall apply to applicants from colleges in public and private universities who for any reasons cannot access National Government higher loans kitty, or where access thereof is insufficient that cannot take them through their studies.

Application of
higher education
loans

PART VI—MISCELLANEOUS

32. The County Government shall make an award with respect to this Act to each successful candidate of not less than eight thousand Kenya shillings. Person

Minimum award
per student

33. (1) A person shall not make a statement in connection with this Act which that person knows to be false or misleading—

Offences- false or
misleading
statements

- (a) in connection with an application for the grant of evidence under Section 36; or
- (b) generally, when providing information required under this Act.

(2) If a person contravenes subsection (1), the person is guilty of an offence and is punishable by a fine not exceeding two hundred and fifty thousand Kenya shillings or imprisonment of one year, or both.

34. A person who commits an offence under this Act shall be liable to a fine not exceeding five hundred thousand Kenya shillings or to imprisonment for a term not exceeding

General penalty

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two years or to both.

35. Neither the County Executive Committee Members nor any other person or body of persons shall be personally liable to any action or proceedings for or in respect of any act or thing done or omitted to be done in good faith in the performance or exercise of any duty or power imposed or conferred by or under this Act.

No action
maintained against
County Executive
Committee
Members, etc

36. The County Government shall liaise with Office of the Director of Public Prosecution to provide a special prosecutor to prosecute matters for an on behalf of the County Government under this Act.

Prosecution of
matters under this
Act

37. The County Executive Committee member shall make regulations to operationalize this Act where applicable.

Regulations

SCHEDULES

FIRST SCHEDULE (S.16)

**CONDUCT OF BUSINESS AND AFFAIRS OF THE
COMMITTEE**

1. The Chairperson or a member of the Committee other than ex officio members shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for appointment for not more than two terms.

Tenure of office

2. (1) A member other than an ex officio member may—

Vacation of office

(a) At any time resign from office by notice in writing to the County Executive Committee member; or

(b) be removed from office by the County Executive Committee member on recommendation of the Committee if the member—

(i) has been absent from three consecutive meetings of the Committee without its permission;

(ii) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;

(iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or

(iv) is otherwise unable or unfit to discharge his functions.

3. (1) The Committee shall meet quarterly in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

Meeting s

(2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least five (5) members, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the

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Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to each Committee member.

(4) The quorum for the conduct of the business of the Committee shall be a simple majority.

(5) The Chairperson shall when present, preside at every meeting of the Committee.

(6) The members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(7) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (4), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Committee may determine its own procedure and the procedure for any sub-committee of the Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

4. The provisions of this Schedule shall apply to the conduct of the business of the Ward Education Fund Committee but only where no specific provisions have been made in this Act, and only in so far as they do not constitute a contradiction or negation of the provisions of the Act.

Application of this
Schedule

SECOND SCHEDULE (S.21(1))

APPLICATION FORM

FORM EMCEF/WARD YEAR

To: The Chairman,

Elgeyo/Marakwet County Education Fund

P.O Box 220-30700, Iten

Ref: Secondary And Vocational Training Centers

A. PERSONAL INFORMATION

No. 1

Elgeyo/Marakwet County Education Fund

2017

- (i) Name of applicant
- (ii) Name of Guardian/Parent
- (iii) Occupation
- (iv) Area of residence
- (a) Ward
- (b) Location
- (c) Sub-Location
- (d) Village
- (v) Name of the institution of learning
- From to.....

(vi) Reasons for applying (tick) where appropriate

- ☐ I am a needy orphan
- ☐ I am a needy student from a single parent
- ☐ I hail from a poor family
- ☐ Any other- Please explain

.....

.....

.....

(vii) Have you ever been a beneficiary?

- ☐ Yes
- ☐ No

(viii) If yes, which year

Amount Ksh.

(ix) Total cost of your Education per year Ksh.

I certify that the above information is true to the best of my knowledge and believe

Signature Date

Student

2017

Elgeyo/Marakwet County Education Fund

B. FOR OFFICIAL USE

- (i) Ward name.....
(ii) Date application received
(iii) Reasons for not approving
.....
.....

Amount recommended Ksh.

Chairman- Ward Committee

Signature: Date:

Ward Administrator

Signature: Date:

THIRD SCHEDULE (S.24(1))

ADMINISTRATION OF THE REVOLVING FUND

1. Every student wishing to be considered for the grant of a loan shall make an application to the higher Education Loans Board in the prescribed form when such applications are invited by the County Education Fund Committee, through the Higher Education Loans Board.

Application of the
higher education
loans.

2. Every student who has been awarded a loan shall be issued with a Loanee Identification Personal Account Number (LIPA) by the Board.

Loanee
Identification
Personal Number.

3. (1) The County Education Fund Committee may-

Conditions for grant
of loan.

- (a) Accept or reject any application for a loan;
(b) grant a loan to any student and in so granting impose conditions, demand security and require repayment in installments at such times and within such periods as it deems fit:

Provided that subject to the provisions of this Act, the loan applicant may make a request in the prescribed form to vary —

- (i) the condition subject to which the loan was made;
(ii) security given in relation to the loan; or
(iii) any of the terms of repayment of the loan.

No. 1

Elgeyo/Marakwet County Education Fund

2017

4. Where the County Education Fund Committee has resolved to grant a loan to an eligible candidate, it shall notify the applicant in writing, and require him within a specified period not exceeding six (6) months to comply with any conditions, and provide any security which it may have imposed or demanded.

Notice to candidate
in writing

5. Where an applicant fails to comply with the requirements of the notice referred to in paragraph 4 above within the prescribed period, the application shall be deemed to have lapsed.

Lapse of the
application.

6. (1) Where in granting in a higher education loan to a candidate, and the County Education Fund Committee considers it prudent to request for a guarantor to guarantee any loan granted to a student, in case of any default by the Loanee in the repayment of the loan, such a guarantor shall automatically be wholly liable for the repayment of all or part of the loan together with interest accrued and outstanding sums.

Loan guarantor

(2) Notice of default of the loan payment for three (3) consecutive months by the Loanee to the guarantor shall be made by the County Education Fund Committee in writing.

7. (1) Where a guarantor who has been notified by the higher education loan under paragraph 7 above fails or refuses to repay such loan together with any interest accrued thereon, the guarantor shall be guilty of an offence and liable to criminal prosecution or civil proceedings or both in accordance with the provisions of this Act.

Default by the
guarantor

(2) A guarantor who fails to pay a loan issued pursuant to this Act commits an offence and shall be liable on conviction to fine not less than six thousand shillings or to imprisonment not exceeding 6 months or to both.

8. (1) The County Education Fund Committee may on approval of a loan application resolves to bond Loanees to offer their services to the County Government after completion of their studies, or in between their study period:

Bonding the Loanee

Provided that the bond terms shall not interfere with the study program offered to the Loanee.

(2) The bond forms shall be in the prescribed form and shall be prepared by the legal services department and

2017

Elgeyo/Marakwet County Education Fund

copied to the Department and the Human Resource Manager.

9.(1) A loanee shall be required, subject to and in accordance with this Act or any regulations made thereunder, within one year of completion of his studies or within such a period as the County Education Fund Committee decides to recall its loan, whichever is earlier-

Default by Loanee

- (a) to inform the County Education Fund Committee of his contact address;
- (b) to begin repayment of his loan together with any interest accrued thereon; or
- (c) if he is in formal employment, to authorize his employer to deduct the loan repayment and to remit it to the Fund in such manner as the County Education Fund Committee may direct;

(2) Any loanee who fails or neglects to satisfy the requirements of subparagraph (1) within the stipulated time, shall in addition to any other action that the County Education Fund Committee may take against him, be guilty of an offence and liable to a fine of not less than five thousand shillings in respect of each loan deduction that remains unpaid in accordance with provisions of subsection (1), and such fine shall be payable to the Fund.

No. 1

Elgeyo/Marakwet County Education Fund

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FOURTH SCHEDULE (S. 29(2))

SUMMARY FORM

FORM EMCEF/WARD YEAR

<i>S.No.</i>	<i>Name</i>	<i>Institution</i>	<i>Adm. No.</i>	<i>Award</i>	<i>Account</i>

Chairman Ward Committee

Signature Date

Ward Education Fund Secretary

Signature Date