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REPUBLIC OF KENYA

EMBU COUNTY GAZETTE SUPPLEMENT

ACTS, 2015

NAIROBI, 30th July, 2015

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THE EMBU COUNTY WARDS DEVELOPMENT FUND ACT, 2015

No. 6 of 2015

Date of Assent: 28th July, 2015

Date of Commencement: 30th July, 2015

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2015

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**THE EMBU COUNTY WARDS DEVELOPMENT
FUND ACT, 2015**

AN ACT of County Assembly of Embu to provide for the establishment of a Fund for promoting development in the Wards and to set up institutional framework for coordinating development initiatives and projects in the Wards, and for connected purposes

ENACTED by the County Assembly of Embu, as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Embu County Wards Development Fund Act, 2015 and shall come into operation on the date of publication in the *Gazette*.

Short title and commencement.

2. In this Act, unless the context otherwise requires-

Interpretation.

“Committee” means the Ward Fund Management Committee established under section 5.

“County Projects Coordination Committee” means the County Projects Coordination Committee established under section 26;

“County” means the Embu county;

“Executive Member” means the county executive committee member responsible for finance;

“Fund” means the Wards Development Fund established under section 4;

“Governor” means the Governor of Embu County; and

“Ward Committee” means the Ward Fund Development Committee established under section 14.

3. The object and purpose of this Act is to provide for a legal framework for establishment of a Fund to promote county development at Ward level in order to –

Object and purpose of Act.

- (a) promote economic growth and development in the county;
- (b) promote equity and equality in access to development services;
- (c) ensure rural and regional development within the County;

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- (d) improve the standards of living among the residents of Embu;
- (e) promote interests of marginalized communities;
- (f) enhance provision and access to basic services such as health, education, transport and communication and water.

PART II — ESTABLISHMENT OF THE WARDS DEVELOPMENT FUND

4. (1) There is established a Fund to be known as Wards Development Fund.

Establishment of the Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly which amount shall not be less than ten per centum of the transfers received from the National Government in accordance with Article 202 (1) and Article 203 (2) of the Constitution;
- (b) any other funds received by the Committee from any source.

(3) The Fund shall be used for meeting capital and recurrent expenditure relating to—

- (a) development projects in the Wards; and
- (b) operations of the Committee and Committees established under this Act.

5. (1) There is established a committee to be known as Ward Fund Management Committee.

Establishment of the Committee.

(2) The Committee shall consist of—

- (a) non-executive chairperson appointed by the Governor with the approval of County Assembly;
- (b) the chief officer for the time being responsible for matters related to county planning and development;
- (c) the chief officer for the time being responsible for finance or chief officer responsible for county administration where the chief officer responsible for finance is also responsible for county planning and development;

- (d) one person from each Sub-county, qualified in matters relating to finance, accounting, administration, engineering, economics, social services, development, or law, appointed by the executive member through a competitive process taking into account regional, ethnic and gender balance provided that one person shall be a person with disability; and
 - (e) the administrator of the Fund who shall be an *ex-officio* member and the secretary to the Committee.
- (3) A person shall be qualified for appointment as chairperson under subsection (2) (a) if the person—
- (a) holds a degree from a recognized university;
 - (b) has knowledge and experience of at least five years in matters relating to development, public administration and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) has had a distinguished career in their respective fields.
- (5) A person shall be qualified for appointment as a member under sub section (2) (d) if the person—
- (a) holds at least a diploma from a recognized institution of higher learning;
 - (b) has knowledge and experience of at least two years in matters relating to local development, administration, community mobilization, and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) is a resident of the County.
6. (1) The conduct and regulation of the business and affairs of the Committee shall be as provided in the Fourth Schedule.
- (2) Except as provided in the Fourth Schedule, the Committee may regulate its own procedure.

Conduct of business
and affairs of the
Committee.

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

Functions of the
Committee.

- (a) consider and approve project proposals submitted from each Ward;
- (b) ensure timely and efficient disbursement of funds to each Ward;
- (c) ensure efficient management of the Fund;
- (d) receive and consider annual reports and returns from each Ward;
- (e) facilitate capacity development of each Ward Committee and provide necessary support to Ward committees in discharge of their functions under this Act;
- (f) receive and address complaints and disputes and take any appropriate action;
- (g) perform any other function in furtherance of the objects of this Act or as may from time to time be assigned by the executive member.

(2) The Committee shall before approving any project under this Act, ensure that all the project proposals are in line with the county development plans and the county budget for the respective financial year.

8. The executive member in consultation with County Public Service Board shall ensure that the Committee has the necessary staff to effectively carry out its functions.

Staff of the
Committee.

9. (1) The Committee shall prepare and submit annual report to the executive member for transmission to the county executive committee.

Reporting.

(2) The report shall address among others—

- (a) status of funds disbursements;
- (b) status of projects' implementation;
- (c) challenges faced in the implementation of the Act, measures taken to address the challenges and proposed interventions;
- (d) contribution made through the Fund to local communities in relation to poverty reduction and improvement of standards of living;
- (e) any other matter as the executive member may prescribe.

PART III—FUNDS ALLOCATION AND DISBURSEMENTS

10. (1) The executive member, with the approval of the County Assembly, shall for each financial year allocate funds to each Ward in accordance with this Act.

Allocation of funds.

(2) For the purposes of sub section (1), all Wards shall be allocated equal amounts of funds set aside for the purposes of this Act.

(3) Once funds are allocated for a particular project, they shall remain allocated for that project and may only be re-allocated for any other purpose during the financial year with the approval of the Committee.

(4) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the Fund and credited to the account of the Ward from which the funds were withdrawn.

(5) Unspent funds shall be allocated to any eligible project within the respective ward and such project may be new or on-going at the end of the financial year.

(6) For the avoidance of doubt, a return as set out in the Third Schedule shall be made for the current financial year and every previous financial year on which some funds remain unspent.

11. (1) Each disbursement from the Fund shall be approved by the Committee.

Disbursement from the Fund.

(2) All disbursements from the Fund shall be for specific projects as submitted by the Ward Committees in accordance with this Act.

(3) The Committee shall set out general conditions and requirements for release of funds, to ensure efficient and effective management of resources.

(4) The executive member may prescribe further requirements or conditions to be imposed by the Committee in regard to disbursements of the funds.

12. (1) All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be returned to the Fund and applied in

Funds to be retained in the Fund.

accordance with section 10 (5) of this Act.

(2) All funds allocated to a Ward shall be cumulative and shall be carried forward from one financial year to the next, including funds returned into the accounts in accordance with section 10 (3) or funds which are not utilized for whatever reasons.

13. (1) A portion of the Fund, equivalent to five per centum (hereinafter referred to as the "Emergency Reserve") shall remain unallocated and shall be available for emergencies that may occur within the Ward.

Emergency reserve.

(2) "Emergency" shall be construed to mean an urgent, unforeseen need for expenditure for which it is in the opinion of the committee that it cannot be delayed until the next financial year without harming the public interest of the Ward residents.

(3) The sum set aside under subsection (1) shall be properly accounted for and proper books of accounts kept and returns made to the Committee on how the sum has been used.

PART III—PROJECTS MANAGEMENT

14. (1) There is established the Ward Fund Development Committee for each Ward.

Establishment of
Ward Committee.

(2) The Ward Committee shall consist of—

- (a) ward administrator as the secretary;
- (b) Seven (7) members to represent ward residents appointed by the Executive Member with approval of the County Assembly; and
- (c) one person designated by the County government as the Fund manager who shall be *ex-officio*;

(3) The Ward Committee members shall elect from among members stipulated under sub section (2) (b) the chairperson of the Committee.

(4) The County Executive member in charge shall publish the names of the Ward Committee members in the *Gazette*.

(5) The term of office of the members of the Ward Committee shall be three years, which may be renewed for another term of two years or for the remaining term before

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the next general elections whichever is applicable and shall come to an end upon the appointment of a new Ward Committee after the general elections or Ward by-elections.

Provided that this time limit shall not apply to the first County Assembly.

(6) The Fund manager shall convene the first meeting of the Ward Committee within fourteen days after publishing of the names in the *Gazette*.

(7) The quorum of the Ward Committee meetings shall be one half of the members.

(8) A member of the Ward Committee may be removed from the Committee on any of the following grounds—

- (a) contravention of Chapter 6 of the Constitution or any written law governing ethics of public officers and economic crimes;
- (b) incapacitation due to physical or mental infirmity;
- (c) absence from Committee meetings from more than three consecutive times without reasonable grounds;
- (d) inability to discharge duties.

(9) A decision to remove a member under subsection (8) shall not have effect unless supported by a resolution of at least two thirds of the members:

Provided that the member who is subject of the decision shall be granted fair hearing.

(10) A vacancy arising as a result of the removal of a member under subsection (8) shall be filled in the same manner set out under this section.

(11) The procedure for conducting business and affairs of the Ward Committee shall be as provided in the Fourth Schedule with necessary modifications or as the executive member may prescribe.

15. The Ward Committee shall be responsible for—

- (a) receiving and preparing project proposals and budgets;

Functions for Ward
Committee.

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- (b) coordinating projects implementation under this Act;

16. The executive member in consultation with County Public Service Committee shall ensure that each Ward Committee has the necessary technical support on need basis and resources to effectively carry out its functions.

Technical support.

17. A Ward Committee shall prepare a financial and programme report every three months in relation to projects implementation and transmit the report to the Committee and the County project coordinating committee.

Reports.

18. (1) The Chairperson of the Ward Committee in collaboration with member of County Assembly for the Ward and the Ward administrator shall, within the first year of a new County Assembly and at least once every two years thereafter, convene open public meetings within the Ward to deliberate on development matters in the Ward.

Local development meetings.

(2) The form of notices for meetings under this section shall be as prescribed.

19. (1) The member of County Assembly and the ward administrator shall mobilize and facilitate public meetings for residents of the ward to identify priority development projects in the ward in each year.

Projects identification.

(2) Upon projects identification at the village level, the Ward administrator shall convene the Ward committee to harmonize and prioritize all projects in the Ward.

(3) In prioritizing the projects, the Ward Committee shall take into consideration any on-going projects funded previously by the County Government.

20. The Ward Committee shall submit the list of proposed Ward based projects to the Committee and County project co-ordinating committee on or before 31st January in each year in order to ensure timely inclusion of the projects in the County budget for the following financial year.

Submission of project proposals

Provided that this time limit shall not apply to the first County Assembly.

21. (1) The list of projects shall be submitted on a projects submission form set out in the First Schedule and

Submission form.

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accompanied by minutes of the Ward Committee.

(2) All projects proposed for every Ward shall be listed in the Form together with the cost estimates, amounts allocated and amounts disbursed to such projects.

(3) For every project listed in the Form, there shall be attached a project description form set out in the Second Schedule.

22. (1) The list of projects received by the Committee pursuant to section 20 shall be tabled for review at a meeting of the Committee.

Projects approval.

(2) The Committee shall scrutinize and approve for funding the project proposals that are consistent with the Act within thirty days of receipt of the list.

(3) Where the Committee does not approve a proposal submitted to it under this section, it shall indicate the reasons to the Ward Committee and whether the proposal may be re-submitted.

(4) The Ward Committee may re-submit to the Committee a project proposal once addresses the concerns raised by the Committee under sub-section (3).

23. (1) Projects under this Act shall be public or community based in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular area and the projects shall be based on the County integrated development plan.

Types of projects.

(2) Any funding under this Act shall be for a distinct programme, complete project or a defined phase of a project and may include the acquisition of land and buildings.

(3) All projects shall be projects as defined under this Act and may include costs related to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility.

(4) Funds provided under this Act shall not be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities.

(5) Notwithstanding the provisions of sub-section (4), the Ward Committee may identify a religious body or

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organization as an appropriate specialized agency for purposes of section 13 with regard to emergency support or for implementing a specified project for the sole benefit of the community.

(6) A Ward Committee office project shall be considered as a development project for purposes of the Act and may include appropriate furniture and equipment for the office.

(7) Notwithstanding the provisions of sub-section (3), up to a maximum of five per centum of the total annual allocation for the Ward may be used for administration, recurrent expenses of vehicles, equipment and machinery and such use shall be listed in the First Schedule as a project.

(8) Projects may include the acquisition of vehicles, machinery and other equipment for the Ward.

(9) Monitoring and evaluation of ongoing projects and capacity building of various operatives may be considered as a development project provided that not more than three per centum shall be allocated for this purpose.

(10) Environmental activities may be considered as development projects for purposes of this Act provided that the allocation to such activities does not exceed two per centum of the total allocation of the Ward in that financial year.

(11) Each of the projects shall be listed on the First Schedule including the emergency item under section 14 and, where applicable, the activities under subsections (6), (7), (8), (9), (10) of this section.

24. (1) The number of projects to be included in the Ward Projects Submission Form specified in the First Schedule shall be a minimum of three and a maximum of ten for each Ward in each financial year.

Number of projects.

(2) Wards with unspent funds at the end of the financial year shall submit new proposals to the Committee for approval in accordance with section 10 (5) of this Act.

(3) Project activities of a similar nature in a particular Ward may be combined and considered as one project for purposes of subsection (1) provided that the sub projects are listed as provided in the Second Schedule.

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(4) Wards may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the Committee and Ward Committee of each of the participating Wards and shall be reflected on the projects listed for each of the participating Wards.

(5) Where Wards have joint projects, the County Projects Coordinating Committee shall co-ordinate such projects.

25. A Project funded under this Act shall be identified as prescribed.

Projects
identification.

26. (1) There is established in the County the County Projects Coordinating Committee.

County Projects
Coordination
Committee.

(2) The County Projects Co-ordinating Committee shall consist of—

- (a) the chief officer responsible for planning and development or his designate who shall be the chairperson;
- (b) the Chairpersons of Ward Committees; and
- (c) the administrator of the Fund.

(3) All departmental heads in the County government under whose docket the various projects fall may attend County Projects Coordinating Committee meetings as *ex-officio* members, at the invitation of the County Projects Coordinating Committee.

(4) The County Projects Co-ordinating Committee shall meet at least once in three months.

27. (1) The County Projects Coordinating Committee shall be responsible for—

Functions of County
Projects
Coordinating
Committee.

- (a) Co-ordinating implementation of projects under this Act;
- (b) advising Ward Committees effective project implementation strategies and processes; and
- (c) monitoring and evaluating project implementation

(2) The quorum of the County Projects Coordinating Committee shall be one half of the members.

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28. (1) The County planning unit established under the County Governments Act, 2012 shall provide secretariat services to the County Projects Coordinating Committee.

Secretariat Services.

29. The County Projects Coordinating Committee shall ensure that no duplication of projects occur particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several Wards in the County.

Duplication of projects.

30. The Ward Committee may make appropriate consultations with the relevant County and national government departments to ensure that cost estimates for the projects are as realistic as possible.

Cost estimates to be realistic.

31. A project or any part thereof which involve personal awards to any person in cash or in kind, shall be excluded from the list of projects submitted under this Act.

Personal award excluded.

32. For the purposes of this Act, the Committee may consider part funding of a project financed from sources other than the Fund—

Counter-part funding.

- (a) so long as the other financiers or donors of that project have no objection; and
- (b) provided that the part funding for the project availed pursuant to this Act shall go to a defined unit or any part thereof or phase of the project in order to ensure that the particular portion defined in the allocation is completed with the funds allocated under this Act.

33. (1) All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Disposals Act 2005.

Procurement of services and works.
No. 3 of 2005.

(2) To ensure efficient and effectiveness in procurement of services and works for the purpose of ward development fund, a procurement unit shall be established at Sub-County level whose composition shall be as stipulated in the provisions of the Public Procurement and Disposal Acts and Regulations. The procurement of services and works may be devolved at ward level if the Executive deems it responsible and prudent in line with principles of Public Finance management.

34. (1) Projects initiated by a community shall be eligible for support under this Act provided that such projects shall be submitted with the other projects in conformity with the requirements of this Act.

Community
Initiatives to be
eligible.

PART IV—FINANCIAL PROVISIONS

35. (1) The Executive Member shall designate a person responsible as an administrator of the Fund.

Fund administration.

(2) The administrator of the Fund shall—

- (a) prepare accounts for the Fund for each financial year;
- (b) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (c) open and maintain a bank account of the Fund in a commercial bank approved by the Executive Member;
- (d) prepare, sign and transmit through the executive member for finance 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 Audit Act, 2003 and in such details as the executive member for finance may from time to time direct;
- (e) ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Committee from time to time;
- (f) present the financial statements to the Executive Member and County Assembly; and
- (g) Not later than fifteen days after the end of each quarter, submit the quarterly report containing information on financial and non-financial performance of the Fund, to the County Treasury and a copy to the Controller of Budget.

(3) A total of six per centum of the total allocation shall be set aside for the purpose of administration expenses of the fund of which;

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- (a) Two per centum shall cater for the expenses of the Committee;
- (b) Three per centum shall be for the Ward Fund Development committee; and
- (c) One per centum shall cater for expenses of the County Projects Co-ordination Committee.

(4) The sum set aside under subsection (3) shall be properly accounted for and proper books of accounts kept and returns made to the Committee, in case, of the Ward Committee and the head of County Treasury in case of the Committee, on how the sum has been used.

36. The Fund manager for each Ward shall compile and maintain a record showing all receipts, disbursements and actual expenditures on a monthly basis in respect of every project under this Act and shall—

Records of receipts and disbursements.

- (a) table such record at a meeting of the Ward Committee in each month; and
- (b) submit a summary of the record for the year to the Ward Committee not later than thirty days after the end of each financial year.

37. (1) For the purpose of disbursement of funds under this Act, the Committee shall maintain an account in the name of Embu County Ward Development Fund at any commercial bank approved by the executive committee member responsible for finance.

Ward Development Fund Account

(2) For every cheque or instrument for actual payment or withdrawal of funds from a Ward Development Fund account and the signing instructions, there shall be at least signatures of Chairperson of the fund management Committee, Fund Administrator and the County chief officer for finance or his or her assignee.

38. (1) For the purpose of disbursement of funds at the ward level, each Ward Committee shall maintain a Ward account at any commercial bank approved by the executive committee member responsible for finance;

Ward account.

(2) All funds disbursed to the Ward shall be kept in the account and such an account shall be known by the name of the Ward.

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(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward account and the signing instructions shall be such that there shall be at least signatures of Chairperson of the Ward Committee, Fund Account Manager and the Ward Administrator.

(4) The Fund account manager shall hold the authority to incur expenditure of the funds at the Ward account.

(5) The Ward Committee shall ensure that any decision or resolution for payment or instruction for payment out of the Ward account is recorded in the minutes.

(6) Funds from the Ward account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 10 of this Act.

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

(8) All unutilized funds disbursed for any project shall be returned to the Ward Development Fund account at the end of financial year.

PART V—MISCELLANEOUS

39. (1) All complaints and disputes by persons arising due to the administration of this Act shall be referred to the Committee.

Dispute resolution.

(2) The executive member shall prescribe dispute resolution mechanisms.

40. (1) The Executive Member may make Regulations generally for the better carrying out of the objects of this Act.

Regulations.

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

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- (a) prescribe procedures for further administration of the funds under the Act;
- (b) prescribe the forms of notices to be issued under the Act in under this Act;
- (c) prescribe the forms of identification of projects funded under the Act;
- (d) prescribe the requirements and conditions for accessing the funds

FIRST SCHEDULE (s. 21 (1))

WARD PROJECTS SUBMISSION FORM

Ward No. Ward Name Financial year
Chairman Ward Committee Signature Date

<i>Serial</i>	<i>Name of Project</i>	<i>Amount allocated</i>
Total for the Financial Year		

MEMBERS

[illegible]

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SECOND SCHEDULE

(s. 21 (3))

WARD PROJECT DESCRIPTION FORM

Ward No: Ward Name Sub-County

Project Number

Project Title

Sector

Status of projects (tick one) New Extension On-going

Rehabilitation

Brief statement on project status at time of submission

.....
.....
.....

Financial year 1st July To 30th June

Original Cost estimates, in Kshs. dated

Amount allocated last financial year

Person completing form:.....

Name Position

Signature Date.....

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THIRD SCHEDULE (s. 10(6))

WARD PROJECT RE-ALLOCATION FORM

Ward No: Name Financial year

<i>Project No.</i>	<i>Project Title</i>	<i>Amount allocated (KSh.)</i>	<i>Amount disbursed (KSh.)</i>	<i>Balance (KSh.)</i>	<i>Unspent to be re-allocated</i>

Name Position.....

Signature Date

MEMBERS

<i>Name</i>	<i>Designation</i>	<i>ID No.</i>	<i>Signature</i>

FOURTH SCHEDULE (s. 6)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. The Chairperson or a member of the Committee appointed under section 5 (2) (d) 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) The Chairperson or a member appointed under section 5 (2) (d) may—

Vacation of office.

- (a) at any time resign from office by notice in writing to the executive member;
- (b) be removed from office by the executive 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.

(2) The Chairperson shall not be removed from office unless such removal is in accordance with sub paragraph (1).

3. (1) The Committee shall meet not less than six and not more than eighteen times 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.

Meetings.

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

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(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The quorum for the conduct of the business of the Committee shall be five members.

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

(6) 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.

(7) Subject to sub-paragraph (4), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

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

4. (1) The Committee may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

Committees of the
Committee.

(2) The Committee shall appoint the chairperson of a committee established under sub-paragraph (1) from amongst its members.

(3) The Committee may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

5. (1) A member who has an interest in any contract, or other matter present 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 contract or other matter,

Disclosure of interest

or be counted in the quorum of the meeting 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 subparagraph (1) shall cease to be a member of the Committee upon direction of the executive member.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Committee by any person generally or specially authorized by the Committee for that purpose.

Contracts and
instruments.

7. (1) The common seal of the Committee shall be kept in such custody as the Committee may direct and shall not be used except on the order of the Committee.

Common seal.

(2) The affixing of the common seal of the Committee shall be authenticated by the signature of the Chairperson, the Chief Executive Officer and one member nominated by the Committee and any document not required by law to be made under seal and all decisions of the Committee may be authenticated by the signatures of the Chairperson, the Chief Executive Officer and that member nominated by the Committee.

(3) The common seal of the Committee when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Committee under this section shall be presumed to have been duly given.

(4) The provisions of this Schedule shall apply to the conduct of the business of the Ward 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.