

SPECIAL ISSUE

Embu County Gazette Supplement No. 10 (Bills No. 6)



REPUBLIC OF KENYA

***EMBU COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2016

NAIROBI, 4th July, 2016

CONTENT

Bill for Introduction into the County Assembly of Embu —

PAGE

The Embu County Wards Development Fund (Amendment) Bill, 2016..... 159

**THE EMBU COUNTY WARDS DEVELOPMENT
FUND (AMENDMENT) BILL, 2016**

A Bill for

**AN ACT of County Assembly of Embu to amend the
Embu County Wards Development Fund Act, 2015
and for connected purposes.**

ENACTED by the County Assembly of Embu, as
follows—

1. This Act may be cited as the Embu County Wards Development Fund (Amendment) Act, 2016 and shall come into operation on the date of publication in the *Gazette*.

Short title and
Commencement

2. Section 13 of the Embu County Ward Development Fund Act, 2015 hereafter referred to as “the Principal Act” is amended by repealing it in its entirety.

Amendment of
section 13 of the
Principal Act

3. Section 14 of the Principal Act is amended by deleting subsection (5) and the proviso thereof and substituting therefor the following new subsection.

Amendment of
section 14 of the
Principal Act

“(5) the term of office of the ward committee members under subsection (2) (b) shall be three years , which may be renewed for another one term.”

4. Section 16 of the Principal Act is amended by deleting the word “Committee” between the word “service” and “shall”, and substituting therefor the word “Board”

Amendment of
section 16 of the
Principal Act

5. Section 18 of the Principal Act is amended:

Amendment of
section 18 of the
Principal Act

(a) in subsection (1) by deleting words “The Chairperson of the Ward Committee in collaboration with member of County Assembly for the Ward and the Ward administrator” and substituting therefor the words “The Ward Committee”; and

(b) in subsection (2) by adding the following words immediately after the word “prescribed”

“and shall be in accordance to provisions of the Embu County Public Participation Act, 2015.”

6. Section 19 of the Principal Act is amended—

Amendment of
section 19 of the
Principal Act

(a) in subsection (1) by deleting the words “The

member of County Assembly and the ward administrator shall” and substituting therefor “The Ward Committee shall in accordance with this Act and Embu County Public Participation Act, 2015,”.

- (b) in subsection (2) by deleting the words “the Ward Administrator shall convene the Ward committee to” and substituting therefor the words “the Ward committee shall”

7. Section 23 of the Principal Act is amended by—

Amendment of
section 23 of the
Principal Act.

- (a) deleting subsection (5);
- (b) deleting subsection (7);
- (c) deleting subsection (9)
- (d) deleting subsection (10); and
- (e) deleting subsection (11).

8. Section 31 of the Principal Act is amended by renumbering the existing provision as sub-section (1) and inserting the following new sub-section immediately after that sub-section.

Amendment of
section 31 of the
Principal Act

(2) Notwithstanding the provisions of subsection (1), an education bursary scheme shall be considered as a development project for purposes of the Act provided that such a project shall not be allocated more than twenty five per centum (25%) of the total funds allocated for the ward in any financial year.

9. Section 33 be amended in subsection (1) by deleting the words “Public Procurement and Disposals Act, 2005” and substituting therefor the words “the national law governing public procurement and asset disposal”

Amendment of
section 33 of the
Principal Act

10. Section 35 is amended by deleting subsection (3) and substituting therefor the following new subsection.

Amendment of
section 35 of the
Principal Act

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

- (a) one (1) per centum shall cater for the expenses of the Committee;
- (b) one point seven five (1.75) per centum shall be

for the Ward Fund Development committee; and

- (c) zero point two five (0.25) per centum shall cater for expenses of the County Projects Co-ordination Committee.”

11. Section 38 of the Principal Act is amended by repealing it in its entirety.

Amendment of
section 38 of the
Principal Act

SECTIONS OF WHICH THIS BILL PROPOSES TO AMEND

This Bill proposes to amend Sections 13, 14, 16, 18, 19, 23, 33, 35 and 38 of the Principal Act.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Ward Development Fund Act, No. 6 of 2015, in order to align it to Public Finance Management (County Governments) Regulations, 2015 with respect to administrative cost of a public Fund. The Bill also intends to recognize Education Bursary Scheme as a Development project.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

1. Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution.

This Bill is a money Bill within the meaning of Article 114 of the Constitution.

IBRAHIM SWALEH,
Chairperson, Committee on Ward Development Fund.