

SPECIAL ISSUE

Isiolo County Gazette Supplement No. 17 (Acts No. 5)



REPUBLIC OF KENYA

**ISIOLO COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

NAIROBI, 21st December, 2015

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

THE ISIOLO COUNTY EDUCATION BURSARY FUND ACT, 2015

No. 5 of 2016

Date of Assent: 14th December, 2015

Date of Commencement: 21st December, 2015

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**THE ISIOLO COUNTY EDUCATION BURSARY FUND
ACT, 2015**

**AN ACT of County Assembly of Isiolo to provide for
the establishment of the County Education
Bursary Fund and its administration and for
connected purposes**

ENACTED by the County Assembly of Isiolo as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Isiolo County Education Bursary Fund Act, 2015 and it shall come into force on the date of publication in the gazette.

Short title and
commencement

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

Interpretation.

“Board” means the County Education Bursary Board established under section 5;

“Committee” means the Ward Education Bursary Committee established under section 6;

“Executive Member” means the Member of the County Executive Committee for the time being responsible for matters related to education;

“Fund” means the Isiolo County Education Bursary Fund established under section 4; and

“special schools” includes schools and units in ordinary schools for the visually impaired, hearing impaired, physically and mentally challenged.

3. The purpose of the Act is to provide for the legal framework for establishing a County Education Bursary Fund for providing financial assistance to the poor and vulnerable students in the County in order to—

Purpose of the Act.

- (a) increase access to education;
- (b) promote and increase enrollment, retention, completion and transition rates in schools;
- (c) improve education standards and literacy levels; and
- (d) Reduce poverty, disparities and inequality.

PART II—THE COUNTY EDUCATION BURSARY FUND

4. (1) There is established a Fund to be known as the Isiolo County Education Bursary Fund.

Establishment of
the Fund.

(2) The Fund shall consist of—

- (a) such monies as may be appropriated by the County Assembly;
- (b) sums received as contributions, gifts or grants from any lawful source;
- (c) monies earned or arising from any investment of the Fund; and
- (d) Any money that may be payable or vested in the Fund.

(3) The Fund shall be used for—

- (a) providing education bursary to students enrolled in secondary schools, special primary or secondary schools and university;
- (b) granting scholarships in accordance with the criteria set out under this Act; and
- (c) meeting any expenditure related to administration of the Fund as may be approved by the Executive Member in consultation with the Board.

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

(4) Notwithstanding subsection (3), the County Assembly may appropriate such monies, or the county government may receive such grants to be disbursed through the Fund as scholarships for poor students who qualify in accordance with such criteria as may be prescribed.

(5) The Fund shall be disbursed through the Wards.

(6) An amount totaling to seventy five per cent of the amount set aside for disbursement under this Act shall be allocated equally to all the Wards and the remaining twenty five per cent shall be allocated in accordance with the prescribed formula determined in accordance with the

population of secondary school going children and poverty levels and such other criteria as may be prescribed.

(7) Subsection (6) shall not apply to the bursary allocations disbursed during the 2013/2014 financial year.

5. (1) There is established a Board to be known as County Education Bursary Board which shall be—

Establishment of
the Board.

- (a) a body corporate with perpetual succession; and
- (b) capable of suing and being sued in its corporate name.

(2) the Board shall be administered by Board of Directors which shall comprise;

- (a) the Chief Officer for the time being in charge of county finance or a designated alternate not below the level of a director;
- (b) the Chief Officer for the time being in charge of county education or a designated alternate not below the level of a director;
- (c) One member of the Ward Bursary Education Committee established under section 7 representing each every Ward;
- (d) One person qualified in matters of Education nominated by the County Executive Committee Member and approved by the County Assembly, taking in to account ethnic, gender, youth, marginalization, minority, disability factors; and
- (e) The Fund's Manager who shall be an *ex-officio* member and secretary to the Board;

(2) The Board in its first sitting shall elect a Chairperson who shall serve for a non- renewable term of three years.

6. (1) The Board shall—

Functions of the
Board

- (a) supervise and control the administration of the Fund;
- (b) prepare a budget and such plans for better administration of the Fund to be approved by the County Executive Committee;

- (c) in consultation with the committee impose conditions or restrictions on the use of any expenditure arising from the Fund;
- (d) 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;
- (e) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) 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 County Treasury may from time to time direct;
- (f) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law; and
- (g) in consultation with the County Public Service Board, designate such staff as may be necessary to assist in the management of the Fund.

7. (1) There is established for each Ward, the Ward Education Bursary Committee.

Ward Education
Bursary
Committee.

- (2) The Committee shall consist of—
 - (a) the Ward Administrator who shall be the Secretary;
 - (b) the Ward representative who shall be an *ex officio* member;
 - (c) the County Officer in-charge of Education in the Ward;
 - (d) one person representing Faith-Based Organizations involved in education matters in the Ward nominated by the joint forum of faith-based organizations in the Ward ;
 - (e) one person representing Non-Governmental Organizations or Community-Based Organizations involved in education matters in the Ward nominated by the joint forum of nongovernmental organizations and community based organizations in the Ward;

- (f) one Ward resident experienced in education matters representing persons with disability nominated by the joint forum organizations of persons with disability in the Ward;
- (g) one Ward resident representing the youth nominated by the joint forum youth organizations in the Ward; and
- (h) one person nominated by the teachers' associations.

(3) A person shall not be qualified for appointment as a member under subsection (2) (d), (e), (f), (g) and (h) unless the person—

- (a) holds at least a secondary level education certificate;
- (b) meets the requirements of chapter six of the Constitution;
- (c) is experienced in community development, education, administration or management and leadership; and
- (d) is a resident of the Ward.

(4) Notwithstanding subsection (3), a person shall not be elected as a chairperson of the Committee unless the person is a holder of a minimum diploma qualification from a recognized institution.

(5) The entities or persons nominating members under subsection 2 (d), (e), (f), (g) and (h) shall propose three names of persons to be considered for appointment to the Executive Member who shall appoint one for each category.

(6) The term of office of a member appointed under sub section (2) (d), (e), (f), (g) and (h) shall be three years which may be renewed for one further term after which the person shall retire from the Committee for at least two years before being eligible for reappointment to the Committee.

8. (1) The Ward Committee shall be Responsible for—

Functions of the
Ward Committee.

- (a) creating awareness among the residents of the Ward about the Fund;

- (b) receiving, reviewing and approving applications for bursary or scholarship;
- (c) determining the amount of bursary or scholarship to be awarded to each approved application;
- (d) monitoring and evaluating the progress and performance of the students supported under this Act; and
- (e) carrying out such other roles necessary for the implementation of the object and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Executive Member.

(2) The Secretary shall provide secretariat services to the Committee.

9. (1) The conduct and regulation of the Business and affairs of the Board shall be as set out in the Schedule.

Conduct of Business.

(2) Except as provided in the Schedule, the Board may regulate their own procedure.

10. The allowances for the members of the Board and the Committee shall be as determined by the County Treasury.

Allowances.

PART III—EDUCATION BURSARY AWARDS

11. In awarding bursary, the Board and the Committee shall be guided by the following principles—

Guiding Principles.

- (a) fairness in allocating monies;
- (b) equitable distribution of allocation of monies to all parts of the ward;
- (c) inclusivity and non-discrimination in ensuring that all residents are included in the process;
- (d) public participation;
- (e) accountability and transparency; and
- (f) Efficiency in funds disbursement.

12. An applicant may be eligible for bursary award under this Act if the applicant—

Eligibility for grant of bursary.

- (a) has a parent or guardian who is a registered voter in the Ward or is a resident in the Ward;

- (b) is a student attending any secondary school or special school at either primary, secondary level or an institution of higher learning
- (c) has not received full financial support towards payment of the required school fees for that year; or
- (d) Meets the conditions set out under section 11.

13. A bursary or scholarship under this Act shall only be granted to a person who is—

Conditions for
bursary allocation.

- (a) an orphan;
- (b) vulnerable due to family or social setting;
- (c) physically or mentally disabled or has special needs; or
- (d) Needy or poor and parents or guardians have no means of providing financial support towards the person's education.

Provided that continued bursary or scholarship will be dependent on good academic performance of the student.

14. (1) A student seeking to be awarded bursary Under this Act shall apply to the Committee in the prescribed form.

Application
procedure.

(2) The Committee shall ensure that the forms are accessible in at least—

- (a) the county government office;
- (b) the office of the Ward Administrator;
- (c) the office of the Member of County Assembly;
- (d) the office of the county officer responsible for education in the Ward;
- (e) the office of the officer responsible for coordination of national government functions in the Ward;
- (f) the office of the Village Administrator; and
- (g) The county government website.

(3) Notwithstanding subsection (2), the Committee may partner or collaborate with education stakeholders such as schools, faith-based organizations 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 provided under this Act.

15. The Committee shall review and consider the applications submitted under section 12 within fourteen days after the expiry of the stipulated date of submission.

Review of applications.

16. (1) The Committee may, after considering an application under section 12, award bursary, in accordance with the criteria set out in the Act and the guidelines issued by the Board in regard to specific amounts that may be awarded to each category of applicant.

Award of bursary.

(2) The Committee shall consider the following categories of applicants in determining the amount of the bursary awarded—

- (a) family status ranked as total orphan, partial orphan, single parent or needy parents;
- (b) affirmative action or special circumstances such as girl-child, boy-child, children from informal settlements, marginalized areas, special needs or children with disability;
- (c) discipline ranked as excellent, very good, good, fair or poor; and
- (d) academic performance ranked as excellent, very good, good, average or below average.

(3) The Committee shall award scores in each category out of a possible one hundred and the applicants with the highest scores shall be awarded bursary.

(4) The Committee shall ensure that proper minutes and records of the meetings are maintained.

(5) In considering the applications under this section, the Committee shall liaise with other relevant public or private entities to ascertain whether an applicant has been granted bursary under a similar scheme to cater for the same year and the amount granted where applicable.

(6) Where the Committee establishes that an applicant has been awarded bursary under subsection (5), it may award bursary to the applicant to meet the remaining fees deficit:



Provided that the Committee may give priority to applicants who have not received bursary award from any source.

17. The Committee shall verify all the information provided by the applicant and may—

Verification of information.

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

18. (1) The Committee shall submit the list of beneficiaries and minutes of the proceedings to the Board for final approval and preparation of payment for the bursary awarded.

Disbursement of bursary funds.

(2) Where an applicant who is not eligible for the award of bursary under this Act is awarded bursary by the Committee, the Board may cancel the award and give further directives to the Committee.

(3) The Board shall submit the final list of beneficiaries to the County Treasury for the processing of payments.

(4) The County Treasury shall make payments in favour of the schools where the applicants are students and there shall be no direct payment to any applicant.

(5) The County Treasury shall ensure that all the payments are processed—

- (a) in the case of continuing students not later than thirty first January in each year; and
- (b) in the case of new students not later than the last day of February each year.

19. (1) The Committee shall publish the list of beneficiaries in—

Publishing the list of beneficiaries.

- (a) the office of the Ward Administrator;
- (b) the office of the Member of County Assembly;
- (c) the office of the county officer in charge of education in the Ward;
- (d) the office of the national government officer responsible for coordination of national

government functions in the ward; or

(e) such other place as the Board may determine.

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

(3) The Committee shall convene a public forum for all the applicants awarded bursary in each financial year and education stakeholders in the Ward in order to inform them on the recipients of bursary for the respective financial year.

PART IV— GENERAL PROVISIONS

20. (1) The County Government and the Board may collaborate, consult or enter into partnership with other government or private entities for the purposes of implementing this Act. Partnership.

(2) The Forum shall provide platform for reviewing and evaluating the bursary or scholarship scheme established under this Act.

21. (1) The Board shall prepare an annual report which shall be submitted to the County Executive Committee and transmitted to the County Assembly not later than the last day of February each year. Annual Report.

(2) The annual report shall provide among others for—

- (a) performance of the Fund;
- (b) the number of beneficiaries disaggregated in accordance to gender and Ward;
- (c) overview of the academic performance of the students supported under the Act; and
- (d) overview of the enrolment, retention, transition and completion levels of students supported under this Act.

22. (1) The Board may establish a scholarship scheme for persons who are eligible for bursary under this Act. Scholarship Scheme.

(2) The Board may prescribe procedures for administration and management of the scholarship scheme.

23. (1) The Executive Member may, in consultations Regulations.



with the Board, 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) prescribe scope, and procedures of administration of the scholarship scheme;
- (b) prescribe the additional guidelines regarding bursary awards; and
- (c) Prescribe the forms.

SCHEDULE**(s. 10)****PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE COMMITTEE****1. A Member of the Board may —**

Vacation of office.

- (a) at any time resign from office by notice in writing to the County Executive Committee Member;
- (b) be removed from office by the Executive Member if the person —
 - (i) has been absent for three consecutive meetings of the Committee without the permission of the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors;
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Board; or
 - (vi) fails to comply with the provisions of this Act relating to disclosure.

2. (1) The Board shall meet not more than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

Meetings.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least seven members with the approval of the executive member 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 Board otherwise agree, at least fourteen days written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be five members including the chairperson or the person presiding.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

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

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

3. (1) If a member is directly or indirectly interested in an outcome of any decision of the Board or other matter before the Board and is present at a meeting of the Board which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Conflict of Interest.

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member of the Committee shall be considered to have a conflict of interest for the purposes of this Act if he acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member or employee of the Board.

(3) Where the Committee becomes aware that a member has a conflict of interest in relation to any matter

before the Board the Board shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the chairperson has a conflict of interest he shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the Board in writing.

(5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the Board and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in subparagraph (1), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Board within thirty days.

(7) The Board shall report to the executive member any determination by the Committee that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(8) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(9) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(10) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding Kenya Shillings twenty thousand, or both.

COUNTY ASSEMBLIES FORUM (CAF)

P. O. Box 73552 - 00200,

NAIROBI, KENYA

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