

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
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REPUBLIC OF KENYA

**KERICHO COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 21st November, 2014

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**THE KERICHO COUNTY EMERGENCY FUND
ACT, 2014**

No. 10 of 2014

Date of Assent: 18th November, 2014

Date of Commencement: 21st November, 2014

ARRANGEMENT OF CLAUSES

Clause

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Kericho County Emergency Fund



THE KERICHO COUNTY EMERGENCY FUND ACT, 2014

**AN ACT of the County Assembly of Kericho to provide
for the establishment of an Emergency Fund and
for matters incidental thereto and connected
therewith**

ENACTED by the County Assembly of Kericho as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kericho County
Emergency Fund Act, 2014 and shall come into operation
on the date of publication in the *Kenya Gazette*.

Citation and
commencement.

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

Interpretation

“appropriation” means funds provided for the supply
of public services;

“emergency” means an urgent and unforeseen event
which threatens or causes damage to human life, welfare
or to the environment;

“executive member” means the County Executive
Committee Member in charge of finance and economic
planning;

“fund” means the County Emergency Fund
established under section 4 of this Act; and

“financial year” means the period of twelve months
ending on thirtieth day of June.

3. The object of this Act is to ensure that the
Emergency Fund is managed and operated by the County
Government as contemplated by Article 110 of the
Constitution of Kenya, 2010 as well as per Section 110,
111, 112, 113, 114 and 115 of The Public Finance
Management Act, 2012.

Object and
Purposes of the
Act.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

4. (1) There is established a Fund to be known as the
Kericho County Emergency Fund.

Establishment of
the County
Emergency
Fund.

(2) The Fund shall consist of —

- (a) monies appropriated by the County Assembly; and
- (b) grants and donations made into the Fund.

(3) The County Assembly shall, in appropriating monies under subsection (2) (a) in each financial year, ensure that the monies contained in the Fund shall not exceed two per cent of the total County Government's revenues as shown in that County's audited financial statements for the previous financial year except for the first year.

5. The purpose of the Fund is to enable payments to be made in respect of a County when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.

Purpose of the Fund.

6. (1) The Executive Member shall be responsible for administering the Fund in accordance with a framework and criteria approved by the County Assembly.

Officer administering the fund.

(2) The Executive Member shall open and maintain a separate account into which all money appropriated to that Fund shall be paid.

7. (1) The Executive Member may make payments from the Fund only if satisfied that—

Powers of the County Executive Member.

- (a) there is an urgent and unforeseen need for the expenditure for which there is no legislative authority and shall be in accordance with operational guidelines made under regulations approved by the County Assembly and the law relating to disaster management and;

- (b) it is for the public interest; and

- (c) an event has caused a damage, loss, hardship or suffering to residents of the County or threatens to damage the environment and the event is limited to the County.

- (2) For the purposes of subsection (1)—

- (a) there is an urgent and unforeseen need for expenditure if, in the opinion of the Executive Member —

- (i) payment cannot be delayed until the next financial year without harming the general public interest of the County;

- (ii) the payment is necessary to alleviate the damage, loss, hardship or suffering which may be directly caused by the event; and
- (b) need for expenditure is unforeseen and has not been provided for in an appropriation law made by the County Assembly for the current financial year.

8. The Executive Member shall not, during a financial year, make a payment under section 7 if the payment exceeds the appropriated amount as stipulated in section 4 (3).

Limitation on
power of County
Executive
Committee
Member.

9. All receipts, earnings and accruals to the Fund and the balance of the Fund at the close of the financial year shall be retained by the Fund for the purpose for which it is established.

Accruals

10. (1) The Executive Member shall seek approval from the County Assembly in writing within two months after payment is made out of the Fund.

Approval of
County
Assembly.

(2) If the County Assembly is not sitting during the period referred to in subsection (1) and the County Executive Committee Member has not sought the approval of the County Assembly before the end of that period, the County Executive Committee Member shall seek the approval of the County Assembly for the payment within fourteen days after its next sitting.

(3) As soon as practicable after the County Assembly has approved the payment, the Executive Member shall arrange for an Appropriation Bill to be introduced into the County Assembly for the appropriation of the money paid and for the replenishment of the Fund to the extent of the amount of the payment.

11. (1) Within three months after the end of each financial year, the County Treasury shall prepare and submit to the Auditor-General and County Assembly a financial statement in respect of the Fund for that year.

Financial
Statement.

(2) The financial statement prepared under subsection (1) shall include the following information—

- (a) the date and the amount of each payment;
- (b) the person to whom the payment was made;
- (c) the purpose for which the payment was made;



- (d) whether the person to whom the payment was made spent the money for that purpose and a statement made to that effect;
- (e) if the person to whom the payment has been made has not spent the money for that purpose, a statement specifying the reasons for not having done so: and
- (f) a statement indicating how the payment conforms to section 7 of this Act, the legislation or the policy of the County relating to disaster management.

PART III—MISCELLANEOUS

12. The County Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.

Regulations.