

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
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SUPPLEMENT***

BILLS, 2015

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**THE KISII COUNTY PERSONS WITH DISABILITIES FUND
BILL, 2015**

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THE KISII COUNTY PERSONS WITH DISABILITIES FUND BILL, 2015

A Bill for

AN ACT of the County Assembly of Kisii to establish a Fund to empower, improve and develop the persons with disabilities by providing access to capital and financing facilities through loans, grants and other financial assistance to individuals or groups and to promote the welfare and economic interest of the persons living with disabilities and for connected purposes

ENACTED by the County Assembly of Kisii, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kisii County Persons with Disabilities Fund Act, 2015. Short title

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

“aged person” includes a person with a disability who has been forced into retirement from employment due to his disability;

“applicant” means an individual, group of individuals or registered business enterprise of persons with Disabilities operating in Kisii County;

“assistive devices and services” means implements, tools and specialised services (including the services of qualified interpreters for the deaf and qualified teachers for the blind) provided to persons with disabilities to assist them in education, employment or other activities;

“Committee” means the Sub-County Persons with Disabilities Committee established under section 7 of this Act;

“Director” means the director in the Department of Culture and Social Welfare sector;

“disability” means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation;

“Fund” means the persons with Disabilities Fund established under section 3 of this Act;

“Governor” means the Governor of Kisii County Government;

“Executive Committee Member” means the County Executive Committee Member responsible for Culture and Social Welfare;

“organizations for persons with disabilities” means associations or societies formed for the purposes of rendering services to persons with disabilities;

“organizations of persons with disabilities” means associations or societies formed by persons with disabilities for their welfare and protection;

“prescribed” means prescribed by the Executive Committee Member;

“total disability” means a person totally incapacitated due extreme physical, sensory, mental or other impairment; and

“usual day-to-day activities” means the activities of daily living which an ordinary person would reasonably be expected to carry out.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

3. (1) There is hereby established a Fund to be known as the Kisii County Persons with Disabilities Fund Act, 2014.

Establishment of Fund.

(2) The Fund shall be a body corporate with perpetual succession and a common seal, and shall have power to—

- (a) acquire, own, possess and dispose of property;
- (b) enter into contract; and
- (c) sue and be sued in its own name.

4. The object and purpose of the Fund shall be to—

Object of the Fund.

- (a) provide funds for granting loans and grants to persons with disabilities;
- (b) provide funds for acquiring assistive devices and services for persons with disabilities and aged persons;
- (c) provide funds for making grants for usual day-to-day activities for totally disabled persons;

- (d) encourage persons with disabilities to engage in small-scale enterprises through the provision of affordable credit;
- (e) create employment, stimulate income generation and earnings to persons with disabilities in the county and reduce poverty;
- (f) enable persons with disabilities gain experience in entrepreneurship, trade and loan management and access funding from established financial institutions;
- (g) contribution to expenses, including capital expenses, of organizations of or for persons with disabilities;
- (h) encourage and facilitate the registration of persons with disabilities and identify areas of support;
- (i) support, revive and initiate small scale industries and enterprises in areas that can have immediate impact to household income, through the provision of low-interest loans;
- (j) attract and facilitate investment in micro, small and medium enterprises that benefit the youth, women and persons with disabilities; and
- (k) attract and facilitate investment by individual persons with disabilities, their families or persons with disabilities groups.

5. In the exercise of the powers or the performance of the functions under this Act, the County Executive Committee and the Fund Committee shall be guided by the following principles—

Guiding principles
of the Fund.

- (a) public participation and financial inclusiveness;
- (b) donor linkages and participation;
- (c) protection of the interests of the marginalized, persons with disability, women and the youths; and
- (d) local ownership and sustainability.

6. (1) There is established a Committee to be known as the County Fund Committee which shall consist of—

Establishment of the
County Fund
Committee.

- (a) the Chairperson of the Committee, not being a public officer, competitively elected by the Organisations of Person with Disabilities and appointed by the County Executive Committee Member with the approval of the Governor;
- (b) the County Chief Officer in the department for the time being responsible for matters relating to Culture and Social Services or a representative appointed in writing;
- (c) the County Chief Officer in the department for the time being responsible for finance or a representative appointed in writing;
- (d) three persons with disability, not being public officers elected by the Organisations of persons with disabilities in the operating in the county through a competitive and transparent process, and appointed by the County Executive Committee Member;
- (e) the County Director of Culture and Social services; and
- (f) the secretary to the Committee.

(2) The Chairperson and the persons appointed under subsection (1) (d) shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(3) A person shall be qualified for appointment under subsection (1) (a) or (d) if that person —

- (a) holds a degree and a certificate of at least form four or its equivalent respectively;
- (b) has at least five years experience in the relevant field; and
- (c) meets the requirements of leadership and integrity as provided in Chapter 6 of the Constitution and any relevant national legislation.

(4) The persons appointed under subsection (1) (a) and (d) shall be submitted to the County Assembly for approval before their appointment.

7. (1) The Chairperson and members of the Committee shall serve on part time basis and shall be entitled to sitting and other necessary allowances as may be determined by the County Executive Committee Member in consultation with the County Public Service Board with the approval of the Salaries and Remuneration Commission.

Terms and
conditions of service

8. The office of Chairperson or member of the Committee appointed under (1) (e) shall become vacant if the member—

Vacation of office
of member.

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent from three consecutive meetings of the Committee without reasonable cause;
- (e) resigns in writing addressed to the Member of the Executive Committee;
- (f) is removed from office by the Member of the Executive Committee for—
 - (i) inability to perform the functions of the office by reason of mental or physical infirmity; or
 - (ii) failure to declare his or her interest in any matter being considered or to be considered by the Committee; or
 - (iii) any other sufficient reason as may be prescribed;
- (g) dies.

9. (1) The management and administration of the Fund shall vest in the Committee and as such the Committee shall—

Functions of the
Committee

- (a) set eligibility criteria for making grants and other assistance and identify persons to be given grants;
- (b) approve contribution to be made toward expenses of organizations of or for persons with disabilities;

- (c) approve contribution to be made toward expenses of institutions that train persons in the care of persons with disabilities;
- (d) formulate policy guidelines on lending or making grants;
- (e) set eligibility criteria for granting loans to applicants;
- (f) approve proposals for loans and grants submitted to the Committee under this Act;
- (g) authorize grants, lending and other financial provision to deserving applicants and approve allocations from Fund;
- (h) formulate or approve standards, guidelines and procedures for funding proposals under this Act;
- (i) provide oversight in the utilization of the funds of the Fund.

(2) The Committee shall, through the Secretariat, perform the following functions—

- (a) oversee the administration of the Fund;
- (b) approve the appraisal of the applicants and beneficiaries and ascertain the amount of loan or grant the applicant qualifies to get;
- (c) monitor and evaluate projects funded by the Fund;
- (d) provide technical, financial and other expertise to the beneficiaries of the Fund;
- (e) carry out such other functions as may be conferred on it by the Executive Committee Member and this Act.

(3) In the performance of its functions under this section, the Committee shall—

- (a) conduct civic education to promote the awareness and understanding of the operations of the Fund amongst to persons with disabilities and other stakeholders;
- (b) provide capacity building and advice to individuals, groups and persons with disabilities in the business sector institutions to ensure the effective use of the funds borrowed and grants made under this Act;

The Kisii County Persons with Disabilities Fund Bill, 2015

- (c) develop a framework that will ensure an open, transparent and efficient use of the funds borrowed and grants made under this Act ;
- (d) conduct research and gap analysis to ensure continuous performance improvement of the Fund;
- (e) assist persons with disabilities, where the Committee considers it necessary to do so, to design, identify, select, prioritize, and negotiate investment opportunities that will result in maximum benefits;
- (f) assist to persons with disabilities in appraising and evaluating the investment opportunities designed and identified under paragraph (e);
- (g) maintain a record of all Fund activities and beneficiaries;
- (h) assist the County Executive Committee Member in formulating guidelines and standard documentation required under this Act;
- (i) carry out any other duty or activity that may be required for the effective management and implementation of the Credit Scheme.

10. (1) The Committee may establish such sub-committees as it may consider necessary for the better performance of its functions and the exercise of its powers under this Act.

Delegation by
Committee.

(2) The Committee may co-opt into the membership of a sub-committee established under subsection (1), such persons whose knowledge and skills are necessary for the performance of the functions of the sub-committee.

(3) The Committee may, by resolution either generally or in any particular case, delegate to any sub-committee or to any member, officer, employee or agent of the Committee, the exercise of any of the powers or the performance of any of the functions of the Committee under this Act or under any other written law.

11. (1) Subject to subsection (2), the business and affairs of the Committee shall be conducted in accordance with the First Schedule.

Conduct of business
of the Committee.

(2) Except as provided in the Schedule, the Committee may regulate its own procedure.

12. (1) The County Chief Officer in the department responsible for Culture and Social services shall, with the approval of the County Executive Committee member for Finance, designate an officer to be the officer administering of the Fund.

Officer
administering the
Fund and
secretariat.

(2) The officer administering the Fund shall be responsible for the day to day functioning of the Fund and Secretary to the Committee and without prejudice to the generality of the foregoing, shall—

- (a) ensure that the criteria of funding established by the Committee is clearly followed;
- (b) all loans and grants disbursed from the Fund are properly recorded;
- (c) with the approval of the Committee, initiate programmes and strategies for advancing the objects of the Fund in general and for conducting civic education to promote the awareness and understanding of the operations of the Fund amongst the stakeholders;
- (d) ensure the proper management of the Fund;
- (e) advise the Committee, from time to time, to adopt policies intended to enable the Committee to effectively implement the objects of the Fund;
- (f) facilitate the preparation of the budget, strategies, operational proposals, annual plans and corporate policies for discussion by the Committee and implement decisions and resolutions adopted by the Committee;
- (g) be answerable, in the performance of all his or her duties and functions, to the Committee;
- (h) be the accounting officer of the Fund and, in that capacity, keep proper books of account and cause, under the general guidance of the Committee, the annual accounts of the Fund to be prepared in accordance with the provisions of this Act and other relevant laws;
- (i) perform such other functions as is assigned by the Committee from time to time.

13. There shall be a secretariat of the Fund comprising of such officers and other employees as may be seconded by the County Public Service Board upon request by the Committee.

Secretariat of the Fund.

14. The Committee shall ensure that its services are accessed in all parts of the County to the extent that it is practicable to do so and shall for that purpose establish liaison office in every Ward and funds shall be equitably distributed to all the wards in the county.

Equitable distribution of funds to all wards.

PART III—APPLICATION, PROCESSING AND CONDITION OF LOAN

15. (1) A person wishing to be considered for the grant of a loan or grant shall make an application to the relevant ward office in the prescribed form.

Application for and processing of a loan or grant.

(2) The criteria for granting a loan or grant from the Fund shall be in accordance with the regulations made under this Act.

(3) The Committee shall consider all applications submitted to it in accordance with the criteria set under subsection (2) and may accordingly accept or reject any application for a loan or grant.

(4) Where it accepts any application, the Committee, will grant a loan or grant as the case may be to the relevant qualifying applicant.

(5) Where the Committee rejects any application it shall, as soon as is practicable, notify the applicant of the rejection in writing giving reasons why the application was rejected.

(6) Any applicant who is aggrieved by the decision of the Committee may appeal to the Executive Committee Member within thirty days of receipt of the Committee's decision and the Executive Committee Member may, after giving the applicant a hearing, confirm or reverse the decision of the Committee.

(7) An applicant who is granted a loan or grant will be issued with a Loan or Grant Identification Account Number by the Committee.

(8) Any person, official or representative of a group, business enterprise or institution who—

- (a) in filling a loan application form, knowingly makes any false statement, whether orally or in writing relating to any matter affecting an application or request for a loan or grant;
- (b) being required under paragraph (a) to—
 - (i) answer any questions,
 - (ii) furnish any information or particulars, or
 - (iii) produce any document or paper, neglects to do so without reasonable cause; or
- (c) is granted a loan or grant based on false information

commits an offence and is liable on conviction, in the case of paragraphs (a) and (b) to a fine of not less than fifty thousand shillings or to imprisonment for a term of not exceeding six months and in the case of paragraph (c) to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year.

16. (1) The Committee may —

Conditions for grant of loan or grant.

- (a) accept or reject any application for a loan or grant;
 - (b) grant a loan or grant to any applicant and in so granting impose conditions, demand security and require repayment in instalments at such times and within a period that the Committee deems fit.
- (2) Notwithstanding the provisions of subsection (1) but subject to the provisions of this section the Committee may, upon the request by an applicant to whom a loan or grant has been granted, at any time vary —
- (a) the conditions subject to which the loan or grant was made;
 - (b) any security given in relation to the loan; or
 - (c) any of the terms of repayment of the loan.
- (3) An applicant for a loan or grant under this Act may be required to comply with the following —
- (a) be a county resident;
 - (b) must be a person living with disability;
 - (c) must satisfy the Committee that the applicant keeps simple books of accounts;

- (d) must be the owner or manager of the business in case of loan application;
- (e) the business must be a legally recognized business by the relevant government organs;
- (f) appropriately fill the prescribed loan or grant application form;
- (g) avail identification document such as national identity card, passport or where necessary a certificate of incorporation or registration in case of a business entity;
- (h) In case of a loan application must secure the loan through any one of the following-
 - (i) guarantee from guarantors; or
 - (j) such other security which the committee may consider reasonable.

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

(5) Where an applicant fails to comply with the requirement of the Committee notified to the applicant under subsection (4) within the prescribed period, the application shall be deemed to have lapsed.

(6) Where in granting a loan to an applicant the Committee considers it prudent to request for a guarantor to guarantee the loan granted to the applicant the guarantor shall, in case of any default of repayment by the applicant automatically be fully liable to pay any outstanding amount with interest accrued in full as shall be notified to the guarantor by the Committee.

(7) Where a guarantor notified by the Committee under subsection (6) fails or refuses to repay the outstanding loan together with the interest accrued, the guarantor shall be liable to civil proceedings in accordance with the provisions of this Act.

17. A person granted a loan under this Act shall repay the loan on terms and conditions specified in the letter of approval of the loan submitted to the person granted a loan.

Repayment of a loan.

18. (1) A person granted a loan under this Act shall, during the subsistence of the loan, keep simple books of accounts and records in relation to the funds provided by the Fund and the accounts and records kept shall be open for scrutiny by the officer administering the Fund.

A person granted a loan to keep books of accounts.

(2) A person granted a loan shall submit to the Committee the audited financial accounts of the beneficially business for each financial year until the full repayment of the loan and interest.

19. (1) If, from the outlook of the functioning and activities of the business which is the beneficially of a loan from the scheme, there has been or there is likely to be any breach of, or failure to comply with any condition or term of repayment of the loan, the Committee may forthwith—

Recovery of a loan in case of default.

- (a) recover the amount of the loan or any amount remaining unpaid including interest as a civil debt under the Debts (Summary Recovery) Act; or
- (b) enforce or realize any security offered in relation to the loan.

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(2) The Committee may, in exercising any of the powers conferred by subsection (1), engage the services of a private legal practitioner or a debt recovery agent.

PART IV—FINANCIAL PROVISIONS OF THE FUND

20. The Fund shall consist of—

Capitalisation of the Fund.

- (a) moneys allocated and appropriated to the Fund from the County Revenue Fund by the County Assembly from time to time pursuant to the provisions of this Act;
- (b) Any allocation from the National government or from the Persons with Disabilities Fund.
- (c) sums from the repayment of the capital and interest of any loan granted from the Fund;
- (d) income from any investment made by the Fund;
- (e) money borrowed by the Fund with the approval of the Executive Committee Member and the County Assembly;
- (f) any grants, gifts, donations or other endowments given to the Fund;

- (g) moneys that may vest in or accrue to the Fund in the course of the exercise or performance of the functions of the Committee under this Act; and
- (h) moneys from any other lawful source accruing to the Fund.

21. (1) There shall be paid from the Fund with the approval of the Executive Committee Member— Fund expenditure.

- (a) loans to persons with disabilities in accordance with the terms and conditions set by the Committee;
- (b) provide or contribute to the cost of assistive devices and services;
- (c) contribution to expenses, including capital expenses, of organizations of or for persons with disabilities;
- (d) operational expenses incurred in the administration of the Fund;
- (e) contribution to expenses, including capital expenses, of institutions that train persons in the care of persons with disabilities;
- (f) contribute to the capital expenses of projects undertaken by the County Government for the benefit of persons with disabilities;
- (g) grants to pay allowances to persons with disabilities falling in the following categories and who have no other source of income—
 - (i) persons with severe disabilities and who are therefore not trainable in any skills;
 - (ii) aged persons with disabilities; and
 - (iii) single parents with children with disabilities and who cannot therefore seek employment
- (h) make payments or contributions for such purposes as may be prescribed by the Committee and
- (i) monies that are necessary for the functioning of Committee.

(2) The expenses incurred in paragraphs (c) and (d) above shall not exceed ten percent of the Fund loan book from time to time.

22. (1) The Committee shall open a bank account of the Fund and such other accounts of the Committee in commercial banks decided by the Committee with the approved of the Executive Committee Member for Finance. Bank account.

(2) The signatories to the bank accounts maintained under subsection (1) shall be the officer administering the Fund who is the secretary to the Committee, the Director of Culture and Social Services and two other persons appointed by the Committee with the approval of the Executive Committee Member for Finance.

(3) The signing instructions shall be such that the signature of the Secretary to the Committee shall be mandatory on all payment cheques or other instrument intended for actual release of money from the Fund, in addition to any two of the other three signatories.

23. The financial year of the Fund shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year. Financial year.

24. (1) At least three months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the income and expenditure of the Committee and the Fund for that year. Estimates of income and expenditure

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Committee and the Fund for the relevant financial year and shall provide for—

- (a) the grant of loans to qualifying applicants; and
- (b) the cost of the administration and operations of the Committee, including payment of salaries, allowances, pensions, gratuities and other charges payable to the staff and members of the Committee.

(3) The financial estimates referred to under subsection (1) and (2) shall—

- (a) differentiate between recurrent and disbursement expenditure; and
- (b) itemize every activity that the Committee intends to undertake in respect of the Fund in the coming financial year under a separate vote head.

(4) The annual estimates shall be approved by the Committee before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member for tabling in the County Assembly for its approval.

(5) No expenditure shall be incurred by the Committee except in accordance with the annual estimates approved under subsection (4).

(6) Upon the approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund and the Committee shall be paid into the relevant accounts established under section 22.

25. (1) The Committee shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Committee and the Fund. Accounts and audit.

(2) Within a period of three months after the end of each financial year, the Committee shall submit to the Auditor-General the accounts prepared under subsection (1) in respect of that year together with a statement of—

- (a) the income and expenditure of the Committee during that year;
- (b) the income and expenditure of the Fund; and
- (c) the assets and liabilities of the Fund on the last day of that financial year.

(3) The annual accounts referred to under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act. No. 12 of 2013

26. (1) The Committee shall, within a period of three months after the end of each financial year or within such longer period as the Executive Committee Member may approve in writing, submit to the Executive Committee Member a report of the operations of the Fund during that year. Annual report.

(2) The committee shall, after submission of the report to the Executive Committee Member, publish the report and submit it to the County Assembly.

(3) The Executive Committee Member shall lay the reports before the County Assembly, including the balance

sheet and the statements of accounts, within a period of fourteen days of the receipt of the reports and statements, or, if the County Assembly is not sitting, within fourteen days of the commencement of its next sitting.

PART V—MISCELLANEOUS PROVISIONS

27. No act, matter or thing done or omitted to be done by— Protection from personal liability.

- (a) any member of the Committee or its sub-committee;
- (b) any member of staff or other person in the service of the Fund, or any person acting under the direction of the Committee or Unit,

shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or direction, render that member or person personally liable to any civil liability.

28. (1) No parent, guardian or next of kin shall conceal any person with a disability in such a manner as to deny such a person the opportunities and services available under this Act. Concealment of persons with disabilities.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine not exceeding twenty thousand shillings.

29. (1) The Executive Committee Member may, after consultation with the Committee, make regulations generally for the better carrying out the provisions of this Act, and without prejudice to the foregoing, may make regulations in respect of the following— Regulations.

- (a) the procedure for receipt, processing and approval of applications for loans and grants to applicants;
- (b) guidelines on determining interest to be charged on loans advanced;
- (c) guidelines on criteria of determining the making of grants to deserving applicants;
- (d) the preparation and maintenance of records on loans and grants granted from the Fund;
- (e) the procedure for withdrawal, recovery and cancellation of loans; and

(f) the procedures for determining the process to deal with loan defaulters; and

(g) generally for better carrying into effect the provisions of this Act.

(2) Regulations made under subsection (1) shall be approved by the County Executive Committee and the County Assembly before they take effect.

SCHEDULE (S. 12)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. (1) The Committee shall meet at such place as the chairperson may determine and the meetings shall be convened by the chairperson. Meetings.

(2) The Committee shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next meeting.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the Secretary.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the Committee and within seven days of the request, convene an extraordinary meeting at such time and place Chairperson may appoint.

(5) Every meeting of the Committee shall be presided over by the chairperson and in his or her absence the vice-chairperson shall preside.

(6) The members of a Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Committee; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the Committee.

(8) The Committee may invite any person to attend any of its meetings and to participate in its deliberations,

but such person shall not have a vote in any decision of the Committee.

2. (1) If any person has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter. Conflict of interest.

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

3. (1) Subject to subparagraph (2), the quorum of at any meeting of the Committee shall half of the appointed members of the Committee. Quorum.

(2) Where the persons present at a meeting of the Committee do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the Committee shall postpone the consideration of the matter in question until there is a quorum.

4. A question before the Committee shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote. Voting.

5. The Secretary shall cause minutes and proceedings of all the meetings of the Committees to be entered into the Minute-Book kept for that purpose. Minutes to be kept.

6. Except as provided in this Schedule, the Committee may regulate its own procedure. Committee to regulate its procedure.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose and objectives of this Bill is to establish a Fund to empower, improve and develop the persons with disabilities by providing access to capital and financing facilities through loans, grants and other financial assistance to individuals or groups and to promote the welfare and economic interest of the persons living with disabilities and for connected purposes.

Part I of the Bill provides for preliminary matters including the short title to the Bill and the interpretation of words and expressions used in the Bill.

Part II of the Bill provides for the Establishment and administration of the Fund including the establishment and functions of the Fund Committee and its functioning. The Part also provides for the Officer administering the Fund and the Secretariat of the Fund. It also provides for equitable distribution of funds to all wards.

Part III makes provisions for application for and grant of loans and grants.

Part IV sets out the financial provisions relating to the Fund including operation of bank accounts, financial reporting and audit.

Part V provides for miscellaneous provisions which include exemption from personal liability, consequences of concealing persons with disability and making of Regulations.

The enactment of this Bill shall occasion additional expenditures of public funds which shall be provided for through the budgetary estimates.

Statement on Delegated Powers to Legislate

The Executive Committee member responsible for Culture and Social services is empowered to make necessary regulations for the better functioning of various provisions of the Act.

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

This Bill is not a money Bill within the meaning of Article 114 of the Constitution of Kenya 2010.

J. ORORA,
Chairperson, Culture and Social Services.

COUNTY ASSEMBLIES FORUM (CAF)
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