

SPECIAL ISSUE

NATIONAL COUNCIL FOR
LAW REFORM
COUNTY ASSEMBLIES' FORUM (CAF)
P.O. Box 73552 - 00200,
NAIROBI, KENYA

Kisumu County Gazette Supplement No. 8 (Acts No. 1)



REPUBLIC OF KENYA

***KISUMU COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 14th May, 2014

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COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
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**THE KISUMU COUNTY EDUCATION FUNDS ACT,
2014**

No. 1 of 2014

Date of Assent: 2nd April, 2014

Date of Commencement: 14th May, 2014

AN ACT of Kisumu County Assembly to provide for the establishment of a Fund to be used to assist students and educational institutions to obtain education and for matters incidental thereto and connected therewith

ENACTED by the County Assembly of Kisumu as follows—

PART I-PRELIMINARY

1. This Act may be cited as the Kisumu County Education Funds Act, 2014. Citation

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

"Board" means the Education Fund and Bursaries Management Board established under section 5 of this Act;

"Committee" means Ward Education Fund and Bursaries Committee established under section 11 of this Act;

"Education" means Nursery, primary, secondary and tertiary education;

"Executive Committee Member" means County Executive Committee Member in charge of finance.

"Fund" means Education and Bursaries Fund established by section 3 of this Act;

"Secretary" means secretary to the Board appointed under section 6 of the Act;

"Student" means any student who is domiciled in Kisumu County and admitted to a recognised educational institution on full time course basis.

**PART II-ESTABLISHMENT AND
ADMINISTRATION OF THE FUND**

3. (1) There is hereby established a Fund to be known as the Education Fund which shall the Fund be managed and administered by the Board. Establishment

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(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries to assist students to pursue education at such recognized institutions.

4. (1) The sources of funds for the Fund shall consists Sources of funds
of —

- (a) sums of money which may from time to time be voted by County Assembly for that purpose; and
- (b) any gifts, donations, grants and endowments made to the Fund.

(2) There shall be paid out of the Fund any expenditure approved by the Board and incurred in connection with the administration of the Fund.

PART III-ESTABLISHMENT AND FUNCTIONS OF THE BOARD

5. (1) There is hereby established a Board to be known as the Education and Bursaries Management Board which shall be a body corporate with perpetual succession and a common seal. Establishment of the Board

(2) The Board shall be capable in its corporate name of —

- (a) suing and being sued;
- (b) talking, purchasing or otherwise acquiring, holding, charging and or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

6. (1) The Board shall consist of the following persons appointed by the Governor— Board Members

- (a) Chairperson;
- (b) Six members;
- (c) Secretary; and
- (d) such other persons not more than three as the Board may co-opt from time to time

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(2) The members of the Board other than the Secretary and persons appointed under subsection 1(d) members shall hold office for a period of three consecutive years and may be eligible for re-appointment for not more than one term.

(3) The office of a member of the Board, other than the Secretary and persons appointed under subsection 1(d) shall fall vacant –

- (a) if he/she submits his resignation in writing under his hand to the Governor through the Secretary;
- (b) if the Board is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;
- (c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Board;
- (d) if he is found to have been in contravention of Chapter Six of the Constitution of Kenya; or
- (e) upon his death.

(4) Where the office of a member becomes vacant under subsection (3), the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

7. (1) The Secretary shall be the Chief Executive of the Board and shall be responsible for the management of the day-to-day activities of the Board.

The Secretary to
the Board

(2) The Secretary shall hold office for five years and shall be eligible for re- appointment.

(3) The Secretary shall be the head of the Secretariat and shall be responsible to the Board in ensuring that the Secretariat satisfactorily carries out duties and performs functions assigned to it by the Board.

(4) The Secretary shall be an ex-officio member of the Board and shall have no right to vote at the meetings of the Board.

8. The functions of the Board shall be –

Functions of the
Board

- (a) to formulate sound policies for regulating the management of the Fund;

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- (b) to raise and solicit for funds and other assistance to promote the functions of the Board;
- (c) to set the criteria and conditions governing the granting of bursaries;
- (d) to receive any gifts, donations, grants or endowments made to the Board, and to make legitimate disbursements therefrom;
- (e) to establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Board may consider appropriate for the furtherance of the purposes for which the Board is established;
- (f) to grant bursary fund , as the Board may deem fit, to eligible students upon recommendation of the Committee;
- (g) to consider and entertain appeals from the Committee; and
- (h) to perform and exercise all other functions and powers conferred on the Board by this Act.

9. (1) The Chairperson shall preside at all the meetings of the Board unless he is absent from a particular meeting in which case the members present shall elect one of themselves to preside at that particular meeting or part thereof.

Meetings of the
Board

(2) The Board shall meet at least, three times per year but the Chairman shall, upon requisition in writing by at least four members, convene a special meeting of the Board at any time.

(3) All questions at any meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall, in case of equality of votes, have an original and a casting vote.

(5) The Secretary shall cause minutes and proceedings of all the Board's meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Act, the Board shall regulate its own proceedings.

10. The Board may delegate to the Committee, any of its member, officer, employee or delegate agent such of its powers and duties as it may deem necessary.

PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD EDUCATION AND BURSARIES COMMITTEES

11. There is established Ward Education and Bursaries Committee in each Ward

Establishment of
Committees

12. (1) The Committee shall consist of—

Members of the
Committee

- (a) Committee members who shall elect their chairperson;
- (b) Ward Office Coordinator who shall be the Secretary;
- (c) A person representing religious community;
- (d) Additional five members of the community, bearing into consideration gender balance, representation of the youth and persons with disability.

(2) The elected Ward Member of County Assembly shall be the Patron of the Committee.

(3) The persons under subsection (1) (b) –(d) shall be appointed by the Governor in consultation with the elected Ward Member of the County Assembly.

(4) The members of the Committee other than the Ward Office Coordinator and the Patron shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(5) The office of a member of the Committee, other than the Ward Office Coordinator and the Patron shall fall vacant—

- (a) if he submits his resignation in writing under his hand to the Governor through the Secretary;
- (b) if the Committee is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;
- (c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence

which directly or otherwise reflects adversely on his status as a member of the Committee;

- (d) if he is found to have been in contravention of Chapter Six of the Constitution of Kenya; or
- (e) upon his death.

(6) Where the office of a member becomes vacant under subsection (5), the Ward Office Coordinator shall forthwith notify the vacancy to the appointing authority for appropriate action.

13.(1) The Ward Office Coordinator shall be the Administrator of the Committee, and shall be responsible for the management of the day-to-day activities of the Committee.

Ward Office Co-ordinator

(2) The Ward Office Coordinator shall hold office for five years and shall be eligible for re-appointment for not more than one term.

(3) The Ward Office Coordinator shall be an ex officio member of the Committee and shall have no right to vote at the meetings of the Committee.

14. The functions of the Committee shall be –

Functions of the Committee

- (a) to receive and consider bursary applications;
- (b) to recommend to the board the grant and award of bursaries to eligible students;
- (c) to conduct research and maintain data on the eligibility of students for bursaries;
- (d) to monitor the academic performance of bursaries recipients; and
- (e) to perform and exercise all other functions and powers conferred on the Committee by this Act.

15.(1) The Chairperson shall preside at all the meetings of the Committee unless he is absent from a particular meeting in which case the members present shall elect one of themselves to preside at that particular meeting or part thereof.

Committee Meetings

(2) The Committee shall meet at least, three times per year but the chairman shall, upon requisition in writing by at least three members, convene a special meeting of the Committee at any time.

(3) All questions at any meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairman shall, in case of equality of votes, have an original and a casting vote.

(5) The Bursary Co-ordinator shall cause minutes and proceedings of all the Committee's meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Act, the Committee shall regulate its own proceedings.

PART V-APPLICATION FOR BURSARIES

16. (1) Every student wishing to be considered for the grant of bursary shall make an application to the Committee in a prescribed form.

Application for
bursaries

(2) the Committee may accept or reject any application for a bursary.

(3) if the Committee accepts the application, it shall recommend to the Board to grant bursary to the eligible student.

(4) if the Committee rejects the application, it shall notify the applicant such rejection in writing and the reasons thereof.

(5) The Committee shall make public the names of the beneficiaries.

17. Any applicant aggrieved by the decision of the Committee may appeal to the Board within thirty days of the Committee's decision.

Appeal to the
Board

PART VI- ADMINISTRATION AND FINANCE

18. (1) The Board shall appoint such officers and other staff as are necessary for the proper management of the Fund and discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

Officers and Staff
of the Board

(2) The principal management structure of the Board shall be established or varied by the Board with the approval of the Governor.

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19. (1) A bank account of the Fund shall be opened and maintained at the commercial bank approved by the Executive Committee Member. Bank Accounts

(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the Secretary and three other persons appointed by the Board from amongst its members.

(3) The signing instructions shall be such that the signature of the Secretary shall be mandatory on all payment cheques and / or instruments intended for actual release of money from the fund, plus any two of the other three signatories.

20. (1) The Board shall submit to the Executive Committee Member an estimate of its income and expenditure as specified in the budget cycle for approval. Income and Expenditure

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Board for the financial year and shall provide for –

- (a) the grant of bursaries to eligible students;
- (b) the cost of administration of the Board including payment of salaries, allowances, pensions, gratuities and other charges whatsoever payable to the staff and members of the Board; and
- (c) the payment or reimbursement to the members of the Board of monies in respect of expenses incurred during the attendance of the meetings of the Board.

(3) Except with the approval of the Executive Committee Member, no expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (2).

21. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets audits and liabilities of the Fund and other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board. Books of Accounts

(2) The Executive Committee Member shall lay audited report of accounts of the Board before the County Assembly at the end of each financial year.

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PART VII—MISCELLANEOUS

22. The Board may make regulations for the smooth running of the Fund and such regulations shall be approved by the County Assembly before implementation.

**Rules and
Regulations**

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