

SPECIAL ISSUE

Kwale County Gazette Supplement No. 12 (Acts No. 3)

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

**KWALE COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 5th September, 2014

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THE KWALE COUNTY BURSARY FUND ACT

No. 3 of 2014

Date of Assent: 28th August, 2014

Date of Commencement: 5th September, 2014

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THE KWALE COUNTY BURSARY FUND ACT

AN ACT of the Kwale County Assembly to make provisions for procedures and guidelines for the efficient disbursement of bursaries within the county and such related matters

Enacted by the County Assembly of Kwale as follows—

PART I—PRELIMINARY

* This Act may be cited as the Kwale County Bursary Fund Act, 2014.

2. This Act shall come into force when assented to and published in the *Kenya Gazette*.

3. The purpose of the Act is to establish procedures and guidelines for efficient allocation and disbursement of bursaries and other related scholarships by County Government of Kwale.

4. In this Act—

“Bursary” means an award granted to a needy student;

“Needy student” means a student who is very poor, poverty-stricken, impoverished, extremely poor or destitute;

“Beneficiary” means a person who receives bursary money from the County Government through the Ward Bursary Committee;

“Fund” means money set aside by the County Government for bursary;

“Fund Manager” means an individual in the Department of Finance and Economic Planning appointed by the County Executive Committee Member in-charge of Finance and Economic Planning/who shall be responsible for the administration and management of the Fund;

“A resident” means a person who maintains residency or domicile in a given ward within Kwale County;

“County” means Kwale County;

“Fresh Student” means any student joining a new level of study;



Short Title.

Commencement.

Purpose of the Bill.

Definitions.

"Fraud" means wrongful deception intended to result in obtaining two or more bursaries from two or more ward bursary Committees;

"County Executive Committee Member" means an individual holding an executive office of the County Government who is for the time being in-charge of the *Department of Education and Human Resource Development* or Department of Finance and Economic Planning;

"Chief Officer" means an individual in the service of the County Government responsible for the Department of Finance and Economic Planning appointed as per section 45 of the County Governments Act, 2012;

"disability" means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, whether arising from natural or artificial causes, which is irreversible and long term and which impacts adversely on a person's capacity to participate in social, economic, cultural or political activities;

"The County Bursary Committee" means a body at the county headquarters charged with the mandate of overseeing Bursary Fund Management;

"Ward Bursary Committee" means a body at the ward level created to co-ordinate allocation of the bursary within the wards.

5. This act will apply in respect to—

- (a) disbursement of County Government of Kwale Bursary support;
- (b) management of all sponsorship channeled through the County Government.

Application of the Act.

6. If there is a conflict between this law and any other law of Kwale County Assembly as relates to matters of bursary this law shall prevail.

Conflict with other laws.

PART II—THE COUNTY BURSARY COMMITTEE

7. (1) There is established a County Committee, which shall have powers necessary to perform its functions;

Establishment of the County Bursary Committee.

(2) the County Committee shall be an oversight body;

(3) the County Committee shall be an institution of exemplary administrative and technical competence;

(4) every member of the County Committee shall respect the non-partisan nature of the county bursary Committee;

(5) the County Committee shall uphold and maintain the highest ethical standards in the discharge of its functions;

(6) the County Committee shall maintain honesty, accountability and integrity in the delivery of services, having regard to the principles of efficiency, equality, fairness, courtesy and discipline.

8 (1) The County Committee shall consist of not less than 3 Members and not more than eleven Members appointed by the Governor and approved by the County Assembly;

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Composition of the
County Bursary
Committee.

(2) the Members shall comprise of—

(a) the County Executive Committee Member in charge of education and human resources development or his representative;

(b) the chief officer in-charge of finance and economic planning who shall be the secretary to the committee;

(c) the Fund manager;

(d) members of the public consisting of;

(i) 1 representative from learning institutions;

(ii) 1 representative from the youth;

(iii) 1 representative from women;

(iv) 1 representative from persons with disabilities;

(v) 1 representative from marginalized groups;

(vi) 2 representatives from religious bodies; and

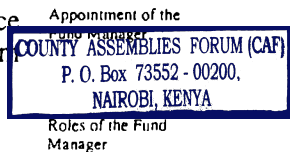
(vii) 1 representative from civil societies dealing with matters of education in the county.

(3) In the appointments the Governor must consider-

(a) the one third gender rule;

(b) persons with academic qualifications of at least Diploma level from a recognized institution.

9. The County Executive Member in-charge of finance and economic planning shall appoint a Fund manager from the department of finance and economic planning.



10. The Fund manager shall —

(1) Ensure that cheques and bank transfer for bursaries is disbursed efficiently and effectively;

(2) Ensure that the earnings of or accruals to the Bursary Fund are retained in the Fund;

(3) Ensure that money held in the Bursary Fund, including any earnings or accruals referred to in subsection (1) is spent only for the purposes for which the Fund is established;

(4) Ensure that the accounts for the Bursary Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

11. The County Committee shall —

Functions of the County Bursary Committee.

(1) Equally share the funds among the 20 wards existing in the county;

(2) Approve disbursement of bursaries to awarded students;

(3) Monitor allocations of bursaries to ensure needy and deserving students benefit;

(4) Maintain and update a database of all applicants and beneficiaries of the Fund;

(5) Produce and share disbursement reports with the Governor and the County Assembly every three months.

12. (1) The election of the chairperson and the officials of the County Bursary Committee shall take place during the first meeting of the County Bursary Committee.

Procedure and conduct of business of the County Bursary Committee.

(2) The Chairperson of the County Bursary Committee shall convene all meetings of the County Bursary Committee.

(3) Except as agreed under the minimum operation procedures and requirements, the County Bursary

(4) The quorum of the County Bursary Committee shall be six Members.

(5) The County Bursary Committee may invite any Member of the public to attend any of its meetings as long as such person shall not have voting rights.

(6) The County Bursary Committee shall have at most four meetings in every financial year; however special sittings of the County Bursary Committee may be convened as long as such meetings do not exceed three in a financial year.

(7) The meetings of the County Bursary Committee shall be convened and chaired by the Chairperson or in the absence of the Chairperson the Committee shall be chaired by any Member of the County Bursary Committee appointed by the County Bursary Committee in that sitting.

(8) The chief officer in charge of finance and economic planning shall be the secretary to the County Committee.

(9) The Members of the County Bursary Committee shall serve for a two year renewable term but shall not serve for more than two terms.

(10) Any Member of the County Bursary Committee may be removed from office by the appointing Authority upon the recommendation by resolution of the County Bursary Committee, if such Member—

- (a) has been absent for three consecutive meetings of the County Bursary Committee with or without permission of the Chairperson;
- (b) is in the opinion of a simple majority of the County Bursary Committee otherwise unable or unfit to discharge the functions of his office;
- (c) has been convicted of a criminal offense under any law in Kenya.

(11) Once the position falls vacant the same procedure and criteria for appointment shall be followed to appoint a new Member to fill the vacant position in the County Bursary Committee.

(12) Members of the County Bursary Committee shall be entitled to a sitting allowance and not wages or a salary

PART III – WARD BURSARY COMMITTEE

13. (1) There is established a Ward Bursary Committee, which shall have powers necessary to perform its functions.

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the Ward Bursary Committee
P.O. Box 76559 - 00200,
Nairobi, Kenya

(2) There shall be twenty (20) ward bursary Committees with respect to the twenty (20) wards as presently constituted.

14. (1) *The Ward Bursary Committee shall consist of the following—*

Composition of
the ward bursary
Committee

- (a) The Member of County Assembly for that ward who shall be the patron;
 - (b) A representative from learning institutions within the ward who shall be the secretary to the Ward Bursary Committee;
 - (c) a representative from every village unit within the ward who shall be competitively and transparently elected by the residents of their respective village units;
 - (d) four members of the public representing special interest groups including youth, women, people with disabilities and marginalized groups within the ward who shall be nominated by their respective groups and appointed by the patron.
- (2) In the appointments the patron must consider the one third gender rule.

15. During nomination and election of the Members of the Ward Bursary Committees the patron and the residents shall consider persons with high levels of transparency and integrity.

Minimum
qualifications.

16. (1) The Chairperson and other officials of the Ward Bursary Committee shall be elected from among Members during the first sitting of the Ward Bursary Committee.

Election of the
chairperson and
other officials to
the Ward Bursary
Committee.

(2) The Members of the public in the Ward Bursary Committees shall be competitively and transparently elected by residents of their respective wards.

(3) The election of the representatives of village units shall be by secret ballot.

Functions of the

17. The Ward Bursary Committee shall perform the following functions—



- (1) Invite applications for fees support.
- (2) Receive applications.
- (3) Scrutinize and verify all applicants supporting documents submitted by the applicants.
- (4) Identify beneficiaries of the Bursary Fund.
- (5) Verify all allocated bursaries to beneficiaries.
- (6) Prepare a data bank of all the beneficiaries;
- (7) Sensitizing the community on procedures for application, time for application and deadlines and qualifications for funding.
- (8) Prepare and display separate list of applicants and beneficiaries indicating the amount awarded per beneficiary for public viewing.
- (9) Forward to the County Bursary Committee minutes and records of nominated bursary beneficiaries; and
- (10) Look for other sources of funds and donors.

18. The following shall be the roles of the chairperson-

- (1) Act as the spokesperson of the ward bursary Committee;
- (2) schedule and call for Ward Bursary Committee meetings;
- (3) chair Committee meetings; in the absence of the Chairperson the Committee shall be chaired by any Member of the Ward Bursary Committee appointed by the Ward Bursary Committee in that sitting;
- (4) ensure committee agenda is exhaustively addressed; and
- (5) ensure all Members of the Ward Bursary Committee participate fully in all committee meetings and that consensus is reached in all decisions.

Role of the
Chairperson to
Ward Bursary
Committee.

19. The secretary to the committee shall perform the

Role of the



- (a) To issue and receive bursary applications on behalf of the Ward Bursary Committee;
- (b) Keep records of the Ward Bursary Committee deliberations;
- (c) Take minutes during Ward Bursary Committee meetings and circulate the same to the Members; and
- (d) Rendering expert, non-partisan and impartial advice to the Members of the Committee on Committee Procedure and Practice.

20. The role of the patron shall be as follows—

Role of the Patron.

- (a) Call the first meeting of the Ward Bursary Committee and Members to order;
- (b) Provide leadership to the Ward Bursary Committee;
- (c) liaise and report to the County Bursary Committee of any potential funding from donors to their respective wards;
- (d) Provide liaison between the committee and other institutions and donors within and outside the ward;
- (e) Oversee all the Ward Bursary Committee activities.

21. The Ward Bursary Committee—

Committee procedures.

- (a) shall have at most four meetings in every financial year;
- (b) special committee sittings shall be convened but only by request of at least a third of total membership of the committee whenever an urgent matter occurs; such special sittings shall not exceed three in a financial year;
- (c) a fourteen day notice shall be issued before any meeting of the Ward Bursary Committee is convened;
- (d) a decision of the Ward Bursary Committee shall be by a simple majority constituting a quorum of who is present, in case of a stalemate in the voting, the person chairing shall have the deciding vote;

year renewable term but shall not serve for more than three terms;

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- (f) members of the Ward Bursary Committee shall be entitled to a sitting allowance and not wages or a salary as prescribed in section 31.

22. (1) After thorough investigations any Member of the Ward Bursary Committee may be removed from office by resolution of the County Bursary Committee due to-

Removal from office.

- (a) Gross misconduct and abuse of office;
- (b) Incapacity due to insanity or illness;
- (c) Bankruptcy; or
- (d) Conviction by a court of law for any criminal offence under Kenyan law.

(2) Once the position falls vacant the same procedure and criteria for appointment shall be followed to appoint a new Member to fill the vacant position in the Ward Bursary Committee.

(3) If position falls vacant due to death the same procedure and criteria for appointment shall be followed to appoint a new Member to fill the vacant position in the Ward Bursary Committee.

PART IV – THE FUND

Funding.

23. (1) There shall be one Bursary Fund for the County Government of Kwale to cater for needy and high performing students in special schools, secondary schools, technical colleges, medium level colleges, vocational training centres and recognized universities.

(2) The Bursary Fund shall draw funding from the County Government Consolidated Fund.

(3) The budgetary allocation shall be set aside in every financial year's county Budget.

(4) The Fund may also draw funding from other external sources as follows—

- (a) donors;

(c) lottery

(5) The bursary fund shall be distributed equally in all ds within the county.

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24. In order to raise education standards in the county Fund shall target the following—

Scope of the Fund.

- (a) needy and high performing students in special schools, secondary schools, technical colleges, medium level colleges, vocational training centres and recognized universities within and outside the country;
- (b) students with disabilities in all levels of study;
- (c) students pursuing subjects in professions in high demand in the county like medicine, education, nutrition, nursing, engineering in all levels of study;
- (d) fresh students;
- (e) students joining national secondary schools; and
- (f) students pursuing skill development courses including carpentry, masonry, tailoring and plumbing among others.

25. For one to qualify for the Fund he or she shall—

Minimum eligibility criteria.

- (a) be a resident of the ward in which the bursary is being sought;
- (b) be admitted or is a continuing student in a special school, secondary school, technical college, medium level college, vocational training centre or recognized university within and outside the country;
- (c) be an orphan partial or total with no financially stable guardian;
- (d) be a student with disability;
- (e) be of good academic standing and moral character;
- (f) be pursuing a course in a professions in high demand in the county like medicine, education, nutrition, nursing or engineering; and
- (g) is not a beneficiary of any other another bursary or scholarship scheme.

2014

Kwale County Bursary Fund

No. 3

26. All bursary beneficiaries must submit the following documents before applying for the next bursary allocation—

- (a) their progress report for that particular year;
- (b) a cash receipt for the last allocation.

27. (1) All eligible students shall be required to collect application forms from the secretary to the Ward Bursary Committee or from the village representative in the Ward Bursary Committee free of charge;

(2) Duly completed application forms accompanied with all required attachments shall be returned to the secretary to the ward bursary Committee.

(3) The secretary shall receive and date all applications through an official register.

28. (a) At the end of the application period, the Ward Bursary Committee shall meet to consider all applications;

- (b) Selected applicants for bursary support shall be publicly displayed in the ward administrator's office notice board, patron's office notice boards, institution's notice boards, public notice boards, churches or such other places that are accessible and which are frequented by the public;
- (c) Successful applicants will be notified through county *Gazette* notice as well as written communication and any other convenient means;
- (d) Fees for successful applicants shall be directly disbursed into their school or college accounts through banker's cheques or direct funds transfer.

PART V—FUND ALLOCATION

29. (1) While ensuring that the spirit of equity and fairness is observed all the time and depending on the availability of funds the Ward Bursary Committee and the County Committee is required to give priority to special category of students/applicants.

(2) Special category applicants will include the following—

- (a) Poor and high performing students;
- (b) High performing, poor and total orphans with no financially stable guardians; and



Mode of
Application.

Selection process:

Special category
students/applicants



(c) High performing students with disability.

(3) Full support and assistance will be accorded to all category of students/applicants subject to availability of funds.

(4) Any student/applicant being supported by other donors/funds shall not be considered to avoid duplication.

(5) In case of a double funding to any applicant due to dishonesty and fraud a return of the allocated bursary shall be done.

(6) In the event that the said payment is made to a non-refundable account the applicant shall not benefit any more.

PART VI MISCELLANEOUS

30. In case of any dispute arising from the Ward Bursary Committee in relation to the bursary disbursement process the patron shall initiate mediation process.

Dispute
resolution.

31. The funds shall —

Disbursement.

(1) Be disbursed directly to the respective institutions in the form of banker's cheques or direct funds transfer and a list of the successful beneficiaries displayed at the ward administrator's offices, institution's notice boards, public notice boards, churches or such other places that are accessible and which are frequented by the public.

(2) Be allocated two times per year;

(a) December to March for special schools, secondary schools and vocational training centers applicants; and

(b) July to October for colleges and university applicants.

32. The County Bursary Committee and the Ward Bursary Committee shall be paid sitting allowances for every single sitting of KSh. 3,000 for the County Bursary Committee and KSh. 2,000 for the Ward Bursary Committee respectively.

Remuneration.

SCHEDULES
COUNTY GOVERNMENT OF KWALE
P.O. BOX 4—80403

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

KWALE

BURSARY APPLICATION FORM—20...../20.....

PART A

WARD:.....

LOCATION VILLAGE

PART B

NAME OF STUDENT.....

(Surname)(Other Names)

SEX Male () DATE OF BIRTH

Female ()

PART C *(To be filled by Secondary School Students)*

Adm. No.Form.....

Name of School.....

School Account Number.....

Bank.....

Branch.....

School Status: National () County () District ()

Special/other () -Please tick appropriate

Outstanding Fee Balance:

PART D

(To be filled by Vocational Training Institutes/ Skill Development Centers/ Special Needs School/ College/ University Students)

1. Please tick where appropriate

1st Year () 2nd Year () 3rd Year () 4th Year ()

5th () 6th () 7th ()

2. Course of Study.....

3. Name of Institution.....

4. Campus.....

5. Admission Number.....

6. School Account Number.....



7. Bank.....
 8. Branch.....
 9. Outstanding Fee Balance.....
 10. Students Mobile Number.....
 11. Students email Address.....
 12. Students Signature
- (Please attach a copy of Institute/college/university ID card and fee structures).*
- (For fresh students attach copies of admission letter and fee structure).*

PART E

Do you suffer from any Disability?

YES () NO ()

DETAILS.....
.....
.....

PART F

FAMILY STATUS

Tick where appropriate

Parents both alive () One alive () Both not alive ()

Name of Parents/Guardians

Occupations

Mobile Number

Please attach copies of parents'/guardians' ID cards or death certificates)

Do you have siblings....(YES).....(NO).....

How many?.....

[illegible]

PART G: DECLARATION

I.....decla
that the information I have given hereinabove is true to the best of
knowledge, information and belief.

SIGNATURE.....DATE.....

PART H: FOR OFFICIAL USE ONLY

Amount Approved: KSh.....

In Words:.....

Ward Bursary Committee Secretary

Name..... **Date**

Official stamp and signature.....

Ward Bursary Committee Chairperson

Name.....Date

Official stamp and Signature.....