

BILL 1ST READING

COUNTY ASSEMBLIES FORUM (CAF)

12 P.O. BOX 552 - 00200,

NAIROBI, KENYA

COUNTY ASSEMBLY OF LAMU

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BILL 2ND READING

26 NOV 2019

COUNTY ASSEMBLY OF LAMU

KENYA GAZETTE SUPPLEMENT COMMITTEE OF THE WHOLE

LAMU COUNTY BILLS, 2019

27 NOV 2019

COUNTY ASSEMBLY OF LAMU

NAIROBI, 16th September, 2019

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THE LAMU COUNTY BURSARY FUND BILL, 2019

A Bill for



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

ENACTED by County Assembly of Lamu as follows—

PART I — PRELIMINARY

Citation

1. This Act may be cited as the Lamu County Bursary Fund Act, 2019.

Interpretation

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

"Board" means the Bursary Management Board established under section 5 of this Act;

"Committee" means Ward Bursary Committee established under section 11 of this Act;

"Education" means secondary and tertiary education;

"County Executive Committee Member for Finance" means County Executive Committee Member in charge of Finance

"County Executive Committee Member for Education" means County Executive Committee Member in charge of Education.

"Fund" means Bursary Fund established under 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 Lamu County and/or who is of Lamu County Origin and admitted to a recognised educational institution.

PART II — ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment the Fund

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

(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries and scholarships to assist students to

pursue education at such recognized institutions and to fund other educational activities to improve performance in the education sector.

Sources of funds

4. (1) The sources of funds for the Fund shall consists 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 lawful expenditure approved by the Board and incurred in connection with the administration of the Fund.

(3) An organisation or individual may contribute to the Fund.

(4) The unspent amounts in the Fund shall not lapse at the end of the financial year and may be added to the fund of the current year and be available for allocation in the next financial year.

PART III — ESTABLISHMENT AND FUNCTIONS OF THE BOARD

Establishment of the Board

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

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and/or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) 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.

Board Members

6. (1) The Board shall consist of the following persons—

- (a) Chairman, appointed by the Governor
- (b) Three members of the public appointed by the governor representing the youth, gender and persons with disability;
- (c) Chief officer for Finance or his representative;

- (d) Chief officer for Education or his representative;
- (e) Secretary,

(2) The members of the Board other than the Secretary and Chief Officers shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(3) The office of a member of the Board other than the Secretary, shall fall vacant—

- (a) if he submits his resignation in writing 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.

The Secretary to the Board

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.

(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.

Functions of the Board

8. The functions of the Board shall be—

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

- (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 and scholarships;
- (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 appropriate bursaries and scholarships funds to Ward Bursary Committees in accordance with the approved budget by the County Assembly;
- (g) to consider appeals from the Committee;
- (h) give annual reports and activities of the Board and the Committee, to the County Executive Committee Member for Education and the County Assembly;
- (i) to organise payments to beneficiaries' institutions and receive receipts from the institutions; and
- (j) to perform and exercise all other functions and powers conferred on the Board by this Act.

Meetings of the Board

9. (1) The Chairman 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.

(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 Chairman 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;

Delegation

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

PART IV — ESTABLISHMENT AND FUNCTIONS OF WARD BURSARY COMMITTEES

Establishment of Committees

11. There is established Ward Bursary Committee in each Ward.

Members of the Committee

12. (1) The Committee shall consist of—

- (a) Ward Administrator who shall an *ex-officio* member and the Secretary
- (b) Two persons representing religious community;
- (c) One person representing the Youth,
- (d) One person representing gender; and
- (e) One person representing persons with disability.

(2) The Chairperson of the committee shall be elected among the members in their first sitting.

(3) The Members of the Committee shall be appointed by the Governor.

(4) The members of the Committee other than the Ward Administrator 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 Administrator shall fall vacant—

- (a) if he submits his resignation in writing 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 a position becomes vacant under subsection (5) before the expiry of the period, the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

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

(3) If the Committee accepts the application, it shall approve to the Board to grant bursary or scholarship to the eligible student.

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

Ward Administrator

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

(2) The Ward Administrator shall be an *ex officio* member of the Committee and shall have no right to vote at the meetings of the Committee.

Functions of the Committee

14. The functions of the Committee shall be—

- (a) to receive and consider bursaries and scholarships applications;
- (b) to grant and award bursaries and scholarships to eligible students based on the funds appropriated to the Committee by the Board;
- (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 Chairman 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.

(2) The Committee shall meet at least, four 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 Secretary 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 AND SCHOLARSHIPS

Committee Meetings

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

Application for bursaries and scholarships

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

PART VI — ADMINISTRATION AND FINANCE

Appeal to the Board

18. (1) The Board with the approval of the County Executive Committee Member for Finance may contract such staff as are necessary for the proper management of the Fund and discharge of its functions under this Bill, upon such terms and conditions of service as it may determine.

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

Bank Accounts

19. (1) A bank account of the Fund shall be opened and maintained at a Commercial Bank approved by the County Executive Committee Member for Finance.

(2) The signatories to the account of the fund maintained in accordance with section (1) shall be the Board Chairman, secretary and Chief Officer for Finance.

(3) The signing instructions shall be such that the three signatories are mandatory on all payment cheques and / or instruments intended for actual release of money from the fund.

Income and Expenditure

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

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

- (a) the grant of bursaries and scholarships;
- (b) the cost of meetings and allowances for the Board and the committees.

(3) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (2).

Books of Accounts

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.

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

PART VII — MISCELLANEOUS

22. The Board may undertake such other activities including sponsoring common examinations in the County.

Rules and Regulations

23. The Board may make regulations for the smooth running of the Fund.

Repeal of Acts

24. The followings Acts are repealed—

- (a) Lamu County Bursaries and Scholarships Act No. 4 of 2014; and
- (b) Lamu County Bursaries and Scholarships (Amendments) Act No. 1 of 2016.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Bill is to provide for legislative framework for the management of Lamu County Bursary Fund to assist needy students of the county.

Part I of the Bill provides for preliminary matters including citation and definitions of the words used in the Bill.

Part II of the Bill provides for the Establishment of the Bursary Fund.

Part III of the Bill provides for the Establishment and Functions of the Bursary Management Board.

Part IV of the Bill provides for the Establishment and Functions of the Ward Bursary Committees

Part V of the Bill makes provisions for applications of Bursaries and Scholarships.

Part VI of the Bill sets out the administrative and finance aspect of the Fund.

Part VII of the Bill is Miscellaneous.

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

Dated the 30th August, 2019.

JONATHAN BAYA MKETTA,

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Social Welfare*

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