

SPECIAL ISSUE

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***MACHAKOS COUNTY GAZETTE
SUPPLEMENT***

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**THE MACHAKOS COUNTY WARD DEVELOPMENT FUND
(AMENDMENT) BILL, 2016**



A Bill for

**AN ACT of the County Assembly of Machakos to amend the
Machakos County Ward Development Fund Act, 2014**

ENACTED by the County Assembly of Machakos as follows—

Short title

1. This Act may be cited as the Machakos County Ward Development Fund (Amendment) Act, 2016.

Interpretation.

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

“Principal Act” means the Machakos County Ward Development Fund Act, No 2 of 2014 as amended by the Machakos County Ward Development Fund (Amendment) Act of 2015.

Amendment of section 2

3. Section 2 of the Principal Act is amended by deleting the definitions of the following words—

“ward development fund committee”;

“ward fund account”.

Amendment of section 4

4. Section 4 of the Principal Act is amended by deleting subsection (2) (a), and substituting therefor the following new paragraph—

4. (2) (a) “such monies as may be appropriated by the County Assembly for the purpose of the Fund.”

Amendment of section 8

5. Section 8 of the Principal Act is amended as follows—

(a) by deleting subsection (1) and substituting therefor the following new subsection—

“8 (1) The Fund shall be administered by the Chief Officer responsible for matters relating to Finance;”

(b) by deleting subsection (2);

(c) by deleting subsection (4).

Amendment of section 11

6. Section 11 of the Principal Act is amended as follows—

- (a) by deleting subsection (6);
- (b) by deleting subsection (7).

Amendment of section 14

7. The Principal Act is amended by deleting section 14.

Amendment of section 16

8. The Principal Act is amended by deleting section 16.

Amendment of section 17

9. Section 17 (4) of the Principal Act is amended by deleting the expression “and accounts of each Ward Development Fund Committees”.

Amendment of section 18.

10. Section 18 of the Principal Act is amended as follows—

- (a) by deleting subsection (2);
- (b) by deleting subsection (3).

Amendment of section 19

11. Section 19 of the Principal Act is amended by deleting sub section (1) and substituting therefor the following new subsection—

19 (1) After consultation with members of the public including local leaders in the Ward the Officer of the Fund in the Ward shall submit the list of projects in order of priority to the County Management Committee for approval.

Amendment of section 20

12. The Principal Act is amended by deleting section 20.

Amendment of section 21

13. Section 21 (1) of the Principal Act is amended by deleting all the words appearing after the expression “accompanied by” and substituting therefor the words “a report of the public consultations on the Fund”.

Amendment of section 23

14. Section 23 of the Principal Act is amended by deleting subsection (3).

Amendment of section 24

15. The Principal Act is amended by deleting section 24.

Amendment of section 27

16. Section 27 of the Principal Act is amended by deleting the expression “Ward Development Fund Committee” wherever it occurs and substituting therefor the words “Officer of the Fund in the Ward”.

Amendment of section 28

17. Section 28 of the Principal Act is amended as follows—

- (a) in subsection (5) by deleting the words “Development Fund Committee”;
- (b) in subsection (6) by deleting the words “including the emergency item under section 11” appearing immediately after the words “Third Schedule”.

Amendment of section 30

18. Section 30 of the Principal Act is amended as follows—

- (a) in subsection (1) by deleting the words “Ward Development Fund Committee” and substituting therefor the words “Officer of the Fund in the Ward”;
- (b) in subsection (2) by deleting the words “Ward Development Fund Committee” and substituting therefor the words “Officer of the Fund in the Ward, upon consultation with local leaders and other members of the public in the Ward”.

Amendment of section 32

19. The Principal Act is amended by deleting section 32.

Amendment of section 33

20. The Principal Act is amended by deleting section 33.

Amendment of section 34

21. The Principal Act is amended by deleting section 34.

Amendment of section 37

22. Section 37 (3) of the Principal Act is amended by deleting the words “and the Ward Development Fund Committee”.

Amendment of section 39

23. Section 39 of the Principal Act is amended as follows—

- (a) by deleting paragraph (a);

- (b) in paragraph (b) by deleting the words “Ward Development Fund Committee” and substituting therefor the words “County Management Committee”.

Amendment of section 43

24. Section 43 of the Principal Act is amended as follows—

- (a) in subsection (1), by deleting all the words appearing after the expression “circulate to the” and inserting the words “officers of the Fund in the Ward, a list of other government allocations to the Ward;
- (b) by deleting subsection (2)
- (c) in sub section (3), by deleting all the words appearing before the expression “the existence of”.

Amendment of section 48

25. Section 48 of the Principal Act is amended as follows—

- (a) in subsection (3), by deleting the words “Ward Development Committee and any other”;
- (b) by deleting subsection (4).

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Machakos County Ward Development Fund Act, 2014 as amended by the Machakos County Ward Development Fund (Amendment) Act of 2015 in order to align it with the national values and principle of governance of article 10 and the principles of public finance provided for in article 201 of the Constitution. It also seeks to ensure prudent financial management of public resources and ensure transparency and accountability in accordance with the provisions of the Public Finance Management Act, 2014.

The Bill also seeks to ensure public participation in governance at the local level.

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Dated the 17th July , 2016.

PHILLIP NDOLO,
Chairperson, Ward Development Fund Committee.