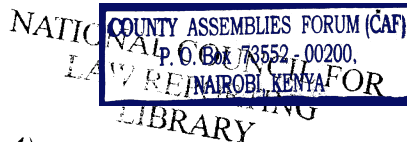


SPECIAL ISSUE



Nandi County Gazette Supplement No.8 (Acts No. 4)



REPUBLIC OF KENYA

***NANDI COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 4th July 2014

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

THE NANDI COUNTY EDUCATION FUND (NACEF) ACT



No. 4 of 2014

Date of Assent: 26th June, 2014

Date of Commencement: By Notice

Clause

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2014

Nandi County Education Fund (NACEF)

THE NANDI COUNTY EDUCATION FUND (NACEF) ACT

**AN ACT of the County Assembly of Nandi to
establish a fund to enhance education access,
equity and improvement of standards of
education and for connected purposes**

ENACTED by the County Assembly of Nandi as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nandi County Education Fund (NACEF) Act, 2014 and shall come into operation on a date appointed by the County Executive Member responsible for Education by notice in the County Gazette and the Kenya Gazette.

Short title.

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

Interpretation.

“Secondary education” means education immediately following primary level.

“Tertiary education” means education provided by polytechnics, colleges and universities

“Access” means the right or opportunity to use or benefit from education.

“Equity” means act of being fair and impartial in matters of education.

“Education improvement” means making education better in all ways

“Committee” means the County/ward Fund Body established by section 4

“County Executive Secretary” means the County Executive Secretary for the time being responsible for matters relating to the County Education Access, Equity and Improvement Fund;

“Chairperson” means the Chairperson of the Committees appointed under 8 and 15 and;

“Secretary” means the Secretary of the Committee appointed under section 8 and 15;

“community” means residents of a particular geographical area or region defined as county ward,,

location, sub location or village and having common interests;

“county” has the meaning assigned to it in the Elections Act, 2011 (Cap. 7);

“Ward” has the meaning assigned to it in the County Government Act, 2012.

“County Education Fund Committee” means the committee established under section 116 the PFMA 2012

“Fund” means the County Education Fund established under section 5 of this act.

“project” means those activities or services described in section 6 and 23 of this Act;

“Youth” means a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

3. The objects and purposes of this Act are to establish a legal and institutional framework to facilitate—

Objects and purposes of Act.

- (a) Improved access to education by all residents of Nandi County,
- (b) Enhanced Equity in education for all residents of Nandi County; and
- (c) Improvement of education standards within Nandi County.
- (d) Ensuring that a specific portion of the County annual budget is devoted to the Education Fund for these purposes

4. In achieving the object and purpose, or the performance of the functions or the exercise of the powers conferred under this Act, the Committee shall act in accordance with the national values and principles of governance set out in Article 10 of the Constitution

Guiding Principles

PART II— ESTABLISHMENT OF THE COUNTY EDUCATION ACCESS, EQUITY AND IMPROVEMENT FUND.

5. (1) There is established a fund, to be known as the Nandi County Education Fund (NACEF).

Establishment of the Fund.

(2) The Fund shall consist of—

- (a) moneys as allocated by the County Assembly for the purposes of the Committee, of an amount of not less than 3% (three per centum) of all the county government revenue received in every financial year;
- (b) any grants, gifts, donations, loans or other endowments given to the Committee;
- (c) such funds as may vest in or accrue to the Committee in the course of the exercise of its powers or the performance of its functions under this Act;
- (d) Moneys from any other lawful source accruing to the Committee.

6. The Committee may apply the moneys of the Fund for the purposes of—Securing the attendance to an educational institution offering secondary Education of persons granted benefits in accordance to this act.

Application of the Fund.

- (a) Securing the attendance to an educational institution of the nature of a youth polytechnic, middle level colleges and universities or any other recognized by law of persons granted benefits in accordance to this act of which the Fund shall be managed as a revolving fund; except for that of a youth polytechnic using the HELB process or a similar model.
- (b) Enhancing equity in educational services provided in accordance with this Act;
- (c) meeting the expenses for educational institutions to enhance and improve the educational standards as authorized under this Act;
- (d) The expenses and operations of the Committee as approved by the Committee.

7. (1) There is established a committee to be known as the County Education Fund Committee which shall consist of:

Establishment of the Committee

- (a) The Chief Officer responsible for Education, who shall be the Secretary of the committee
- (b) The chief officer in the County Department relating to finance and economic planning or a

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designated alternate not below the level of Director.

- (c) The Chief officer in the county Department of Education, Research and Vocational Training or a designated alternate not being below the level of Director.
- (d) The County Director of budget.
- (e) Six persons elected representing sub counties and appointed by the County Executive Member responsible for Education.
- (f) Four persons elected and appointed by the County Executive Member responsible for Education to represent following groups; youth, persons with disabilities, the clergy and the marginalized using the following criteria;
 - (i) Youth nominated by the National Youth Council – Nandi County.
 - (ii) Person with Disabilities (PWD) nominated by the Council of Persons with Disabilities.
 - (iii) One person nominated by the Kenya Council of Churches.

(2) The Chairperson shall be elected by the members of the committee from among themselves.

(3) Election and nomination of members of the Committee shall take into account the principles of equality and non-discrimination, regional balance and gender parity.

(4) A person shall not qualify to be appointed to the Committee of the Fund if such a person is—

- (a) not a Kenyan citizen and ordinarily resident in Kenya;
- (b) at the relevant time, is a member of the executive body or an employee of a political party;
- (c) does not meet the provisions of Chapter Six of the Constitution; and
- (d) is an un-discharged bankrupt.
- (e) His/her education level is below form four ('O' level).

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

(6) The Vice-Chairperson shall be elected by the members of the Committee from among themselves.

(7) The chairperson and the vice chairperson shall be of the opposite gender.

8. (1) The functions of the Committee shall be:

Functions of the
Committee

- (a) to ensure timely and efficient disbursement of benefits to every ward;
- (b) to ensure efficient management of the Fund;
- (c) to receive and discuss annual reports and returns from the wards;
- (d) ensure the compilation of proper records, returns and reports from the wards
- (e) receive and address complaints and disputes and take any appropriate action;
- (f) consider proposals submitted from various wards in accordance with the Act, approve for funding those proposals that are consistent with this Act and send funds to the respective wards for the approved activities;
- (g) Perform such other duties as the Committee may deem necessary from time to time for the proper management of the Fund.

(2) Where any issues of policy arise in the course of the performance of its functions under this Act, the Committee shall refer the same to the County Executive Member.

9. (1) The conduct and regulation of the business and affairs of the Committee shall be as provided in the Fourth Schedule.

Conduct of
Business and
Affairs of the
Committee

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

10. (1) Unless the appointment of a member is earlier terminated under this Act, a member of the Committee shall hold office for a single term of three years from the date of appointment and shall be eligible for re-appointment.

Tenure of
members of the
Committee.

(2) Subject to section 9, a member of the committee shall hold and vacate office in accordance with the terms of his/her appointment.

11. (1) The office of a person appointed as the chairperson or as a member of the Committee shall become vacant, if such chairperson or member—

Termination of
appointments in
certain
circumstances

- (a) dies;
- (b) ceases to be a member of the nominating body under section 7(2)
- (c) resigns from office by writing under his/her hand addressed to the Committee;
- (d) violates the provisions of Chapter Six of the Constitution or any other law;
- (e) is convicted of an offence punishable by a term of imprisonment exceeding three months; or
- (f) is culpable of gross misconduct, whether in the performance of the member's functions or otherwise;
- (g) is unable to discharge the functions of the office due to physical or mental incapacity; or
- (h) is absent from three consecutive meetings of the service without good cause; or
- (i) is adjudged bankrupt; or
- (j) is incompetent or otherwise unable or unfit to discharge his duties.

(2) The County Executive Member shall notify every vacancy in the Gazette within fourteen days of the occurrence of the vacancy;

(3) An appointment to fill a vacancy shall be for the remainder of the term of the member being replaced and shall be eligible for reappointment.

12. Where a vacancy occurs in the membership of the committee under section 7, the County Executive Member shall, appoint a new member in accordance with the provisions of this Act.

Filling of vacancy

13.(1) An Act or decision of the Committee is not invalid merely because of—

Validity of the
decisions of the

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- (a) defect or irregularity in or in connection with the appointment of a member or
- (b) a vacancy in the membership of the Committee including a vacancy arising from the failure to appoint a member.

(2) The decisions of the board shall be authenticated by the Chairperson or any other officer authorized in writing by the Chairperson in that behalf.

14. (1) The Committee may for the performance of its functions under this Act, constitute such sub-committees of the Committee as it may consider necessary and may assign or delegate to the committees such of its functions as it may determine.

Sub-Committees
of the Committee

Ward Education
Fund Committee

15. (1) There shall be a Ward Education Fund (WEF) Committee for every ward which shall consist of:

- (a) the ward administrator
- (b) two persons of different sexes elected by the community and one of whom shall be a youth at the date of appointment;
- (c) one person elected to represent religious community
- (d) One person nominated from among the active Non-Governmental Organizations or Community Based Organization (CBO) in the ward .
- (e) Three persons nominated by the area MCA of which shall include a youth and persons with disabilities.
- (f) One representative of Kenya National Parents Association.

(2) Upon receiving the names from all the villages in the ward, the Member of the County Assembly in consultation with the sub county administrator shall appoint nine persons to the Committee, taking into account the geographical diversity within the ward, communal, religious, social and cultural interests in the ward and the requirements of gender, youth and representation of persons with disabilities;

(3) Ward administrator shall be the secretary of the committee.

(4) upon conclusion of the appointments the members in section 25(2) shall elect the chairperson from amongst the membership and the sub county administrator shall forward the names of the members to the County Executive Member for gazettment;

(5) The Member of the County Assembly for the ward shall be the Patron

(6) The County Executive Member shall cause the names of persons appointed as members of the Ward Education Fund Committee, pursuant to subsection (2) to be published in the Kenya Gazette.

Establishment of
the County
Assembly Select
Committee

(7) The Chairperson of the ward Education Fund Committee in consultation with the Member of the County Assembly for the ward ,the sub- county administrator , and the ward administrator for every ward shall, immediately convene open public meetings in every ward in the sub county to deliberate on disbursements of the Ward Education Fund.

(8) Each ward shall come up with a list of fund applicants to be submitted to the County Education Fund Committee for fund disbursement.

(9) The quorum of the Ward Education Fund Committees shall be one half of the total membership.

(10) The term of office of the members of the County/ Ward Education Fund Committee shall be three years irrespective of a County Assembly term but shall be renewable and shall come to an end upon the appointment of a new Ward Education Fund Committee in a manner provided in this Act.

(11) Whenever a vacancy occurs in the County/ Ward Education Fund Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.

(12) The County/Ward Education Fund Committee shall meet whenever funds are available for disbursement or whenever need arises.

(13) The county/Ward Fund Committee shall, at its discretion, determine the quantum of installments to various projects in the County/Ward, taking into account

the disbursement received and the requirement of different projects.

(14) A member of the committee may be removed on any one or more of the grounds applicable to the County Committee as laid out in s. 10(1) of this Act

(15) A decision to remove a member under subsection (14) shall be made through a resolution of at least five members of the Committee and the member sought to be removed shall be given a fair hearing before the resolution is made.

(16) A vacancy arising as a result of the removal of a member under subsection (15) shall be filled in the manner set out in subsection (11) and minutes of the meeting shall indicate the fact of the removal or appointment of a member.

PART V—COUNTY ASSEMBLY COMMITTEE ON EDUCATION FUND

16. (1) The County Assembly shall, in accordance with its Standing Orders, establish a Select Committee consisting of a chairperson and other members of the County Assembly on Early Childhood Education and Vocational Training

(2) The procedures and rules for the operations of the County Assembly Committee shall be governed by the Standing Orders of the County Assembly.

(3) The functions of the County Assembly sectoral Committee on Early Childhood Education shall be—

- (a) To consider and recommend to the County Assembly any matter requiring action by the County Assembly pursuant to the provisions of this Act;
- (b) To oversee the implementation of this Act and in this respect, shall after every financial year submit a report to the County Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
- (c) To oversee the policy framework and legislative matters that may arise in relation to the Fund;

- (d) To continually review the framework set out for the efficient delivery of development programmes financed through the Fund;
- (e) To consider and report to County Assembly with recommendations, names of persons required to be approved by the County Assembly under this Act; and
- (f) To carry out any other functions relevant to the work of the Fund.

(4) The Committee may make reports other than the statutory report stated in subsection 3(b) to appraise the County Assembly on various matters relating to the Fund and to seek various approvals as required by the Act.

PART III—SUBMISSION OF REQUESTS

17. (1) The approved list of intended beneficiaries to be covered under this Act shall be submitted by the Chairman of the Ward Fund Committee to the Committee having been certified by the area MCA who is the patron of the Fund.

Submission of
Requests.

(2) The Committee shall receive and compile the list of proposed beneficiaries of the Fund submitted to it under this Act and being satisfied proceeds to disburse the fund to the approved beneficiaries.

18. (1) The Fund committee shall be setting submission deadlines from time to time depending on the time disbursements become available and should be indicated in the application form in BOLD

Submission
Deadline

19. (1) The list of fund applicants shall be submitted on a ward education fund Submission Form set out in the First Schedule to this Act accompanied by minutes of the Fund Committees approving the beneficiaries.

Submission Form

(2) All names of proposed beneficiaries for every ward and the county shall be listed in the Form together with the amounts allocated and amounts disbursed to such beneficiaries.

20. (1) The list of applicants of the Fund received by the County Committee pursuant to section 14 shall be tabled for review at a meeting of the Committee.

Approval of
Requests

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(2) The County committee shall scrutinize and approve for funding those applicants that are consistent with the Act.

(3) Where the County Committee does not approve a proposal submitted to it under this section, it shall refer the matter to the relevant Fund Committee giving reasons as to why it has declined the proposal.

21. (1) The allocation of funds to the applicants in the ward is the responsibility of the Fund Committees to exercise transparency and accountability within the provisions of this Act.

Transparency and
Accountability of
Fund Committees

(2) The funds shall be distributed equally among all the wards in Nandi County.

22. All applicants for benefits under this Act shall have their requests numbered by the Ward committee with serial numbers as delineated by the County Executive Member in order to ensure that an applicant retains the same serial number every year until its phased out.

Serialization of
List

23. (1) All applicants for benefits under this Act shall comply with the provisions of this Act.

Criteria for
Awarding Funds

(2) It shall be the responsibility of the Fund Committees to ensure that the list of applicants submitted for funding comply with the provisions of the Act and their total cost does not exceed the available fund as allocated.

(3) If the list of applicants submitted for funding is in contravention of subsection (2) the same shall be referred back to the Ward Fund Committee for amendment and resubmission.

(4) Where the amount for requests in a ward is less than the available fund for reasons of request being deleted in accordance with subsection (3), or for whatever reason, the shortfall shall be indicated as unallocated amount against that particular ward on the list to be forwarded to the County Executive Member.

PART IV—FUND BENEFICIARIES

24. (1) Beneficiaries under this Act shall emanate from the community in order to ensure that the prospective benefits are available to a cross-section of the inhabitants of a particular area.

Community
Initiation

(2) County and Ward Fund Committee office shall be considered as a development project for purposes of the Act and may include appropriate furniture and equipment for the office.

(3) Notwithstanding the provisions of subsection (2), up to a maximum of six per centum of the total annual allocation for the ward may be used for administration, recurrent expenses of equipment and machinery and such use shall be included in the list of beneficiaries for consideration.

(4) Monitoring and evaluation of ongoing beneficiaries and capacity building of various operatives may be considered for funding under this act provided that not more than three per centum(3%) shall be allocated for this purpose.

25 The number of beneficiaries to be included in the compiled list shall be determined by funds available which shall not be less than Kshs 10,000 per beneficiary

Minimum
Benefits

26. (1) Disbursements or any part thereof which involves personal awards to any person in cash or in kind, shall be excluded from the list of beneficiaries submitted in accordance with the act.

Exclusion of
Personal Awards

(2) Notwithstanding the provision of subsection (i) Nandi County Corporate Social Responsibility on Education shall be considered for funding under this act provided that such a project shall not exceed twenty percentum (20%) of the total funds allocated for the fund in any financial year.

27. The County Committee shall, on a quarterly basis, submit a report to the County Assembly Select Committee detailing—

Quarterly reports
on the Fund
disbursements

- (a) a summary of the project proposals received from the wards in the preceding month and indicating the approval status of such projects;
- (b) a summary of the status of disbursements of funds to the wards for that preceding month;
- (c) a summary of the status of disbursements from the County Treasury to the Fund; and any restriction imposed on a ward Fund in accordance with the Act.

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28. The County Committee shall ensure that the list of applicants forwarded to it by each ward is, upon approval, funded in accordance with the Act.

Funding of
Applicants

PART VI—IMPLEMENTATION OF PROJECTS

29. Projects under this Act shall be implemented by the project management committee in each case, with the assistance of the relevant department of Government and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations for the time being in force.

Project
Management
Committee to
implement

30. All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Disposals Act 2005

Procurement of
Services and
Works.

31. All funds received under this Act shall be audited and reported upon by the Auditor-General.

Audit

PART VIII—FINANCE AND ADMINISTRATION

32 (1) The County Executive Member in charge of finance shall appoint an Administrator to be responsible for management of the fund in accordance with section 116 of Public finance management Act ,2012.

Staff of the
Committee

(2) The fund shall be managed in accordance with section 116 of the Public finance management Act,2012

(3) The committee may 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.

(4) The principal management structure of the committee shall be established or varied by the Committee with the approval of the County Executive Member.

33. (1) For the purpose of disbursement of funds under this Act there shall be opened and maintained a county account at any commercial bank, approved by the County Executive Secretary into which all funds shall be kept and such an account shall be known by the name of the Nandi County Education Fund for which it is opened.

County Account

(2) The bank account opened pursuant to subsection (1), shall be separate from that of the County Treasury.

(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a county education fund account and the signing instructions shall be such that there shall be at least one signature of an officer seconded by the committee and at least two signatures of two members of the Fund Committee.

(4) The Chief Officer for education shall hold the authority to incur expenditure of the funds at the county account.

(5) Funds from the county education account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 9 of the Act.

(6) Every payment or instruction for payment out of the county education fund account shall be strictly on the basis of minute resolutions of the County Education Fund Committee.

(7) All receipts, savings and accruals to the ward account and the balances thereof at the end of each financial year shall be returned to the county Fund Account.

(8) All unutilized funds shall remain in the wards account and no investment elsewhere shall be permitted, provided that funds meant for a project that is cancelled or discontinued shall be returned to the Fund Account in accordance with section 10 of this Act.

(9) All unutilized funds of a Project shall be returned to the county/ ward account.

(10) Any accruing revenues, interest and liabilities from any ward account shall be declared to the County Committee together with the annual returns.

34 (1) A bank account of the Fund shall be opened and maintained as the County Fund account.

Bank Account of
the Fund

(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the Chief Officers for education, finance and two other persons appointed by the county committee from amongst its members.

(3) The signing instructions shall be such that the signature of the Chief Officers 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.

35. (1) An accurate record of all disbursements made to every ward shall be kept and updated every month by the committee.

Records of
Disbursements

(2) The Chairperson of the Committee shall submit an annual report on the activities, operations and expenditure under the Act.

(3) At the end of every financial year the Committee shall submit separate accounts of the Committee Reports of Wards to the Auditor General.

PART IX—MISCELLANEOUS PROVISIONS

36. (1) The expenditure for running the Committee and related purposes shall be set aside at the beginning of the financial year and not more than five per centum of the total allocation to the Fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the County Executive Member for Finance

Finances of the
Committee

(2) Sitting allowances for the members of the County/Ward Committee shall be paid out of the funds set aside for them under subsection (1) and the sitting allowances for the County Education Fund Committee shall be paid out from funds set aside in section 22(7).

Cap 412B and
Cap 412C

(3) The accounts of each Ward shall be audited and reported upon in accordance with the Public Audit Act, 2003, (Cap. 412B) and the Public Finance Management Act, 2012, (Cap. 412C).

37. (1) The County Executive Member may make regulations for the smooth running of the Fund and such regulations shall be approved by the County Assembly before implementation.

Regulations.

(2) The County Executive Member may amend any of the Schedules through a notice in the Gazette, provided that such amendments shall first be approved by the County Assembly before implementation.

38. Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the

Offences and
Penalties

manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not less than five years or to a fine not less than five hundred thousand shillings or to both.

39. (1) All complaints and disputes by persons arising due to the administration of this Act shall be forwarded to the Committee in the first instance.

Dispute
Resolution

(2) Complaints of a criminal nature shall be forwarded by the Committee to the relevant government agencies with prosecutorial powers.

(3) Disputes of a civil nature shall be referred to the Committee in the first instance and where necessary an arbitration panel whose costs shall be borne by the parties to the dispute, shall be appointed by consensus of the parties to consider and determine the matter before the same is referred to court.

(4) Notwithstanding subsection (3), parties shall be at liberty to jointly appoint an arbitrator of their choice in the event of a dispute but where parties fail to jointly agree on an arbitrator, the County Executive Member may appoint an arbitrator whose costs shall be jointly borne by the parties.

(5) Subject to this Act, no person in the management of the Fund shall be held personally liable for any lawful action taken in his official capacity or for any disputes against the Fund.

40. (1) In this section, "commencement day" means the date when this Act comes into operation.

Transitional
Provisions

(2) On the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against any other body that may have existed shall be deemed to be vested, imposed or enforceable against the Committee.

(3) Any reference in any written law or in any document or instrument to the former Body that may have existed shall, on and after the commencement day, be construed to be a reference to the Committee.

(5) The administrative directions made by the Committee or by the County Executive Member which are

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in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the Committee or the County Executive Member under this Act.

FIRST SCHEDULE**NANDI COUNTY EDUCATION FUND (NACEF)****APPLICATION FORM****FORM NDCG/WARD...../YEAR.....**

**TO: THE CHAIRMAN,
NANDI COUNTY EDUCATION FUND,
P.O BOX 802-30300
KAPSABET.**

REF: SECONDARY AND YOUTH POLYTECHNICS.**A. PERSONAL INFORMATION**

- (i) Name of applicant.....
- (ii) Name of Guardian/Parent.....
- (iii) Occupation.....
- (iv) Area of residence.
 - (a).....ward
 - (b)..... Location
 - (c).....Sub-Location
 - (d).....Village
- (v) Name of the institution of learning.....

From.....To.....

- (vi) Reasons for applying (tick) where appropriate
 - (a) I am a needy orphan
 - (b) I am a needy student from a single parent
 - (c) I hail from a poor family
 - (d) Any other-Please explain.....
- (vii) Have you been a beneficiary? Yes/No
- (viii) If yes, which year.....
- Amount Kshs.....
- (ix) Total cost of your Education per year Kshs.....

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**I CERTIFY THAT THE ABOVE INFORMATION IS TRUE TO
THE BEST OF MY KNOWLEDGE AND BELIEVE.**

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

STUDENT

B. FOR OFFICIAL USE

- (i) Ward name.....
- (ii) Date application received.....
- (iii) Reasons for not approving.....
- Amount recommended Kshs.....

CHAIRMAN WARD COMMITTEE

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

WARD ADMINISTRATOR

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

MEMBER OF COUNTY ASSEMBLY

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

No. 4

Nandi County Education Fund (NACEF)

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73530-00200,
NAIROBI, KENYA

SECOND SCHEDULE
NANDI COUNTY EDUCATION FUND (NACEF)
ALLOCATION FORM
FORM NDCG/WARD...../YEAR.....

S/No	Name	Institution	Adm. No	Award
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

APPROVED BY:**WARD CHAIRMAN.....****SIGN..... DATE.....****APPROVED BY:****WARD ADMINISTRATOR.....****SIGN..... DATE.....****APPROVED BY:****MEMBER OF COUNTY ASSEMBLY.....****SIGN..... DATE.....**

2014

Nandi County Education Fund (NACEF)

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA No. 4

THIRD SCHEDULE
NANDI COUNTY EDUCATION FUND (NACEF)
TVET LOAN APPLICATION FORM.
APPLICANT'S PERSONAL DETAILS.

Surname Other Names

I.D. No. PIN D.O.B

Marital status Gender M ☐ Female ☐ Email.....

P.O. BOX. Mobile Phone

District Constituency/sub county.....

Division..... Ward..... Location.....

Sub location..... Village

Nearest public primary school

COURSE APPLIED FOR: (tick where applicable)

LEVEL: Diploma ☐ Certificate ☐

COURSE:

1. Electrical Engineering	☐
2. Masonry	☐
3. Plumbing	☐
4. Carpentry	☐

5. Other Specify.....

EDUCATION BACKGROUND (Attach copies of certificates)

LEVEL	Name of institution	Period From-to	Examination taken	Points/ Grades
Primary				
Secondary				
Others				

No. 4

Nandi County Education Fund (NACEF)

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

DETAILS OF PARENTS. (Fill where applicable)**Father**

Surname other names

I.D. No. D.O.B

Highest Education level

Mobile Phone P.O BOX

Employed. Yes ☐ No ☐

Name of employer PIN

District Constituency/sub county

Division.....Ward..... Location.....

Sub location Village

Mother

Surname other names

I.D. No. D.O.B

Highest Education level

Mobile Phone P.O BOX

Employed. Yes ☐ No ☐

Name of employer PIN

District Constituency/sub county

Division.....Ward.....

Location Sub location Village

Are you an orphan? Yes ☐ No ☐

If yes give more details.

INCOME

Item	Father	Mother	Guardian
Gross salary (annual)			
Business (annual)			
Farming (annual)			
Pension (annual)			
Income from other sources			

TOTAL (Kshs)

2014

Nandi County Education Fund (NACEF)



Estimated Family Annual Expenses. (Kshs)

FoodClothingRent

Travel /Fuel Medical

Mortgage/Loan Repayment

Others (taxes etc)

GROSS EDUCATION EXPENSE (siblings in secondary, tertiary and universities)

<i>Name</i>	<i>Institution</i>	<i>Level of Study</i>	<i>Annual Fees</i>

Total (Kshs)

DECLARATIONS

APPLICANT	PARENT/GUARDIAN
I declare that the information herein is true. I also understand that this is a loan that must be repaid. Name..... Signature Date.....	I declare that I have read this form/has been read to me and I hereby confirm that the information given herein is true to the best of my knowledge. Name Signature Date

PASTOR/PRIEST/KADHI	OFFICIAL RUBBER STAMP
I wish to confirm that the applicant appeared before me and that I interviewed him/her and hereby state that the information given herein is true to the best of my knowledge. Name.....	

No. 4

Nandi County Education Fund (NACEF)

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

Address.....Mobile.....	
Signature.....Date.....	

WARD CHAIRMAN	OFFICIAL RUBBER STAMP
I certify that the applicant is a resident of my Ward and that I have checked the information given herein and confirm it to be true to the best of my knowledge. Name..... Address.....Mobile..... Signature.....Date.....	

WARD ADMINISTRATOR	OFFICIAL RUBBER STAMP
I certify that the applicant is a resident of my ward and that I have checked the information given herein and confirm it to be true to the best of my knowledge. Name..... Address.....Mobile..... Signature..... Date.....	

MEMBER OF COUNTY ASSEMBLY	OFFICIAL RUBBER STAMP
The above named applicant and his/her parent/guardian appeared before me and made a solemn declaration that the information given herein is correct Name..... Address.....Mobile..... Signature.....Date.....	



2014

*Nandi County Education Fund (NACEF)***OFFICIAL USE.**

Recommended.....

Name of Officer.....

Signature Date

Kindly attach the following to your application form.

1. 2 recently taken passport size photographs
2. Copy of applicants National ID card or Passport
3. Copies of parents ID cards or Passports
4. Copies of death certificate(s) if orphan.
5. Copy of KCPE or KCSE certificate or results slip.
6. Copy of father or mothers payslip if working.

No. 4

Nandi County Education Fund (NACEF)

FOURTH SCHEDULE

NANDI COUNTY EDUCATION FUND (NACEF)
HELB LOAN APPLICATION FORM

Helb No. (Do not write in this box)

SerialNo.

CAUTION

Any person or student who when filling a Loan Application Form, knowingly makes a false statement whether orally or in writing relating to any matter affecting the request for a Loan shall be guilty of an offence and shall be liable to a fine of not less than Kenya Shillings Thirty thousand (Ksh. 30 000) or to imprisonment or a term of not less than three years (Section 13 (3) of the Higher Education Loan Board Act (CAP 213A)).

Personal Details - Applicant (**Mandatory Fields)

First Name	Middle Name	Last Name	
ID/No.(attach copy)	KRA Pin.(attach copy)	Date of Birth	Gender
Email	Mobile No.	Address	Physically Challenged?
County	Constituency	Ward	Location

Applicant's current Place of Residence

Nearest Public Primary	Estate/Village	Sub location	Location
County	Constituency	Town	House No

University Details

(Attach copy of Admission Letter)

Level of Study	University Name	Campus Code	Faculty/School
Year of Admission	Admission Category	Admission/Registration No.	Current year of Study

Loan (Per Annum)

Amount Applied For?

Amount your family can raise towards your fees?

Siblings in University applying for HELB Loan this Year

2014

Nandi County Education Fund (NACEF)

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

Education Background (**Attach copies of your certificates)

Level	Institution Name	Exam Year	Index Number	School Type	Country	Grade
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Details of Parents

(Note: For salary/pension income attach copy of payslip)

FATHER

First Name	Middle Name	Other Name	ID No.
------------	-------------	------------	--------

Year of Birth	Highest Level of Education	Mobile/Telephone
---------------	----------------------------	------------------

KRA Pin.	Employed	Occupation/Profession
----------	----------	-----------------------

Name of Employer/Business or former employer if no longer employed	Employer Tel no.
--	------------------

Father's Income

Gross Monthly Income	
Business (Annual)	
Farming (Annual)	
Pension(Monthly)	
Income from 'Other'	
Support from GoK relief service	

MOTHER

First Name	Middle Name	Other Name	ID No.
------------	-------------	------------	--------

Year of Birth	Highest Level of Education	Mobile/Telephone
---------------	----------------------------	------------------

KRA Pin.	Employed	Occupation/Profession
----------	----------	-----------------------

Name of Employer/Business or former employer if no longer employed	Employer Tel no.
--	------------------

Mother's Income

Gross Monthly Income	
Business (Annual)	
Farming (Annual)	
Pension(Monthly)	
Income from 'Other'	
Support from GoK relief service	

Parent's Marital Details

Parents Marital Status?

Are you an orphan?

If Parent(s) deceased provide death certificate No. or Burial Permit No. and attach copy

If both parents are deceased, who has been paying your fees?

Guardian/Sponsor/Public Trustee

Names

Telephone

Box No.	Postal Code	Town
---------	-------------	------

**NOTE: Attach letter from School AND Sponsor

Estimated Family Monthly Expenses (Kshs.)

Food	Clothing	Rent	Travel/Fuel
Medical	Mortgage/Loan Repayment		Other Taxes

Gross Education Expenses

(Siblings in Sec, Tertiary or University , who are not beneficiaries of HELB Loan.)

Name	Institution Name	Level of Study	Annual Fees

Declarations**Applicant's Declaration**

I declare that the Information given herein is true to the best of my knowledge. I also understand that this is a loan that must be repaid.

Name: ...

Signature:Date:...

Parent / Guardian

I declare that I have read this form/ this form has been read to me and I hereby confirm that the information given herein is true to the best of my knowledge.

Name: ...

Signature:Date:...

Ward Administrator

I certify that the applicant is a resident of my Ward and that I have checked the information given herein and confirm it to be true to the best of my knowledge.

Signature

Date

Name Address Telephone

Official Rubber Stamp

Commissioner of Oaths/Magistrate

The above applicant and his/her Parent/Guardian appeared before me and made the solemn declaration that the information given herein is correct.

Signature

Date

Name Address Telephone

Official Rubber Stamp

2014

Nandi County Education Fund (NACEF)

GUARANTORS**Guarantor 1.**

SURNAME _____		FIRST NAME _____	OTHER NAMES _____	of ID No. _____
Tel No # _____	Box No # _____	Post Code _____		
Town _____	Email _____	County _____		
Constituency _____	Division _____			
Location _____	Sub-Location _____	Year of Birth _____		

(also known as the guarantor hereby) acknowledge that I am bound to the Higher Education Loans Board in the sum of amount equivalent to what the Board shall grant to _____

_____ as loan under the agreement together with interest thereon, which amount shall repay to the Higher Education Loans Board in the event that the loanee fails to honor his/her obligation of repaying the same to the Board as from the prescribed time. The Board will notify me of the amount granted to the loanee after the award is made. This bound is conditioned to be void only after full repayment by the loanee is effected.

Guarantor 1 Signature and Date**Advocate/ Magistrate Signature, Date , Official Stamp****Guarantor 2.**

SURNAME _____		FIRST NAME _____	OTHER NAMES _____	of ID No. _____
Tel No # _____	Box No # _____	Post Code _____		
Town _____	Email _____	County _____		
Constituency _____	Division _____			
Location _____	Sub-Location _____	Year of Birth _____		

(also known as the guarantor hereby) acknowledge that I am bound to the Higher Education Loans Board in the sum of amount equivalent to what the Board shall grant to _____

_____ as loan under the agreement together with interest thereon, which amount shall repay to the Higher Education Loans Board in the event that the loanee fails to honor his/her obligation of repaying the same to the Board as from the prescribed time. The Board will notify me of the amount granted to the loanee after the award is made. This bound is conditioned to be void only after full repayment by the loanee is effected.

Guarantor 2 Signature and Date**Advocate/ Magistrate Signature, Date , Official Stamp****Applicant's Personal Bank Details**

Bank Name _____	Branch Name _____	Account No. _____
-----------------	-------------------	-------------------

Banks Checklist (FOR BANK USE ONLY)

☐ Applicant ID Copy attached	☐ Applicant passport size photo attached
☐ Copies of applicant's parents ID(s), death certificate(s)	☐ Copies of ID's for both guarantors
☐ Copy of parents payslip (if applicable)	☐ Copy of KRA Pin certificate
☐	☐
☐	☐

Banks Official Confirmation

Official's name.....	Signature
Official Stamp	Date...

TERMS AND CONDITIONS

1. The rate of interest applicable shall be 4% p.a. the Board shall have the sole discretion of varying the interest rate as circumstances shall demand.
2. The Board shall charge administrative fees of Kshs.500 per annum on all un-matured accounts. All mature loan accounts shall be subject to administrative fee as shall be determined by the Board from time to time.
3. In the event that the loanee discontinues studies for whichever reason before full disbursement is made, the Board shall not disburse the remaining allocation and shall recall the loan so far as advanced in full together with the interest thereon
4. Loan amounts awarded shall be inclusive of practicum/field attachment where applicable
5. The Board shall electronically, through the website, send to each loanee annual statement indicating the amount disbursed per each academic year or the outstanding balance as the case may be. The sums of the amount indicated in the statements shall form the principal loan to be recovered from the loanee. The contents of the statements shall be deemed to be correct unless a written complaint to the contrary is received by the Board within three (3) months from the date of the statement whereupon the Board shall either confirm the complaint or advise as the case may be. A statement may be furnished at any time on request but at the loanee's expense
6. Where it is discovered that the loan was granted due to false information furnished by the loanee, the Board shall withhold release of the amount yet to be disbursed if any, besides subjecting the loanee to prosecution
7. The Board shall engage agents (Banks) who shall be responsible for the disbursement of the loans as shall be advised by the Board from time to time
8. The loanee shall keep the guarantor apprised of the principal loan awarded and in the event that there is a conflict, the amount as held by the Board will prevail
9. Where there is default by the loanee, the guarantor shall be bound to repay the loan, interest thereon, penalties, costs and any other charges accruing to the loan
10. The loan shall be due for repayment one year after completion of the course studied or within such period as the Board may decide to recall the loan whichever is earlier
11. The loan shall be repaid by monthly installments or by any other convenient mode of repayment as shall be directed by the Board but subject to the provisions of the Higher Education Loans Board Act
12. If the loanee defaults in the repayment of the loan when the loan is due, the whole amount shall be due and payable and the loanee shall be bound to pay other charges that may arise as a result of the default including but not limited to the Advocates fees and penalties.
13. The Board shall charge a penalty of Kshs.5,000 per month on any account that is in default.
14. Non demand for loan repayment and the accruing charges shall not in any way signify waiver of any amount rightfully due under the terms and conditions of the loan
15. The applicant hereby consents that the Board shall share information pertaining to the loan account with credit reference bureaus or any other parties as deemed necessary
16. The Board shall effect credit protection arrangement of the loan at the expense of the loanee.
17. In the event that the applicant receives additional finance assistance from any other source and the need to refund by the university arises such refund shall be made to the Board and the same shall be utilized towards reducing or offsetting the loan
18. No loan shall be disbursed unless this agreement form is signed.
19. The signature of the loanee shall certify the reading, understanding and being in agreement with the terms and conditions herein including certification.

Applicant Signature

Loanee's (Applicant) Signature Date:

Official Verification

Constituency Office Date:

CDF Fund Manager Date:

PLEASE NOTE THAT IF YOU DON'T SIGN THIS AGREEMENT FORM (Page 5), YOUR LOAN SHALL NOT BE PROCESSED

2014

Nandi County Education Fund (NACEF)

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA
No. 4

Check list

Applicant must attach a certified copy of

- | | |
|---|---|
| ☐ National Identity Card | ☐ One colored Passport Size Photo |
| ☐ Admission Letter | ☐ KCSE Result slip |
| ☐ If orphaned, copy/copies of parent/s death certificate | ☐ If sponsored in High school, a confirmation letter from the school and sponsor |
| ☐ Applicant or Parents voters card | |

From the parent(s), attach a copy of

- | | |
|---|---|
| ☐ National Identity Card | ☐ KRA pin certificate(s) where applicable |
| ☐ Latest payslip(s) if employed | ☐ Latest bank statements if in business or farming |
| ☐ letter(s) of retirement/retranchment if parent is no longer employed | ☐ Sworn affidavit if unmarried/single |

From both guarantors, attach copies of

- | |
|---|
| ☐ National Identity Card |
|---|

Declarations, Signatures and stamps

- | | |
|---|---|
| ☐ Applicant signature on the declaration | ☐ Applicant signature on the Loan form |
| ☐ Parent/ Guardian signature | ☐ Family income & expenditure |
| ☐ Both Guarantors' signature | ☐ Commissioner of oaths/Magistrate signature & stamp for both guarantors |
| ☐ Ward administrator's signature | ☐ Advocate's/Magistrate's stamp and signature |

FIFTH SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. Tenure of office.

The Chairperson or a member of the Committee other than ex officio members shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for appointment for not more than two terms.

2. Vacation of office

(1) A member other than an ex officio member may—

- (a) at any time resign from office by notice in writing to the County Executive Secretary;
- (b) be removed from office by the County Executive Secretary on recommendation of the Committee if the member—
 - (i) has been absent from three consecutive meetings of the Committee without its permission;
 - (ii) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (iv) is otherwise unable or unfit to discharge his functions.

(2) The Chairperson shall not be removed from office unless such removal is in accordance with subparagraph (1).

3. Meetings

(1) The Committee shall meet for not more than six times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The quorum for the conduct of the business of the Committee shall be five members.

(5) The Chairperson shall when present, preside at every meeting of the Committee but the members present shall elect one member to preside

whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the Committee may determine its own procedure and the procedure for any sub-committee of the Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

4. Sub-Committees of the Committee

(1) The Committee may establish such sub-committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Committee shall appoint the chairperson of a sub-committee established under subparagraph (1) from amongst its members.

(3) The Committee may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

(4) All decisions by the sub-committees appointed under subsection (1) shall be ratified by the Committee.

5. Disclosure of interest

(1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

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

(3) A member of the Committee who contravenes subparagraph (1) shall cease to be a member of the Committee upon direction of the County Executive Secretary.

6. Contracts and instruments

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Committee by any person generally or specially authorized by the Committee for that purpose.

7. Common seal

(1) The common seal of the Fund shall be kept in such custody as the Committee may direct and shall not be used except on the order of the Committee.

(2) The affixing of the common seal of the Fund shall be authenticated by the signature of the Chairperson, the Secretary and one member nominated by the Committee and any document not required by law to be made under seal and all decisions of the Fund may be authenticated by the signatures of the Chairperson, the Secretary and that member nominated by the Committee.

(3) The common seal of the Fund when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Fund under this section shall be presumed to have been duly given.

8. The provisions of this Schedule shall apply to the conduct of the business of the Ward Education Fund Committee but only where no specific provisions have been made in this Act, and only in so far as they do not constitute a contradiction or negation of the provisions of the Act.

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