

SPECIAL ISSUE

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NYANDARUA COUNTY ACTS, 2019

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NATIONAL COUNCIL FOR
LAW REPORTING
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THE NYANDARUA COUNTY BURSARY FUND ACT, 2019

No 5 of 2019

Date of Assent 12th November 2019

Date of Commencement See Section 1

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THE NYANDARUA COUNTY BURSARY FUND ACT, 2019

AN ACT of the County Assembly of Nyandarua providing administrative framework of the county government's bursary programmes and other matters connected thereto by repealing the Nyandarua County Bursary Fund Act No 3 of 2014

ENACTED by the County Assembly of Nyandarua as follows—

PART I—PRELIMINARY

Short title and Commencement

1 This Act may be cited as the Nyandarua County Bursary Fund Act, 2019 and shall come into force and operation upon assent and publication in the *Kenya gazette*

Interpretation

2 In this Act—

“County Executive Committee Member” means the County Executive Committee Member responsible for matters of education,

“committee” means a Ward Bursary Allocation Committee or the Governor s Bursary Allocation Committee depending on the context of use,

“Fund” means the County Bursary Fund established under section 4 of this Act,

“Higher Education Loans Board” means the board established by section 3 of the Higher Education Loans Board Act, 1995,

“permanent resident” means a student whose parents or guardian ordinarily reside in any ward of the county,

responsible department means the Department responsible for matters on social security, and

“special education needs” has the same meaning assigned to it by section 2 of the Basic Education Act, *No 14 of 2013*

Objective of the Act

3 (1) The objective of this Act is to establish a legal framework through which vulnerable and needy students who are permanent residents of the county, may access financial assistance from the county government in support of their education

(2) The Act seeks to achieve its objective by —

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- (a) establishing the wards bursary and the governor's bursary programmes,
- (b) strengthening the application of the County Bursary Fund,
- (c) providing an accountable administrative framework for the programmes, and
- (d) facilitating public awareness and participation in the affairs and management of the programmes

PART II—ESTABLISHMENT OF THE COUNTY BURSARY FUND

Establishment of the Fund

4 There is established a Fund for the County Government known as the County Bursary Fund comprising of such monies as shall be appropriated thereto every financial year in the County's approved budget estimates

Application of the Fund

5 (1) The monies of the Fund shall be applied to finance, in accordance with this section the—

- (a) wards bursary programme,
- (b) governor's bursary programme, and
- (c) administrative costs of the programmes

(2) An amount not exceeding three per cent of the total allocation to the Fund shall be applied towards the administrative costs of the programmes

(3) Subject to sub-section 1, an amount not exceeding ten per cent of the allocation shall be applied towards the Governor's Bursary programme

(4) The monies applicable to the Ward Bursary Programme shall be shared equally amongst all the wards of the County

Designation of Fund Administrator

6 The County Executive Committee Member responsible for finance shall, in accordance with section 116(2) of the Public Finance Act, 2012, designate the Fund Administrator

**PART III—ESTABLISHMENT AND ADMINISTRATION OF
WARDS BURSARY PROGRAMME**

Establishment of Wards Bursary Programme

7 (1) The county government shall implement and administer in each ward of the county, and in accordance with this part, a programme known as the County Ward Bursary Programme

(2) The programme shall be accessible exclusively only to students who are permanent residents of the Ward

Ward Bursary Allocation Committee

8 (1) There is established for each ward in the county, a committee known as the Ward Bursary Allocation Committee

(2) The Committee shall comprise of the following persons —

- (a) four persons above 35 years of age ,
- (b) one religious leader,
- (c) one youth, and
- (d) one person living with disability

(3) The Ward Administrator shall be the secretary to the Committee who shall be an *ex-officio* member

(4) The members appointed under subsection (2) shall elect the chairperson of the committee, during its first meeting

(5) The Secretary shall be the convener of the committee's first meeting

(6) The Executive Committee Member shall ensure that neither gender constitutes more than two thirds of the membership

(7) The Executive Committee Member shall ensure that membership of the Committee shall be spread across the villages of the ward

Functions and powers of the committees

9 (1) The Committee shall, in respect of the ward bursary programme—

- (a) receive, through the ward administrator and on behalf of the fund administrator, the bursary application forms,
- (b) vet and consider the bursary applications,
- (c) forward to the fund administrator, successful applicants and the amount awarded to each applicant,

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- (d) supply the fund administrator with documented information and report on its determination with respect to every application made to the programme,
- (e) publish and publicise in the ward, its determinations on the applications made to the programme, and
- (f) monitor the academic performance of a beneficiary of a sponsorship and where necessary, make a review of the terms of the sponsorship

Quorum for the committee meetings

10 (1) The quorum for the committee meetings shall be half of its members in exclusion of the Secretary

(2) The decision making of the Committee shall be by the majority

Election and term of the Committee members

11 The County Government shall facilitate, through the responsible department, the elections of the members to committees whose term shall expire simultaneously with the term of the county assembly in session during the election

Date and station of the elections to be published

12 (1) The County Executive Committee Member shall gazette, within twenty one days after the first sitting of a new county assembly, the date and stations for the elections

(2) The date of the election shall be a day within sixty days following the first sitting of a new county assembly

(3) The County Executive Committee Member may, for administrative convenience, gazette different election days for the wards

Eligible candidates

13 A person shall be eligible to be elected as a member of the committee if he/she is —

- (a) a holder of at least a certificate of secondary education in Kenya or its equivalent that is recognized in Kenya
- (b) is a resident of that ward, and
- (c) validly nominated for the election, in accordance with this Act

Nomination of the candidates

14 (1) A person shall be —

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- (a) validly nominated to contest for membership of the committee if has been seconded by at least three people in that village of the ward, and
- (b) nominated to contest for only one representation in the categories of the persons stated under section 8(2)
- (2) The county executive committee member shall, for purposes of this section—
 - (a) publish in the gazette the villages in each ward, and
 - (b) make regulations on the nomination and all other matters incidental to the elections
- (3) The regulations to be made under this section shall include matters on—
 - (a) nomination forms and other strategic items necessary for the election,
 - (b) designation of the election presiding officers, and
 - (c) other applicable time frames in the process

Elections to be publicized

15 (1) The County Executive Committee Member shall publicise the elections by —

- (a) radio advertisements in Kiswahili and in the vernacular language popularly spoken by the majority of the county residents,
 - (b) at least one daily newspaper of national circulation but with a wide coverage in the County, and
 - (c) such other means as may conveniently publicise the elections to the residents of the County
- (2) The costs associated with the elections shall be a charge on the recurrent expenditure of the responsible department

Removal from office

16 (1) A committee member may be removed from office for—

- (a) gross violation of the law,
- (b) gross misconduct,
- (c) incompetence,
- (d) physical or mental incapacity, and
- (e) bankruptcy

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(2) A person desiring the removal of a member shall petition the County Executive Committee Member stating the grounds for removal

(3) The County Executive Committee member shall consider and expedite the petition within 30 days

(4) A member may resign by writing to the ward administrator

(5) The County Executive Committee Member shall ensure that a replacement of a vacancy in the membership is done within 30 days in accordance with sections 13 and 14 of this Act

PART IV —ESTABLISHMENT AND ADMINISTRATION OF THE GOVERNOR'S BURSARY PROGRAMME

Establishment and principles of the programme

17 (1) The County Government shall implement in accordance with this Act, a programme known as the Governor's Bursary Programme

(2) The programme is established to address the inadequacies of the ward bursary programme by applying the following principles—

- (a) eligible beneficiaries shall be needy students who would otherwise be eligible for a grant under the ward bursary programme,
- (b) the programme may be applied to fully sponsor a student's secondary school education and other costs associated therewith, and
- (c) a student who has benefitted from the ward bursary programme is eligible for a grant under this programme provided that the funding is not adequate in the special circumstance of the student

A committee to administer the programme

18 (1) There is established a committee known as the Governor's Bursary Programme Allocation Committee

(2) The Committee shall comprise of —

- (a) five senior officers designated by the Governor, and
- (b) the Fund Administrator as the Secretary

(3) The officers designated under sub-section 2 (a) shall elect the chairperson of the Committee from amongst themselves during its first meeting which shall be convened by the Secretary

Powers and Functions of the Committee

19 The committee shall be responsible for —

- (a) receiving and vetting all applications made to the programme through the Secretary,
- (b) documenting all the applications made to the programme and its determination thereon
- (c) determining within the parameters permitted by this Act, the amount to be awarded to eligible applicants, and
- (d) monitoring the academic performance of the students who are fully sponsored by the programme and where necessary, make a review thereon

Quorum for the Committee meetings

20 The quorum for the committee meetings shall be three members

Committee to prepare monthly reports

21 The Committees shall prepare monthly reports and cause the same to be submitted to the county assembly not later than thirty days after disbursement

PART V— GENERAL PROVISIONS

Principles governing the programmes

22 The bursary programmes shall be guided by the following principles and any other applicable principle of national values—

- (a) openness and accessibility to the general public,
- (b) accountability and transparency including matters of decision making
- (c) access of information by the public on the applications, activities and determinations of the programmes
- (d) public awareness in the management of the programmes, and
- (e) eligibility on the basis of poverty or special need of the applicant

Application to be made to the fund administrator

23 (1) A Committee shall not award bursary to any person unless the same has been applied and considered in accordance with this Act

(2) An application to the fund shall made by use of the standard form contained in Schedule I of this Act

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Scope of the bursary programmes

24 (1) The bursary programmes shall be limited to—

(a) financial aid in payment of school fees or other official fees payable to any of the following public institutions only—

- (i) special schools,
- (ii) boarding primary schools,
- (iii) day and boarding secondary schools,
- (iv) tertiary colleges including vocational training institutes,
- (v) universities, and

(b) the amounts prescribed under schedule II of this Act

(2) A sponsorship under any of the programmes shall only be extended to students of excellent academic performance while having regard to the factors provided under section 26 of this Act

(3) An award from any of the programmes shall be deposited directly to the institution's account

Criteria for determining eligibility for award

25 (1) The Committees shall consider the applicant's—

- (a) family set up including its income and other educational burden,
- (b) special need including any disability and
- (c) previous bursary support from any of the programmes or other public source,

in determining the eligibility or otherwise of an application and the amount to be awarded

(2) Where an application is made in respect of support for tertiary college or a university, a Committee shall have regard to the applicant's efforts to obtain support from Higher Education Loans Board and where no such effort has been made, the applicant shall be ineligible provided that the Board extends its facilities to such institutions

(3) The Committees shall determine and rate applications to the programmes by applying the criteria set out in Schedule III of this Act

(4) An award for full or partial sponsorship shall be given only to students of excellent academic performance and discipline while having regard to the factors provided in section 26(1) of this Act

Fund Administrator to publicise the programmes

26 (1) The Fund Administrator shall, in accordance with section 116(11) of the Public Finance Management Act publicise information on the use of the monies allocated to the programmes and the time frames for applications

(2) The cost for any publication under this section shall be a charge on the recurrent expenditure of the responsible department

Fund to be audited

27 The Fund administrator shall, in accordance with section 116(7) of the Public Finance Management Act —

- (a) prepare accounts for the Fund for each financial year,
- (b) not later than three months at the end of each financial year, submit financial statements relating to those accounts to the auditor general, and
- (c) present the financial statement to the County Assembly

Further regulations

28 The County Executive Committee member may make further regulations to enable realization of the objectives of this Act

PART VI—SAVINGS AND TRANSITIONS

Saving of monies

29 Any monies remaining, appropriated or accrued in the County Bursary Fund established in the Nyandarua County Bursary Fund Act, No 3 of 2014, is deemed to be appropriated to the Fund established under this Act

Fund administrator

30 The fund administrator serving immediately before the commencement of this Act shall continue to serve under this Act unless the County Executive Committee member responsible for matters of finance otherwise determines

Transition of ward committees

31 (1) The Ward Bursary Allocation Committees appointed pursuant to the Nyandarua County Bursary Fund Act No 3 of 2014 shall stand dissolved upon commencement of this Act

(2) The first election shall be undertaken within ninety days upon commencement of this Act

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Repealing of Act No 3 of 2014

32 The Nyandarua County Bursary Fund Act No 3 of 2014 shall stand repealed upon publication of this Act in the *Kenya Gazette*

SCHEDULE I—BURSARY APPLICATION FORM

[Section 23 (2)]

The Fund Administrator,

Thru' the Ward Administrator (Ward,

Nyandarua County Bursary Fund

PART A— STUDENTS PARTICULARS

1 Full Name

Last First Middle

2 Sex Male () Female ()

3	Sub-County Village	Ward
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4 Date of Birth Class

5 Name of School _____

- Admission No _____
- Class/Form _____

6 Name of university or college

- Adm No _____
- Year of study _____

***(For students joining Form one attach school admission form, final examination result slip, and a leaving –certificate)**

Name of the school Admitted

Category of the school (tick the applicable category)

- National
- Extra- County
- County
- Sub-County
- Day school

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PART B— AMOUNT APPLIED

• **Total Payable Fees in words and figures-**

In words _____

Figures (KSh) _____

• **Outstanding Balance**

In words _____

Figures (KSh) _____

• **Amount paid or able to raise**

In Words _____

Figures (KSh) _____

• **School Bank Details**

Account Name _____

Account No _____

Bank _____

Branch _____

PART C— FAMILY INFORMATION

1 Tick appropriately

Family Status

Both parents are alive ☐ Single parent ☐

One parent is deceased ☐

Orphan ☐ Both or one Parent/ Guardian has a disability ☐

The student has a disability or a special education need

(Attach supporting documents e g death certificate, letter explaining disability or other disadvantage/circumstances from chief, religious leader, prominent reference)

1 Parents/Guardian s Name(s)

Father _____

Occupation/Profession _____

Contact _____

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Age _____

Mother

Age _____

Occupation/Profession _____

Contact _____

Guardian

Occupation/Profession _____

Contact _____

Age _____

- 2 How many siblings do you have? _____
- 3 How many children does the guardian have? _____
- 4 How many of your siblings are working/ in business/ farming?

- 5 How many of your siblings/ Guardian's children are in secondary school? (Give details of your siblings/ guardian's children in secondary or post-secondary institutions in the table below)

<i>Siblings Name/ Guardians Children</i>	<i>Name of Institution</i>	<i>Year of Study/Class</i>	<i>Total Fees</i>	<i>Fees Paid</i>	<i>Outstanding Balance</i>
GRAND TOTAL					

- 6 If an orphan, who has been paying for your education? (State)

Name _____

Relation _____

Contact _____

PART D— INFORMATION ABOUT FAMILY FINANCIAL STATUS

GROSS INCOME IN THE LAST 12 MONTHS – (KSH)

	<i>Father</i>	<i>Mother</i>	<i>Guardian/Sponsor</i>
Main occupation			
Other occupation capable of raising income			
Gross income			

➤ Gross income (This means income from salary, business, farming or any other lawful source per year)

PART E— OTHER DISCLOSURES

DISCLOSURE OF ANY OTHER BURSARY BENEFIT

- (i) **Have you received any other bursary or support from a public source?** (Tick the relevant box)

YES

☐

NO

☐

If yes, disclose the source and the amount granted

Source _____

Years received _____

Amount granted _____

- (ii) If you are a student in university or tertiary college, have you

applied for financial support from HELB? YES

☐

NO

☐

- (iii) If YES, state the outcome and why you should be granted a bursary under this programme

(iv) If No state the reason

1 STUDENT'S DECLARATION

I declare that to the best of my knowledge the information given herein is true

Student's signature _____

Date _____

2 PARENTS/GUARDIAN'S DECLARATION

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

Parent's/Guardian's Name

Parent's/Guardian's Signature _____

Date _____

3 SCHOOL VERIFICATION

a) For Continuing Students

Year

Position in class/form Term I Term II

Term III

Student's Discipline (tick one option only)

Excellent V Good Fair

Poor

Head teacher's brief comments on the student's level of need,
discipline and academic performance

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Note *Applicant to Attach Latest Report Form*

I declare that the above is a student in this school

Head teacher's Name _____

Signature _____

Date and School Stamp

AREA CHIEF/ASSISTANT CHIEF

Comment on the status of the family/parent

I certify that the information given above is correct

Name _____

Signature _____ **Date** _____

Position/Designation

Date/ Stamp

NOTES

- (i) All relevant sections in this form MUST be filled and ensure that the information given is correct
- (ii) Wrong information will automatically disqualify the applicant
- (iii) One should apply one form at a time and in one Ward ONLY
- (iv) Supporting documents be attached e g
 - (a) Fees structures
 - (b) Admission letter
 - (c) Performance report/ Recent report form/ Transcript
 - (d) School/ College/ University ID card
 - (e) Any other relevant documents

**PART E FOR OFFICIAL USE ONLY BY THE WARD BURSARY
ALLOCATION COMMITTEE**

TOTAL SCORE

Approved for Bursary

Not approved for Bursary

Reasons for award or disapproval

Nature and terms of full or partial sponsorship

SCHEDULE II
LIMITATION ON AMOUNTS FOR AWARDS
[section 24(1)(b)]

Category	Maximum amount (KSh)	Minimum amount (KSh)
Special schools	10,000	5,000
Boarding primary schools	5,000	5,000
Day secondary schools	-	2000
Boarding secondary schools	10,000	5,000
Vocational training institutes/ Centers (county owned)	10,000	5,000
Tertiary institution or university	8,000	5,000
Full or partial sponsorship per year	55,000	

SCHEDULE III
CRITERIA FOR RANKING APPLICATIONS
[Section 25(3)]

ISSUE OF CONSIDERATION		MARKS
A Family status		
	Orphan applicant	15
	One or both parents with disability	8
	Single parent	5
	One parent deceased	5
	Both parents aged over sixty years	2
B Affirmative Action		
	Applicant with a special need or disability	10

C Family income, other educational burdens and special circumstances		
	An applicant whose total payable fee exceeds family's gross income	2
	An applicant whose parents or guardian has other educational burden that exceed the family's gross income	2
	Any other persuasive social problem	1
D Academic performance and discipline		
	Excellent	10
	Good	8
	Fair	5
	Poor	1
	Maximum Score	40