

COUNTY ASSEMBLIES FORUM (CAF)
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SPECIAL ISSUE

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REPUBLIC OF KENYA

***TANA RIVER COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2016

NAIROBI, 12th August, 2016

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**THE TANA RIVER COUNTY WARD BURSARY FUND
ADMINISTRATION (AMENDMENT) BILL, 2016**

A Bill for

**AN ACT of the County Assembly of Tana River to
amend the Tana River County Ward Bursary
Fund Administration Act, 2014 and for connected
purposes**

ENACTED by the County Assembly of Tana River, as
follows—

1. This Act may be cited as the Tana River County
Ward Bursary Fund Administration (Amendment) Act,
2016 and shall come into force on the fourteenth day after
its publication in the *Gazette*.

Short title and
commencement

2. The Tana River County Ward Bursary Fund
Administration Act, 2014 (hereinafter referred to as the
“Principal Act”) is amended in section 2 by—

Amendment to
section 2 of the
Tana River
County Ward
Bursary Fund
Administration
Act, 2014

- (a) *deleting* the words “Ward Representative”;
- (b) *deleting* the definition of the words “Ward
Representative”;
- (c) *inserting* the following new definition in its
proper alphabetical sequence—

“Ward Administrator” means a Ward Administrator
appointed under Section 51 of the County Governments
Act, 2012.

2 The Tana River County Ward Bursary Fund Administration (Amendment) Bill, 2016

3. Section 13 of the Principal Act is amended—

(a) in subsection (1) by

(i) *deleting* paragraph (d);

(ii) *deleting* paragraph (g);

(iii) *deleting* paragraph (h).

(b) by *deleting* subsection (2).

(c) in subsection (3) by *deleting* the words “ward representative” and *substituting* therefor the words “ward administrator”.

(d) in subsection (4) by *deleting* the word “patron” and *substituting* therefor the words “ward administrator”.

Amendment to
section 13 of the
Tana River
County Ward
Bursary Fund
Administration
Act, 2014



MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The Bill seeks to amend the Tana River County Ward Bursary Fund Administration Act, in order to provide—

- (a) administration of Ward Bursary Fund Committee to enhance the Principle of Separation of Powers between the County Executive and the County Assembly;
- (b) observance of fiscal responsibility principles enumerated in the Public Finance Management Act, 2012.

Statement on the financial implications of the Bill

The enactment of the proposed law shall entail an additional expenditure of public funds. The funds will be provided for in the estimates.

Statement on how the bill concerns the county government

The bill concerns the County Government of Tana River in terms of Article 110 (1) (a) of the Constitution. it contains provisions that affect the functions and powers of the county governments. The Bill makes provisions relating to the County Ward Bursary Fund and its administration which is integral to the functions of the County Government of Tana River.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution and Section 21(4) of the County Governments Act.

Dated the 13th July, 2016.

MASHA BORU DELA,
Leader of Majority Party.

4 *The Tana River County Ward Bursary Fund Administration (Amendment) Bill, 2016*

Section 2 of the Principal Act which it is proposed to amend—

2. In this Act, except where the context otherwise requires—

“Board” means the County Bursary Fund Board established by section 5(4);

“Chairperson” means the Chairperson of the Board appointed under section 5(4);

“Executive Committee Member” means the Executive Committee Member responsible for Finance and Planning;

“Fund” means the bursary fund established under section (3);

“Bursary” means monetary award to needy and deserving pupils and students towards helping them meet the cost of education;

“Ward” means an electoral unit within a Constituency delimited in accordance with Article 89 of the Constitution or by any other relevant law;

“Ward Bursary Committee” means the committee established in accordance with section 13; and “Ward Representative” means a County Assembly Member representing a particular Ward.

Section 13 of the Principal Act which it is proposed to amend—

13. (1) There shall be established a Ward Bursary Fund Committee consisting of—

- (a) two representatives of religious organizations;
- (b) one representative from an educational based institution;
- (c) two persons representing the youth of either gender;
- (d) one village elder;
- (e) a representative of the women;
- (f) a representative of persons living with disability;
- (g) the committee may co-opt another two members representing gender; and
- (h) a teacher from a public secondary school to represent educational institutions.

(2) The ward office manager shall be the secretary to the committee.

(3) The ward representative shall be the patron of the committee.

(4) The committee shall elect the chairperson in its first sitting convened by the patron.

(5) Whenever a vacancy occurs in the Ward Bursary 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.