

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

TAITA TAVETA COUNTY BILLS, 2018

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**THE TAITA TAVETA COUNTY EDUCATION FUND
BOARD (AMENDMENT No.2) BILL, 2018**

A Bill for

**AN ACT of County Assembly of Taita Taveta to further
amend the Taita Taveta County Education Fund
Board Act, 2014 and for connected purposes**

ENACTED by the County Assembly of Taita Taveta as
follows—

1. This Act may be cited as the Taita Taveta County
Education Fund Board (Amendment No.2) Act, 2018

2. (1) Section 4 (1) of the Taita Taveta County
Education Fund Board Act, 2013 in this Act referred to as
the “principle Act” is amended by reducing the number of
Board members to 13

Amendment of
Section 4 of the
Principle Act

(2) Section 4 (c) of the Principle Act is amended to
read—

‘the Secretary to the Board who shall be the Chief
Executive Officer of the Board shall be appointed by the
Governor with the approval of the County Assembly.

(3) Section 4 (f) is amended to read ‘ three members
representing special interest group namely Administration,
Religion and Education

(4) Amendment 3 of Section 4 (1) (g) of the Board
amendment Act 2016, is amended by replacing the phrase
‘Fund Administrator’ with—

‘The County Executive Committee Member in charge of
Finance and Planning or his representative in compliance to
Section 145(1) and 145 (5) of the Public Finance
Management Act’.

(5) Section 4 (i) is amended by repealing the entire
Sub-section

3. Section 5(1) (a) is amended to read ‘ is a resident
of Taita Taveta County

Amendment of
Section 5 of the
Principle Act

4. Part III is amended to read—

‘Establishment, Administration and Management of the Fund’

Arrangement of
Clauses of the
Principle Act

5. (1) Section 7 is amended by repealing the entire provisions of parts (f), (g), (i), (m) and (o).

Amendment of
section 7 of the
Principle Act

- (2) Section 7 (k) is amended to read—

‘to receive all loan applications from eligible persons or students wishing to be considered for the award of higher education loans.’

(3) Section 7(j) of the principle Act is amended to by deleting the phrase ‘County Executive Member in charge of Education and replacing it therefor with ‘County Executive Member in charge of Finance’

(4) Section 7 (l) of the principle Act is amended by deleting the entire paragraph and substituting therefor with the following—

‘to borrow such monies from such source and in such amounts as may be approved by the County Executive Member in charge of Finance. Provided always that such borrowing shall be in accordance with any legislation in force governing government borrowing’.

(5) section 7 (q) is amended by inserting the following new sub section part—

‘to hold public information and engagement forums in the County to facilitate public participation.

6. Section 8(1) (a) of the Principal Act is amended by repealing the subsection part in its entirety.

Amendment of
section 8 of the
Principle Act

7. Section 9 (1) of the Principal Act is amended to read—

Amendment of
section 9 of the
Principle Act

‘the Board may delegate any of its powers and duties as it may deem necessary’

8. (1) Section 12 (2) of the principle Act is amended by replacing the word—

Amendment of
section 12 of the
Principle Act

‘Commission for Higher Education’ with ‘relevant regulatory authority’

(2) Section 12 of the Principle Act is amended by inserting a new subsection(3) immediately after subsection (2)

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‘In accordance with section 9(1), the board shall delegate the management function of the loan fund to Higher Education Loans Board in line with the service contract.’

9. Section 13(d) of the Principle Act is amended by repealing the entire subsection.

Amendment of
section 13 of the
Principle Act

10. Section 14, of the Principle Act is further amended by deleting it in its entirety and replacing therefor with the following—

Amendment of
section 14 of the
Principle Act

‘Administration and Management of the Fund’

14. (1) “The Fund shall be used as follows—

- (a) 40% for providing education bursaries to be disbursed through the Wards to students enrolled in secondary schools and youth polytechnics;
- (b) 22% for granting scholarships
- (c) 35% loans with the criteria established under the Act; and
- (d) 3% for meeting any expenditure relating to administration of the Fund as may be approved by the Executive Member.

(2) Funds meant for the development of specific wards shall form part of the Fund and shall not be exempted from the provisions of subsection (1) (d).

11. (1) Section 15 (1) of the principal Act is amended to read—

Amendment of section
15 of the Principle Act

(a) Bursaries

‘Every student wishing to be considered for the grant of bursaries for post primary or secondary Education shall make an application in the prescribed form’

(b) Loans

Every student wishing to be considered for the grant of loans for higher education shall make an application as set out in the regulations’

(2) Section 15 (2) of the principle Act is hereby repealed.

12. Section 16 of the principal act is amended by repealing subsection (1).

Amendment of
section 16 of the
Principle Act

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13. Subsection 16 (2) is amended to read—

‘Where the Board has resolved to award a scholarship or grant a bursary to any eligible student, the Board shall notify the applicant in writing, and require him within specified period not exceeding three months to comply with any conditions’

14. Section 17 of the principle Act is hereby repealed

Amendment of
section 17 of the
Principle Act

15. Section 18 of the principle Act is hereby repealed

Amendment of
section 18 of the
Principle Act

16. Section 19 of the principle Act is hereby repealed

Amendment of
section 19 of the
Principle Act

17. Section 20 of the principle Act is hereby repealed

Amendment of
section 20 of the
Principle Act

18. Section 21 of the principle Act is hereby repealed

Amendment of
section 21 of the
Principle Act

19. Section 22 of the principle Act is hereby repealed

Amendment of
section 22 of the
Principle Act

20. Section 23 of the principle Act is hereby repealed

Amendment of
section 23 of the
Principle Act

21. Section 28 of the principle Act is amended repealing the section.

Amendment of
section 28 of the
Principle Act

22. (1) Section 34(1) is amended to read—

Amendment of
section 34

‘any person having an official duty or being employed or in connection with administration of this Act, shall regard and deal with all documents, information, returns and Forms relating to application for Bursary, scholarship or to granting of Bursaries, scholarships under this Act which come to his knowledge or access by virtue of his official status or employment, as secret and confidential.’

(2) Section 34 (3) is amended to read—

‘Any person guilty of an offence under this Act shall, where no other penalty is prescribed, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years.

23. Section 35 is amended to read—

Amendment of
section 35 of the
Principle Act

‘Any action done by the Board Members or any employee or agent of the Board shall

- 24.** Section 37 of the principle Act is hereby repealed Amendment of
section 37
- 25.** Section 38 (1) of the principle Act is hereby
repealed Amendment of
section 38
- 26.** Section 39 (1) (a) of the principle Act is amended
to read ‘the receipt of application loan forms’. Amendment of
section 39
- 27.** Subsection 39 (1) (c) of the principle Act is
hereby repealed.
- 28.** Subsection 39 (1) (e) of the principle Act is
hereby repealed.
- 29.** Subsection 39 (1) (g) of the principle Act is
hereby repealed.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this bill is to further amend the Taita Taveta County Education Fund Board Act, 2014 so as to create efficiency in the management and administration of the Fund Board in realizing its mandate by creating a three tier system of assisting residents of the county access funding for higher education which shall be based on need and circumstance and which have been identified as Bursary, Scholarship and Loans. The bill also seeks to align the management of the education Fund within the purview of the Public Finance Management Act and the County Governments Act and to avoid accounting conflicts in future. It further seeks to instill prudence in the utilization of the public resources by reducing the number of members of the Board.

Dated the 27th March, 2018.

HARRIS KEKE,
*Chairperson Early Childhood Education, Libraries and Vocation
Training Committee.*