

SPECIAL ISSUE

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REPUBLIC OF KENYA

**TRANS NZOIA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

NAIROBI, 5th April, 2016

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THE TRANS NZOIA COUNTY EMERGENCY FUND BILL, 2016

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THE TRANS NZOIA COUNTY EMERGENCY FUND BILL, 2016

A Bill for

AN ACT of the County Assembly of Trans Nzoia to make provision for the establishment of an Emergency Fund and for connected purposes

ENACTED by the County Assembly of Trans Nzoia, as follows —

PART I—PRELIMINARY

Short title

1. This Bill may be cited as the Trans Nzoia County Emergency Fund Bill, 2016.

Interpretation

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

“appropriation” means funds provided for to pay for the supply of services;

“County” means the County Government of Trans Nzoia;

“County Assembly” means the County Assembly of Trans Nzoia County;

“County Executive Committee” means the Trans Nzoia County Executive Committee;

“Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to finance;

“Fund” means the County Emergency Fund established under section 4; and

“financial year” means the period of twelve months ending on thirtieth day of June.

Object of the Act

3. The object of this Bill is to establish the County Emergency Fund, its management and operations.

PART II—EMERGENCY FUND

Establishment of the County Emergency Fund

4. (1) There is established a Fund to be known as the Trans Nzoia County Emergency Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly; and
- (b) grants and donations made into the Fund;

Purpose of the Fund

5.(1) The purpose of the Fund is to enable payments to be made when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.

(2) The Executive Member shall only pay monies out of the Fund after approval and ascertaining of the emergency by the County Executive Committee.

Officer responsible for administering the Fund

6.(1) The Executive Committee Member shall be responsible for administering the Fund.

(2) The Executive Committee Member shall open and maintain a separate account into which all monies appropriated to that Fund shall be paid.

Power of County Executive Committee Member

7.(1) The Executive Committee Member may make payments from the Fund upon instruction from the County Executive Committee, who shall only issue the instructions upon being satisfied that-

(2) there is an urgent and unforeseen need for the expenditure for which there is no legislative authority; and

(3) it is for the public interest; and

(4) if an event has caused a damage, loss, hardship or suffering to residents of the County or threatens to damage the environment and the event is limited to the County.

(2) For the purposes of subsection (1)—

(a) there is an urgent and unforeseen need for expenditure if, in the opinion of the Executive Member—

(i) payment cannot be delayed until the next financial year without harming the general public interest of the County;

(ii) the payment is necessary to alleviate the damage, loss, hardship or suffering which may be directly caused by the event; and

(b) need for expenditure is unforeseen and has not been provided for in an appropriation law made by the County Assembly for the current financial year.

Limitation on power of County Executive Committee Member

8. The Executive Committee Member shall not, during a financial year, make payments under section 7 if the payment exceeds two percent of the total County

Government's revenues as shown in the County's financial statements for the previous financial year except for the first year.

Accruals

9. All receipts, earnings and accruals to the Fund and the balance of the Fund at the close of the financial year shall be retained by the Fund for the purpose for which it is established.

Report to County Assembly

10. (1) The Executive Committee Member shall make a report to the County Assembly in writing within two months after payment is made out of the Fund.

Financial Statement

11. (1) Within three months after the end of each financial year, the County Treasury shall prepare and submit to the Auditor-General a financial statement in respect of the Fund for that year.

(2) The financial statement prepared under subsection (1) shall include the following information—

- (a) the date and the amount of each payment;
- (b) the person to whom the payment was made;
- (c) the purpose for which the payment was made;

(1) whether the person to whom the payment was made spent the money for that purpose and a statement made to that effect;

(2) if the person to whom the payment has been made has not spent the money for that purpose, a statement specifying the reasons for not having done so; and

(3) a statement indicating how the payment conforms to section 7 of this Bill, the legislation or the policy of the County relating to disaster management.

Regulations

12. The Executive Committee Member may make regulations for the better carrying out of the provisions of this Bill.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to establish an Emergency Fund as contemplated under Section 110 of the Public Finance Management Act, 2012.

Dated the 24th February, 2016.

EMMANUEL WASWA
Chairperson,
County Assembly Security and Disaster Management Committee.

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