

SPECIAL ISSUE

Trans Nzoia County Gazette Supplement No. 13 (Bills No. 13)



REPUBLIC OF KENYA

**TRANS NZOIA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2016

NAIROBI, 8th December, 2016

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P. O. Box 73552 - 00200,
NAIROBI, KENYA

**THE TRANS NZOIA COUNTY YOUTH AND WOMEN
DEVELOPMENT FUND (AMENDMENT) BILL, 2016**

ARRANGEMENT OF CLAUSES

Clause

- 1— Short title
- 2— Amendment of Section 5 of Act No.2 of 2014;
- 3— Amendment of Section 6 of Act No. 2 of 2014
- 4— Amendment of Section 17(2) of No. 2 of 2014

**THE TRANS NZOIA COUNTY YOUTH AND WOMEN
DEVELOPMENT FUND (AMENDMENT) BILL, 2016**

A Bill for

**AN ACT of the County Assembly of Trans Nzoia to amend the Trans
Nzoia County Youth and Women Development Fund Act, No. 2
of 2014**

ENACTED by County Assembly of Trans Nzoia as follows—

Short Title

1. This Act shall be cited as the Trans Nzoia County Youth and Women Development Fund (Amendment) Act, 2016.

Amendment of Section 5 of Act No.2 of 2014;

2. (1) The Principal Act in Section 5 (2) delete the words “The fund shall be a body corporate, capable of suing and being sued in its corporate name” and introduce the following—

- 2 (i) “The Fund shall be initiated through a proposal by the County Executive Committee Member responsible for the Department of Gender, clearly setting out the justifications thereof which shall be submitted to the County Executive Committee for consideration”.
- (ii) In initiating the fund under 2(i) above, the County Executive Committee Member shall—
 - (a) certify in writing that the functions and the public services to be delivered through the Fund cannot be delivered through the structure of budget appropriations.
 - (b) provide a clear justification as to why a fund structure is deemed appropriate for improved service delivery in light of the Legislative and policy mandate of the department.
 - (c) ensure that the administration costs of the Fund shall be a maximum of three (3%) percent of the approved budgets of the fund; and any other extra expenses be charged to interest levied directly to beneficiary groups.
 - (d) confirm in writing that the establishment of the Fund and its continued existence will not depend on Annual Financing from the County Budget (Exchequer);
 - (e) demonstrate how the activities of the proposed County Public Fund will fit in the overall medium term Plan and County Strategy Paper.

(iii) The groups shall be charged interest on loans at the rate of 8%, comprised of 3% administrative costs and 5% for the growth of the fund."

5A. Introduce section 5(4) to read;

Despite the provisions of Section 5(2) of this Act, the County Executive Committee Member may from time to time issue further guidelines on the Management, operations and winding up of the County Public Funds.

5B. Introduce Section 5(5) to read;

Where the Lifespan of a fund lapses, the process of winding-up shall commence within six (6) months from the date of the lapse.

5C. Introduce Section 5(6) to read;

The Final report after winding up the Fund shall be submitted to the Auditor- General for Audit and the County Assembly.

5D. Introduce Section 5(7) to read;

The fund May also be dissolved if the County Executive Committee Member considers that the Fund has successfully completed the specific objective for which it was created.

2. Amendment of Section 6 of Act No. 2 of 2014

In Section 6 (1) replace the words "In its corporate name" with the words "the County Executive Committee"

In Section 6 (2) insert the words "and Grants to persons with disabilities" between the word "County" and the "fullstop"

3. Amendment of Section 17(2) of No. 2 of 2014

Delete 17 (2) (d)

MEMORANDUM OF OBJECTS

The Bill seeks to align the Principal Act, No. 2 of 2014, with the Constitution, particularly with regard to the principle of separation of powers by amending the relevant parts of Sections 5 and 17 thereof.

Dated the 2nd December, 2016

MUKUA MUNENE,
Chairperson Sports, Culture and Tourism Committee.

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