

SPECIAL ISSUE

Uasin Gishu County Gazette Supplement No. 2 (Acts No. 2)



REPUBLIC OF KENYA

**UASIN GISHU COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

NAIROBI, 14th March, 2016

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COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

**THE UASIN GISHU COUNTY EDUCATION REVOLVING FUND
ACT, 2016**

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2016

Uasin Gishu County Education Revolving Fund

No. 2

**THE UASIN GISHU COUNTY EDUCATION REVOLVING FUND
ACT, 2016**

No. 2 of 2016

Date of Assent: 12th May, 2014

Date of Commencement: See Section 1

AN ACT of the County Assembly to provide for the establishment of County Education Fund to provide for full-time and part-time courses in technology, applied science management and other fields of studies and to make provisions for the general administration of such county education funds and for other connected purposes.

ENACTED by the County Assembly of Uasin Gishu as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Uasin Gishu County Education Revolving Fund Act, 2016 and shall come into effect on the date of assent.

Interpretation

2. In this Act,—

“authorized officer” means a person appointed under this Act as an authorized officer;

“board” means a County Education Fund Board established under Part III of this Act;

“county executive committee member” unless where expressly defined means the county executive committee member responsible for matters relating to Finance;

“department” means a division of County Government responsible for County Funds and matters relating to education;

“fund” means a Fund established under this Act for purposes of supporting technical training and such other programmes as shall be determined by the department responsible for education or those managed by the Board on behalf of any other person or corporate entity;

“loan scheme” means formal credit advances to students pursuing artisan or skills development courses in County Polytechnics or such National Government Technical Training Institutes or any other training institutions as the Board may consider from time to time;

“loans board” means the County Loans Board established under Part IV of this act responsible for the management of the loan scheme including recovery programmes;

“ward committee” means the Ward Education Committee and shall be responsible under this Act for appraisals and the management of the loan scheme applications and coordination and support at the ward levels to the Board;

“ward education committee” means a committee established under this act or any other Act responsible for the management of the County Education Programmes at the ward level;

“ward” means the Ward established under the County Governments Act, No. 17 of 2012.

Application

3. This Act shall apply to all County Tertiary Educational Programmes, Funds and related Institutions and functions registered under this Act or such other Counties as the County Executive Committee shall by resolution authorize establishment of such partnerships provided that such partnerships shall not be effected unless approved by the County Assembly.

PART II—ADMINISTRATION OF THE ACT

Administration of the Act

4. This Act shall be administered by the Board established under part III of this Act.

PART III—ESTABLISHMENT OF COUNTY EDUCATION REVOLVING FUND

Establishment of the County Education Revolving Fund

5. (1) There is established the County Education Revolving Fund.

(2) The objectives of the fund is to—

(a) empower the youth through financing of technical training directly related to the development of artisan or improvement technical skills within the county in the following areas of specialization but not limited to—

- (i) plumbing and water engineering;
- (ii) electrical installation and engineering;
- (iii) masonry and building technology;
- (iv) civil engineering and quantity survey;

- (v) refrigeration & air conditioning, welding, fabrication and wood work;
- (vi) any other courses that may be recommended by the County Education Board from time to time;
- (b) provide loans to the youth pursuing artisan or technical courses under sub section (2)(a) offered at County Polytechnics or such National Government or Private Technical Training Institutes as may be recommended by the County Education Board.

PART IV—ADMINISTRATIVE PROVISIONS

Establishment of the County Education Loans Board

- 6. (1) There is established a Board to be known as the County Education Loans Board which shall be a body corporate with perpetual succession and a common seal.
- (2) The Board shall be capable in its corporate name of—
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging and/or disposing of movable and immovable property;
 - (c) entering into contract;
 - (d) borrowing and lending money;
 - (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.
- (3) The seal of the Board shall be authenticated by the signature of the chairperson or deputy chairperson or one member authorized on that behalf and the secretary, and the seal shall be officially and judicially noticed.
- (4) The Board shall come into effect within a period six (6) months after the enactment of this Act.

Functions and Responsibilities of the Board

- 7. The Board shall undertake the following functions—
 - (a) advertise all opportunities for loans to students seeking artisan and Technical courses in County Polytechnics or National Government Technical Training Institutes or such other public or private Training institutions as may be approved by the Board from time to time;

- (b) receive and vet applications for loans under the loan scheme forwarded by the Ward Education Committees and in so doing, determine the eligibility of each individual applicant;
- (c) institute and implement mechanisms for loan recovery with the aim of sustaining the revolving fund;
- (d) such duties as are incidental to the achievement of the aims and objectives of the loan scheme;
- (e) resource mobilization;
- (f) management of such other Educational loans advanced to it by other Government agencies, private entities, donors and any other entity of goodwill.

Composition of the County Education Loans Board

8. (1) The Board shall consist of the following persons appointed by the Governor on recommendation of the County Executive Committee Member at the time responsible for Education with the approval of the County Assembly—

- (a) the chairperson;
- (b) deputy chairperson;
- (c) secretary to the board who shall be the Chief Executive;
- (d) a representative of the County Education Board;
- (e) a representative of the County Treasury;
- (f) a representative of the Technical or Higher Educational institutions;
- (g) three other persons appointed by the county executive committee member.

(2) In appointing persons under subsection (1) the appointing authority shall observe the provisions of the Constitution regarding gender balance, marginalized persons, minorities, the youth and persons with disabilities and ensure the persons appointed have expertise in at least one of the following areas—

- (a) a degree or extensive experience in courses relevant to County Fund or Technical Training Institutes;
- (b) financial management;
- (c) institutional management;
- (d) entrepreneurship.

(3) Every member of the Board shall hold office for a period of three consecutive years from the date of his appointment and shall be eligible for re-appointment for one more term.

(4) The Board may establish such committees as it deems necessary and shall ensure the establishment of—

- (a) credit advancement committee;
- (b) loan recovery committee.

Vacancy in the position of a member of the County Education Loans Board

9. (1) The position of a member of the Board shall become vacant if that member—

- (a) submits his resignation in writing under his hand to the appointing authority;
- (b) if the Board is satisfied that such member is by reason of his physical or mental infirmity unable to execute the functions of his/her office;
- (c) has been adjudged bankrupt or suspends payment to, or makes any arrangement or composition with, his creditors; or
- (d) has been absent, without leave of or reasonable cause submitted to the Board, for 3 consecutive meetings;
- (e) dies;
- (f) is dismissed in terms of the provisions of this Act.

(2) The county executive committee member may revoke the appointment of a member of the Board, if the member becomes in the opinion of the county executive committee member unfit to continue in office or incapable of performing his duties.

Removal of member of the County Education Loans Board

10. (1) The Governor may remove a member of the Board from office on any of the following grounds;

- (a) incompetence;
- (b) abuse of office;
- (c) gross misconduct;
- (d) failure, without reasonable excuse, or written authority of the governor, to attend three consecutive meetings of the County executive Committee;

- (e) physical or mental incapacity rendering the executive member incapable of performing the duties of that office; or;
- (f) gross violation of the Constitution or any other law.

(2) A member of the county assembly supported by two thirds may propose a motion requiring the governor to dismiss a member of the board on any of the grounds set out in sub-section (1).

(3) A notice of intention to move a motion for a resolution to remove a member of the Board shall be given in writing to the Clerk of the County Assembly signed by at least one third of all the members of the County Assembly stating the grounds for removal.

(4) The County Assembly shall, after affording the board member an opportunity to be heard, vote whether to approve the resolution requiring the board member to be dismissed and if the resolution is supported by a majority of the members of the County Assembly—the Speaker of the County Assembly shall promptly deliver the resolution to the Governor; and the Governor shall dismiss the board member.

Filling of a vacancy of a member of the County Education Loans Board

11. (1) If the office of a member of the Board is vacant, the secretary under section 9, shall forthwith notify the vacancy to the appointing authority.

(2) The county executive committee member at the time responsible for Education may recommend for appointment any person to fill the vacancy and who shall be appointed in the same manner for the remainder of the term of his predecessor.

Meetings of the County Education Loans Board

12. (1) The Board shall meet at such times as the Chairperson may determine for the discharge of business but shall meet not more than two times in a year provided that the board may have a maximum of 3 extra meetings.

(2) The Chairperson shall preside over each meeting of the Board but in his absence, the vice-chairperson or a member of the Board appointed democratically by members shall preside over.

(3) A meeting shall be convened if six members of the Board sign a requisition to that effect.

(4) The quorum at a meeting of the Board shall be not less than half of the membership of the Board.

(5) Decisions by the Board shall be decided by consensus failure by which a simple majority of votes cast shall decide the matter.

(6) The Chairperson shall have an original and casting vote.

(7) The Board may co-opt a person to attend a Board meeting but the person shall not vote on a matter for decision by the Board.

Establishment of Ward Committees

13. There shall be established Ward Committees whose responsibility under this Act shall be as follows—

- (a) co-ordinate advertisements for loan opportunities in respect to students seeking artisan and technical courses in County Polytechnics or National Government Technical Training Institutes or such other public or private training institutions as may be approved by the Board from time to time;
- (b) receive and vet applications, and in so doing, ensure the eligibility of each individual applicant is observed;
- (c) such duties as are incidental to the achievement of the aims and objectives of the loan scheme.

Composition of the Ward Committees

14. (1) The Ward Committee shall consist of the following persons appointed by the County Education Loans Board on the recommendation of the Area Member of County Assembly—

- (a) chairperson;
- (b) deputy chairperson;
- (c) the ward administrator who shall be secretary and custodian of committee documents;
- (d) representative of religious organizations;
- (e) youth representative;
- (f) women representative.

(2) In appointing persons under this Section, the County Education Loans Board shall observe the provisions of the Constitution regarding gender balance, marginalized persons, minorities, the youth and persons with disabilities and ensure the persons appointed have expertise in at least one of the following areas—

- (a) a degree or extensive experience in courses relevant to County Polytechnics, National Government Technical Training

Institutes or such other Public or Private Institutions as may be approved by the Board from time to time;

- (b) financial management;
- (c) institutional management;
- (d) entrepreneurship.

(3) The approved list shall be published at the Public Notice Board at each ward or Citizen service centres.

(4) The area MCA shall approve the final list of appointed persons within five (5) days from the date of receipt.

PART V—FINANCIAL PROVISIONS

Funds of the County Fund

15. (1) The funds of the Board shall consist of—

- (a) monies allocated by the National or County Government for purposes of the Fund;
- (b) any grants, gifts, donations or other endowments given to the Fund;
- (c) such funds as may vest in or accrue to the Fund in the performance of its functions under this Act or any other written law;
- (d) any monies obtained by way of fees or other charges.

(2) Any funds donated or lent to, or gift made to the Fund shall be made public before use.

Annual Estimates

16. (1) At least three months before the commencement of each financial year, the Fund shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Fund for the financial year concerned and, in particular, shall provide for the—

- (a) payment of remuneration in respect of the members and staff of the Fund;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Fund as provided by the relevant statutory provisions;

- (c) development and maintenance of the buildings and grounds of the Fund;
- (d) funding of training, research and development of the activities of the Fund;
- (e) creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Fund may think fit; and
- (f) any other expenditure necessary or purposes of this Act.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate.

Accounts and Audit

17. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) Within a period of three months after the end of each financial year, the Board shall comply with the relevant audit procedures and submit the accounts of the Fund in respect of that year together with a—

- (a) statement of the income and expenditure of the Fund during that year; and
- (b) statement of the assets and liabilities of the Fund on the last day of that financial year.

Annual Report

18. (1) The Board shall, at the end of each financial year cause an annual report to be prepared.

(2) The Board shall submit the annual report to the County Executive Committee the Member three months at the end of each financial year to which it relates.

(3) The annual report shall contain in respect of the year to which it relates—

- (a) the financial statements of the Fund;
- (b) a statement of the assets and liabilities of the fund;
- (c) such other statistical information as the Fund may consider appropriate relating to the Fund's functions;
- (d) the impact of the exercise of any of its mandate or function;

- (e) any impediments to the achievements of the objects and functions under the Constitution, this Act or any written law; and
- (f) any other information relating to its functions that the Board considers necessary.

(4) The annual report shall be published and publicized in such other manner as the Board may determine.

Documents of the Board

19. All documents issued by the Board or to which the Board is a party, other than those required by law to be under seal, and all decisions of the Board, may be executed or signified by the hand of the chairperson or the secretary or by any other member of the Board generally or specially authorized in that behalf.

Administration of the Fund

20. (1) The Board shall, subject to the provisions of this Act, out of the Fund make loans, either with or without security, as it may think fit, to any eligible applicant to meet the cost of higher education.

(2) Every application for a loan shall be made in writing in such form as the Board may require.

(3) No loan shall be made by the Board except pursuant to a resolution of the Board made at a meeting thereof convened for the purpose of considering applications for loans.

Conditions for Grant of Loans

21. (1) The Board may—

- (a) grant or refuse any application for a loan;
- (b) in granting a loan impose conditions, demand security and require repayment in instalments, and at such times and within such period, as it may think fit.

Provided that, with the approval of the County Executive Committee Member and subject to the provisions of this section, the Board may upon the application of any person to whom a loan has been made at any time vary—

- (i) the conditions subject to which the loan was made;
- (ii) any security given in relation to the loan; or
- (iii) any of the terms of repayment of the loan.

(2) Where the Board has resolved to make a loan, it shall notify the applicant in writing and shall require him, within a period not exceeding

six months as it may specify, to comply with any conditions and provide any security which it may have imposed or demanded, and to execute and lodge with the Board any documents which the Board may consider to be requisite thereto.

(3) If a person fails to comply with a requirement of the Board notified to him under subsection (2) within the time prescribed, the application shall be deemed to have lapsed.

General Provisions as to Loans

22. (1) If in the opinion of the Board there has been or is likely to be any breach of or failure to comply with any condition or term of repayment respecting a loan, the Board may forthwith—

(a) recover from the person to whom the loan was made or his personal representatives, as a civil debt, the amount of the loan or the amount thereof then remaining unpaid, together with interest thereon;

(b) enforce or realize any security relating thereto.

(2) The Board may exercise the powers conferred by subsection (1) (a) or (b) either singly or together.

(3) Where action has been taken by the Board under the foregoing provisions of this section, then, from the date of commencement of that action, the obligations of the Board in respect of the loan which is the subject of the action shall be deemed to have been cancelled, and no claim or right of action shall lie against the Board in respect thereof or, in the case of a loan to be advanced by installments, in respect of any installment then remaining unadvanced.

Audit and Submission of accounts and Reports

23. (1) Appropriate accounts relating to the Fund shall be kept by the Board, and those accounts together with a balance sheet shall be audited annually by the County Auditor.

(2) The Board shall submit to the County Executive Committee Member as soon as may be practicable after the 31st day of December in every year a full report upon the administration of the affairs of the Board and the working of the Fund, together with the accounts and balance sheet duly audited in accordance with the provisions of subsection (1).

Investment of Excess Funds

24. The revenues of the Fund shall, in so far as they are not currently required for loans and for the current expenses of the Board, be invested at the discretion of the Board and approval of the County Executive Committee member in any investment authorized by law for the

investment of trust funds, with power from time to time to vary or realize those investments.

Secrecy and Offences

25. (1) A person having any official duty or being employed in, or in connection with, the administration of this Act shall regard and deal with all documents, information, returns and forms relating to applications for advances or to the making of advances under this Act as secret and confidential.

(2) A person having possession of, or control over, or access to, any documents, information, returns or forms relating to a matter referred to in subsection (1) who communicates anything contained therein—

- (a) to a person other than a person to whom he is authorized by the Board to communicate it; or
- (b) otherwise than for the purposes of this Act, shall be guilty of an offence.

(3) A person applying for a loan who knowingly fails to disclose to the Board any information or makes a false statement to the Board relating thereto shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable, upon conviction by a subordinate court of the first class, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six (6) months, or to both.

PART VI—TRANSITIONAL CLAUSES

Interim County Education Loans Committee

26. (1) There is established an Interim County Education Loans Committee whose responsibility shall be to administer the Fund established under this Act pending the appointment and coming into office of the Board.

(2) The interim committee shall have all the powers and responsibilities of the Board set out under this Act.

(3) The Interim committee in undertaking its functions shall open and operation such Bank Account(s) in the name of the Board.

(4) The Interim Committee shall also coordinate and supervise the functions of the ward committees.

(5) The Committee under this section shall be responsible to put into place all programmes and infrastructure to operationalize the Board in any event within a period of three (3) years of coming into force of this Act.

(6) The Interim committee shall institute and implement mechanisms for loan recovery with the aim of establishing a revolving fund and undertake such other duties as are incidental to the achievement of the aims and objectives of the loan scheme.

(7) The Interim Committee shall undertake such other duties as shall be incidental for giving effect to this Act or as may be directed by the Governor.

Composition of the interim County Education Loans Committee

27. (1) The Interim County Loans Committee shall consist of the following persons and such other persons appointed by the Governor on recommendation by the Executive Member for Education.

- (i) CEC member for Education—Chairperson
- (ii) Chief Officer of Education—Secretary
- (iii) Chief Officer of Finance—Member
- (iv) Five other persons—Members

(2) In appointing persons under section (1), the provisions of the Constitution regarding gender balance, marginalized persons, minorities, the youth and persons with disabilities shall be observed to ensure the persons appointed have expertise in at least one of the following areas—

- (a) a degree or extensive experience in courses relevant to education matters;
- (b) financial management;
- (c) institutional management;
- (d) entrepreneurship.

(3) The Committee under this section shall remain in office for the interim period and shall stand dissolved upon coming into office of the Board.

Interim Ward Committee

28. There is established Interim Ward Committees whose responsibility under this Act shall be as follows—

- (a) co-ordinate advertisements for loan opportunities in respect to students seeking artisan and technical courses in County Polytechnics or National Government Technical Training Institutes or such other public or private training institutions as may be approved by the Board from time to time;
- (b) receive and vet applications, and in so doing, ensure the eligibility of each individual applicant is observed;

- (c) such duties as are incidental to the achievement of the aims and objectives of;
- (d) the loan scheme.

Composition of the interim Ward Committee

29. (1) The Interim ward committees shall consist of the following persons appointed by the interim County Education Loans Committee on the recommendation of the area member of County Assembly.

- (i) ward administrator who shall be the secretary;
- (ii) ward office assistant;
- (iii) area chief;
- (iv) four other persons meeting the provisions of the Constitution regarding gender balance, marginalized persons and communities, minorities, youth and persons with disabilities.

(2) The Interim Ward Committee shall remain in office for the interim period and shall stand dissolved upon establishment of the Ward Committee under this Act.

PART VII—GENERAL PROVISIONS

Regulations

30. The County Executive Committee Member may make Regulations generally for the better carrying out into effect the provisions of this Act.



County Government of Uasin Gishu

EDUCATION REVOLVING FUND LOAN APPLICATION FORM

APPLICANT'S PERSONAL DETAILS

Surname _____ Other Names _____

I.D. No. _____ PIN _____ D.O.B _____

Marital status _____ Gender M ☐ Female ☐

Email _____ P.O.Box _____ Mobile Phone _____

District _____ Constituency/SubCounty _____ Division _____

Ward _____ Location _____ Sublocation _____ Village _____

Nearest public primary school _____

COURSE APPLIED FOR: (tick where applicable)

NAME OF INSTITUTION.....

LEVEL: Diploma ☐ Certificate ☐

COURSE: 1. Electrical Installation/ Engineering ☐

2. Masonry/Building ☐

3. Plumbing/Water Engineering ☐

4. Civil Engineering/Quantity Survey ☐

5. Refrigeration/Air Conditioning ☐

6. Other ☐

EDUCATION BACKGROUND (Attach copies of certificates)

LEVEL	Name of institution	Period From to	Examination taken	Points/ Grades
Primary				
Secondary				
Others				

DETAILS OF PARENTS/GUARDIAN. (Fill where applicable)

Father

Surname _____ Other names _____

I.D. No. _____ D.O.B _____ Highest Education level _____

Mobile Phone _____ P.O BOX. _____

Employed. Yes ☐ No ☐

Name of employer _____ PIN _____

District _____ Constituency/subcounty _____ Division _____

Ward _____

Location _____ Sublocation _____ Village _____

Mother

Surname _____ Other names _____

I.D. No. _____ D.O.B _____ Highest Education level _____

Mobile Phone _____ P.O BOX. _____

Employed. Yes ☐ No ☐

Name of employer _____ PIN _____

District _____ Constituency/subcounty _____ Division _____

Ward _____ Location _____ Sub location _____

Village _____

Are you an orphan? Yes ☐ No ☐

If yes give more details -----

INCOME

ITEM	FATHER	MOTHER	GUARDIAN
Gross salary (annual)			
Business (annual)			
Farming (annual)			
Pension (annual)			
Income from other sources			

Total (Kshs) _____

Estimated family Annual Expenses. (Kshs)

Food _____ Clothing _____ Rent _____

Travel /Fuel _____ Medical _____

Mortgage/Loan Repayment _____

Others (taxes etc) _____

GROSS EDUCATION EXPENSE (siblings in secondary, tertiary and universities)

NAME	INSTITUTION	LEVEL OF STUDY	ANNUAL FEES

Total (Kshs) _____

DECLARATIONS

APPLICANT	PARENT/GUARDIAN
I declare that the information herein is true. I also understand that this is a loan that must be repaid.	I declare that I have read this form/has been read to me and I hereby confirm that the information given herein is true to the best of my knowledge.
Name _____	Name _____
Signature _____ Date _____	Signature _____ Date _____
CHIEF/ASSISTANT CHIEF	OFFICIAL RUBBER STAMP
I wish to confirm that the applicant is a resident of my location/Jurisdiction.	
Name _____	
Address _____ Mobile _____	
Signature _____ Date _____	

MEMBER OF COUNTY ASSEMBLY	OFFICIAL RUBBER STAMP
I certify that the applicant is a resident of my ward and that I have checked the information given herein and confirm it to be true to the best of my knowledge.	
Name _____	
Address _____ Mobile _____	
Signature _____ Date _____	
CHAIRPERSON-WARD EDUCATION FUND COMMITTEE	OFFICIAL RUBBER STAMP
The above named applicant and his/her parent/guardian appeared before me and made a solemn declaration that the information given herein is correct	
Name _____	
Address _____ Mobile _____	
Signature _____ Date _____	

OFFICIAL USE.

Recommended _____

Name of Officer _____

Signature _____ Date _____

Kindly attach the following to your application form.

1. Admission letter
2. 2 recent passport size photographs
3. Copy of applicants National ID card or Passport
4. Copies of parents ID cards or Passports
5. Copies of death certificate(s) or a letter from the Chief certifying the position if orphan
6. Copy of KCPE or KCSE certificate or results slip
7. Copy of father or mother's payslip if working

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