

SPECIAL ISSUE

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

Wajir County Gazette Supplement No 1 (Bills No 1)



REPUBLIC OF KENYA

WAJIR COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 26th March, 2014

CONTENT

Bill for Introduction into the Wajir County Assembly—

PAGE

The Wajir County Bursary Fund Bill, 2014

1

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

THE WAJIR COUNTY BURSARY FUND BILL, 2014
ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY

- 1 —Short title
- 2 —Interpretation

**PART II—ESTABLISHMENT OF THE WAJIR COUNTY
BURSARY FUND**

- 3 —Establishment of Wajir county bursary fund committee
- 4 —Membership of Wajir county bursary fund committee
- 5 —Tenure of office
- 6 —Vacancy of office
- 7 —Secretary to the Wajir county bursary fund committee
- 8 —Functions of the Wajir county bursary fund committee
- 9 —Meetings of the Wajir county bursary fund committee
- 10—Finances
- 11—Allowances of members

**PART III—ESTABLISHMENT OF THE WARD BURSARIES
COMMITTEE**

- 12—Ward Bursaries Committees
- 13—Membership of the Committee
- 14—Functions of the Committee
- 15—Committee meetings
- 16—Bursary applications
- 17—Bursary beneficiaries
- 18—Bursary notifications
- 19—Vetting applicants

MEMORANDUM OF OBJECTS AND REASONS

THE WAJIR COUNTY BURSARY FUND BILL, 2014

A Bill for

AN ACT of the County Assembly of Wajir to provide for the establishment of the Wajir County bursary fund, the procedure for award of bursaries and for connected purposes

ENACTED by the County Assembly of Wajir, as follows-

PART I—PRELIMINARY

1 This Act may be cited as the Wajir County Bursary Fund Act, 2014

Short Title

2 In this Act, unless the context otherwise requires -

Interpretation

“Wajir County Bursary Fund Committee” means a bursary fund committee established under section 3 of this act

“Ward Committee” means the bursary committee established under section 11 of this Act,

“Executive Committee Member” means the County Executive committee member for the time being in charge of education

“Student” means a needy student who is domiciled in Wajir County and admitted to a recognized educational institution

PART II—ESTABLISHMENT OF THE WAJIR COUNTY BURSARY FUND COMMITTEE

3 (1) There is hereby established a committee to be known as bursary fund committee

Establishment of the Wajir County Bursary Fund Committee

4 (1) The Council shall consist of the following persons

- (a) County Executive Committee member in charge of Education
- (b) County Director of Education or his or her representative
- (c) One person representing people with disabilities nominated by county executive member in charge of Education
- (d) Two people being a man and a woman who are

educationist of at least 5 years standing, based in the county nominated by the Governor

- (e) The Chief officer in charge of education shall be the secretary of the committee

Membership of
the Wajir County
Bursary Fund
Committee

(2) The members shall elect a chair-person and vice-chairperson from among the members appointed during the first meeting

5 The members of the Committee, other than the secretary appointed under section 4(g), shall hold office for a term of three consecutive years and may be eligible for re-appointment for one further term of three years

Tenure of office

6 (1) The office of a member of the Committee shall become vacant –

Vacancy of office

- (a) at the expiry of three years from the date of appointment,
- (b) if the member submits a written resignation to the governor,
- (c) upon the death of such member,
- (d) if the member is bankrupt,
- (e) if the member suffers physical or mental incapacity that hinders the discharge of functions of the office,
- (f) if the member fails to attend three consecutive meetings of the Council without reasonable cause, or
- (g) if the member is found to have been in contravention of Chapter Six of the Constitution of Kenya,

(2) Where the member of the committee seat becomes vacant the secretary shall be notified

(3) A member appointed to replace another member, in case of vacancy of a member's office in the Committee shall serve for the remaining term of the member who has been replaced

7 (1) The Secretary shall-

- (a) be the head of the Secretariat and shall be responsible to the Committee in ensuring that the

Secretariat satisfactorily carries out duties and performs functions assigned to it by the Council, and

- (b) be an *ex officio* member of the Committee and shall have no right to vote at the meetings of the Committee

(2) The secretary's appointment may be revoked if he loses the appointment as the chief officer, in his place the new chief officer shall take the position in the committee

Secretary to the
Wajir County
Bursary Fund
Committee
Functions of the
Wajir County
Bursary Fund
Committee

8 The functions of the Committee shall be

- (a) To set the criteria and conditions governing payments of Bursary funds,
- (b) To authorize distribution of bursaries to students, upon recommendations of the ward bursary committee,
- (c) To perform and exercise all other functions and powers conferred on the Committee by this Act

9 (1) The chairperson to the Committee shall preside over all the meetings of the Committee and in the absence of the chairperson, the vice-chairperson shall preside and in the absence of both the chairperson and vice chairperson, the members present shall elect one among themselves to preside at that particular meeting

(2) The Committee shall meet at least three times per year but the chairperson shall, upon request in writing by at least four members, convene a special meeting of the Committee at any time

(3) All questions at any meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting

Meetings of the
Wajir County
Bursary Fund
Committee

(4) The Chairperson shall, in case of an equality of votes during voting upon any matter, have an original and casting vote

(5) The secretary shall record minutes and proceedings of all the Committee meetings to be entered into a Minute-Book kept for that purpose

10 (1) A bank account for the Committee shall be opened and maintained at the commercial Bank approved

Finances

by the Executive Committee member

(2) The signatories to the account shall be Chief Officer in charge of education, the chairperson and the one other member appointed by the committee through a resolution

(3) The signing instructions shall be such that the signature of the Chief Officer in charge of education shall be mandatory on all cheques, plus any one of the other signatories

11 The Committee members shall be paid such allowances and disbursements for expenses at applicable rates as may be approved by the County Executive Member in charge of Education

Allowances of
Members

PART III—ESTABLISHMENT OF WARD BURSARIES COMMITTEE

13 (1) There shall be established in each ward, a Ward Bursaries Committee

Establishment of
Ward Bursaries
committees

(2) The members of the committee shall be appointed by the County Executive member in charge of Education in consultation with the Member of county Assembly representing that ward

14 (1) The Committee shall consist of –

Membership of
the Committee

- (a) The Member of County Assembly of the ward shall be the patron,
- (b) The Ward administrator,
- (c) One person representing religious leaders resident in the ward,
- (d) One person representing women resident in the ward,
- (e) One person representing the youth resident in the ward,
- (f) One person representing primary school head teachers in that ward,
- (g) One person representing secondary school head teachers in that ward,
- (h) A representative of persons leaving with disabilities resident in that ward,

- (1) A nominated member of the county assembly resident in the ward will be an Ex officio member

(2) The members shall elect a chair-person and vice-chairperson from among the members appointed during the first meeting

(3) All members of the ward bursary committee shall have a minimum qualification of primary education certificate or its equivalent

15 The Functions of the Committee shall be –

Functions of the committee

- (a) To receive and consider bursary applications,
- (b) To vet applicants according to the criteria set by the Committee, and
- (b) To recommend to the Committee bursary awards to eligible students

16 (1) The chairperson shall preside at all the meetings of the committee and in the absence of the Chairperson, the members present shall elect one of them to preside at that particular meeting

Committee meetings

(2) The committee shall meet at least, three times in a year but the chairperson shall upon request in writing by at least three members, convene a special meeting of the Committee at any time

17 All bursary applications to the committee shall be made through a prescribed form

18 (1) The beneficiaries of the bursary fund shall be secondary and tertiary students who

Bursary applications

- (a) have no father,
- (b) are orphans, or
- (c) are from poor families
- (d) deserving cases as approved by the committee

(2) The committee may approve or reject any bursary application stating reasons for rejection

Bursary beneficiaries
Bursary notification

(3) If the Committee approves the bursary application, the Committee shall recommend to the Council to grant bursary to the eligible students

19 Notification on the availability of bursaries shall

Vetting applicants

be done in secondary schools, public notice boards, public *barazas* and any other public place as the committee may deem fit

20 (1) The committee shall vet the applicants to make sure that the bursaries are awarded to deserving beneficiaries

(2) Any applicant aggrieved by the decision of the Committee may appeal to the Council within seven days of the Committee's decision

(3) The county Bursary Fund Committee shall look into the grievances and give feedback within seven days

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to provide for legislative framework for the management and disbursement of bursaries for needy students within the county, through allocations made by the county government

Part I of the Bill provides for preliminary matters including citation or short title and definitions of some of the words used in the Bill

Part II of the bill provides for the establishment the County Bursary Fund Committee, giving its membership and functions

Part III of the Bill provides for the Establishment of the Ward Bursaries Committee, giving its membership and functions

The Bill does not delegate any legislative power

The Bill concerns county governments

The enactment of this Bill shall occasion additional expenditures of public funds which shall be provided for through the estimates

Dated the 12th March, 2014

ADAN MOHAMED MUHAMUD,
*Chairperson, Early Childhood Education and
Vocational training Committee*