

**SPECIAL ISSUE**

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Kenya Gazette Supplement No. 14 (Busia County Acts No. 9)



REPUBLIC OF KENYA

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# ***KENYA GAZETTE SUPPLEMENT***

## **BUSIA COUNTY ACTS, 2017**

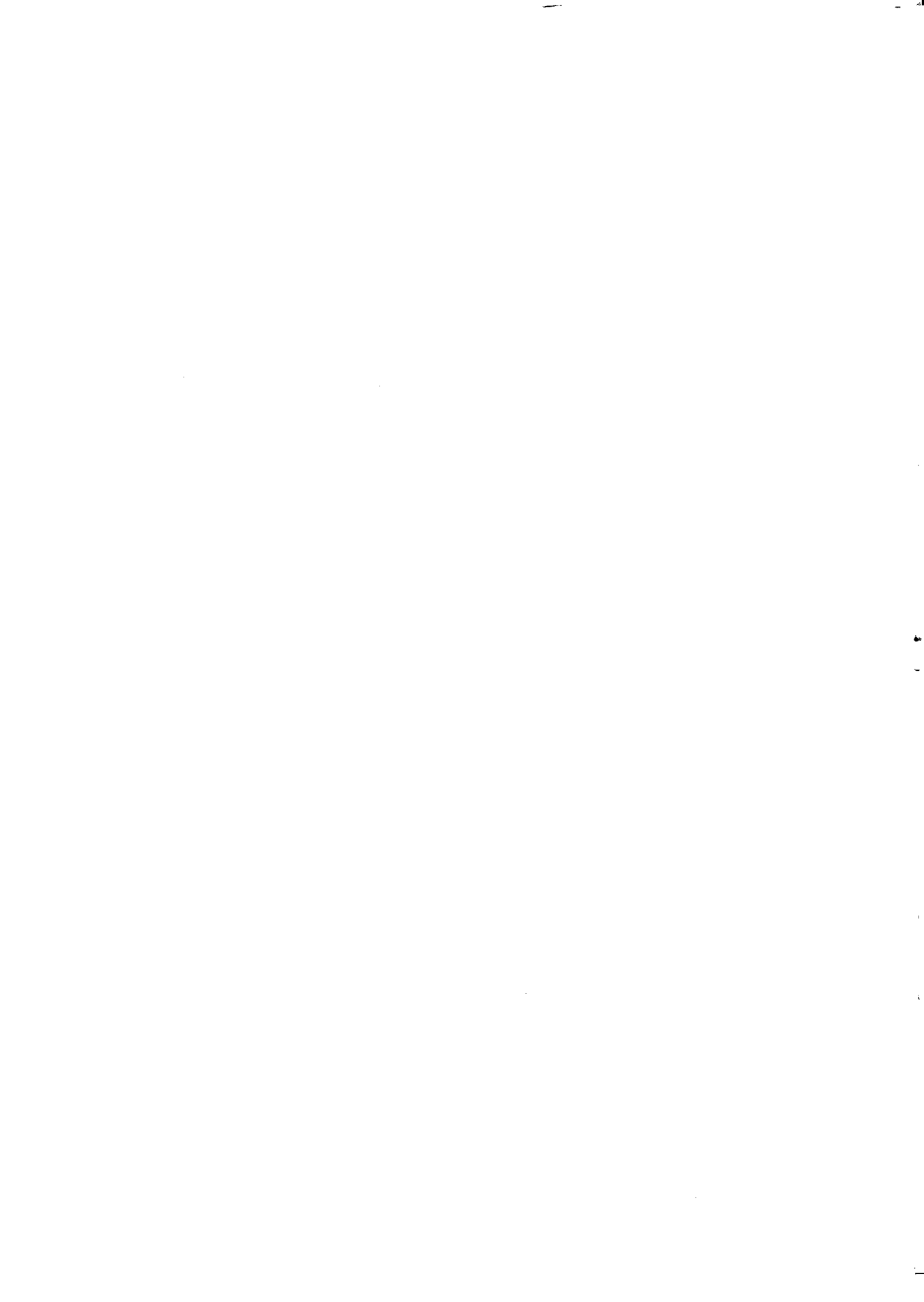
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**NAIROBI, 29th June, 2017**

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**THE BUSIA COUNTY EDUCATION SUPPORT SCHEME ACT,  
2017**

**No. 9 of 2017**

*Date of Assent: 12th June, 2017*

*Date of Commencement: See section 1*

**ARRANGEMENT OF SECTIONS**

*Section*

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**THE BUSIA COUNTY EDUCATION SUPPORT SCHEME  
ACT, 2017**

**AN ACT of the County Assembly to regulate the provision of bursaries, scholarships and subsidized tuition for needy students in the County and for related purposes**

**ENACTED** by the County Assembly of Busia, as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Busia County Education Support Scheme Act, 2017 and shall come into effect 14 days after publication in the Kenya *gazette*.

**Interpretation**

2. In this Act unless the context otherwise requires—

“beneficiary” means a student who receives money from the Busia County Education support scheme to pay for studies at a recognized educational institution;

“bursary” means payment of a sum of money from the Scheme to maintain a needy student for educational purposes;

“chief Officer” means the Chief Officer for the time being responsible for Education and Vocational Training;

“county” means the County Government of Busia;

“County Assembly” means the County Assembly of Busia;

“executive Committee Member” means the County Executive Committee Member for the time being responsible for Education and Vocational Training;

“higher Education Loans Board” refers to the board for the management of a national fund as established by the Higher Education Loans Board Act No. 3 of 1995;

“needy student” means a student who lacks means and is unable to pay for studies at a recognized educational institution of learning;

“scholarship” means a payment of a sum of money from the Scheme to maintain a merited student in education;

“student” means any citizen of Busia County pursuing post primary education;

“support scheme” means a plan or arrangement by the County to assist needy and merited students who wish to pursue post primary

education either through award of bursaries, scholarships, disbursements through the revolving fund or subsidized tuition;

“revolving fund” means a sum of money disbursed from the education support scheme through the Higher Education Loans Board.

### **Objective and purpose**

3. The object and purpose of this Act is—
  - (a) to provide for the establishment, administration and management of Busia County Education Support Scheme;
  - (b) to give a provision for the granting of bursaries, scholarships, revolving scheme, vocational training support and grant disbursement to students from the County.

## **PART II—ESTABLISHMENT OF THE SCHEME**

### **Establishment of the Busia County education support scheme**

4. There is established a Scheme to be known as the Busia County Education Support Scheme to provide bursaries, scholarships, revolving scheme and subsidized tuition for vocational training to students from the County.

### **Sources of funds**

5. The sources of the funds for the Scheme shall include—
  - (a) monies appropriated from the County Exchequer Account by the County Assembly;
  - (b) monies from the repayments of any loan granted to a student through the partnership between Higher Education Loans Board and the County;
  - (c) any gifts, donations, grants and endowments made to the Scheme; and
  - (d) such funds as may vest in or accrue to the Scheme in the performance of its functions under this Act or any other written law.

## **PART III—ADMINISTRATION OF THE SCHEME**

### **Establishment of the County Education Support Scheme Committee**

6. (1) There is established a County Education Support Scheme Committee which shall manage the affairs of the Scheme.

- (2) The Committee shall consist of—
  - (a) a Chairperson who shall be the executive committee member in charge of education;

- (b) the Chief Officer responsible for Education who shall be the secretary, in where there are more than one chief officers, the Executive Committee Member shall designate one to be the secretary;
  - (c) one person from each Sub-county appointed by the Executive Committee Member from a list of three persons recommended by the respective Sub-county Administrators in consultation with the Ward Bursary Committee putting into consideration the following groups of people—
    - (i) representation from religious groups;
    - (ii) representation from professional bodies;
    - (iii) representation from Non- Governmental Organizations working in the County;
    - (iv) representation from Community Based Organizations;
    - (v) representation from the Business Community.
  - (d) One appointed representative of—
    - (i) the Kenya National Union of Teachers; and
    - (ii) the Kenya Union of Post Primary Education Teachers.
- (3) In making appointments under this Section, the Executive Committee Member shall take into consideration gender and people living with disabilities.
- (4) Persons appointed under sub section (2) (c) and (d) shall hold office for a term of three years and shall be eligible for reappointment for one other term.

### **Functions of the County Education Support Scheme Committee**

7. The County Education support scheme Committee shall—
- (a) receive applications for loans from the Ward Education Bursary Committee for eligible applicants and forward them to the Higher Education Loans Board;
  - (b) receive applications for scholarships from the Ward Education Bursary Committee for eligible applicants and award the scholarships;
  - (c) disburse bursaries to beneficiaries;
  - (d) receive any gifts, donations, grants or endowments made to the Scheme;

- (e) partner with other specialized agencies for purposes of performing its functions under this Act;
- (f) prepare annual estimates and reports for the County Executive Committee;
- (g) ensure that money held in the scheme, including any earnings or accruals is spent only for the purposes for which the scheme is established;
- (h) solicit for donations, scholarships and financial support for the scheme;
- (i) manage the County Scholarship Scheme;
- (j) monitor and advise on the management and implementation of the County Vocational Training Support Grant;
- (k) handle complaints arising from the management of the schemes.

#### **PART IV—MANAGEMENT OF THE SCHEME**

##### **Establishment of the Ward Education Bursary Committee**

8. (1) There is established in every Ward a Ward Education Bursary Committee.

(2) The Ward Education Bursary Committee shall consist of—

- (a) the Ward Administrator;
- (b) the Secretary who shall be an employee of the County in the Department of Education and Vocational Training stationed within the sub county of the respective ward appointed by the Executive Committee Member;
- (c) five persons, a religious leader, a youth, one person living with disability, one person representing a community based organization from the locality and a village elder;
- (d) one representative of the Kenya National Union of Teachers;
- (e) one representative of the Kenya Union of Post Primary Teachers;
- (f) area Member of the County Assembly or his representative who shall be an *ex officio* member.

(3) Members of the Ward Bursary Committee shall elect two persons amongst them to be the Chairperson and Vice-Chairperson.



(4) In making appointments under this Section, the Executive Committee Member shall take into consideration gender and regional balance within the ward.

(5) Persons appointed under subsection (2) (b), (d), (e) and (f) shall hold office for a term of three years and shall be eligible for reappointment for one other term.

### **Functions of Ward Education Bursary Committee**

9. The functions of the Ward Education Bursary Committee shall be—

- (a) to publicize issue, receive, verify, consider and award bursaries to eligible applicants;
- (b) to receive applications for scholarships and the revolving scheme for verification;
- (c) prepare accounts and reports on the management of bursaries and submit to the Chief Officer as and when required;
- (d) to avail scholarship, bursary and revolving fund application forms to applicants; and
- (e) to publish the list of successful applicants on a notice board displayed at the office of the ward administrator, County Website and any other designated public place.

### **Eligibility Criteria for Bursaries**

10. An applicant shall qualify for a bursary if the applicant is—

- (a) a resident of the Ward in which the bursary is applied.
- (b) a needy student;
- (c) admitted, a continuing student or a student with an offer letter for admission to a special school, secondary school, registered tertiary institution or university recognized in Kenya;
- (d) of good academic standing; and
- (e) disciplined according to the latest school or college report.

### **Application and disclosure**

11. (1) Every student wishing to be considered for the grant of bursary shall make an application to the Ward Education Bursary Committee in a form prescribed by the schedule.

(2) The Ward Education Bursary Committee may accept or reject any application for a bursary with reasons.

(3) If the Ward Education Bursary Committee accepts the application, it shall award the bursary provided that the Ward Education Bursary Committee shall submit to the County Education Support Scheme Committee through the Chief Officer the list of successful applicants for verification before the disbursements.

(4) If the Ward Education Bursary Committee rejects the application, it shall promptly notify the applicant of such rejection in writing stating the reasons.

(5) The applicant shall make full disclosure to the Ward Education Bursary Committee as to whether he or she has benefitted from the grant or any other bursary scheme.

(6) Where an applicant is granted a bursary on the basis of false, incorrect information or misrepresentation, the applicant shall—

(a) refund the money awarded to the Scheme; and

(b) not be eligible for any other funding from the Scheme.

(7) Where the Ward Education Bursary Committee becomes aware of the circumstances stipulated under sub-sections (5) and (6) before the applicant has utilized the funds awarded, the Committee shall issue a notice of cancellation of the award to the school or institution where the money was paid and may—

(a) instruct the relevant school or institution to refund the money to the Scheme; or

(b) in consultation with the County Education Support Scheme Committee re-allocate the funds to another eligible applicant who had missed out.

(8) In awarding the bursaries the Ward Education Bursary Committee shall take into consideration regional balance, gender and people living with disabilities.

### **Regulations for the Ward bursary scheme**

12. The Executive Committee Member in consultation with the County Education Support Scheme Committee shall establish the regulations that will guide the award and disbursement of funds under the ward bursary scheme.

### **Establishment of the County Scholarship Scheme**

13. (1) There is established a scholarship scheme to be managed by the County Education Support Scheme Committee.

(2) All applications for scholarships shall be made to the County Education Support Scheme Committee in a prescribed form.

(3) The award of scholarship may be full covering both tuition fees and living expenses or partial covering tuition fees only.

(4) An award of a scholarship shall cover the entire period of study by the applicant.

(5) The award for scholarship shall be discretionary and subject to availability of funds.

(6) The list of successful applicants shall be posted on the County website, the Ward Administrator's Notice board and any other designated public place.

(7) In awarding the scholarships the County Education Support Scheme Committee shall take into consideration gender, people living with disabilities and regional balance within the County.

#### **Eligibility for the award of Scholarship**

**14.** (1) An applicant shall qualify for a scholarship if the applicant is—

- (a) a resident of the county as per the applicant's or parents national identity card and further consideration;
- (b) highly talented or has exhibited outstanding excellence in their area of specialty;
- (c) admitted, a continuing student or a student with an offer letter for admission to a special school, secondary school, tertiary institution or a recognized university within Kenya or abroad;
- (d) disciplined according to the latest school or college report.

(2) An applicant for a scholarship shall present a duly filled application form to the County Education Support Scheme Committee with relevant attachments.

#### **Discontinuation of the Scholarship Programme**

**15.** The County Education Support Scheme Committee shall discontinue a beneficiary from the scholarship scheme if—

- (a) the award was obtained through fraud, false information, misrepresentation or non-disclosure of a material fact;
- (b) the beneficiary ceases to be a student.

- (c) the beneficiary is granted a scholarship support from any other source after the beneficiary has been admitted to the scholarship scheme;
- (d) the beneficiary changes the course of study or defers his or her studies without clearance from the County Education Support Scheme Committee;
- (e) the beneficiary displays unsatisfactory performance.

#### **Establishment of regulations for the award of scholarship**

16. The Executive Committee Member shall establish the regulations that will guide the scholarship scheme programme.

#### **Establishment of County Education Revolving Scheme**

17. (1) There is established a County Education Revolving Scheme to be managed by the Busia County Education Support Committee and the Higher Education Loans Board through a service contract agreement approved by the County Assembly and jointly signed by the County Government of Busia and the Higher Education Loans Board.

(2) All the funds that shall be committed to the County Education Revolving Scheme shall be managed, disbursed and paid back by the beneficiaries as per the signed service contract and the criteria set by the Busia County Education Support Committee and the Higher Education Loans Board.

(3) All applications for the Education Revolving Fund shall be submitted and processed as per the service contract.

(4) The Executive Committee Member shall make rules and regulations for implementation of the Education Revolving Scheme in line with the service agreement between the service provider and the county government.

#### **Establishment of subsidized vocational training tuition Scheme**

18. (1) There is established a vocational training support grant scheme.

(2) The Executive Committee Member shall establish the regulations that will guide the management of the vocational training support grant.

### **PART V—MISCELLANEOUS**

#### **Continuity**

19. Any memorandum of understanding, agreement or any other arrangement that may have been entered into between the county and any

other agency or body regarding the Education Support Scheme shall continue in force subject to this Act.

### **Appeals and reviews**

20. (1) Any applicant aggrieved by the decision of the Ward Education Bursary Committee on the award of bursary may appeal to the County Education Support Scheme Committee within 14 days from the date of publication of the list of successful applicants on the notice board displayed at the office of the Ward Administrator.

(2) Any applicant aggrieved by the decision of the County Education Support Scheme Committee on the award of a scholarship or subsidized county polytechnic tuition disbursement may request for a review of its decision.

### **Allowances of the committee members**

21. Members of the two committees shall be paid such allowances as may be determined by the Chief Officer in consultation with the County Public Service Board.

### **Rules and Procedure**

22. (1) The County Education Scheme Committee and Ward Education Bursary Committee shall regulate and make their own rules of procedure.

(2) The Ward Education Bursary Committee shall hold not more than six meetings in a financial year.

(3) The County Education Scheme Committee shall hold not more than twelve meetings in a financial year.

(4) To transact any business two thirds of the members of each of the Committees must be present.

### **Removal from office**

23. A member of the County Education Scheme Committee or Ward Education Bursary Committee shall be removed from the committee—

- (a) for gross misconduct;
- (b) violation of the Constitution or any other law;
- (c) mental or physical infirmity;
- (d) on being declared bankrupt by a court of law;
- (e) upon death;

- (f) upon missing three consecutive Committee meetings without an apology;
- (g) upon resignation.

### **Oversight**

24. In the principle of separation of powers, the County Assembly shall have overall oversight over the scheme.

### **Offences**

25. (1) Any student who when filling an application form, or when called upon by the Committee, knowingly gives false information either orally or in writing shall be guilty of an offence and shall be liable, upon conviction to a fine not exceeding 50,000/= shillings or to imprisonment for a term not exceeding two years.

(2) Any person having possession of, or control over, or access to any documents, information or forms relating to a matter concerning the administration of this Act and who communicates anything contained therein to any person other than a person to whom he is authorized by the Committee to communicate it; or otherwise than for the purposes of this Act commits an offence and shall be liable, upon conviction to a fine not exceeding 500,000/= shillings or to imprisonment for a term not exceeding three years.

(3) Any Officer, who while in the course of discharge of his or her duties under this Act, conducts himself in a manner that displays any form of favoritism or nepotism commits an offence and shall be liable, upon conviction to a fine not exceeding 500,000/= shillings or to imprisonment for a term not exceeding three years.

### **Winding up of the scheme**

26. The Executive Committee Member may wind up any of the Schemes under this Act with the approval of the County Assembly and upon winding up—

- (a) the administrator of the Scheme shall pay any amount remaining in the Scheme into the County Exchequer Account;
- (b) the Executive Committee Member shall with approval of the County Assembly pay any deficit in the Scheme from the County Exchequer Account;
- (c) all assets of the Scheme will be absorbed into the County.

**SCHEDULE**

**[section 11(1)]**

**BURSARY APPLICATION FORM**

WARD \_\_\_\_\_ SUB-LOCATION \_\_\_\_\_ VILLAGE/ESTATE \_\_\_\_\_

**INSTRUCTIONS/GUIDELINES**

- This form is given FREE OF CHARGE by the County Government of Busia
- The information provided in this form is intended to help the Ward Bursary Committees to understand applicant’s academic and financial position for the purpose of the Bursary Scheme.
- This form must be filled accurately and completely in capital letters.
- On being called for interviews the applicants must bring the originals of all documents attached.
- All incomplete or inaccurately filled forms will be automatically rejected.
- Copies of ALL DOCUMENTS required must be provided by the applicant. Any application without relevant documents will be rejected.
- Canvassing will lead to automatic disqualification.
- The completion and submission of this form is not a guarantee for bursary.
- Any false statements, omissions or forged documents will lead to automatic disqualification.
- The County Government of Busia reserves the right to make the final determination of Bursary beneficiaries

**PART A—APPLICANT’S PERSONAL DETAILS**

1. Full Name of the Applicant:  
First.....middle.....surname.....
2. Gender: Male ( ) Female ( ) Date of Birth ---- - / - - - - / - - - -
3. Birth Certificate No. -----
4. Postal Address -----
5. Tel/Mobile Number-----
6. Did you receive the county bursary in the previous year?  
No  Yes   
If yes, how much? KSh.

7. Full name of institution.....

8. Admission Number.....

**Please provide Documentation.**

**(ATTACH REPORT FORM FOR THE LAST TERM)**

Current Fees Balance Ksh. ....

Account Name .....

School or College A/C No.....

Bank .....

Branch .....

I declare that to the best of my knowledge the above information is true.

.....  
Name signature Date & School Rubber Stamp

**PARENTS/ GUARDIAN INFORMATION**

Father's/ Guardian's name.....ID No.....(attach copy)

Living  Deceased  if deceased please attach copy of death/ burial certificate)

Occupation/ Profession.....Monthly income.....

Mother's/ Guardian's name.....ID No.....(attach copy)

Living  Deceased  (if deceased attach copy of death/burial certificate)

Occupation/ Profession.....Monthly income.....

**PART D—DECLARATION**

**1. STUDENT'S DECLARATION**

I declare that to the best of my knowledge the information given herein is true.

Student's Signature.....Date.....

**2. PARENT' S/ GUARDIAN'S DECLARATION**

I declare that I have read this form/ this form has been read to me and I confirm that the information given herein is true to the best of my knowledge.

Parent's/ Guardian's Name



Parent's / Guardian's Signature.....Date.....

SKETCH A DIRECTION MAP TO THE HOME FROM THE NEAREST LANDMARK

**PART E—FOR OFFICIAL USE ONLY (WARD BURSARY COMMITTEE)**

SCORE:

BURSARY APPROVED  BURSARY NOT APPROVED

Comments.....  
.....

Bursary awarded KSh.

Amount in words.....

**CHAIRMAIN:**

Name.....Signature.....

Date.....

**SECRETARY:**

Name.....Signature.....

Date.....

Official Stamp.....

