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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI
THE NYERI COUNTY EMERGENCY FUND ACT, 2015

AN ACT of the County Assembly of Nyeri to provide for establishment and effective operation of the Nyeri County Emergency Fund and for connected purposes

ENACTED by the County Assembly of Nyeri, as follows—

PART I—PRELIMINARY

1 This Act may be cited as the Nyeri County Emergency Fund Act, 2015

2 In this Act, unless the context otherwise requires—

“Appropriation” means funds provided for supply of services,

“Committee” means the Nyeri County Executive Committee,

“County” means the County Government of Nyeri,

“County Assembly” means the County Assembly of Nyeri,

“financial year” means the period of twelve months ending on the thirtieth day of June in each year,

“Fund” means the County Emergency Fund established under Section 3 of this Act,

“the County Executive Member” means the County Executive Member responsible for Finance

PART II—ESTABLISHMENT OF THE FUND

3 There is established a Fund to be known as the Nyeri County Emergency Fund and it shall come into operation after gazettement

4 The object and 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

5 (1) The capital of the Fund shall consist of—

(a) the initial capital of twenty million shillings paid out of the vote of the Department of Finance and
Economic Planning for the 2014/2015 financial year,

(b) Such monies as shall be appropriated to the fund by the County Assembly, and,

(c) Such interests as shall from time to time accrue from the capital,

(d) Grants and donations made into the fund

PART III—ADMINISTRATION OF THE FUND

6 Pursuant to section 111 of the Public Finance Management Act, the County Executive Member shall with the approval of the County Assembly administer the Fund

7 (1) The County Executive Member may with the approval of the County Executive Committee, make payments from the Fund only if satisfied that—

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

(b) it is for the public interest, and

(c) an event has caused 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 purpose of subsection (1), there is an urgent and unforeseen event for expenditure if the County Executive Member establishes that—

(a) payment not budgeted for cannot be delayed until the next financial year without harming the general public interest,

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

(c) the damage caused by the event is on a small scale and limited to the County

(3) For the purposes of subsection (1) the unforeseen event is one which—

(a) threatens damage to human life or welfare, or

(b) threatens damage to the environment