SPECIAL ISSUE

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BOMET COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

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PUBLISHED BY THE AUTHORITY OF THE COUNTY GOVERNMENT OF BOMET
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A Bill for

AN ACT of the County Assembly of Bomet to provide for the establishment and administration of the Old Persons Fund; the Education Fund and the Compassionate Fund; and for related purposes.

ENACTED by the County Assembly of Bomet as follows—

PART 1—PRELIMINARY

1. This Act may be cited as the Bomet County Support for the Needy Act, 2014 and shall come into operation upon assent.

2. In this Act, unless the context otherwise requires—

   “congenital disorder” means a condition existing at birth or that develops during the first month of life regardless of causation;

   “Executive Committee Member” means the member of the county executive committee for the time being responsible for education, Social Services, health as the case may be;

   “Fund” means the funds established under sections 3, 7 and 12 respectively;

   “old person” means a person who has attained the age of seventy-five years and above or such other age as may be prescribed;

   “person with disability” means a person whose disability renders the person unable to undertake his or her day to day activity in a manner that can enable him or her support himself or herself and as may be determined by a recognised medical practitioner;

PART II—OLD PERSONS AND PERSONS WITH DISABILITY FUND

3. There is established a Fund to be known as the Bomet County Old Persons and Persons with Disability Fund.

4. The purpose of the fund is to—
(a) provide stipend to the old persons and for persons with disabilities in accordance with the criteria established under this Act;
(b) pay for National Health Insurance Fund for use by the old persons in accordance with the criteria established under this Act;
(c) support persons with disability in accordance with the prescribed criteria; and
(d) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

**PART III – BURSARY FUND**

5. There is established a Fund to be known as the Bomet County Bursary Fund.

6. The purpose of the fund is to—

(a) enhance access to education;
(b) promote and increase enrolment, retention, completion and transition rates in schools;
(c) improve education standards and literacy levels; and
(d) assist the poor but bright students access quality education; and
(e) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

**PART IV – COMPASSIONATE FUND**

7. There is established a Fund to be known as the Bomet County Compassionate Fund.

8. The purpose of the fund is to—
Sources of the funds.

(a) support medical expenses to children born with congenital disorders, from poor families; and
(b) meet the expenditure that may be incurred in administering this fund:

   provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

PART V — MISCELLANEOUS PROVISIONS

9. The sources of the established Funds shall be—

   (a) monies as shall be appropriated yearly by the county assembly;
   (b) such sums as may be received as contributions, gifts or grants from any lawful source; and
   (c) any monies earned from interest or arising from any approved investment of the Funds.

10. (1) The Executive Committee member responsible shall prescribe the criteria for funding which shall be approved by the Executive Committee.

   (2) The criteria may be varied from time to time to take into consideration the changing circumstance of the purpose of the fund.

   (3) Each year, the Executive Committee member responsible shall prepare a list of beneficiaries from the applicants received and developed in accordance with the prescribed criteria.

   (4) The Executive Committee member responsible shall table the list of beneficiaries before the executive committee for approval and authorization before funds are disbursed.

11. (1) The County Executive Committee Member for finance shall designate the accounting officer for the department responsible to be the administrator of the Fund.

   (2) The duties of the administrator are to —

      (a) supervise and control the administration of the Fund;
      (b) be the accounting officer of the Fund;
(c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;

(e) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;

(f) prepare, sign and transmit to the Auditor-General, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Finance Management Act, 2012, and in such details as the County Treasury may, from time to time, direct;

(g) furnish such additional information as may be required for examination and audit by the Auditor-General, or under any law;

(3) All monies received by the Funds shall be maintained in a separate bank account in the respective names opened with the approval of County Treasury and administered in accordance with the provisions of the Public Finance Management Act, 2012.

(4) The balance of the Fund at the close of each financial year shall be retained in the Fund for purposes for which the Fund is established.

12. (1) The Executive Member responsible shall keep and maintain the register of the needy persons.

(2) The persons who wish to be considered from the fund shall make an application in the prescribed manner in accordance with the prescribed criteria.

13. A person who submits false information for purposes of registration in accordance with this Act, shall, on conviction, be liable to a fine of one hundred thousand shillings or to a term of imprisonment of one year or to both such fine and imprisonment.
14. Any Fund lawfully disbursed for the purpose of supporting the needy prior to the coming into force of this Act shall be deemed to have been disbursed in accordance with this Act.

15. (1) The Executive Committee member responsible for the fund may make regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

(a) provide for the criteria and scope of the fund;
(b) prescribe additional guidelines regarding fund;
(c) prescribe the relevant forms;
(d) providing for the registration and the procedure for registration;
(e) provide for the amount and manner of disbursement; and
(f) any other matter that is necessary for the implementation of the fund.

MEMORANDUM OF OBJECTS AND REASONS

The main purpose of this Bill is to provide for a manner in which the county may provide support for the needy.

PART I deals with preliminary matters and interpretations containing the definitions of words used in the Bill.

PART II, III and IV provides for the establishment and purpose of the various funds under the Act.

PART IV deals with miscellaneous provisions.

Clause 9 deals with sources of the funds.
Clause 10 provides for the criteria for funding.

Clause 11 provides for the capitalization and administration of the fund. It also provides for the duties of the administrator of the fund. Clause 12 deals with the registration requirement.

Clause 14 provides for savings for funds disbursed prior to the coming into force of this Act. Clause 15 gives the Executive Committee members responsible to make regulations for giving effect to the provisions of this Act.

Dated the 13th day of June, 2014.

Josephat Kirui,
Leader of the Majority