REPUBLIC OF KENYA

LAMU COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 6th May, 2014

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THE LAMU COUNTY BURSARIES AND SCHOLARSHIPS BILL, 2014

A Bill for

A Bill of Lamu County Assembly to provide for the establishment of a Fund to be used to assist students to obtain education at recognized institutions and for matters incidental thereto and connected therewith

ENACTED by the County Assembly of Lamu as follows—

PART I-PRELIMINARY

1. This Bill may be cited as the Lamu County Bursaries and Scholarships Bill, 2014

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

"Board" means the Bursaries and Scholarships Management Board established under section 5 of this Bill;

"Committee" means Ward Bursaries and Scholarships Committee established under section 11 of this Bill;

"Education" means primary, secondary and tertiary education and university education;

"Finance Executive Committee Member" means County Executive Committee Member in charge of Finance

"Education Executive Committee Member", means County Executive Committee Member in charge of Education.

"Fund" means Bursaries and Scholarships Fund established by section 3 of this Bill;

"Secretary" means Secretary to the Board appointed under section 6 of the Bill;

"Student" means any student who is domiciled in Lamu County and/or who is of Lamu County Origin and admitted to a recognised educational institution.

PART II-ESTABLISHMENT AND ADMINISTRATION OF THE FUND

3. (1) There is hereby established a Fund to be known as the Bursaries-and Scholarships Fund which shall be managed and administered by the Board.
(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries and scholarships to assist students in secondary schools, colleges and universities to pursue education at such recognized institutions and to fund other educational activities to improve performance in the education sector.

4. (1) The sources of funds for the Fund shall consists of—

(a) sums of money which may from time to time be voted by County Assembly for that purpose; and

(b) any gifts, donations, grants and endowments made to the Fund.

(2) There shall be paid out of the Fund any lawful expenditure approved by the Board and incurred in connection with the administration of the Fund.

(3) An organisation or individual may contribute to the Fund.

(4) The unspent amounts in the Fund shall not lapse at the end of the financial year and shall be added to the fund of the current year and be available for allocation in the next financial year.

PART III-ESTABLISHMENT AND FUNCTIONS OF THE BOARD

5. (1) There is hereby established a Board to be known as the Bursaries and Scholarships Management 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 contracts;

(d) borrowing and lending money; and

(e) doing or performing all such other things or acts necessary for the proper performance of its
functions under this Bill, and which may lawfully be done or performed by a body corporate.

6. (1) The Board shall consist of the following persons appointed by the Governor—

(a) Chairman,

(b) Five members, of which THREE shall be Members of the County Assembly;

(c) Secretary,

(2) The members of the Board other than the Secretary shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(3) The office of a member of the Board other than the Secretary, shall fall vacant—

(a) if he submits his resignation in writing under his hand to the Governor through the Secretary;

(b) if the Board is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;

(c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Board;

(d) if he is found to have been in contravention of Chapter Six of the Constitution of Kenya; or

(e) upon his death.

(4) Where the office of a member becomes vacant under subsection (3), the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

7. (1) The Secretary shall be the Chief Executive of the Board and shall be responsible for the management of the day-to-day activities of the Board.

(2) The Secretary shall hold office for five years and shall be eligible for re-appointment.

(3) The Secretary shall be the head of the Secretariat and shall be responsible to the Board in ensuring that the
Secretariat satisfactorily carries out duties and performs functions assigned to it by the Board.

(4) The Secretary shall be an *ex officio* member of the Board and shall have no right to vote at the meetings of the Board.

8. The functions of the Board shall be -

(a) to formulate sound policies for regulating the management of the Fund;

(b) to raise and solicit for funds and other assistance to promote the functions of the Board;

(c) to set the criteria and conditions governing the granting of bursaries and scholarships;

(d) to receive any gifts, donations, grants or endowments made to the Board, and to make legitimate disbursements therefrom;

(e) to establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Board may consider appropriate for the furtherance of the purposes for which the Board is established;

(f) to grant bursaries and scholarships to eligible students upon recommendation of the Committee;

(g) to consider appeals from the Committee;

(h) give annual reports and activities of the Board and the Committee, to the Education Executive Committee Member.

(i) to organise payments to beneficiaries institutions and receive receipts from the institutions; and

(j) to perform and exercise all other functions and powers conferred on the Board by this Bill.

9. (1) The Chairman shall preside at all the meetings of the Board unless he is absent from a particular meeting in which case the members present shall elect one of themselves to preside at that particular meeting or part thereof.

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

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

(4) The Chairman shall, in case of equality of votes, have an original and a casting vote.

(5) The Secretary shall cause minutes and proceedings of all the Board's meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Bill, the Board shall regulate its own proceedings.

10. The Board may delegate to the Committee, any of its member, officer, employee or agent such of its powers and duties as it may deem necessary.

PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD BURSARIES AND SCHOLARSHIP COMMITTEES

11. There is established Ward Bursaries and Scholarships Committee in each Ward

12. (1) The Committee shall consist of—

(a) The elected Ward Member of County Assembly who shall be the Patron of the Committee.

(b) Ward Administrator who shall be the Chairman;

(c) Ward Coordinator who shall be the Secretary;

(d) Two person representing religious community;

(e) One person representing the Youth;

(f) One person representing women;

(g) One person representing the Lamu Sub-County Education Board

(2) The Ward Coordinator shall be an appointee of the elected Ward Member and who shall be nominated by the elected Ward Member and then forwarded to the Governor for formal appointment.

(3) The other Members of this Committee shall be appointed by the Governor
(4) The members of the Committee other than the Patron shall hold office for a period of three consecutive years and may be eligible for re-appointment.

(5) The office of a member of the Committee other than the office of the Patron shall fall vacant—

(a) if he submits his resignation in writing under his hand to the Governor through the Secretary;

(b) if the Committee is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;

(c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Committee;

(d) if he is found to have been in contravention of Chapter Six of the Constitution of Kenya; or

(e) upon his death.

(6) Where a position becomes vacant under subsection (5) before the expiry of the period, the Ward Coordinator shall forthwith notify the vacancy to the appointing authority for appropriate action.

13. (1) The Ward Coordinator shall be the Administrator of the Committee, and shall be responsible for the management of the day-to-day activities of the Committee.

(2) The Ward Coordinator shall hold office for three years and shall be eligible for re-appointment.

(4) The Ward Coordinator shall be an ex officio member of the Committee and shall have no right to vote at the meetings of the Committee.

14. The functions of the Committee shall be -

(a) to receive and consider bursary and Scholarships applications;

(b) to recommend to the board the grant and award of Bursaries and Scholarships to eligible students;

(c) to conduct research and maintain data on the eligibility of students for bursaries and scholarships;
(d) to monitor the academic performance of bursary recipients; and

(e) to perform and exercise all other functions and powers conferred on the Committee by this Bill.

15. (1) The Chairman shall preside at all the meetings of the Committee unless he is absent from a particular meeting in which case the members present shall elect one of themselves to preside at that particular meeting or part thereof.

(2) The Committee shall meet at least, three times per year but the Chairman shall, upon requisition in writing by at least five 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.

(4) The Chairman shall, in case of equality of votes, have an original and a casting vote.

(5) The Ward Co-ordinator shall cause minutes and proceedings of all the Committee’s meetings to be entered into the Minute-Book kept for that purpose.

(6) Subject to this Bill, the Committee shall regulate its own proceedings.

PART V-APPLICATION FOR BURSARIES AND SCHOLARSHIPS

16. (1) Every student wishing to be considered for the grant of bursary or scholarship shall make an application to the Committee in a prescribed form.

(2) The Committee may accept or reject any application for a bursary or scholarship.

(3) If the Committee accepts the application, it shall recommend to the Board to grant bursary or scholarship to the eligible student.

(4) If the Committee rejects the application, it shall notify the applicant of such rejection in writing and the reasons thereof.

17. Any applicant aggrieved by the decision of the Committee may appeal to the Board within thirty days of the Committee’s decision.
PART VI- ADMINISTRATION AND FINANCE

18. (1) The Board with the approval of the Finance Committee Member may contract such staff as are necessary for the proper management of the Fund and discharge of its functions under this Bill, upon such terms and conditions of service as it may determine.

(2) The principal management structure of the Board shall be established or varied by the Board with the approval of the Governor.

19. (1) A bank account of the Fund shall be opened and maintained at a Commercial Bank approved by the Finance Executive Committee Member.

(2) The signatories to the account of the fund maintained in accordance with section (1) shall be the Board Chairman, secretary and two other persons appointed by the Finance Executive Committee Member.

(3) The signing instructions shall be such that the signature of the Secretary shall be mandatory on all payment cheques and / or instruments intended for actual release of money from the fund, plus any two of the other three signatories.

20. (1) the Board shall submit to the Finance Executive Committee Member an estimate of its income and expenditure as specified in the budget cycle for approval.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Board and the committees for the financial year and shall provide for -

(a) the grant of bursaries and scholarships to eligible students;

(b) the cost of meetings and allowances for the Committees and the Board NOT exceeding 5% of the fund.

(3) Except with the approval of the Finance Executive Committee Member, no expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (2).

21. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets audits and liabilities of the Fund and other statements
of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board.

(2) The Finance Executive Committee Member shall lay audited report of accounts of the Board before the County Assembly at the end of each financial year.

PART VII-MISCELLANEOUS

22. The Board may undertake such other activities including sponsoring common examinations in the County.

23. The Board may make regulations for the smooth running of the Fund and such regulations shall be approved by the County Assembly before implementation.

24. Secondary school and college students will be given bursaries and scholarships and will NOT be required to pay back.

25. The committee shall NOT recommend a bursary or scholarship for a course lasting THREE MONTHS or less.

26. The Committee shall recommend a scholarship for University a student that is NOT MORE than HALF of the tuition fees for that year.

27. The Committee shall recommend NOT LESS THAN A HALF of the full fees to the secondary school and college student in ANY given year.

28. A student shall cease to benefit from the bursary and/or scholarship if:-

(i) the performance deteriorates

(ii) completes the course s/he is taking

(iii) s/he drops out of school because of ANY reason such indiscipline e.t.c.

29. Beneficiaries of University scholarship shall be required to pay back the loan upon completion of the course and having secured a salaried employment.
MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Bill is to provide for legislative framework for the management of Lamu County Bursaries and Scholarships Fund to assist needy students from the County.

Part I of the Bill provides for preliminary matters including citation and definitions of the words used in the Bill.

Part II of the Bill provides for the Establishment of the Bursaries and Scholarships Fund.

Part III provides for the Establishment and Functions of the Bursaries and Scholarships Management Board.

Part IV of the Bill provides for the Establishment and Functions of the Ward Bursary and Scholarships Committees.

Part V makes provisions for application for Bursaries and Scholarships.

Part VI sets out the administrative and finance aspect of the Fund.

Part VII is miscellaneous.

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

Dated 7th April, 2014.

OMAR LALI,
Chairman, Budget and Appropriation Committee.