KENYA GAZETTE SUPPLEMENT

NAKURU COUNTY BILLS, 2019

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The Nakuru County Bursary Fund Bill 2019

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SCHEDULES
THE NAKURU COUNTY BURSARY FUND BILL, 2019

A Bill for

AN ACT of the County Assembly of Nakuru to provide for the establishment, management and administration of the Nakuru County Bursary Fund, and for connected purposes

ENACTED by the County Assembly of Nakuru as follows—

PART I—PRELIMINARY

Short title and Commencement

1  This Act may be cited as the Nakuru County Bursary Fund Act and shall come into operation on the date of publication in the Kenya Gazette

Interpretation

2  In this Act, unless the context otherwise requires—

"beneficiary" means a person who receives money from the Nakuru County Bursary Fund to pay for studies at a recognized educational institution,

"bursary" means an amount of money/ awarded to a student to pay for studies at a recognized educational institution of learning,

"bursaries committee" means the County Bursaries Committee established under section 5,

"chief officer" means the Chief Officer for the time being responsible for matters related to finance appointed as per section 45 of the County Governments Act 2012,

"county" means the Nakuru County,

"county public service board" means the Nakuru County Public Service Board established under section 57 of the County Government Act,

"committee member" means the County Executive Committee Member for the time being responsible for matters related to Education,

"disabled child" means a child suffering from a physical or mental handicap which necessitates special care for the child,

"fund" means the Nakuru County Bursaries Fund established under section 4,

"marginalized communities" has the meaning assigned to it under Article 260 of the Constitution,
“needy student” means a student who is destitute and is unable to pay for studies at a recognized educational institution of learning,

“patron” means the patron of the Ward Committee

“ward committee” means the Ward Bursary Committee —

Conflict of laws

3 If there is a conflict between this law and any other law of Nakuru County Assembly as relates to matters of bursary this law shall prevail

Object and Purposes

4 The object and purpose of the Act is to provide for—

(a) the establishment of a Fund to provide bursaries to financially disadvantaged or needy students in the County, including persons with disabilities, who deserve support to pursue their education in recognized schools and educational institutions,

(b) providing education grants or bursaries to eligible students enrolled in secondary schools special primary schools, universities, colleges and polytechnics,

(c) to establish procedures and guidelines for efficient verifiable allocation and disbursement of the Funds and other related scholarships by the County Government of Nakuru,

(d) provide for the procedure for application of, and requirements for access to the Fund,

(e) to ensure equitable distribution of the Bursary Fund,

(f) to foster, promote and advance the right to Education pursuant to Article 43(1)(f) of the Constitution,

(g) to reduce disparities and inequality in the provision of education,

(h) promote and increase enrollment retention, completion and transition rates in schools, and

(i) improve education standards and literacy levels, and reduce poverty and inequality
Guiding Principles

5 In awarding bursary, the Board and the Committee shall be guided by the following principles—

(a) fairness in allocating the bursary and other related scholarships,
(b) equitable distribution of allocation of funds to all parts of the ward,
(c) inclusivity and non-discrimination in ensuring that all residents are included in the process
(d) public participation of the people in implementation of the Fund,
(e) accountability, and transparency, and
(f) efficiency in funds disbursement

Application of the Act

6 This act will apply in respect to—

(a) disbursement of County Government bursary and fees support, and
(b) management of all Education sponsorship channeled through the County Government

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE NAKURU COUNTY BURSARIES FUND

Establishment of the Fund

7 (1) There is established the Nakuru County Bursaries Fund
(2) The Fund shall be a body corporate with perpetual succession and a common seal and may, in its corporate name—

(a) sue and be sued
(b) take purchase or otherwise acquire hold, charge or dispose of movable and immovable property, and
(c) do or perform all other things or acts that may be lawfully done or performed by a body corporate for the proper discharge of its functions under this Act

Establishment of the Bursaries Committee

8 (1) The management of the Fund shall vest in the Nakuru County Bursary Committee consisting of—

(a) a Chief Executive Officer appointed by the County Public Service Board through a competitive process with the approval of the County Assembly, who shall be the secretary to the Board,
(b) the County Executive Committee Member for the time being responsible for matters relating to education or in the absence of a designated alternate not being below the level of County Executive Committee Member, as an *ex-officio* member,

(c) the County Chief Officer in charge of finance and economic planning, who shall be an *ex officio* member and secretary to the Committee or in the absence of a designated alternate, not being below the level of Director of Budget in the County,

(d) two persons representing civil society organizations dealing with matters relating to education in the County,

(e) one person representing recognized schools and educational institutions in the County,

(f) one person representing the youth within the County nominated by a joint forum of youth organizations in the County,

(g) one representative from persons with disabilities,

(h) one representative from marginalized communities, and

(i) two representatives from religious bodies

(2) The members referred to under paragraphs (1) (e) to (j) shall be nominated by the relevant societies or organizations as hereunder—

(a) the relevant societies or organizations shall each submit names and curriculum vitae of four nominees, and out of the names submitted County Executive Member responsible for education and shall take into account ward representation, and at least a third of the appointees to be from either gender, and

(b) the appointment of the members referred to under paragraphs (1) (f) to (k) shall be subjected to open fair and competitive process by the the relevant societies or organizations

Appointment of Chairperson

9 (1) The Bursaries Committee in its first sitting shall elect a Chairperson who shall serve for a non-renewable term of three years

(2) The Chairperson and the members referred to under subsection (1) other than *ex-officio* members shall, subject to the provisions of this Act, hold office for a period of five years, on such terms and conditions as may be specified in the instrument of appointment and shall not be eligible for re-appointment

(3) A person shall be qualified for appointment as chairperson or a member appointed under subsection (1) if the person—
(a) is a Kenyan citizen and resides within the County,
(b) has a university degree in finance, accounting, economics, community development, law or a related field from a recognized university,
(c) has at least five years' working experience in the relevant field,
(d) meets the requirements of Chapter Six of the Constitution and
(e) has had a distinguished career in their respective fields

(4) A person shall not be qualified for appointment as the Chairperson or a member of the Board if such person—
(a) is a member of Parliament or a County Assembly
(b) is a member of a local authority
(c) is an undischarged bankrupt, or
(d) has been removed from office for contravening the provisions of the Constitution or any other written law

(5) Pursuant to section 116 (2) of the Public Fund Finance Management Act, there shall be the Chief Executive Officer competitively recruited in accordance with section 6(1) of this act

Qualification and Appointment of Chief Executive Officer

10 A person is qualified for appointment as the Chief Executive Officer if that person—
(a) holds a degree in finance, accounting, economics, community development, law or a related field from a university recognized in Kenya,
(b) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof
(c) has at least ten years working experience in the relevant field
(d) has served in a senior management position for minimum period of five years and
(e) meets the requirements of Chapter Six of the Constitution

Chief Executive Officer the Bursaries Committee

11 (1) A person shall not be qualified for appointment as the Chief Executive Officer if such person—
(a) is convicted of a criminal offence and sentenced to imprisonment by a court of competent jurisdiction for a period exceeding six months without the option of a fine,
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(b) is a member of a governing body of a political party,
(c) is currently disqualified under any written law to hold office of director in a public company, corporation or similar organization,
(d) has been removed from public office for contravention of the provisions of the Constitution or any other written law,
(e) is adjudged bankrupt or enters into a composition or arrangement with his creditors, or
(f) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof, and
(g) is disqualified under any other written law, or his holding office as such is deemed by the Authority as being, in any way, detrimental to the scheme.

(2) The Chief Executive Officer shall be—
(a) head of the Fund,
(b) the Secretary to the Board,
(c) responsible to the Board for the day to day organization, control and management of the staff of the Board,
(d) responsible for maintaining accurate financial records relating to the Fund, and
(e) shall be responsible to the Bursaries Committee in the performance of his or her functions and the discharge of duties and responsible for implementing the decisions of the Board.

(3) The Chief Executive Officer shall serve for a period of five years and shall be eligible for appointment for one further term.

 FUNCTIONS OF THE BURSARIES COMMITTEE

12 The functions of the Nakuru County Bursaries Committee shall be to—
(a) formulate policies for the efficient management of the Fund
(b) set the procedure criteria and conditions for granting of bursaries,
(c) ensure timely and efficient disbursement of Funds to every ward
(d) review allocations to ensure support offered is adequate and sufficient,
(e) distribute the bursary funds among the wards in the County,
(f) approve disbursement of bursaries to final list of awarded students
(g) monitor allocations of bursaries to ensure needy students benefit
(h) maintain an updated database of all applicants and beneficiaries of the fund,
(i) ensure the compilation of proper records returns and reports from the wards,
(j) raise and solicit funds and other assistance for the Fund,
(k) receive gifts donations, grants or endowments made to the Fund and Committee,
(l) consider recommendation of the relevant committees and grant bursaries to eligible students,
(m) periodically produce and share disbursement reports with the governor and the County Assembly every three months, and
(n) ensure publication in the County Notice Boards on the County website and a wide circulating newspaper (County paper) within the County a report consisting of—
   (i) details of the amounts transferred to the Bursary Fund Account
   (ii) details of any interests accrued
   (iii) the dates of submission of applications,
   (iv) the list of all applications submitted to the ward bursary Fund Committee,
   (v) the list of applications rejected and reasons thereof,
   (vi) the list of successful applicants,
   (vii) the institutions of the beneficiaries,
   (viii) the amounts disbursed and date of disbursements,
   (ix) the administrative costs incurred, and
   (x) any other information required by the County Assembly,
(o) consider and decide appeals from Ward Bursary Committees,
(p) to receive and address complaints and disputes in regard to disbursements of funds and take any appropriate action in
consultation with the Ward Bursary Committee, and

(q) perform such other duties assigned by the Executive Committee Member for Finance and Planning with the approval of the County Assembly or by this Act or any other law

Removal from office

13 (1) The Chairperson, Chief Executive Officer or a member of the Bursaries Committee may at any time—

(a) resign from office by notice in writing to the county Executive Member in charge of education,

(b) be removed from office only if the member—

(i) has been absent from three consecutive meetings of the Board without permission

(ii) has violated the Constitution or any other law,

(iii) has committed gross misconduct, whether in the performance of the member's functions or otherwise,

(iv) is convicted of a criminal offence that amounts to a felony under the laws of Kenya or is convicted of an offence involving dishonesty or fraud,

(v) is incapacitated by prolonged physical or mental illness for a period exceeding six months,

(vi) fails to comply with the provisions of this Act relating to disclosure,

(vii) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors

(viii) incompetence or neglect of duty, or

(ix) is otherwise unable or unfit to discharge his functions

Petition for Removal

14 (1) A person desiring the removal of a member, Chairperson or the Chief Executive Officer of the Bursaries Committee under section 9 subsection (2) may present a petition to the County Assembly Committee in the prescribed form under schedule one setting out the alleged facts constituting that ground

(2) The member sought to be removed under subsection (1) shall be given an opportunity to be heard by the County Assembly Committee

(3) The County Assembly Committee shall consider the petition within 60 days and if—

(a) satisfied that the allegations against the member of the
Committee have been substantiated resolve to remove the member from the Committee and communicate the decision to the Committee, the member and the petitioner, within 15 days, or

(b) it finds the allegations against the member of the Committee unsubstantiated, resolve to set aside 'the petition and communicate the decision to the Committee member and the petitioner

(4) Pursuant to subsection (3) (b), the Board member shall cease to hold office immediately but shall have a right of appeal within 14 days to the High court of Kenya

(5) Where the office of Chief Executive Officer, Chairperson or member becomes vacant under subsection (3) (b), the Committee or designated person by the Committee shall forthwith notify the vacancy to the appointing authority for appropriate action

(6) No person whose membership of a Committee has ceased in accordance with section 9(b) shall be eligible for appointment to the Committee thereafter

Filling of Vacancy

15 Whenever the office of Chief Executive Officer, Chairperson and/or a member appointed under section 6 and 7 prematurely falls vacant the vacancy shall be filled in the same manner specified for that office under section 6 and 7 and the person thereby appointed shall serve for the remainder of the term

Meetings of the Bursaries Committee

16 (1) The Bursaries Committee shall hold four (4) ordinary meetings within the financial year, the first meeting being held not less than thirty days before the budget proposals are made for presentation to the County Assembly and subsequent meetings may be held at any time thereafter to approve allocations for bursaries

(2) Notwithstanding the provisions of subparagraph (1), the chairperson—

(i) may convene a special meeting of the Committee if there is a need to do so, or

(ii) shall convene a special meeting upon the request in writing, by at least four members of the Committee but shall not hold more than three extraordinary meetings in one financial year
(3) Unless three quarters of the total members of the Board otherwise agree at least fourteen days written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of business at a meeting of a Board shall be two-thirds of the total number of members of a Board or the number nearest to but not less than two-thirds. Provided that where within half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to the same day in the next week, at the same time and place, or at such time as the members may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be deemed to be a quorum.

(5) The Chairman of a Board shall preside at all meetings of the Board but in the absence of the Chairman the members present shall appoint one of their members to preside at the meeting.

(6) Unless a unanimous decision is reached, a decision on any matter before a Board shall be by a majority of votes of the members present and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

(7) The secretary shall cause the proceedings of the meetings of the Committee to be kept and entered into the Minute-Book kept for that purpose.

(8) Subject to the provisions of this section, The Board shall comply with the code of conduct governing public officers and shall have the powers to regulate its own procedure.

**Common Seal**

17 (1) The common seal of the Board shall be kept in such custody as the Bursaries Committee may direct and shall not be used except on the order of the Bursaries Committee.

(2) The affixing of the common seal of the Bursaries Committee shall be authenticated by the signature of the Chairperson, the Chief Executive Officer and one member nominated by the Bursaries Committee and any document not required by law to be made under seal and all decisions of the Bursaries Committee may be authenticated by the signatures of the Chairperson, the Chief Executive Officer and that member nominated by the Bursaries Committee.

(3) The common seal of the Bursaries Committee when affixed to a document and duly authenticated shall be judicially and officially noticed.
and unless and until the contrary is proved, any necessary order or authorization by the Bursaries Committee under this section shall be presumed to have been duly given.

**Conflict of Interest**

18 (1) Any member of the Bursaries Committee who is likely to be interested, otherwise than as a member of that Committee or who participates or is or may become entitled to participate directly or indirectly, in the profits from any contract or proposed contract or work done or proposed to be done for the Committee or whom the beneficiary is a relative, friend or acquaintance shall on the matter coming before a meeting of the Bursaries Committee for consideration, immediately declare his or her interest therein and shall, unless the meeting otherwise agrees, retire from the meeting and shall in any case not be entitled to vote on the matter.

(2) A member of the Committee shall be considered to have a conflict of interest for the purposes of this Act if he or she acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member or employee of the Bursaries Committee.

(3) Where the Committee becomes aware that a member has a conflict of interest in relation to any matter before it, the Bursaries Committee shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If any member of the Bursaries Committee has a conflict of interest he shall in addition to complying with the other provisions of this section, disclose the conflict that exists to the Bursaries Committee in writing.

(5) Upon the Board becoming aware of any conflict of interest it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the committee and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in subparagraph (e), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Board within thirty days—

(a) the Bursaries Committee shall report to the Executive Member any determination by the Committee that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board and
(b) the annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(7) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(8) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding Kenya Shillings one hundred thousand, or both.

**Staff of the Bursaries Committee**

19 (1) The County Public Service Board may appoint other qualified officers and staff as may be necessary for the proper functioning of the Bursaries Committee and management of the Fund, and upon such terms and conditions as the Bursaries Committee may determine, after consultation with the County Executive Committee Member for Finance.

(2) A management structure of the Bursaries Committee shall be developed, established and where necessary varied by the Committee with the approval of the County Executive Member in charge of Finance.

**Remuneration of Members**

20 (1) The chairperson, Chief Executive Officer and members of the Bursaries Committee, other than the *ex-officio* member, shall be paid such allowances and not other benefits as the County Executive Member for the time being responsible for county public service, shall determine.

**Delegation of Powers**

21 The Bursaries Committee may subject to such terms and conditions as the Board may think fit and by direction in writing delegate any of its powers and duties under this Act to any of the members, officers or the Ward Bursary Committee as it may deem necessary.

**PART III – ESTABLISHMENT AND FUNCTIONS OF WARD BURSARIES COMMITTEE**

**Establishment of Ward Committees**

22 (1) There is established a Ward Bursary Committee in each ward in the County.

(2) The Ward Committee shall consist of—

(a) the Ward Administrator who shall be an *ex-officio* member and the secretary to the committee.

(b) one representative from schools and learning institutions in the
ward, who shall be the secretary to the ward committee

(c) one representative from each village unit within the ward who shall be elected by the residents of the respective village units,

(d) four members representing special interest groups including youth, women, persons with disabilities and marginalized communities within the ward,

(e) two representatives from religious denominations, and

(f) the Ward Office bursary Co-ordinator appointed by the Patron

(3) The members of the committee mentioned in subsection 2 (b-e) shall be elected by the ward residents from among persons with the following qualifications—

(a) have attained O-Level education,

(b) meets the requirements of Chapter Six of the Constitution,

(c) is a resident of the Ward, and

(d) is experienced in community development, education, administration or management and leadership

(4) The Executive Committee Member shall cause a notice to be put in a national newspaper with wide circulation, a local radio station, notices in the respective ward offices, chiefs' offices and other strategic places notifying members of the public of the date, time and venue of the election of the committee

(5) The respective sub-county administrator shall preside over the elections under subsection 3 above

(6) The elected committee members shall hold office for a term of three years and are eligible for re-election for another term

(7) The County Executive Committee Member shall make regulations on the guidelines for nomination and election of the members of the committee

(8) In constituting the ward bursary committee the public shall ensure that no one gender shall exceed two thirds of the membership of the committee

Qualifications of a Ward Bursary Office Co-ordinator

23 A person shall be qualified for appointment as a Ward bursary Office Co-ordinator under sub section (2) (e) if the person—

(a) holds a diploma from a recognized institution of higher learning,

(b) has knowledge and experience of at least two years in matters relating to finance, local development, social work or any other
related field,
(c) meets the requirements of Chapter Six of the Constitution, and
(d) is a resident of the ward

Appointment of Ward Committee Chairperson

24 (1) The Ward Committee in its first sitting shall elect a Chairperson who shall serve for a non-renewable term of one year

(2) A person shall not be elected as a chairperson of the Committee unless the person is a holder of a minimum diploma qualification from a recognized institution

Term of Office

25 The members of the Ward Committee other than the Ward Administrator and Ward Office Co-ordinator shall hold office for a term of three years and shall be eligible for re-appointment for one further term

Functions of the Chairperson

26 The Chairperson of the Ward Committee shall—
(a) act as the spokesperson of the Ward Committee
(b) schedule and convene Ward Committee meetings,
(c) chair committee meetings and in his or her absence a member appointed by the committee in that sitting will chair the meeting
(d) ensure that the agenda of the committee is exhaustively addressed, and
(e) ensure that all members of the committee participate in committee meetings

Functions of the Secretary

27 Secretary of the Ward Bursary Committee

The secretary to the Ward Bursary Committee shall—
(a) receive bursary applications on behalf of the Ward committee,
(b) keep records of the Ward Committee deliberations,
(c) take minutes during the Ward bursary Committee meetings and circulate the same to the members and
(d) advice the members of the Ward Committee on the procedure and practice concerning the bursaries Fund

Vacancy in the Ward Committee
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28. The office of an appointed or elected member of the Ward Committee shall fall vacant if the member—

(a) resigns in writing addressed to the sub-county Administrator through the Secretary,

(b) is by reason of physical or mental infirmity, unable to execute the functions of the office,

(c) is adjudged bankrupt by a competent court of law,

(d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months,

(e) is absent from three consecutive meetings of the Board without a reasonable excuse,

(f) is found to have been in contravention of Chapter Six of the Constitution of Kenya or

(g) dies

Removal from Office

29. (1) A member of the Ward Committee may be removed from office if—

(a) has been absent from three consecutive meetings of the Board without permission,

(b) has violated the Constitution or any other law,

(c) has committed gross misconduct, whether in the performance of the member's functions or otherwise,

(d) is convicted of a criminal offence that amounts to a felony under the laws of Kenya or is convicted of an offence involving dishonesty or fraud

(e) is incapacitated by prolonged physical or mental illness for a period exceeding six months,

(f) fails to comply with the provisions of this Act relating to disclosure,

(g) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors,

(h) incompetence or neglect of duty, or

(i) is otherwise unable or unfit to discharge his functions

Petition

30. (1) A person desiring the removal of a member, of the Ward Committee under subsection (2) may present a petition to the County
Assembly in the prescribed form setting out the alleged facts constituting that ground

(2) The member sought to be removed under subsection (1) shall be given an opportunity to be heard by the County Assembly Committee

(3) The County Assembly Committee shall consider the petition within 60 days and if—

(a) satisfied that the allegations against the member of the Committee have been substantiated, resolve to remove the member from the Committee and communicate the decision to the Committee, the member and the petitioner within 15 days, or

(b) if it finds the allegations against the member of the Committee unsubstantiated, resolve to set aside the petition and communicate the decision to the Committee, member and the petitioner

(4) Pursuant to subsection (3) (b), the Board member shall cease to hold office immediately but shall have a right of appeal within 14 days to the High court of Kenya

(5) Where the office of Chief Executive Officer, Chairperson or member falls vacant under subsection (3) (b), the Chair or designated person by the Chair shall forthwith notify the vacancy to the appointing authority for appropriate action

(6) No person whose membership of a Committee has ceased in accordance with section 9 (b) shall be eligible for appointment to the Committee thereafter

(7) Where the office of a member becomes vacant under subsection (1) the secretary shall forthwith notify the vacancy to the appointing authority for appropriate action

Functions of the Ward Committee

31 The functions of the Ward Committee shall be—

(a) to notify the residents of the respective ward of the amount of allocation awarded to the Ward,

(b) to invite, receive and consider bursary applications in the Ward and make recommendations to the Bursaries Committee for the award of bursaries to eligible students,

(c) to scrutinize and verify all applicants supporting documents submitted by the applicants,

(d) to conduct research and maintain data on the eligibility of students for bursaries,
(e) to monitor the academic performance of the students awarded bursaries

(f) prepare a data base of all the beneficiaries of the Fund in each Ward,

(g) to sensitize the community on procedures for application, time for application and deadlines and qualifications for funding,

(h) to prepare and display separate list of applicants and beneficiaries indicating the amount awarded per beneficiary for public viewing, and

(i) to perform and exercise all other functions and powers conferred on the Committee by this Act or the Bursaries Committee

Patron of the Ward Committee

32 (1) The elected Ward Member of the County Assembly shall be the Patron of the Ward Committee

(2) The Patron of the Ward Committee may attend the meetings of the Committee

Ward Committee Meetings

33 (1) The Ward Committee shall meet once in three months and the Chairperson—

(a) may convene a special meeting of the Ward Committee if there is need to do so, and

(b) shall convene a special meeting upon the request, in writing, by at least four members of the Ward Committee or upon request by at least 30 members of the public

(2) The chairperson shall preside at all the meetings of the Ward Committee, and in his or her absent the members present shall elect one of their number to preside at that meeting

(3) the quorum for the conduct of business at a meeting of a Ward Committee shall be two-thirds of the total number of members of a committee or the number nearest to but not less than two-thirds Provided that where within half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to the same day in the next week, at the same time and place, or at such time as the members may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be deemed to be a quorum

(4) unless a unanimous decision is reached, a decision on any matter before a Board shall be by a majority of votes of the members present and in the case of an equality of votes, the chairman or the person presiding
shall have a casting vote

(5) The secretary shall cause the proceedings of the meetings of the Ward Committee to be kept and entered into the Minute-Book kept for that purpose.

(6) Subject to the provisions of this section, the Ward Committee shall regulate its own procedure.

PART IV—APPLICATION FOR BURSARIES

Application for Bursaries

34 (1) Any student wishing to benefit from the Fund shall make an application to the relevant Ward Committee in a form prescribed under Schedule two of this Act.

(2) The Ward Committee shall ensure that the forms are accessible in at least—

(a) the County Government Office,
(b) the office of the Ward Administrator,
(c) the office of the Member of County Assembly,
(d) the office of the County Officer responsible for education in the Ward,
(e) the office of the Village Administrator, and
(f) the County Government website.

(3) Notwithstanding subsection (2), the Committee may partner or collaborate with education stakeholders such as schools, faith-based organizations or nongovernmental or community-based organizations for provision of the forms to eligible students.

(4) An applicant shall not be charged any fee for accessing the forms provided under this Act.

(5) Duly completed application forms, accompanied by all required attachments, shall be submitted to the secretary of the respective Ward Committee within the stipulated timelines.

(6) The secretary shall record all applications received in the Bursaries Application Register kept by the secretary for that purpose.

(7) The criteria for granting a bursary from the Fund shall be in accordance with this Act and the Executive Committee Member may, by Regulations amend the criteria or prescribe other criteria.

Review of Applications

35 (1) The Committee shall review and consider the applications submitted under section 29 within fourteen days after the expiry of the stipulated date of submission.
(2) Where it accepts any application, the Ward Committee shall recommend to the Bursaries Committee to grant a full or partial bursary to the qualifying student and shall notify the qualified applicant within 30 days.

(3) The Committee shall publish the list of beneficiaries in—
   (a) the office of the Ward Administrator,
   (b) the office of the Member of County Assembly,
   (c) the office of the County Officer in charge of education in the Ward and
   (d) such other place as the ward committee may determine

(4) The Committee shall ensure that list of beneficiaries is accessible to the public.

(5) The Committee shall convene a public forum for all the applicants awarded bursary in each financial year and education stakeholders in the Ward in order to inform them on the recipients of bursary for the respective financial year.

(6) Where a Ward Committee rejects any application it shall, immediately, notify the applicant within 30 days through a notice published in the relevant ward representative's office or the County website.

(7) An applicant under subsection (6) may through a letter addressed to the Ward Scholarship Committee seek reasons for the rejection.

(8) The Ward Scholarship Committee shall issue a response to the letter in subsection (7) within one calendar month of receipt of the letter giving the reasons for rejection.

Qualifications of an Applicant and Minimum Eligibility Criteria

36 (1) An applicant shall qualify to benefit from the Bursary Fund if he or she—
   (a) has a parent or guardian who is a registered voter in the Ward or is a resident of the Ward in which the bursary is being applied for,
   (b) needy or poor and parents or guardians have no means of providing financial support towards the person's education,
   (c) admitted or is a continuing student in a special school, secondary school, technical college, medium level college, vocational training centre or recognized university within and outside the country.
(d) an orphan, partial or total, a student with disability and with no financially stable guardian,
(e) of a good academic standing and moral character, and
(f) is not a beneficiary of any other bursary or scholarship scheme

(2) In consideration of applications for the award of bursaries, the Ward Committee and the Bursaries Committee shall be guided by the guiding principles of this Act and shall give priority to special category applicants and these include—

(a) the poor and high performing students,
(b) high performing total orphans with no financially stable guardians, and
(c) high performing students with disability

Provided that continued bursary or scholarship will be dependent on good academic performance of the student

**Double Funding**

37 (1) To avoid duplication any applicant being supported by other donors or funds shall not be considered for bursary under this Act.

(2) No applicant shall be allowed to receive funds from different Wards if the parents and guardians reside in different Wards in the County

(3) In case a student is granted a bursary resulting in double funding, the student shall return the funds awarded to the Fund

(4) In the event that the payment resulting in double funding is made to a non-refundable account, the student and the parent(s) or guardians shall be banned from benefiting from the Fund

(5) A person who contravenes this section commits an offence, and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to imprisonment for a term not exceeding three months, or to both

**Grant of a Bursary**

38. (1) The Ward Committee shall consider the following categories of applicants in determining the amount of the bursary awarded—

(a) family status ranked as total orphan, partial orphan, single parent or needy parents,
(b) affirmative action or special circumstances such as girl-child, boy-child, children from informal settlements, marginalized
areas, special needs or children with disability,

(c) discipline ranked as excellent, very good, good, fair or poor, and

(d) academic performance ranked as excellent, very good, good, average or below average

(2) The Committee shall award scores in each category out of a possible one hundred and the applicants with the highest scores shall be awarded bursary

(3) The Committee shall ensure that proper minutes and records of the meetings are maintained

(4) In considering the applications under this section, the Committee shall liaise with other relevant public or private entities to ascertain whether an applicant has been granted bursary under a similar scheme to cater for the same year and the amount granted where applicable

(5) The Committee shall give priority to applicants who have not received bursary award from any source

**Verification of Information**

39 The Committee shall verify all the information provided by the applicant and may—

(a) visit the residence of an applicant,

(b) carry out any investigations deemed necessary to establish the truth as per the qualification of the applicant to access the fund,

(c) seek further information to support the application, or

(d) invite the applicant to appear in person before the Committee

**Bursary Disbursement**

40 (1) The Ward Committee shall submit the list of beneficiaries and minutes of the proceedings to the Bursaries Committee or final approval and preparation of payment for the bursary awarded

(2) The Bursaries Committee may, after consideration of the recommendation from the relevant Ward Committee, grant a bursary to the qualifying student with or without any condition

(3) The funds for bursaries granted shall be awarded for a one year period but may be reviewed on a case to case basis

(4) All Bursaries must be used only for—

(a) tuition and fees required for the enrollment or attendance of the student at a Qualifying institution or

(b) school fees, books, supplies and equipment required for courses of instruction at such an educational institution
(5) The funds for bursaries shall be disbursed directly to the respective institutions attended by students granted the bursaries, by way of Electronic Funds Transfer or cheques and there shall be no direct payment to any applicant.

(6) Bursaries granted must be of reasonable amount of the required fees charged, as ascertained by the appropriate fees structures and a letter from the education institution but not less than twenty thousand shillings

(7) The County Treasury shall ensure that all the payments are processed—

(a) in the case of continuing students not later than thirty first January in each year, and

(b) in the case of new students not later than the last day of February each year beneficiaries

(8) The beneficiaries shall, before the close of the financial year, submit to the Ward Committee all original receipts received from the institution they attend relating to the Bursary award

(9) The Ward Committee shall collect the records and forward to the Bursaries Committee the receipts under sub section 8, 90 days prior to the close of the relevant financial year

(10) A beneficiary who fails to submit the receipt in subsection 9, shall not receive any scholarship until the receipts are released to the Ward Committee

Allocation and Reallocation of Bursaries

41 (1) Once funds are allocated to a particular beneficiary, the funds shall remain allocated to that beneficiary and may only be re-allocated to another beneficiary during the financial year with the approval of the Bursaries Committee if for any reason it is satisfied to the Bursaries Committee that the beneficiary no longer requires the funds

(2) If for any reason a beneficiary no longer require the funds allocated during the financial year, the funds allocated to that beneficiary for that financial year shall be returned to the Fund and credited to the account of the ward from which the funds were withdrawn

(3) Any funds that are not utilised in a financial year together with the funds under subsection 2 shall be allocated to any eligible beneficiary from the ward at the end of the financial year

Appeal to the Bursaries Committee

42 Any applicant aggrieved by the decision of a Ward Committee
may appeal to the Bursaries Committee within thirty days of receipt of the Ward Committee’s decision, and the Bursaries Committee may, after giving the applicant a hearing, confirm or reverse the decision of the Ward Committee within 90 days

PART V—FINANCIAL PROVISIONS

Capitalization of the Fund

43 The Fund shall consist of—

(a) such monies as may be appropriated by the County Assembly,

(b) sums received as contributions, gifts or grants from any lawful source,

(c) monies earned or arising from any investment of the Fund,

(d) any money that may be payable or vested in the Fund, and

(e) moneys from any other lawful source accruing to the Fund

Uses of the funds

44 (1) The Fund shall be used for—

(a) providing education bursary to students enrolled in secondary schools, special schools, primary or secondary schools and university granting scholarships in accordance with the criteria set out under this Act, and

(b) meeting any expenditure related to administration of the Fund as may be approved by the Executive Member in consultation with the Board. Provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund

(c) notwithstanding subsection (2), the County Assembly may appropriate such monies or the county government may receive such grants to be disbursed through the Fund as scholarships for poor students who qualify in accordance with such criteria as may be prescribed,

(d) the Fund shall be disbursed through the Wards,

(e) an amount totaling to seventy-five per cent of the amount set aside for disbursement under this Act shall be allocated equally to all the Wards and the remaining twenty-five per cent shall be allocated in accordance with the prescribed formula determined in accordance with the population of secondary school going children and poverty levels and such other criteria as may be prescribed,

(f) each and every disbursement from the Fund shall be approved
and recorded in the minutes of the Board,

(g) the total revenue available from the bursary fund annually for disbursements as scholarships shall be divided equally amongst the wards in the County

(h) all disbursements from the Fund shall be for specific scholarships to beneficiaries from specific Wards as approved by the Board in accordance with procedures outlined in this Act,

(i) all disbursements shall be through electronic fund transfer and or through cheques written in favour of specific schools and institutions on behalf of qualifying beneficiaries, provided that payment shall not be made in cash or paid directly to the beneficiary or applicant

(j) notwithstanding the provisions of subsection (3), payments for examination fees, where such fees are not payable directly through a learning institution cheques shall be made directly to the account of such recognized examination body with due approval of the Board,

(k) subject to enactment of a sharing formula to be approved by the County Assembly, the Board shall disburse funds equitably to the wards,

(l) the Fund may receive an allocation from provisions arising from other County legislation

(m) such additional allocation arising from subsection (2) shall be shared equally among the wards, and

(n) the Board shall set out general requirements for the release of funds to ensure efficient and effective management of resources

(2) There shall be paid from the Fund—

(a) moneys required for all bursaries approved and granted by the Bursaries Committee,

(b) operational expenses incurred in the administration of the Fund, and

(c) money that are necessary for the functioning and operation of the Ward Committees and Bursaries Committee as provided under this Act

Winding up of the Fund

45 In the event of winding up of the Fund, the cash balances shall be transferred to the County Revenue Fund for reallocation while other assets of the Fund shall be transferred to the County Government
Bank Accounts

46 (1) For the purpose of this Act the Bursaries Committee shall open and maintain a bank account of the Fund and such other accounts of the Ward Committees approved by the Executive Committee Member in charge of Finance into which all funds shall be kept and such an account shall be known by the name of the fund for which it is opened.

(2) The signatories to the bank accounts operated under subsection (1) shall be the Chief Executive Officer, Chairperson, and any other person appointed by the Committee with the approval of the Executive Committee Member.

(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a bursaries account and the signing instructions shall be such that there shall be at least one signature of the Chief Executive Officer, a nominee from the County Chief Officer in charge of Finance and Planning, and at least one signature of the Chairperson or secretary to the Bursaries Committee.

(4) The signing instructions shall be such that the signature of the Chief Executive Officer shall be mandatory on all payment cheques or other instrument intended for actual release of money from the fund, in addition to any two of the other three signatories as per paragraph 3.

(5) Funds from the Bursary account shall only be withdrawn for payment of bursary awards and operating expenditure under this Act.

(6) Every payment or instruction for payment out of the Bursary fund account shall be strictly on the basis of a minuted resolution of the Bursaries Committee.

(7) An accurate record of all disbursements made to every Ward shall be kept and updated every month by the Board.

(8) The expenditure for running the Board and related purposes shall be set aside at the beginning of the financial year and not more than a third (⅓) of the total allocation of the Fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the County Executive Member in charge of Finance with the concurrence of the Bursaries Committee, and expenses shall not be incurred until such approval is accorded.

(9) All receipts, savings and accruals to the Bursary fund account and the balances thereof at the end of each financial year shall be retained in the Bursary fund account for the purposes for which the account is maintained.

(10) All unutilised funds shall remain in the Bursary account and no
investment elsewhere shall be permitted, provided that funds meant for a project that is cancelled or discontinued retained in the account until the end of the financial year when they may be reallocated in accordance with this Act

(11) Any accruing revenues, interest and liabilities from any Bursary account shall be declared to the County Assembly together with the annual returns

(12) The Committee shall, at the end of every financial year, submit separate accounts of the wards, and Board

(13) The financial year of the Board shall be the period financial year of twelve months commencing on the first July and ending on the thirtieth of June of the subsequent year

(14) All bursary beneficiaries must submit the following documents before applying for the next bursary allocation—

(a) their progress report for that particular year, and

(b) a cash receipt for the last allocation

Estimates of Income and Expenditure

47 (1) At least three months before the commencement of each financial year, the Bursaries Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee and the Fund for that year

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Bursaries Committee and the Fund for the relevant financial year and shall provide for—

(a) the grant of bursaries to qualifying students,

(b) the cost of the administration and operations of the Bursaries Committee, including payment of salaries, allowances, pensions, gratuities and other charges payable to the staff and members of the Bursaries Committee and

(c) the payment and reimbursement of members of the Bursaries Committee and Ward Committees of moneys in respect of expenses incurred during the attendance of the meetings of the Committees

(3) The financial estimates referred to under sub sections (1) and (2) shall—

(a) differentiate between recurrent and disbursement expenditure
and

(b) itemize every activity that the Bursaries Committee intends to undertake in respect of the Fund in the coming financial year under a separate vote head

(4) The annual estimates shall be approved by the Bursaries Committee before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member for tabling in the County Assembly for its approval

(5) No expenditure shall be incurred by the Bursaries Committee except in accordance with the annual estimates approved under subsection (4)

Upon the approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund and the Bursaries Committee and Ward Committee(s) shall be paid into the relevant accounts operated under section 27

Annual Report and Publication

48 (1) The Bursaries Committee shall, within a period of three months after the end of each financial year, or within such longer period as the Executive Committee Member may approve in writing, submit to the Executive Committee Member a report of the operations of the Fund and the Committee during that year

(2) The Bursaries Committee shall, after submission of the report to the Executive Committee Member, publish the report, in the Gazette and in at least one newspaper of wide circulation in the County

(3) The Executive Committee Member shall lay the reports before the County Assembly, including the balance sheet and the statements of accounts, within a period of fourteen days of the receipt of the reports and statements, or, if the County Assembly is not sitting, within fourteen days of the commencement of its next sitting

Accounts and Audit

49 The Bursaries Committee shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Committee and the Fund

Financial Year

50 (1) Within a period of three months after the end of each financial year, the Bursaries Committee shall submit to the Auditor-General the accounts prepared under subsection (1) in respect of that year together with a statement of—
(a) the income and expenditure of the Committee during that year,
(b) the income and expenditure of the Fund, and
(c) the assets and liabilities of the Fund on the last day of that financial year

(2) The annual accounts referred to under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act

Protection from Personal Liability

51 No matter or thing done by a member of the Bursaries Committee or by any officer, member of staff, agent of the Committee or member of a Ward Committee shall, if the matter or thing is done for executing the functions, powers or duties of the Bursaries Committee under this Act render the member, officer, employee or agent or any person acting on their directions be personally liable to any action, claim or demand whatsoever

VI—OFFENCES AND MISCELLANEOUS

General Offences

52 (1) Any person who knowingly misrepresent facts so as to influence the committee to grant any person the bursary proceeds shall upon conviction be guilty of an offence punishable by imposition of a fine not exceeding Kenya Shillings one hundred thousand or imprisonment for a term not exceeding six months or both

(2) Any person who with intent to deceive forges or alters any supporting document with the intent to influence award of bursary shall upon conviction be guilty of an offence punishable of by imposition of a fine not exceeding Kenya Shillings two hundred thousand or by imprisonment for a term not exceeding one year

(3) Any committee member who contravenes the provisions of this Act shall upon conviction be guilty of an offence punishable by imposition of a fine not exceeding Kenya Shillings one million or by imprisonment for a term not exceeding three years and shall be further censured and barred from holding public office

(4) Any Public Officer, County Bursaries Committee Member or Ward Committee members that commit any offences prescribed under section 195 and 196 of the Public Finance Management Act, No 18 of 2012, Laws of Kenya, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a fine not exceeding Kenya Shillings one million, or to both

(5) The County Executive Committee Member or any officer who contravenes the provisions of this Act shall be investigated and be barred
from holding any public office

(6) Where any Officer—

(a) engages in an action that it is prohibited from doing by this Act, or

(b) fails to comply with an obligation imposed on it by this Act,

(c) a public officer who assisted or facilitated the act, or who was a party to, or contributed to, the failure, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a fine not exceeding Kenya Shillings one million, or to both in addition to provisions under Article 226(5) of the Constitution

Dispute Resolution

53 (1) In the event of any dispute regarding bursary disbursement the chairperson of the Bursaries Committee shall convene a meeting between the complainant and the person complained against to deliberate on the grievances and make appropriate resolution

(2) Any person, who is aggrieved by the resolution of Committee in sub section (1), may within fourteen days from the date of the resolution appeal to the High Court

Regulations

54 The Executive Committee Member may make regulations generally for the better carrying into effect of the provisions of this Act, and such regulations shall be tabled before the County Assembly for approval before coming into effect
FIRST SCHEDULE  s 10
FORM OF PETITION

I/We the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are for example citizens of Kenya, residents of province or region, workers of industry, etc)

DRAW the attention of the County Assembly/Executive to the following—

(Here briefly state the reasons underlying the request for the intervention of the County Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the County Assembly to consider)

THAT

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give a satisfactory response)

THAT

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body)

HEREFORE your humble petitioner(s) Pray that the County Assembly/Executive—

(Here, set out the prayer by stating in summary what action the petitioners wish the County Assembly to take or refrain from)

And your PETITIONER(S) will ever Pray
PETITION concerning

(Here, repeat the summary in the first page) Name of petitioner Signature/Thumb impression
SECOND SCHEDULE

COUNTY GOVERNMENT OF NAKURU BURSARY APPLICATION
FORM-20 / 20

PART A
WARD
LOCATION
VILLAGE

PART B
NAME OF STUDENT
Surname Other Names

SEX Male ( ) Female ( ) (Tick as appropriate)

DATE OF BIRTH

PART C
(To be filled by Secondary School Students)
Admission Number Form
Name of School
School Account Number
Bank Branch
School Status
National ( ) County ( ) District ( ) Special/other ( )
(Tick as appropriate)

Outstanding Fee Balance

PART D
(To be filled by Vocational Training Institutes/ Skill Development Centers/
Special Needs School/ College/ University Students)
Year of Study
1st Year ( ), 2nd Year ( ) 3rd Year ( ),
4th Year ( ), 5th Year ( ), 6th Year ( ), 7th Year ( )
(Tick as appropriate)
Course of study
Name of institution
Campus
Admission number
School account number
Bank
Branch
Outstanding fee balance
Student’s mobile number
Student’s email address
Students signature

(Please attach a copy of Institute / College / University ID card and fee structures)

(For Fresh Students attach Copies of Admission Letter and fee Structure)

PART E
Do you suffer from any Disability? Yes ( ) No ( )
(Tick as appropriate)

Give details

PART F
FAMILY STATUS
Parents - Both alive ( ) One alive ( ) Both not alive ( )
(Tick as appropriate)

Name of Parents/Guardians

Occupations
Mobile Number
(Please attach copies of parents'/ guardians' ID cards or Death Certificates)

Do you have siblings YES (  ) NO (  )

How many?

Give details

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PART G DECLARATION

I, ____________________________ declare that the information I have given herein above is true to the best of my knowledge, information and belief

SIGNATURE ____________________________ DATE ______________

PART H

FOR OFFICIAL USE ONLY

Amount Approved KSh
Amount in Words

Ward Bursary Committee Secretary name
Date
Official stamp & signature

Ward Bursary Committee Chairperson
Name
Date
Official stamp & signature
MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to regulate the disbursement of bursaries Fund. It establishes the Nakuru County Bursary Fund whose purpose is to provide bursaries to needy students in the County, including persons with disabilities.

The structure of the Bill is as follows:

**Part I** (clauses 1 - 3) of the Bill contains preliminary provisions. These include the title of the Bill, interpretation of terms as used in the Bill, object and purpose of the Bill.

**Part II** (clauses 4 - 12) of the Bill contains provision on establishment and administration of the Nakuru County Bursary Fund. It also establishes the Nakuru County Bursary Committee, which shall be the managing body of the Fund. It also provides for its composition, functions, and procedure for conduct of business for the committee. It also contains provisions on the office of the Chief Executive Officer of the Bursaries Committee.

**Part III** (Clause 13 - 16) of the Bill contains provision on establishment and functions of Ward Bursaries Committees. It provides for the composition, functions, and meetings of the Ward Committees.

**Part IV** (clauses 22 - 28) provides for the procedure of application for bursary. It sets out the mode of application, minimum eligibility criteria and also contains provisions on double funding. It also contains provision on grant of bursary and appeals to the Committee in case an applicant is not satisfied with the action of the Ward Committee with regards to grant of bursaries.

**Part V** (clauses 29 - 33) contains financial provisions. These include power of the Committee to open bank accounts for the Fund, provision on estimates of income and expenditure, annual reports and publication, provisions on accounts and audit and the financial year of the fund.

**Part V** (clauses 34 - 37) of the Bill contains for the miscellaneous provisions. These include provision on protection from personal liability, dispute resolution and power of the Committee to make regulations.

The enactment of this Bill shall occasion additional expenditure of public funds to be provided through the estimates.

ANTONY ROTICH

*Member of County Assembly*