

SPECIAL ISSUE

Kenya Gazette Supplement No. 14 (Kirinyaga County Bills No. 7)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KIRINYAGA COUNTY BILLS, 2023

NAIROBI, 10th November, 2023

CONTENT

Bill for Introduction into the County Assembly of Kirinyaga—

PAGE

The Kirinyaga County Empowerment and Development Bill, 2023 1

**THE KIRINYAGA COUNTY EMPOWERMENT AND
DEVELOPMENT BILL, 2023**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects and purpose of the Act.

PART II—CAPACITY BUILDING

- 4—Capacity Building Programs.

**PART III—ESTABLISHMENT AND ADMINISTRATION OF THE
FUND**

- 5—Establishment of the Fund.
- 6—Administration of the Fund.
- 7—Opening and Operating Bank Accounts.
- 8—Fund Appropriation.
- 9—Guidelines.
- 10—Establishment of the Fund's Committee.
- 11—Composition of the Committee.
- 12—Qualifications for Membership
- 13—Term of Office.
- 14—Termination of Membership.
- 15—Functions of the Committee.

PART IV—ACCESS AND UTILIZATION OF THE FUND

- 16—Eligibility of groups to access the Fund.

ART V—MISCELLANEOUS PROVISIONS

- 17—Offences and Penalties.
- 18—Regulations.

**THE KIRINYAGA COUNTY EMPOWERMENT AND
DEVELOPMENT BILL, 2023****A Bill For**

AN ACT of the County Assembly of Kirinyaga to empower, improve and develop men, women, youth and persons with disabilities as well as establishing a fund to provide access to capital and financing facilities through loans to groups and for connected purposes

ENACTED by the County Assembly of Kirinyaga, as follows—

PART—PRELIMINARY**Short title**

1. This Act may be cited as the Kirinyaga County Empowerment and Development Act, 2023.

Interpretation

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

“Committee” means the County Empowerment and Development Fund Management Committee established under section 10;

“Executive Committee” means the County Empowerment and Development Fund Executive Committee established under section 11;

“Constitution” means the Constitution of Kenya, 2010;

“County” means Kirinyaga County;

“County Executive Committee Member” means the County Executive Committee Member (CECM) for Gender and Youth;

“Fund” means the Kirinyaga County Empowerment and Development Fund;

“Fund Manager” has the meaning assigned under section 6;

“Government” means the County Government of Kirinyaga County;

“Borrower” means an applicant whose loan has been approved and granted under this Act;

“Youth” means the collectivity of all individuals in the county who have attained the age of eighteen years but have not attained the age of thirty-five years;

“Persons with Disabilities (PWD)” are human beings with long-term impairments.

Objects and purpose of the Act

3. The objects and purpose of the Act shall be—
- (a) to create a legal framework that will support the empowerment, financing, collaboration and development of agricultural farming, innovative ideas and sports, businesses and entrepreneurship projects and entities in the County;
 - (b) to create employment opportunities and enhance the capacity of entrepreneurs and businesses through training, mentorship and seed partnerships;
 - (c) to promote local talents, skills and culture while providing capital to encourage innovation and growth in the agriculture, business, creative economy and industries in line with the County's vision and development goals;
 - (d) to enhance collaboration and partnership with the stakeholders for sustainable development; and
 - (e) to enhance the capacity of men and women including youth and Persons with disabilities in the identification, planning and implementation of sustainable socio-economic activities.

PART II—CAPACITY BUILDING

Capacity building

4. The County Executive Committee Member shall make a concerted effort to equip the men, women groups, youth and persons with disabilities with the necessary knowledge, skills, values and attitudes on socio-economic and political dynamics of their lives. This includes—

- (a) advancing the levels of agriculture and with agri-business, innovative ideas and sports, businesses and entrepreneurship mindset;
- (b) fostering the culture of entrepreneurship and prudent management;
- (c) partnering with various stakeholders to initiate programs that develop both men and women including youth and persons with disabilities;
- (d) enhancing capacity of the men and women including youth and Persons with disabilities to improve their living standards; and
- (e) encouraging engagements in agricultural farming, agri-business, innovative ideas and sports, businesses, entrepreneurship projects and entities for enterprise development and

advancement by providing start-up capital and financing for existing businesses.

PART III—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of the Fund

5. (1) There is established a Fund to be known as the Kirinyaga County Empowerment and Development Fund.

(2) The Fund shall be utilized to empower both men and women including youth and persons with disabilities in the way and manner provided under this Act.

(3) The Fund shall consist of—

- (a) monies allocated and appropriated by the County Assembly of Kirinyaga;
- (b) sums received as contributions, donations, endowments, gifts or grants;
- (c) monies paid into the fund as fees or charges;
- (d) monies earned or realized from any investment of the Fund;
- (e) monies from any other lawful sources accruing to the Fund; or
- (f) such other monies as may be payable or vested in the Fund.

Administration of the Fund

6. (1) Pursuant to section 116 (2) of the Public Finance Management Act, 2012, the Executive Committee Member in charge of the County Treasury shall appoint a person responsible for administering the Fund.

(2) The functions of the Fund Administrator shall be—

- (a) supervise and control the administration of the Fund;
- (b) be responsible for the effective, efficient and economic use of the Fund;
- (c) cause to be kept proper books of accounts and records of the balances between the assets and the liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned;
- (d) ensure that the earnings of, or accruals to a county public Fund are retained in the Fund unless the County Executive Committee member for finance directs otherwise;

- (e) ensure that money held in the Fund, including any earnings or accruals referred to in sub-section (2 d) is spent only for the purposes for which the Fund is established;
- (f) ensure the efficient and effective transfer of funds to the approved group after obtaining the relevant consent issued by the Fund Committee;
- (g) prepare a quarterly report on the receipts into and out of the Fund and submit it to the Executive Member for tabling to the County Executive Committee Members;
- (h) 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 and submit a copy to the county treasury and statements shall be prepared in a manner as the public sector accounting standards board shall prescribe; and
- (i) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and present the financial statements to the County Assembly.

(3) The Fund Administrator shall be the Secretary to the Committee.

Opening and Operating Bank Accounts

7. (1) (1) All monies received by the Fund shall be maintained in a separate bank account in the name of the Kirinyaga County Empowerment and Development Fund opened and administered in accordance with the provisions of the Public Finance Management Act, 2012 and regulations made under the Act.

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

(3) Kirinyaga County Empowerment and Development Fund shall be operated by three (3) signatories appointed by the head of the County Treasury where all three shall be required for transaction purposes.

(4) The signatories to the account shall be—

- (a) the Chief Officer responsible for Gender and Youth;
- (b) the Chief Officer responsible for Finance; and
- (c) Fund Administrator.

Fund Appropriation

8. The Fund shall be appropriated for—

- (a) providing access to capital and empowerment, financing, collaboration and development of agricultural farming, innovative ideas and sports, businesses and entrepreneurship projects and entities micro, small and medium enterprises owned by men and women groups including youths and persons with disabilities;
- (b) supporting organized and registered groups set up for income-generating ventures;
- (c) to support entrepreneurship to alleviate poverty;
- (d) provide empowerment opportunities to the men and women in registered groups including the youth and persons with disabilities to improve the economic conditions of the entire community;
- (e) support men and women including the youth and persons with disabilities groups to develop linkages with larger enterprises, and national and international development partners;
- (f) spur socio-economic development for the men and women groups including the youth and persons with disabilities; or
- (g) support agricultural and entrepreneurship training for micro, small and medium enterprises to groups benefitting from the Fund.

Guidelines

9. (1) The following guidelines shall be observed in the operationalization of the Fund—

(a) 3% of the money in the Fund shall be used for administration of the Fund while the remaining amount shall be utilized as follows—

- (i) 87% shall utilise in financing Entrepreneurship activities among the targeted groups and individuals
- (ii) 10% shall be used in capacity building activities

(2) In utilizing the 3% for the administration of the Fund, the Fund administrator shall seek prior approval from the chief officer before incurring any expenditure.

(3) Any unspent balances in the Fund shall be carried forward to the next fiscal year.

(4) Any unspent balances in the administration account shall be used for entrepreneurship activities in the County.

Establishment of the Fund's Committee

10. There is an established Kirinyaga County Empowerment and Development Fund Committee.

Composition of the Committee

11. The Committee of the Fund shall comprise the following—

- (a) a Chairperson appointed by the Governor;
- (b) chief officer in charge of Gender and Youth Affairs;
- (c) chief Officer in charge of Finance;
- (d) the County Director in charge of Youth or Gender;
- (e) 3 other persons appointed by the County Executive Committee Member in charge of Gender, Youth and Persons with Disabilities, in consultation with the governor representing interest groups such as women, youth, the business community or farmers representation; and
- (f) the Fund Administrator who shall be the Secretary to the Committee.

Qualification for Membership

12. The Chairperson appointed under section (6)(1) (a) and members appointed under sub-section (e) shall qualify for appointment if such persons—

- (a) satisfy the requirements of Chapter Six of the Constitution; and
- (b) hold a minimum of a bachelor's degree from a university recognized in Kenya; or
- (c) an account for their training or experience.

Term of Office

13. The Chairperson and members of the Committee appointed under section (6) (1) (a) and (e) shall hold office for a term of three years and shall be eligible for re-appointment for one further term upon satisfactory performance.

Termination of Membership

14. A person shall cease to be a member of the Management Committee if such person—

- (a) is absent from three (3) consecutive meetings of the Committee;

- (b) violates Chapter six of the Constitution;
- (c) ceases to be a resident of Kirinyaga County or work in the area of Hospital Jurisdiction;
- (d) voluntarily resigns from the Committee; or
- (e) dies.

Functions of the Committee

15. The functions of the Kirinyaga County Empowerment and Development Fund committee shall be to —

- (a) provide and exercise the overall supervision of the Fund;
- (b) ensure that the Fund Management Committee enhances, ensures, facilitates and manages public awareness of the Fund;
- (c) developing annual work plan for fund implementation with consultation with the County Executive Committee Member in charge of Gender and Youth, and ultimately, the County Executive Committee approval;
- (d) reviewing and considering applications for funding from the various groups and or individuals;
- (e) receive and consider the annual reports submitted by the Fund administrator and develop strategies for effective utilisation of the Fund;
- (f) submit the annual reports to the County Executive Committee Member for consideration by the County Executive Committee and for submission to the county assembly;
- (g) oversee the sourcing of funds in consultation with the Governor;
- (h) rand address complaints and disputes and take any appropriate action;
- (i) developing the capacity needs assessment plan and proposals for training various community groups; and
- (j) explore opportunities for business development that groups can engage in.

PART IV—ACCESS AND UTILIZATION OF THE FUND

Eligibility of groups to access the Fund

16. (1) All applications shall be in accordance with a prescribed format as set by the Fund regulations.

- (2) For a group to be eligible for accessing grants and other forms of financial assistance under this Act, the group—
- (a) must be registered with the social services and the relevant County Department drawing membership from residents of Kirinyaga County;
 - (b) must have the membership of at least 70% of either men, women, or youth or PWDs;
 - (c) must have at least 100% of the leadership belonging to either men, women, youth or PWDs;
 - (d) the registration certificate must be valid or renewed to reflect the current calendar year;
 - (e) is based and operating within the ward it seeks to make an application for consideration;
 - (f) membership must be a minimum of ten but not exceed fifty members;
 - (g) must have been in operation for a minimum of 6 months;
 - (h) must raise 10% of the project cost. This is to demonstrate ownership and commitment;
 - (i) must hold a bank account from a recognized financial banking institution in the name of the group in a prescribed reputable bank or financial institution within the County;
 - (j) the applications must have the recommendation and signature of the relevant Community Development Assistants and the Ward Administrator; and
 - (k) upon submission of the duly filled and signed application, the group representative shall sign a register.

PART V — MISCELLANEOUS PROVISIONS

Offences and Penalties

17. A person who—
- (a) makes an application for the loan based on false statements made in the application whether orally or in writing commits an offence;
 - (b) neglects or fails to provide the Committee with any information, particulars or document required concerning a loan without a reasonable cause or who furnishes false and misleading information to the fund administrator commits an offence;

- (c) discriminates directly or indirectly against a person on any ground, including race, sex, marital status, health status, ethnic or social origin, colour, age, disability, religion commits an offence;
- (d) fails to comply with regulations made under this Act commits an offence; and
- (e) and shall upon conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one (1) year or to both.

Regulations

18. The County Executive Committee Member may issue regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the foregoing may issue regulations in respect of the following—

- (a) the application process and the limits of borrowing;
- (b) the receipt, processing and approval of applications for loans; and
- (c) the preparation and maintenance of borrower's records.

MEMORANDUM OF OBJECTS AND REASONS

This is a Bill for submission to the County Assembly of Kirinyaga to empower, improve and develop Men, Women, Youth, and Persons with disabilities as well as establish a fund to provide access to capital and financing facilities through loans and for connected purposes.

PART I of the Bill provides for preliminary matters including the short title, commencement and the interpretation of words and expressions used in the Bill and the objects and purpose of the Bill.

PART II of the Bill contains provisions for capacity building.

PART III of the Bill contains provisions for the establishment of the Fund, the Fund Executive Committee and the Fund Management Committee to help in the implementation of the Bill.

PART IV of the Bill stipulates how the Fund is to be accessed and utilized by the Men, Women, Youth and Persons with disabilities.

PART V of the Bill provides for the Offences and Penalties associated with the Bill as well the powers of making Regulations.

BENSON NGAHU,
Chairperson, Committee on Gender and Youth.