

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**KIRINYAGA COUNTY ACTS, 2023**

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**No. 7 of 2023**

*Date of Assent: 11th December, 2023*

*Date of Commencement: 13th December, 2023*

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No. 7 *Kirinyaga County Health Facilities Improvement Fund* 2023

**THE KIRINYAGA COUNTY HEALTH FACILITIES  
IMPROVEMENT FUND ACT, 2023**

**AN ACT of the County Assembly of Kirinyaga to establish the Kirinyaga County Health Facilities Improvement Fund for the improvement of health care services delivery in health facilities; to provide for the management of the Fund; and for connected purposes**

**ENACTED** by the County Assembly of Kirinyaga, as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Kirinyaga County Health Facilities Improvement Fund Act, 2023.

**Interpretation**

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

“Board” means the Board managing the Kirinyaga County Health Facilities Improvement Fund established in section 4;

“Chief Officer” means the Chief Officer responsible for Medical Services in the Department of Health;

“Director for Medical Services” means the County Director of Medical Services appointed by the Kirinyaga County Public Service Board;

“County Executive Committee Member” means the County Executive Committee Member responsible for Health;

“Fund” means the Kirinyaga County Health Facilities Improvement Fund established under section 4;

“Fund Administrator” means any person appointed by the County Executive Committee Member responsible for Finance as the Fund Administrator;

“health care facilities” means any location, institution, or structure where healthcare services are delivered which is officially recognized and published in the *Kenya Gazette* and registered with the Kenya Medical Practitioners and Dentist Council for the specific purpose of providing healthcare services;

“Spending Unit” means a specific public health care facility or unit within the County Department responsible for Health Services, responsible

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for collecting, managing and allocating funds meant for the improvement and development of public health facilities.

**Purpose of the Act**

3. The purpose of the Act is to provide a framework for the creation of a County Health Facilities Improvement Fund in the County in accordance with section 109 (2) and section 116 of the Public Finance Management Act, 2012 in order to:

- (a) secure sustainable Funding for the day-to-day operations of the health care facilities;
- (b) create incentives for the health care facilities to sustainably generate resources;
- (c) secure financing for preventive and promotive health services; and
- (d) provide for the process of the appointment of members of the Board.

**PART II—KIRINYAGA COUNTY HEALTH FACILITIES  
IMPROVEMENT FUND**

**County Health Facilities Improvement Fund**

4. (1) There is established a Fund to be known as the Kirinyaga County Health Facilities Improvement Fund.

(2) The Fund shall be used to ring-fence health resources to guarantee efficient and effective service delivery.

(3) There shall be paid into the Fund—

- (a) such monies as appropriated by the County Assembly;
- (b) grants or donations;
- (c) monies received as user charges;
- (d) income generated from the proceeds of the service Funds; and
- (e) funds received as reimbursements from the National Insurance Fund and other health insurance reimbursements.



**Objects of the Fund**

5. (1) The objects of the Fund are—
- (a) to provide financial resources for medical supplies and small-scale equipping of health facilities in the County for basic operation and maintenance;
  - (b) to give decision-making autonomy to health care facilities to plan and manage the resources within their control;
  - (c) to support capacity building in the management of health care facilities; and
  - (d) to improve the quality of health care services in the health care centers.

**PART III—MANAGEMENT OF THE FUND****The Kirinyaga County Health Facilities Improvement Fund Board**

6. There is established a Board to be known as the Kirinyaga County Health Facilities Improvement Fund Board which shall manage the Fund.

**Membership of the Board**

7. (1) The Board shall comprise of no more than nine members as follows—
- (a) A Chairperson appointed by the Governor with the approval of the County Assembly;
  - (b) the Chief Officer;
  - (c) the Fund Administrator appointed by the County Executive Committee Member in charge of Finance, who shall be the secretary to the Board;
  - (d) the County Director of Medical Services; and
  - (e) five other persons who shall be appointed by the County Executive Committee Member in charge of Health with the approval of the County Executive and the County Assembly.
- (2) The membership of the Board in paragraph (1) (e) shall take into account representation from the Youth, Gender, Persons with Disabilities, persons representing professional bodies and businesses drawn from the health care sector.

**Qualification for Membership**

8. (1) The appointment of the Chairperson under section (7)(1)(a) and members under sub-section (7) (1) (e) shall be subject to such persons—

- (a) satisfying the requirements of Chapter Six of the Constitution of Kenya;
- (b) holding a minimum of a bachelor's degree from a university recognized in Kenya; and
- (c) accounting for their training or experience that is relevant to the management of the Fund.

**Terms of Office**

9. The Chairperson and members of the Committee appointed under section 7(1)(a) and 7 (3) shall hold office for a term of three years and shall be eligible for reappointment for only one further term upon satisfactory performance.

**Termination of Membership**

10. A member shall vacate his/her position as a member of the Management Board if he or she—

- (a) is absent from three (3) consecutive meetings of the Board;
- (b) violates Chapter Six of the Constitution of Kenya;
- (c) voluntarily resigns from the Board;
- (d) dies;
- (e) suffers from physical or mental incapacity to perform the functions of the office;
- (f) is bankrupt; and
- (g) is convicted of an offence whose imprisonment term exceeds six months.

**Functions of the Board**

11. (1) The Board shall—

- (a) provide oversight of the management of the money drawn from the Fund;
- (b) mobilize resources for the Fund;
- (c) develop the criteria for the allocation of Funds for approval;



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- (d) prepare annual distribution of resources to health facilities;
- (e) institute prudent measures for the proper utilization of monies deposited in the Fund using suitable internal controls and appropriate mechanisms for accountability including audit of accounts by internal auditors of the department responsible for matters relating to Finance;
- (f) guide the County Executive Committee on proposals on user fees where the management board seeks to propose new user fees or changes to the old fee structure;
- (g) monitor the utilization of the Fund; and
- (h) receive financial reports from the management teams of health facilities for consideration and adoption.

**Conduct of Business and Affairs of the Board**

12. The conduct of Business and affairs of the Board shall be as is provided in the Schedule of this Act.

**PART IV—FINANCIAL PROVISIONS**

**Financial reporting**

13. (1) All spending units shall prepare and submit a monthly expenditure report and a quarterly financial report.

(2) The chief officer in charge of health services shall prepare Quarterly Consolidated Financial Reports.

(3) The Monthly Expenditure Report and Quarterly Financial report shall consist of—

- (a) statement of Receipts and Payments (Statement of Sources and Uses of Funds), reconciled with opening and closing balances of cash, bank and imprest balances; and
  - (b) bank reconciliation statement as of the end of the month, including a copy of the bank statement, a copy of the Cash Book, and a schedule of outstanding imprests as of that date.
- (4) The financial reports shall be in the prescribed format at all levels, following the same prescribed accounting codes.

(5) All spending units shall also prepare the normal Monthly Expenditure Returns (which incorporate spending commitments) for budget monitoring and should be prepared and made available for review during periodic supportive supervision and/or audit visits.

**Annual Reports**

14. (1) The Board shall cause to be kept proper books and records of accounts of its income, expenditure, assets and liabilities.

(2) The Board shall, within three months after the end of each financial year, prepare and submit to the County Executive Committee Member a report for the immediately preceding year, the accounts of the Board in respect of that year together with—

- (a) statement of income and expenditure during the year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that year.

(3) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2015 and its subsequent amendments if any.

(4) Internal auditors may conduct periodic audits and inspections of all spending units, including health facilities, as part of internal control to provide a reasonable assurance that the resources provided have been put to proper and intended uses.

(5) After receiving the report, the County Executive Committee Member shall present it to the County Executive Committee for adoption and onward transmission to the County Assembly.

**PART V—MISCELLANEOUS PROVISIONS****Regulations**

15. (1) The County Executive Committee Member may make regulations for the better carrying out of the purposes of this Act and in particular with reference to—

- (a) any matter which may or is prescribed by this Act;
- (b) the criteria of determining the necessity of a special meeting by the Board; and
- (c) any matter which the County Executive Committee Member considers expedient so as to achieve the objects of this Act.



**SCHEDULE**  
**MEETINGS OF THE BOARD**

**Meetings**

(1) During the first meeting, the members shall elect a Vice-chairperson who shall not be of the same gender as the Chairperson.

(2) The Chairperson of the board shall convene meetings of the board through the Fund administrator who is the Secretary to the Board.

(3) The Board shall meet not less than four times and not more than eight times in each financial year and within two weeks after the close of every quarter.

(4) At least seven days' notice shall be given before any meeting of the Board.

(5) The chairperson shall preside at all meetings of the Board.

(6) In the absence of the Chairperson at a meeting, the Vice-chairperson shall preside at the meeting.

(7) In the absence of the both Chairperson and the Vice-chairperson, members present shall elect a member to preside at the meeting of the Board.

**Quorum**

The quorum for the conduct of the business at a meeting of the Board shall be two-thirds of the members of the Board.

**Voting**

(1) A decision on any matter before the board shall be by a simple majority of the votes of the members present and voting.

(2) In the case of any equality of the votes, the chairperson or the person presiding shall have an extra casting vote.

**Special Meetings**

(1) The Chairman through the Fund Administrator may call a special meeting whenever it is expedient for the transaction of the business of the Board by giving not less than three days' notice to the members.

(2) Notwithstanding sub-paragraph (1) the Board can only hold one special meeting per quarter.

(3) The County Executive Committee Member responsible for Health shall approve the special meetings.

**Allowances**

The members of the Board shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Salaries and Remuneration Commission.