

SPECIAL ISSUE

Nyamira County Gazette Supplement No. 5 (Acts No. 3)



REPUBLIC OF KENYA

**NYAMIRA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

NAIROBI, 26th May, 2016

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22. (1) A member of Committee, ward committee or a person having an official duty or being employed in, or in connection with, the administration of this Bill shall regard and deal with all documents, information, returns and forms relating to applications for bursaries, scholarships or loans or to the granting of bursaries, scholarships or loans under this Bill which come to his knowledge or access by virtue of his official status or employment, as secret and confidential.

(2) Any person having possession of, or control over, or access to, any documents, information, returns or forms relating to a matter referred to in subsection (1) who communicates anything contained therein—

- (a) any person other than a person to whom he/she is authorized by the Committee; or
- (b) otherwise than for the purposes of this Bill, shall be guilty of an offence;

(3) Any person guilty of an offence under this Bill shall, where no other penalty is prescribed, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or both.

23. No matter or thing done by the Chairperson or any member of the Committee or any officer or agent of the Committee shall, if the matter or thing is done bona fide for the purposes of executing any provision of this Bill, render the Chairperson, member, officer or agent or person acting on their directions, personally liable to any action, claim or demand whatsoever. The aforementioned however does not indemnify any civil or criminal rights against the above mentioned by an aggrieved person.

24. The CEC member may by notice exempt any class of persons from all or any of the provisions of this Bill, where in his opinion it is expedient in the public interest to do so.

25. The CEC member shall make regulations generally for the better of carrying out the provisions of this Bill, and without prejudice to the foregoing; the CEC member may make regulations in respect of the following—

- (a) the grant of bursaries and scholarships; and
- (b) partnership with HELB.

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

Annual Estimates

20. (1) The Committee shall submit to the CEC 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 Committee for the financial year and shall provide for—

- (a) the grant of bursaries and scholarships to eligible students;
- (b) loan amount to eligible students to be forwarded to HELB for administration; and
- (c) the cost of administration of the Committee and ward bursary committee including salaries and other charges whatsoever payable to members of the Committee or ward bursary committee.
- (d) the payments or reimbursement to the members of the Committee of monies in respect of the expenses incurred during the attendance of the meetings of the committee.

(3) Except with the approval of the CEC member, no expenditure shall be incurred for the purposes of the committee except in accordance with the annual estimates approved under subsection (2).

Book keeping

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

- (2)(a) HELB shall maintain a dedicated ledger account where all the cash inflows and outflows shall be recorded.
- (b) The principal loan and any interest recovered shall be recorded by HELB in this account.
- (c) HELB shall prepare comprehensive quarterly reports on the revolving fund and forward them to the committee

(3) The CEC member shall lay audited report of accounts of the Committee before the County Assembly at the end of each financial year.

THE NYAMIRA COUNTY EDUCATION SUPPORT ACT, 2016

No. 3 of 2016

Date of Assent: 29th April, 2016

Date of Commencement: See Section 1

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Application

16. (1) Every student wishing to be considered for the grant of bursary or scholarship shall make an application to the ward committee on a prescribed form as provided in the regulations.

(2) The ward committee may accept or reject any application for a bursary or scholarship with reasons as prescribed in the regulations.

(3) If the ward committee accepts the application, it shall recommend the Committee to grant bursary or scholarship to the eligible students.

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

17. (1) the committee may accept or reject any application for a bursary or scholarship.

(2) In case the County Education Committee refusal to approve a name or names of applicants submitted by ward committee, it will within 14 days after receipt of the list of beneficiaries send the list back to HELB with reasons for failure to approve. HELB will go ahead and award loans to all names that have been approved by the committee.

(3) (a) Where the Ward Committee has resolved to award a scholarship to any eligible student, the Committee shall notify the applicant in writing, and require him/her within a specified period not exceeding six months to comply with any conditions precedent.

(b) Where any applicant fails to comply with requirements of the County Education Committee notified to him under subsection (1) within the prescribed period, the award shall be deemed to have lapsed.

18. Any student who benefits from award of scholarship, bursary or loan from the County Education Committee is obligated to maintain academic excellence and he/she shall provide Committee with every end of term result transcripts and progress reports from his/her learning institution.

Bank Account

19. (1) A bank account of the Fund shall be opened and maintained at a commercial bank approved by the CEC member.

(2) The signatories to the accounts maintained in accordance with subsection (1) and (2) shall be four people who shall be the Chairperson, Chief Officer Education and two other persons appointed by the CEC member for finance.

(2) The CEC member shall make regulations providing administration of the Fund guidelines, disbursements of the bursaries guidelines and criteria of awarding scholarships.

(3) The CEC member shall cause to partner with HELB and enter into a legal agreement with HELB on behalf of County Government for purpose of subsection (1) above and specifically the CEC member on behalf of county government will—

- (a) sign loans' fund management service contract with HELB which will guide the partnership;
- (b) ensure the loans' fund management service contract the loan will be for students' tuition and upkeep only; and
- (c) ensure that the loan will be awarded to needy students undertaking a course in institutions that are recognized in Kenya.
- (4) (a) for the purpose of implementing this Bill, all monies appropriated for loans and administered by HELB on the behalf of the County shall be transferred from the Fund account into the HELB account with approval of CEC member and all loan beneficiaries shall be students residents and voters of Nyamira County.
- (b) Notwithstanding any other provision of this Bill, HELB shall award for purpose of implementing this Bill loans to both undergraduates and post-graduates students in colleges and public and private universities who successfully applied for the loan.
- (c) in awarding loans to students, every student wishing to be considered for the grant of a higher education loan shall make an application in the prescribed form provided by HELB:
- (d) HELB will after receiving the approval report from the County Education Committee proceed to disburse and manage the loans' fund over the entire period the beneficiary is in college or university using the most efficient way, and thereafter recover the same on behalf of the Committee.
- (e) in administering the Fund on behalf of the County Education Committee, HELB will take into account provisions of this Bill and other existing laws.

THE NYAMIRA COUNTY EDUCATION SUPPORT ACT, 2016

AN ACT of Nyamira County Assembly for the County Education Support programme to offer bursaries, scholarships and loans to students to enable them access education at recognized institutions and for the matters incidental thereto and connected therewith

ENACTED by the Nyamira County Assembly, as follows—

Short title and commencement

1. This Act may be cited as the Nyamira County Education Support Act, 2016 and shall come into operation on the date of publication in the *Gazette*.

Interpretation

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

“CEC” member” means the County Executive Committee member responsible for Education;

“Chief Officer” means the Chief Officer responsible for Education;

“Committee” means Nyamira County Education Committee;

“Continuing Education Students” means student joining colleges and universities and are gainfully employed;

“County” means Nyamira County;

“County Assembly” means County assembly of Nyamira;

“County Government” means County Government of Nyamira;

“Direct Entry Students” means students who join colleges and universities immediately after completing secondary school education;

“Fund” means the Nyamira county education Fund established under Section 8;

“HELB” means Higher Education Loans Board as provided for in Higher Education Loans Fund Act, Cap. 213A;

“Loan” means a sum of money lent to an eligible student by HELB on behalf of the Committee to be repaid with interest;

“Loans fund” means part of the Fund that is appropriated by Committee for loans and administrative costs;

“Loan Oversight Committee” means committee in charge of disbursing loans with HELB;

“Bursary committee” means ward committee in charge of bursaries;

“Bursary” means an amount of money given to a needy student to pay for their studies;

“Scholarship” means a payment of a sum of money from the Fund to maintain a needy student in education; and

“Student” means any Kenyan resident and is a voter or whose parent/sponsor is a voter in Nyamira County admitted and Pursuing post primary or higher education with financial need.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE COUNTY EDUCATION COMMITTEE

Establishment of Committee

3. There is hereby established a committee to be known as the County Education Committee, herein referred to as the Committee.

4. (1) The composition of the committee shall be—

- (a) Chairperson appointed by the Governor;
- (b) CEC Members responsible for Finance;
- (c) CEC Members responsible for Education;
- (d) Chief Officer for Education who will be the secretary;
- (e) County Director of Education (National Government) who shall be an ex officio member;
- (f) Chairperson of the Loans Oversight Committee;
- (g) Three persons appointed by CEC member each representing women, youth and persons living with disability;

(2) The appointment of chairperson and members under subsection (1) (e) to (g) above shall be gazetted in Nyamira County *gazette* notice within 14 days appointment.

(3) The appointment of chairperson and members under subsection (1) (f) and (g) shall be subject to such persons—

- (a) being registered voters in Nyamira County;
- (b) Meeting the requirements of Chapter Six of the Constitution of Kenya;
- (c) The Chairperson shall be a holder of at least a bachelor's degree from a recognized university in Kenya and with 5 years working experience in business, education sector or institution of higher learning or a faith based organization of five years or any relevant working field;

schools, colleges and universities recognized in Kenya. This will be a revolving fund which will enhance long term sustainability.

Sources of Fund

13. (1) The sources of funds for the Fund shall consist of—

- (a) money appropriated by the County Assembly for the Fund;
- (b) sums which represent the repayment of the capital and interest of any loan granted by the Committee;
- (c) any gifts, donations, grants and endowments made to the Fund.

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

Appropriation of Funds

14. (1) In appropriation ^{of} the Fund the Committee shall take into account—

- (a) gender equality, regional balance, and minority groups and persons living with disabilities; and
- (b) ensure that 65% of the annual allocation from the county government to the Fund is expended in disbursing bursaries and scholarships equitably to each ward.

(2) The balance of the fund shall be appropriated as hereunder;

- (a) 30% County HELB loans
- (b) 5% administration cost

(3) The disbursements of loans by HELB shall commence one financial year after commencement of this Act.

Fund Administration

15. (1) (a) The committee will administer the Fund and specifically the HELB will administer on behalf of the Committee funds appropriated for loans.

(b) HELB shall charge the College and undergraduate students an interest rate of 5% p.a. which is payable one year after graduation.

(c) HELB shall charge the Post Graduate and Continuing Education students an interest rate of 13% p.a. which is payable immediately after disbursement of the loan.

(d) The interest charged on the loan will form part of the administration fees for the revolving fund, payable to HELB.

(3) The ward committee shall advise the County Education Committee on approved list of Beneficiaries of HELB to ensure that they are bona fide applicants from the various wards.

(4) Keep and update records of all beneficiaries of bursaries and scholarships in the ward.

Chairing of committees and Quorum

11. (1) The chairperson of the committee, the Loan oversight committee and the chairperson of various ward committees shall preside at all meetings of the committee or the ward committee unless (s)he is absent from a particular meeting in which case the vice chairperson shall preside and in the absence of both the chairperson and the vice chairperson the members present shall elect one of themselves to preside that particular meeting or part thereof.

(2) For transaction of the business of the committee, the loan oversight committee and the ward committee two thirds of the members shall make the quorum for transaction of business of meeting.

(3) The committee and the Loans Oversight Committee shall meet at least three times in each Financial year, but the chairperson shall upon requisition in writing by at least seven members, convene a special meeting of the committee.

(4) The regulations shall provide and regulate the number of times the ward committees will meet in a year.

(5) All questions at the meeting of the committee, the loan oversight committee and of the ward committee shall be determined by a simple majority of the votes of the members present and voting.

(6) The chairperson presiding the meeting shall, in case of equality of votes, have an original and a casting vote.

(6) Subject to this Act, the committee, the Loan oversight committee and the ward committee shall regulate its own proceedings.

PART III – ESTABLISHMENT AND ADMINISTRATION OF NYAMIRA COUNTY EDUCATION FUND

Establishment of Nyamira County Education Fund

12. (1) There is hereby established a Fund to be known as Nyamira County Education Fund which shall be managed and administered by the Committee. This shall be at least 2.5% of the total annual budget of the county.

(2) The object and the purpose of the Fund shall be to provide funds to be used for granting bursaries, scholarships and loans to students in

(d) Members appointed under subsection (1) (e) and (f) shall be holders of at least Kenya Certificate of Secondary Education.

(4) The chairperson and members appointed under subsection (1) (e) to (h) shall be appointed for a term of three years and shall be eligible for re-appointment for one further term.

(5) The office of a member of the committee shall fall vacant if—

(a) he or she resigns in writing to CEC member through the secretary giving a one month notice;

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

(c) upon death.

(6) Where the office of a member becomes vacant under subsection (5), the secretary shall forthwith notify the appointing authority for appropriate action.

Committee Functions

6. Functions of the committee shall be—

(a) to oversee the ward committees;

(b) to formulate policies for regulating the disbursement and management of bursaries, scholarships and loans;

(c) to advise the CEC member on bursary disbursements and scholarship awarding;

(d) to grant bursaries and scholarships;

(e) approve the list of beneficiaries to be granted loans as provided for in section 11;

(f) to provide oversight and supervisory role in giving loans to students, from the funds outsourced to the HELB by the County;

(g) to fundraise in support of the county education revolving fund;

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

(i) to determine the maximum number of eligible persons or students to be granted bursaries and scholarships in a particular year;

(j) to perform any other functions for implementation of this Act;

Loans Oversight Committee

7. (1) There is hereby established a committee to be known as the Loans Oversight Committee, herein referred to as the Loans Committee to be appointed by the CEC Member in Education and ICT.

Composition of the committee

(2) The composition of loans committee shall be—

- (a) a chairperson appointed by the CEC Member from amongst the county chief officers;
- (b) four chief officers representing the priority areas as approved by the cabinet;
- (c) Chief Officer Education who shall be the secretary;
- (d) County Director of Education (National Government) who shall be an ex officio member and;
- (e) a representative from HELB who shall be *ex officio*.

(3) The appointment of Chairperson and members under subsection

(2)(a) to (c) shall be subject to such persons—

- (a) meeting the requirements of Chapter Six of the Constitution of Kenya;
- (b) the Chairperson and members shall be holders of at least a degree from a recognized institution in Kenya.

(4) The Chairperson and members appointed under subsection (1)

(a) and (e) shall be appointed for a term of three years and shall be eligible for re-appointment.

(5) The office of a member of the committee shall fall vacant if—

- (a) he or she resigns in writing to CEC member through the secretary giving a one month notice;
- (b) if the committee is satisfied that such a member is by reason of his/ her physical or mental infirmity unable to execute the functions of his/her office; or
- (c) upon death.

(6) Where the office of a member becomes vacant under subsection

(5), the secretary shall forthwith notify the appointing authority for appropriate action.

8. Functions of the committee shall be—

- (a) in consultation with HELB, set up the criteria and conditions governing the granting and disbursement of financial assistance;

- (b) liaise with HELB in the approval of disbursement of financial assistance;
- (c) receive quarterly reports from HELB concerning the management of the project in the agreed format;
- (d) consider and grant waiver/amnesty of bad debts as deemed appropriate;
- (e) inform HELB of proposed changes deemed appropriate from time to time;
- (f) pay all administrative fee in the mode in the fee schedule;
- (g) act as the link between HELB and the County government.

Ward Committee

9. (1) There is established in every ward a committee to be known as ward committee that shall be appointed by the CEC education in consultation with ward leadership.

(2) The composition of ward committee shall be—

- (a) the ward administrator who shall be the secretary;
- (b) one area education officer from the ward appointed by the CEC in consultation with the sub county administrator;
- (c) four persons one a youth leader, one person leaving with disability, one representing women and one representing a community based organization all to be residents of the ward.
- (d) an officer representing the department of education from the county government.

(3) The ward committee during its first meeting will elect a chairperson and the vice chairperson from among members appointed under subsection (2) (c).

(4) Members of the ward committee under subsection (2) (c) shall serve for a term of three years and shall be eligible for reappointment for one further term.

(5) Members of the ward committee role are subservient to that of the County Education committee.

WARD COMMITTEE FUNCTIONS**Ward Committee functions**

10. (1) Receive applications for bursaries and scholarships.

(2) Ward committee shall deliberate on all applications for bursaries and scholarships to be awarded on merit basis.