

**SPECIAL ISSUE**

*Kwale County Gazette Supplement No. 6 (Bills No. 5)*



NATIONAL COUNCIL FOR  
LAW REPORTING  
LIBRARY

REPUBLIC OF KENYA

**KWALE COUNTY GAZETTE  
SUPPLEMENT**

**BILLS, 2014**

---

**NAIROBI, 9th June, 2014**

---

CONTENT

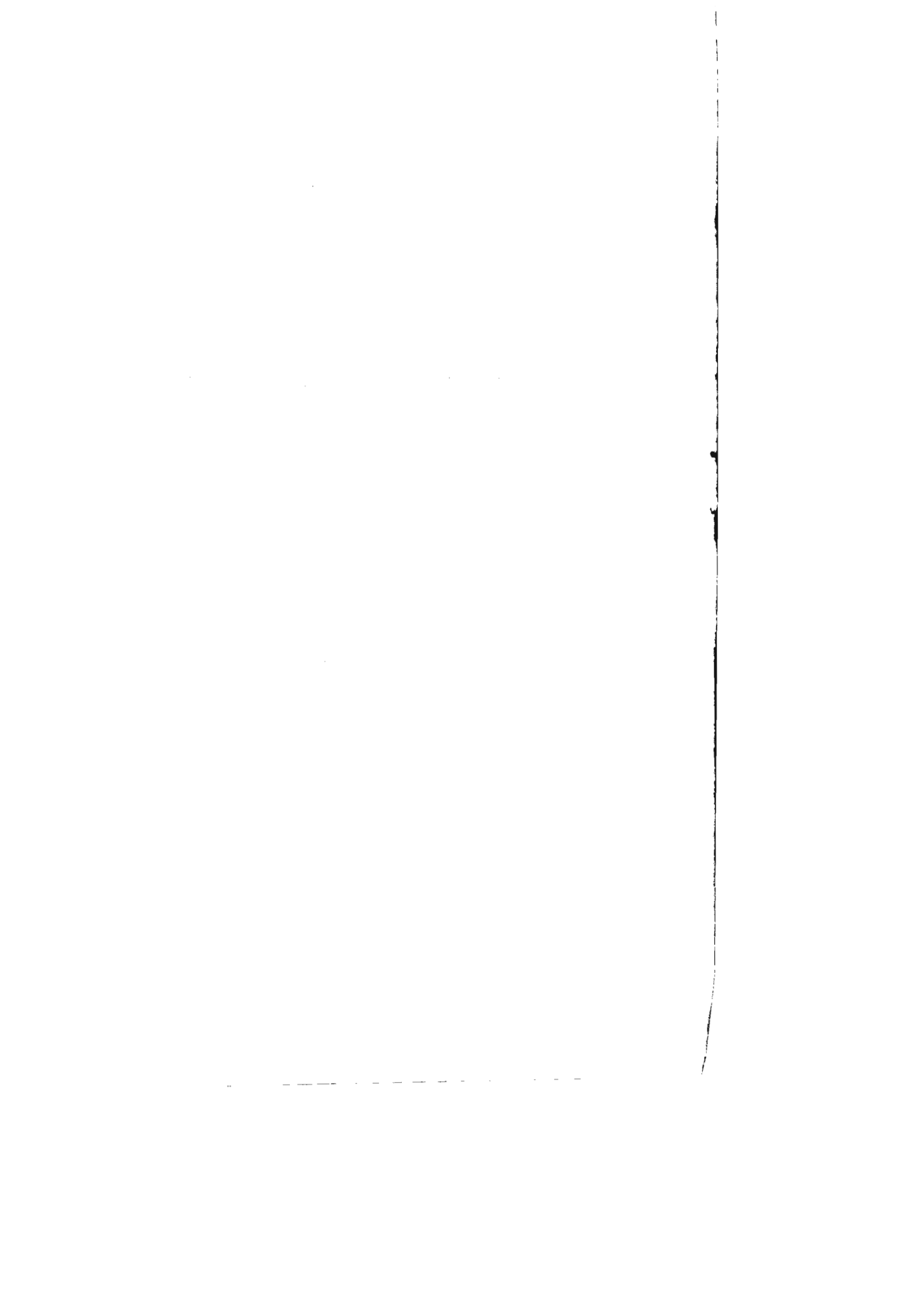
Bill for Introduction into the Kwale County Assembly—

PAGE

The Kwale County Bursary Fund Bill, 2014 ..... 29



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI



**THE KWALE COUNTY BURSARY FUND BILL, 2014**

**ARRANGEMENT OF CLAUSES**

*Clauses*

**PART I—PRELIMINARY**

- 1—Short title
- 2—Commencement
- 3—Purpose of the Act
- 4—Definitions
- 5—Application of the Act
- 6—Conflict with other laws

**PART II—THE COUNTY BURSARY COMMITTEE**

- 7—Establishment of the County Bursary Committee
- 8—Composition of the County Bursary Committee
- 9—Functions of the County Bursary Committee
- 10—Procedure and conduct of business of the County Bursary Committee

**PART III—WARD BURSARY COMMITTEE**

- 11—Establishment of the Ward Bursary Committee
- 12—Composition of the Ward Bursary Committee
- 13—Functions of the Ward Bursary Committee
- 14—Election of Representatives to the Committee
- 15—Role of the Chairperson of the Ward Bursary Committee
- 16—Role of the Secretary of the Ward Bursary Committee
- 17—Role of the Patron of the Ward Bursary Committee
- 18—Ward Bursary Committee procedures

**PART IV—THE FUND**

- 19—Funding
- 20—Scope of the Fund
- 21—Minimum Eligibility Criteria
- 22—Qualification for subsequent funding
- 23—Mode of Application for the Fund
- 24—Selection process

**PART IV—FUND ALLOCATION**

- 25—Applicable allocations per category of Students/Applicants
- 26—Special category Students/Applicants

**PART VI—THE MISCELLANEOUS**

- 27—Dispute Resolution
- 28—Disbursement

**SCHEDULES**

- FIRST SCHEDULE—Bursary Application Form**

**THE KWALE COUNTY BURSARY FUND BILL,  
2014**

**A Bill for**

**AN ACT of the Kwale County Assembly to make provisions for procedures and guidelines for the efficient disbursement of bursaries within the county and such related matters.**

**Enacted** by the County Assembly of Kwale as follows—

**PART I—PRELIMINARY**

**1.** This Act may be cited as the Kwale County Bursary Fund Act, 2014. Short Title

**2.** This Act shall come into operation on such date as the Executive Committee Member may, by notice in the gazette, appoint. Commencement

**3.** The purpose of the Act is to establish procedures and guidelines for efficient allocation and disbursement of fees, bursaries and other related scholarships by County Government of Kwale. Purpose of the Bill

**4.** In this Act— Definitions

“Bursary” means an award granted to a need student;

“Fund” means money set aside by the County Government to support skill development;

“Fresh Student” means any person joining a new level of study;

“Ward Bursary Committee” means a group of seven members in charge of bursary allocation at Ward Level;

“Executive Committee Member” means the County Executive Committee Member who is for the time being in charge of Education;

“Chief Officer” for a public entity means the person appointed or in an acting capacity when discharging the functions of accounting officer for an administrative unit or department of the County;

“Beneficiary” means a person who receives bursary money from the County Government through the Ward Bursary Committee;

“Regulations” mean guidelines under this act;

“Secretariat” means a body at the County headquarters charged with the mandate of overseeing fund management;

“Ward appraisal committee” means a body at the Ward level created to coordinate allocation of the bursary within the Wards.

5. This act will apply in respect to—

Application of the Act

- (a) Disbursement of county government bursary and fees support;
- (b) management of all sponsorship channeled through the County Government.

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

Conflict with other Laws

## **PART II—THE COUNTY BURSARY COMMITTEE**

7. (1) There is established a county committee, which shall have powers necessary to perform its functions;

Establishment of the county committee

(2) the county committee shall be an oversight body;

(3) the county committee shall be an institution of exemplary administrative and technical competence;

(4) every member of the county committee shall respect the non-partisan nature of the secretariat;

(5) the county committee shall uphold and maintain the highest ethical standards in the discharge of its functions;

(6) the county committee shall maintain honesty, accountability and integrity in the delivery of services, having regard to the principles of efficiency, equality, fairness, courtesy and discipline.

8. (1) The county committee shall consist of eight members appointed by the Governor and approved by the County Assembly;

Composition of the County Committee

(2) The eight members shall comprise of;

(a) The county executive committee member in charge of Early Childhood Development;

(b) the county executive committee member in charge of finance;

- (c) the chairman of the committee on education and vocational training;
- (d) members of the public representing;
  - I. teacher;
  - II. youth;
  - III. 2 representatives from religious bodies (a Christian and a Muslim); and
  - IV. Representative from a civil society.

9. The county committee shall—

Functions of the County Committee

- (1) equitably share the funds among the 20 wards existing in the county;
- (2) review allocations to ensure support offered is adequate and sufficient;
- (3) approve disbursement of fee support to awarded students;
- (4) monitor allocations of support to ensure needy and deserving students benefit;
- (5) maintain an updated database of all applicants and beneficiaries of the fund;
- (6) periodically produce and share disbursement reports with the governor and the county assembly.

10. (1) The chairperson shall convene a meeting of the county committee at least four times every financial year;

Procedure and conduct of business if the county committee

- (2) except as agreed under the minimum operation procedures and requirements, the county committee may regulate its own operations;
- (3) the quorum of the county committee shall be five members;
- (4) the county committee may invite any member of the public to attend any of its meetings as long as such person shall not have voting rights;
- (5) the county committee shall have at most four meetings in every financial year; however special sittings of the county committee may be convened as long as such meetings do not exceed three in a fiscal year;

(6) The meetings shall be convened and chaired by the executive committee member in charge of Early Childhood Development, or in the absence of the CEC, the county committee shall be chaired by a member of the county committee appointed by the county committee in that sitting;

(7) The chief officer in charge of finance shall be the secretary to the county committee;

(8) any member of the county committee may be removed from office by the appointing authority upon the recommendation of the county committee, if such member—

- (a) has been absent for three consecutive meetings of the board without permission of the chairperson;
- (b) is in the opinion of the county committee otherwise unable or unfit to discharge the functions of his office.

### **PART III—WARD BURSARY COMMITTEE**

**11.** (1) There is established a ward bursary committee, which shall have powers necessary to perform its functions;

Establishment of the ward bursary committee

(2) There shall be twenty (20) ward bursary committees with respect to the twenty (20) wards as presently constituted;

**12.** (1) The ward bursary committee shall consist of the following—

Composition of the ward bursary committee

- (a) the member of county assembly for that ward who shall be the patron;
- (b) the ward administrator for that ward, who shall be the secretary to the committee;
- (c) a representative from learning institution;
- (d) a representative from every village unit within the ward;
- (e) four members of the public representing special interest groups including youth, women, people with disabilities and marginalized people who shall be nominated by the patron.

**13.** The ward appraisal committee shall perform the following functions— Functions of the committee

- (a) invite applications for fees support;
- (b) receive applications;
- (c) scrutinize and verify all applicants supporting documents submitted by the applicants;
- (d) identify beneficiaries of the bursary fund;
- (e) verify all allocated bursaries to beneficiaries;
- (f) prepare data bank for the beneficiaries prepare and display separate list of applicants and beneficiaries indicating the amount awarded per beneficiary for public viewing; and
- (g) forward to the county secretary minutes and records of nominated bursary beneficiaries.

**14.** (1)The chairperson and the vice chairperson, shall be elected from among members during the first sitting of the committee; Election of representatives to the ward bursary committee

(2) the members of the ward bursary committees shall be competitively and transparently elected by members of their respective categories wards.

**15.** The following shall be the roles of the chairperson— Role of the chairperson to the ward bursary committee

- (a) act as the spokesperson of the committee;
- (b) schedule and call for committee meetings;
- (c) chair committee meetings;
- (d) ensure committee agenda is exhaustively addressed; and
- (e) ensure all members of the committee participate fully in all committee meetings and that consensus is reached in all decisions.

**16.** The secretary to the committee shall perform the following functions— Role of the Secretary to the ward bursary committee

- (a) Receive and document all bursary applications;
- (b) Keep records of the committee deliberations;
- (c) Take minutes during committee meetings and circulate the same to the members; and



- (d) Rendering expert, non-partisan and impartial advice to the members of the committee on committee procedure and practice.

17. The role of the patron shall be as follows—

Role of the Patron

- (a) call the first meeting of the and members to order;
- (b) provide leadership to the committee;
- (c) provide liaison between the committee and other institutions and donors within and outside the ward;
- (d) oversee all the ward bursary committee activities.

18. The ward bursary committee—

Committee procedures

- (a) shall have at least four meetings in every financial year;
- (b) special committee sittings may be convened but only by request of at least a third of total membership of the committee whenever an urgent fee request occurs; such special sittings shall not exceed three in a financial year;
- (c) a fourteen day notice shall be issued before any meeting of the committee is convened;
- (d) a decision of the committee shall be by a simple majority constituting a quorum who is present the case of a stalemate in the voting, the person chairing shall have the deciding vote;
- (e) the ward bursary committee shall serve for a two year non-renewable term;
- (f) members of the committee shall be entitled to a sitting allowance and not wages or a salary as prescribed in the second schedule;

#### **PART IV — THE FUND**

19. (1) There shall be one bursary fund for the county government of Kwale to cater for needy students at all levels.

Funding

(2) The bursary fund shall draw funding from the county government consolidated fund.

The budgetary allocation shall be set aside every financial year's county budget.

(3) the fund will also draw funding from other external sources as follows—

- (a) donors
- (b) investors individual donations
- (c) lottery

(4) the bursary fund shall be distributed equally in all wards within the county.

**20.** In line with the Kwale County Strategic Plan the Fund shall target the following— Scope of the fund

- (a) students in secondary schools, technical colleges, medium level colleges, vocational training centres and public universities;
- (b) students with disabilities;
- (c) students pursuing subjects in professions in high demand like medicine, nutrition, nursing, engineering in all levels of study;
- (d) fresh students;
- (e) students joining National secondary schools;
- (f) students admitted to public universities through Joint Admission Board (JAB); and
- (g) students pursuing skill development courses including carpentry, masonry, tailoring and plumbing among others.

**21.** For one to qualify for the fund he or she shall— Minimum Eligibility  
Criteria

- (a) be a resident of the ward in which the bursary is being sought;
- (b) be admitted or is a continuing student in a secondary school, technical college, medium level college, vocational training centre, or and public university;
- (c) be an orphan partial or total with no financially stable guardian;
- (d) be of good academic standing and moral character; and

- (e) be pursuing a course in a professions in high demand in the county like medicine, education, nutrition, nursing or engineering.

22. All bursary beneficiaries must submit the following documents before applying for the next bursary allocation-

Qualification for subsequent bursary allocation

- (a) Their progress report for that particular year;
- (b) A cash receipt for the last allocation.

23. (1) All eligible students shall be required to collect application forms from their ward offices free of charge;

Mode of Application

(2) Duly completed application forms accompanied with all required attachments and shall be returned in sealed envelopes at the ward administrator's offices;

(3) The sealed envelopes shall be received and dated by the ward administrator through an official register.

24. (a) At the end of the application period, the ward bursary committee shall meet to open and record all applications;

Selection process

(b) the ward bursary committee shall hold its meetings in public with members of the public present;

(c) selected applicants for bursary support shall be publicly displayed in the ward, schools, public notice boards, churches or such other places that are accessible and which are frequented by the public;

(d) successful applicants will be notified through county gazette notice as well as written communication and any other convenient means;

(e) fees for successful applicants will be paid into their school or college accounts through a cheque or direct funds transfer.

#### PART V—FUND ALLOCATION

25. (1) The following shall be the mode of splitting the funds—

Applicable allocations per category of students/applicants

- (a) 30% of the funds shall go towards supporting students pursuing degree, diploma, certificate

courses at both technical and other institutions of higher learning;

- (b) 30% of the fund shall be for secondary school students;
- (c) 40% of the remaining shall be for skills development centers and grants.

(2) In awarding fees support, the following shall be the minimum allocations per student per category —

- (a) degree applicant KSh. 25,000;
- (b) diploma applicants KSh. 20,000;
- (c) certificate applicants KSh. 15,000;
- (d) secondary school applicants KSh. 10,000; and
- (e) skill development centers shall be allocated a minimum of KSh. 30,000.

26. (1) While ensuring that the spirit of equity and fairness is observed all the time the ward bursary committee and the county committee is required to give priority to special category of students/applicants.

Special category students/applicants

(2) Special category applicants will include the following—

- (a) Bright but total orphans with no financially stable guardians;
- (b) persons with disability; and
- (c) members of marginalized and disadvantaged groups within the ward.

(3) Full support and assistance will be accorded to this category of students/applicant.

(4) Any student/applicant being supported by other donors/funds shall not be considered to avoid duplication.

(5) In case of a double funding to any applicant a return of the allocated bursary shall be done.

(6) In the event that the said payment is made to a non-refundable account the applicant shall not benefit anymore.

**PART VI—MISCELLANEOUS**

27. In case of any dispute arising from the ward in Dispute resolution  
Dispute resolution in relation to the disbursement process, the county committee shall have the final word.

28. The funds shall— Disbursement

(1) Be disbursed directly to the respective institutions by way of bankers cheques and a list of the successful beneficiaries displayed at the ward offices

(2) Be allocated two times per year—

(a) December to April; and

(b) July to October

29. The Committee shall be paid allowances for every single sitting as follows— Remuneration

(a) sitting allowances of KSh. 2,000 for the county bursary committee and KSh. 1,000 for the ward bursary committee;

(b) a night out allowance of KSh. 2,500 for the county bursary committee and KSh. 1,500 for the ward bursary committee.

**SCHEDULES**

**COUNTY GOVERNMENT OF KWALE**

**P.O.BOX 4-80403**

**KWALE**

**BURSARY APPLICATION FORM- 2014/2015**

**PART A**

**NAME OF STUDENT**

.....

(Surname)

(Other Names)

**SEX: Male ( ) DATE OF BIRTH**

Female ( ) .....

**WARD**

**LOCATION**

**VILLAGE**

.....

**PART B (To be filled by Secondary School Students)**

**Adm. No.                      Form                      Year of Application**

.....

**Name of School**

.....

**School Status: National ( )                      County ( )                      District ( )**

**Outstanding Fee Balance: .....**

**PART C (To be filled by College/University Students)**

1. Please tick where appropriate  
1st Year ( ) 2nd Year ( ) 3rd Year ( ) 4<sup>th</sup> Year ( )

2. Course of Study.....

3. Name of Institution .....

4. Campus.....

5. Admission Number .....

6. Outstanding fee balance .....

- 7. Students mobile number.....
- 8. Students email address .....
- 9. Students Signature .....

(please attach a copy of college/university ID card and fee structures)

**FAMILY STATUS**

Tick where appropriate

Parents both alive ( )      One alive ( )      Both not alive ( )

Name of Parent/Guardian .....

Occupation .....

Mobile Number .....

(Please attach copies of parents’/guardians’ ID cards or Death Certificates)

**PART D: FOR OFFICIAL USE ONLY**

Amount Approved .....

(a) Ward Administrator

Name..... Date .....

Official stamp..... Sign .....

(b) Ward Bursary Chairperson

Name..... Date .....

Official stamp..... Sign .....

**MEMORANDUM OF OBJECTS AND REASONS**

The principal object of the bill is to provide for the administration and regulation of the County Government of Kwale Bursary Fund.

**Part I** (clauses 1–6) of the Bill contains preliminary provisions. It names the proposed Act, defines the words and expressions used in the Bill and provides for the meaning of the words regularly and specifically used in the Bill. Part one also outlines application of the Bill and way out in case there is a conflict between the Bill and other laws.

**Part II** (clauses 7-10) of the Bill establishes the County Bursary Committee, its composition, functions and procedure for conduct of business for the said committee.

**Part III** (clauses 11–18) provides for the establishment of the Ward Bursary committees, its compositions, functions, election and the responsibilities of the Ward Bursary Fund Officials.

**Part IV** (clauses 19-24) sets out the scope of the bursary fund, the minimum eligibility criteria, qualifications for allocation, mode of allocation and the selection process.

**Part V** (clauses 25-26) of the Bill provides for the Bursary allocations; applicable allocation per category of student and special category of students.

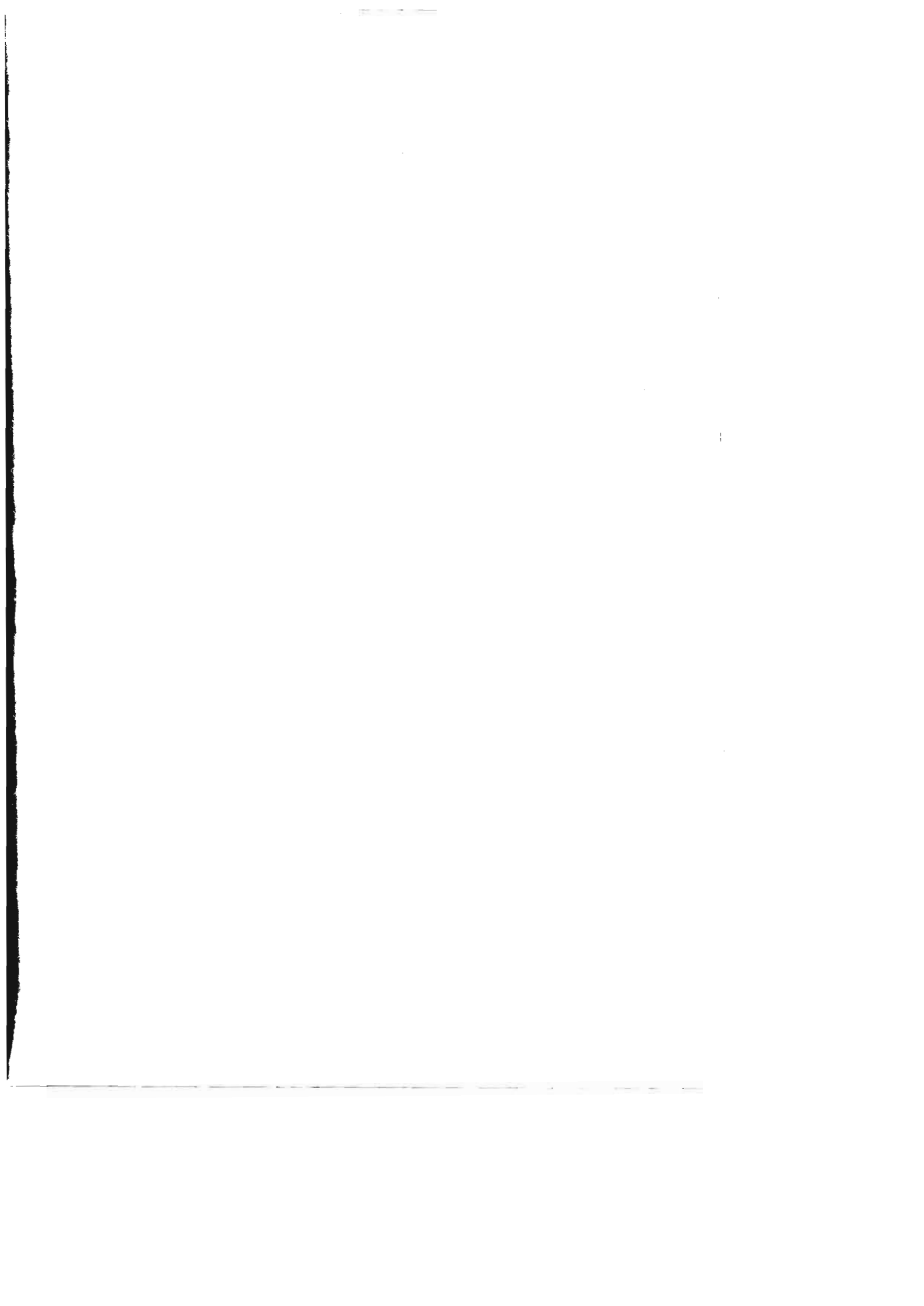
**Part VI** (clauses 27-28) of the Bill sets out the mechanisms for dispute resolution and modalities for disbursement of the bursary fund.

This law when enacted will confer on a number of bodies and persons authority to make provisions having the force of law in Kenya in terms of Article 94 (6) of the Constitution of Kenya, 2010.

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

ANTHONY YAMA,  
*Member of the County Assembly.*





10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30



