

REVISED EDITION

THE KILIFI COUNTY WARD SCHOLARSHIP FUND ADMINISTRATION ACT, 2013

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY

- 1) Short title and commencement.
- 2) Interpretation.
- 3) Objects of the Act.

PART II – ESTABLISHMENT OF THE KILIFI COUNTY WARD SCHOLARSHIP FUND

- 4) Establishment of the Fund
- 5) Establishment of the Board
- 6) Functions of the Board
- 7) Conduct of Business and Affairs of the Board
- 8) Fund Administrator
- 9) Disbursement from the Fund
- 10) Allocation of Funds
- 11) Funds to be retained in the Fund

PART III – ADMINISTRATION OF THE WARD SCHOLARSHIP FUND

- 12) Establishment of ward scholarship committee
- 13) Functions of the ward scholarship committee
- 14) Filing of vacancy in the ward scholarship committee
- 15) Grounds for removal from ward scholarship committee
- 16) Decision for removal to be made through a resolution
- 17) Removal or appointment of a member to be minuted
- 18) Submission of ward scholarship requests

Kilifi County Ward Scholarship Fund Administration Act, 2013

- 19) Scholarships to be publicized and published
- 20) Report of scholarships
- 21) Record of scholarships
- 22) No scholarship for Dependants of Public Officers

**PART IV – COUNTY ASSEMBLY COMMITTEE
ON WARD SCHOLARSHIP FUND**

- 23) Establishment of the County Assembly Select
Committee

PART VI – MISCELLANEOUS PROVISIONS

- 24) Offences and penalties
- 25) Application of the Constituencies Development Fund
Act, 2003

REVISED EDITION

**THE KILIFI COUNTY WARD SCHOLARSHIP
FUND ADMINISTRATION ACT, 2013**

**AN ACT of Kilifi County Assembly to
provide for establishment of the Kilifi County Ward
Scholarship Fund and for connected purposes**

ENACTED by the County Assembly of the County of Kilifi, as follows -

PART I – PRELIMINARY

1. This Act may be cited as the Kilifi County Ward Scholarship Fund Act, 2013 and shall come into operation on such date as the County Executive Member for Finance may appoint.

Short title and commencement

2. In this Act, except where the context otherwise requires-

Interpretation.

“Board” means the County Scholarship Fund Board established by section 5;

“Chairperson” means the Chairperson of the Board appointed under section 5(4) ;

“Executive Committee Member” means the Executive Committee Member responsible for finance;

“Fund” means the Scholarship Fund established under section 4;

“scholarship” monetary award to impoverished but deserving pupils and students towards helping them meet the cost of education;

“Vocational training” includes a skill other than academic related;

Act No. 5 of 2015,
s.2

“Ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution and any other relevant law;

“Ward Scholarship Committee” means

the committee established in accordance with section 12;

“Ward Representative” means a county assembly member representing a particular Ward.

3. The objects of this Act are to-

- a) give further effect to Article 207 (4) (b) of the Constitution and Section 116 of the Public Finance Management Act as regards establishing of funds and the administration thereof;
- b) to cushion households from impacts of poverty, unstable economy and the effects of HIV/AIDS by increasing access, retention and completion rates in primary secondary and tertiary learning institutions;
- c) To provide for the procedure applicable to and requirements for scholarship allocations.

Objects of the Act

PART II – ESTABLISHMENT OF THE KILIFI COUNTY WARD SCHOLARSHIP FUND

4. (1) There is established a Fund to be known as the County Ward Scholarship Fund (in this Act referred to as the “Fund”) which shall be administered by the Board.

Establishment of fund.

(2) There shall be paid into the Fund –

- a) An amount of money in every financial year as agreed by the executive member responsible for finance in consultation with the governor and on the approval of the county assembly
- b) Any money accruing to the fund as set out in other legislation of the county assembly
- c) Any moneys accruing to or received to the benefit of the fund from any other source as set out in other county legislation.
- d) There shall be paid out of the Fund payments in respect of any expenses reasonably incurred in respect of any expenses incurred wholly and exclusively in pursuance of the provisions of this Act.

Purpose of the fund

4A. The purpose of the fund shall be to provide funds

Act No.5 of 2015,

to be used for granting scholarships to assist needy and deserving students.

s.3

5. (1) There is established an executive Board to be known as the Ward Scholarship Fund Board.

Establishment of the Board

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money or making investments; and
- (d) Doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(3) The Board shall be an executive Board of Management which shall consist of -

- a) The Chief Officer of the **Department** for the time being responsible for Finance and Economic Planning or his designated alternate, not being below the level of Director.
- b) The Chief Officer of the **Department** for the time being responsible for Education, Youth and Social Services or his designated alternate not being below the level of County Director of Education.
- c) The Clerk of the County Assembly or his designated alternate as appointed by the clerk of the assembly
- d) The Chief Officer of the **Department** for the time being in responsible for the

Act No.5 of 2015,
s.4

Office of the Governor and County
Public Service Management or his
designated alternate not below the level
of Director Public Service Management

- e) The Fund Administrator as appointed
by the Executive Committee member
for Finance and Economic Planning.

(2A)The Executive Committee Member for Finance shall appoint the Chairperson of the Board from amongst the five persons appointed in paragraph (a-e) of subsection (3)

Act No. 5 of 2015,
s.4

(4) A member of the Board may be removed from office on any one or more of the following grounds –

- a) Lack of integrity
- b) Gross misconduct
- c) Gross violation of the Constitution
- d) Physical or mental infirmity

6. (1) To ensure timely and efficient disbursement of Funds to the qualifying beneficiary's schools;

Functions of the Board.

(2) to ensure efficient management of the Fund;

(3) To receive, assess and approve scholarship submissions from the Wards that are consistent with this Act the respective qualifying beneficiary's schools.

(4) To perform such other duties as the Executive Committee member for finance, with the consultation of the Governor and the County Assembly scholarship committee, may deem necessary from time to time for the proper management of the Fund.

7. (1) The Conduct and regulation of the business and affairs of the Board shall be provided in the regulations of this Act.

Conduct of Business and affairs of the Board.

(2) Except as provided in the regulations, the Board may regulate its own procedure.

Fund Administrator.

8. (1) Pursuant to Article 116 (2) of the Public Finance Management Act, the executive committee member for finance shall designate a person responsible for administering the fund
- (2) The functions of the fund administrator shall be guided by the provisions of the Public Finance Management Act relating to funds and regulations set out in this Act.
9. (1) Each and every disbursement from the fund shall be approved and minuted by the Board. Disbursement from the fund
- (2) All disbursements from the fund shall be for specific scholarships to beneficiaries from specific wards in accordance with procedures outlined in this Act.
- (3) All disbursements shall be made through cheques written in favour of specific schools and institutions on behalf of qualifying beneficiaries.
- (4) 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.
- (5) The Board shall set out general requirements for the release of funds, to ensure efficient and effective management of resources.
10. (1) The Executive Committee Member for Finance *(deleted by Act No. 5 of 2015, s.6)* shall for each financial year allocate funds to each ward. Allocation of funds
- (1a) The amount appropriated to the fund every financial year shall be ten per cent of the development budget.** **Act No. 5 of 2015, s.5**
- (2) The Fund may receive allocation from provisions arising from other county legislation.
- (3) Such additional allocation arising from subsection (2) shall be shared equally among the wards

- 11.** (1) Unspent funds shall not lapse at the end of the financial year and shall be available for allocation in the next financial year to such ward as had not spent its quota of the fund.
- (2) Notwithstanding subsection (1), unspent funds by a ward may be reallocated to another ward on the concurrence of the executive committee member for finance and the relevant county assembly committee.

Funds shall not lapse at the end of the financial year

PART III –ADMINISTRATION OF THE WARD SCHOLARSHIP FUND

- 12.** (1) There shall be established in every ward, a Committee to be known as Ward Scholarship Committee.
- (2) The Ward Scholarship Committee shall consist of –
- a) *Deleted by Act No.5 of 2015, s.6*
 - b) Two representatives of religious organizations
 - c) One representative from an educational based institution
 - d) One Village Elder
 - e) A person representing the youth
 - f) A representative of persons living with disability
 - g) The committee may co-opt another two members proposed by the committee
- (3) The Ward Administrator who shall be an ex-officio member.**
- (4) The committee shall elect the chairperson in its first meeting which shall be presided by the ward administrator or a representative from his office.**
- (5) Whenever a vacancy occurs in the Ward Scholarship Fund Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.*(5)Deleted by Act No.5. of 2015, s.6*
- (6) Deleted by Act No.5 of 2015, s.6*

Act No. 5 of 2015,
s.6

Establishment of
Ward
Scholarship
Committee

Membership of the
Committee

Act No. 5 of 2015,
s.6

Act No. 5 of 2015,
s.6

Act No. 5 of 2015,
s.6

Kilifi County Ward Scholarship Fund Administration Act, 2013

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| <p>13. (1) to receive and vet scholarship applications and recommend deserving cases to the scholarship Board
(2) to ensure fair and equitable allocation of scholarships at the ward
(3) to monitor the academic performance of scholarship recipients;</p> | <p>Functions of the ward scholarship committee</p> <p>Act No. 5 of 2015,
s.7</p> |
| <p>14. Whenever a vacancy occurs in the Ward Scholarship Fund Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.</p> | <p>Filing of vacancy in the ward scholarship committee</p> |
| <p>15. A member of the committee may be removed on any one or more of the following grounds—
(a) lack of integrity;
(b) gross misconduct;
(c) embezzlement of public funds;
(e) promoting unethical practices;
(f) causing disharmony within the committee;
(g) Physical or mental infirmity.</p> | <p>Grounds for removal from ward scholarship committee</p> |
| <p>16. A decision to remove a member under subsection (15) shall be made through a resolution of at least five members of the Committee and the member sought to be removed shall be given a fair hearing before the resolution is made.</p> | <p>Decision for removal to be made through a resolution</p> |
| <p>17. A vacancy arising as a result of the removal of a member under subsection (15) shall be filled in the manner set out in subsection (14) and minutes of the meeting shall indicate the fact of the removal or appointment of a member.</p> | <p>Removal or appointment of a member to be minuted</p> |
| <p>18. (1) The list of scholarship requests shall be submitted by the chairperson of the Ward Scholarship Fund Board after approval by the Ward Scholarship Committee.
(2) The Board shall receive and compile the list of successful scholarship applications submitted and submit it to the County Assembly Select Committee for approval</p> | <p>Submissions of ward scholarship requests</p> |

19. The scholarships for each ward shall be publicized by the Board and published to ensure transparency and public accountability in the exercise.

Scholarships to be publicized, published and reported

20. The Board shall, on a quarterly basis, submit a report to the County Assembly Select Committee detailing—

Report of scholarships

(a) a summary of the scholarship funds received and indicating the approval status of the scholarships;

(b) a summary of the status of disbursements of funds to the wards for that preceding quarter; and

(c) a summary of the status of disbursements from the Treasury to the County Account.

21. Deleted by Act No.5 of 2015, s.8

PART IIIA – SCHOLARSHIP APPLICATIONS

Act No. 5 of 2015,
s.8

21 A. (1) Every student who wishes to be considered for the grant of scholarship fund shall make an application to the committee in the prescribed form.

Applications

- (1) All application forms shall be collected from the office of the Ward representative and shall be submitted back after having been duly filled.
- (2) All duly completed forms will be eligible for evaluation.
- (3) The committee after evaluation may accept or reject any application for scholarship assistance.
- (4) If the committee accepts the application, it shall recommend to the Board to grant scholarship to the eligible student.
- (5) All unsuccessful applicants shall be notified through a notice published at the relevant ward representative office.

21 B. Any applicant aggrieved by the decision of the committee may appeal to the Ward Scholarship Fund Board within 30 days of the Committee's decision.

Criteria for allocation
of Scholarships

21 B. (1) The committee shall ensure that strict criterion is adhered to in determining whether an applicant qualifies for scholarship support and shall ensure that applicants are-

- a) Kenyan nationals and bona fide residents of Kilifi County; and
- b) have demonstrated financial need.

(2) Priority shall be given to needy and deserving students in order of-

- (a) total orphans;
- (b) partial orphans;
- (c) single parents and people living with disabilities; and
- (d) those from poor households.

(3) the committee in consultation with the County Executive Member may come up with other criterion not specified in this Act.

21 D. The list of successful applicants shall be submitted to the chairperson of the Ward scholarship fund board after approval by the Ward Scholarship Committee.

21 E. All disbursements shall be made through cheques written in favour of specific schools and institutions on behalf of qualifying beneficiaries.

21 F. The Scholarship fund Board shall ensure that a public record of all scholarships granted in a ward is maintained at the Ward Scholarship Committee offices to ensure transparency and public accountability in the exercise.

**PART V – COUNTY ASSEMBLY COMMITTEE ON
WARD SCHOLARSHIP FUND**

30. (1) The County Assembly shall, in accordance with its Standing Orders, establish a select committee consisting of a chairperson and not more than ten other members of the county assembly.

Establishment of the
County Assembly
Select Committee

(2) In determining the membership of the County Assembly Select Committee, the County Assembly shall ensure proportionate representation of the County Political Parties.

(3) The procedures and rules for the operations of the County Assembly Committees shall be governed by the Standing Orders of the County Assembly.

(4) the functions of the County Assembly Select Committee shall be –

- a) To consider and recommend to the County Assembly any matter requiring action by the County Assembly pursuant to the provisions of this Act.
- b) To oversee the implementation of this Act
- c) To oversee the policy framework and legislative matters that may arise in relation to the Fund.

PART VI – MISCELLANEOUS

Act No. 5 of 2015,
s.9

31. The County Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.

Regulations

32. Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding 5 years or to a fine not exceeding one million shillings (Kshs.1,000,000/=) or to both.

Penalty

33. The provisions of this Act are in addition to and not in derogation of the Constituencies Development

Fund Act, 2003.

FIRST SCHEDULE

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office

The Chairperson or a member of the Board other than *ex officio* members, if any, shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for appointment for not more than two consecutive terms.

2. Vacation of office

(1) A member other than an *ex officio* member may—

(a) at any time resign from office by notice in writing to the Executive Committee Member responsible for Finance;

(b) be removed from office by the Executive Committee Member responsible for Finance on recommendation of the Board if the member—

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

(ii) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;

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

(iv) is otherwise unable or unfit to discharge his functions.

(2) The Chairperson shall not be removed from office unless such removal is in accordance with subparagraph (1).

3. Meetings

Kilifi County Ward Scholarship Fund Administration Act, 2013

- (1) The Board shall meet not less than six and not more than eighteen times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.
 - (2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least three members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.
 - (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 of the Board shall be four members.
 - (5) The Chairperson shall when present, preside at every meeting of the Board but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.
 - (6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.
 - (7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.
 - (8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.
4. Committees of the Board
- (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.
 - (2) The Board shall appoint the Chairperson of a committee established under subparagraph (1) from amongst its members.
 - (3) The Board may where it deems appropriate, invite any person to attend the deliberations of any of its committees.
 - (4) All decisions by the committees appointed under subsection (1) shall be ratified by the Board.
5. Disclosure of interest
- (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.
 - (2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.
 - (3) A member of the Board who contravenes subparagraph (1) shall cease to be a member of the Board upon direction of the Executive Committee member for Finance.
6. Contracts and instruments

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.