

LEGAL NOTICE NO. 3

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the Powers conferred by Section 116 of the Public Finance Management Act, 2012, the County Executive Committee Member for Finance makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (WEST POKOT COUNTY BURSARY, EDUCATION DEVELOPMENT AND INFRASTRUCTURE FUND) REGULATIONS, 2014

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THE PUBLIC FINANCE (WEST POKOT COUNTY BURSARY, EDUCATION DEVELOPMENT and INFRASTRUCTURE FUND), REGULATIONS, 2014

PART I - PRELIMINARY

1. These Regulations may be cited as The Public Finance (West Pokot County Bursary, Education Development and Infrastructure Fund) Regulations, 2014 and shall come into operation upon gazettelement.

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

“Administrator of the Fund” means the Chief Officer responsible for matters relating to Education;

“County Bursary Committee” means the “County Bursary, Education Development and Infrastructure Committee” means the fund management body established under Section 5;

Regulations to provide for the disbursement of funds for Bursary, Education Development and Infrastructure and for matters connected therewith.

“Ward Appraisal Committee” means the Ward Bursaries, Education Development and Infrastructure Fund Committee established under Section 11;

“education” includes primary, secondary, tertiary, college and university education;

“Executive Committee Member” means County Executive Committee Member responsible for Finance;

“fund” means the West Pokot County Bursary Education Development and Infrastructure Fund management body established under Section 116(1) of the Public Finance Management Act, 2012;

“secretary” in the case of the County Bursary, Education Development and Infrastructure Committee means the secretary appointed under Section 6 of these Regulations; and in the case of the Ward Bursaries Education Development and Infrastructure Fund Committee the secretary appointed under Part V of these Regulations;

“student” means any person who is domiciled in West Pokot County and admitted to a recognised educational institution.

PART II - ESTABLISHMENT AND ADMINISTRATION OF THE FUND

3. (1) There is hereby established a Fund to be known as the West Pokot County Bursary, Education Development and Infrastructure Fund. Establishment of the Fund

(2) The object and the purpose of the Fund shall be to provide funds for granting bursaries to assist needy students to pursue education at recognized institutions and to finance educational development and infrastructural development for the promotion of education.

4. (1) The sources of funds for the Fund shall consist of— Sources of funds
- (a) sums of money which may, from time to time be, voted for that purpose by the County Assembly;
 - (b) any gifts, donations, grants and endowments made to the Fund; and
 - (c) any interests that may accrue from the Fund;
 - (d) moneys that may accrue to the Fund in the course of exercise or performance of the functions of the Fund.

(2) There shall be paid out of the Fund any expenditure approved by the County Bursary Education Development and Infrastructure Committee and incurred in connection with the management and operation of the Fund.

**PART III - ESTABLISHMENT AND FUNCTIONS OF THE
COUNTY BURSARY, EDUCATION DEVELOPMENT AND
INFRASTRUCTURE COMMITTEE**

5. (1) There is established a Committee to be known as the County Bursary, Education Development and Infrastructure Committee. Establishment of the committee

(2) The County Bursary Education, Development and Infrastructure Committee shall comprise—

- (a) a Chairperson nominated by the County Governor;
- (b) County Executive Committee Member responsible for matters of education;
- (c) Six members nominated by the County Executive Committee member responsible for Education who shall be the Secretary;
- (d) The County Chief Officer responsible for matters of Education who shall be the Secretary;
- (e) Three representatives from the union or association of teachers, non-governmental organization and a religious leader;

Composition of the Committee

The Governor shall be the Patron of the Committee.

3. A person shall be qualified to be appointed as a member under sub-regulation (2) if that person satisfies the provisions of Chapter Six of the Constitution; Tenure of Office

4. The members of the County Bursary Education Development and Infrastructure Committee other than the Secretary shall hold office for a period of three consecutive years and may be eligible for re-appointment.

5. Notwithstanding the provisions of sub regulation (4) the committee may be dissolved if the office of the Governor falls vacant and as soon as a new Committee is established by the new Governor.

6. (1) The Secretary shall be the administrator of the Fund activities and responsible for the management of the day-to-day operations of the County Bursary, Education Development and Infrastructure Committee.

The Secretary to
the County
Bursary
Committee

(2) The Secretary shall be an ex officio member of the County Bursary Education Development and Infrastructure Committee and shall have no right to vote at the meetings of the Committee.

7. The functions of the County Bursary, Education Development and Infrastructure, Committee shall be: -

Functions of
the County
Bursary
Committee.

- (a) to formulate sound policies for regulating the management of the Fund;
- (b) to raise and solicit for funds and other assistance to promote the functions of the County Bursary, Education Development and Infrastructure Committee;
- (c) to set the criteria and conditions governing the granting of bursaries, education development and infrastructure;
- (d) to receive any gifts, donations, grants or endowments made to the County Bursary, Education Development and Infrastructure Fund and to make legitimate disbursements therefrom;
- (e) to establish links for the furtherance of the purposes for which the Fund is established;
- (f) to grant bursary fund, as the County Bursary, Education Development and Infrastructure Committee may deem fit to eligible students upon recommendation of the Ward Appraisal Committee;
- (g) To approve funds for education development and infrastructure to eligible institutions within the County;
- (h) To consider appeals from the Ward Education Development and Infrastructure Appraisal Fund Committee; and

To perform and exercise all other functions and powers conferred to the County Bursary, Education Development and Infrastructure Committee by these Regulations or any other law.

8. (1) The Chairperson shall preside over all the meetings of the County Bursary Education Development and Infrastructure Committee and in his or her absence a person elected by the committee shall preside over the meeting.

Meetings of
the County
Bursary
Committee

(2) The County Bursary, Education Development and Infrastructure Fund shall meet at least, four times in a year but the Chairperson shall, upon requisition in writing by at least four members, convene a special meeting of the County Bursary, Education Development and Infrastructure Committee at any time.

(3) The resolutions of the Committee shall be by simple majority.

(4) The Chairperson shall, in case of equality of votes, have an original and a casting vote.

(5) The Secretary shall cause minutes and proceedings of all the County Bursary, Education Development and Infrastructure Committee's meetings to be entered into the Minute-Book kept for that purpose.

**PART IV- ESTABLISHMENT AND FUNCTIONS OF WARD
EDUCATION DEVELOPMENT AND INFRASTRUCTURE
APPRAISAL FUND COMMITTEES**

9. (1) There is established Ward Education Development and Infrastructure Appraisal Committee in each Ward; Establishment of Committees

(2) The Committee shall consist of—

- (a) Chairperson who shall be appointed by the County Executive Committee Member responsible for Education; Members of the Committee
- (b) Ward Administrator who shall be the Secretary to the Committee;
- (c) An elected member for the County Assembly;
- (d) A representative from Non-Governmental Organization and a religious leader;
- (e) Three members of the community, bearing into consideration gender balance, representation of the youth and persons with disability elected through public forum.

(3) The members of the Committee other than the Ward Administrator shall hold office for a period of three consecutive years and may be eligible for re-appointment. Ward Administrator

(4) Notwithstanding provisions of sub regulation (3) the committee may be dissolved if the office of the Governor falls vacant and as soon as a new Committee is officially established by the new Governor.

(5) Notwithstanding the provisions of sub regulation (4) a member of the Committee shall be removed by the Governor upon the advice of the Chief Executive Committee member responsible for education.

10. The functions of the Ward Bursary, Education Development and Infrastructure Appraisal Committee shall be - Functions of the Committee

- (a) to receive and consider bursary and development fund applications;
- (b) to scrutinize and verify all applications;
- (c) to recommend to the County Bursary, Education Development and Infrastructure Committee the grant or award of bursaries to eligible students;
- (d) to recommend to the County Bursary, Education

Development and Infrastructure Committee the selected educational institution and development infrastructure to benefit from the fund;

- (e) to monitor the academic performance of bursaries recipients and oversee the utilization of funds by these selected institution;

to perform and exercise all other functions and powers conferred to the Committee by these Regulations.

11. (1) The Chairperson shall preside over all the meetings of the Ward Bursary, Education Development and Infrastructure Appraisal Committee and in his or her absence a person elected by the committee shall preside over the meeting.

Committee Meetings

(2) The Ward Bursary Appraisal Committee shall meet at least, four times in a year but the Chairperson shall, upon requisition in writing by at least four members, convene a special meeting of the Ward Bursary Appraisal Committee at any time.

(3) All resolutions of the ward Appraisal Committee shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairman shall, in case of equality of votes, have an original and a casting vote.

(5) The Ward Administrator shall cause minutes and proceedings of all the Committee's meetings to be entered into the Minute-Book kept for that purpose.

PART V - APPLICATION FOR FUND SUPPORT

12. (1) Every student or Institution wishing to be considered for assistance shall make an application to the Ward Appraisal Committee in a form prescribed by the County Bursary Committee.

Application for Fund Support

(2) This Ward Appraisal Committee may accept or reject any application.

(3) If the Ward Appraisal Committee accepts the application, it shall recommend to the County Bursary Committee for consideration.

(4) If the Ward Appraisal Committee rejects the application, it shall notify the applicant of such rejection in writing and the reasons thereof.

13. Any applicant aggrieved by the decision of the Ward Appraisal Committee may appeal to the County Bursary, Education Development and Infrastructure Committee within thirty days of Ward Appraisal Committee's decision.

Appeal to the County Bursary Committee

PART VII - ELIGIBILITY CRITERIA

14. The County Executive Member responsible for matters relating to education may from time to time determine, through policy guidelines, the criteria for eligibility.

Minimum Eligibility Criteria

PART VII - MISCELLANEOUS

15. (1) The County Bursary, Education Development and Infrastructure Committee may make guidelines for the smooth running of the Fund and the guidelines shall be tabled before the County Assembly for approval before implementation.

Guidelines and other Miscellaneous provisions

(2) The County Bursary, Education Development and Infrastructure Committee may, from time to time make and review the terms and conditions for application of the funds.

16. The County Bursary, Education Development and Infrastructure Committee shall be responsible for the functions of the Ward Bursary, Education Development and Infrastructure Appraisal Committees until the Committees are constituted.

Transition

J. K NG'OLEKONG,
*County Executive Committee Member for
Finance and Economic Planning*