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SPK/20

SPECIAL ISSUE

Murang'a County Gazette Supplement No. 13 (Acts No. 3)

MURANG'A COUNTY ASSEMBLY
OFFICE OF THE SPEAKER
09-09-2014
RECEIVED
P.O. Box 731-10200, MURANG'A



MURANG'A COUNTY ASSEMBLY
P. O. Box 731 - 10200,
MURANG'A

REPUBLIC OF KENYA

**MURANG'A COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 8th August, 2014

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No. 3 of 2014

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**THE MURANG'A COUNTY SCHOLARSHIP FUND
ACT**

No. 1 of 2014

Date of Assent: 1st August, 2014

Date of Commencement: 15th August, 2014

**AN ACT of the County Assembly of Murang'a to
provide for a Scholarship Fund to ensure needy
and eligible applicants access financial support**

ENACTED by the County Assembly of Murang'a as
follows—

PART I — PRELIMINARY

1. This Act may be cited as the Murang'a County Scholarship Fund Act and shall come into operation upon enactment by the Assembly.

Short title and commencement.

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

Interpretation.

“Assembly” means the Murang'a County Assembly;

“Constitution” means the Constitution of Kenya, 2010.

“County” means the Murang'a County;

“Fund” means the Murang'a County Scholarship Fund established under section 4 of this Act;

“Governor” the office established by article 179 (2) (a) of Constitution of Kenya, 2010;

“Executive Committee Member” means the office established by Article 179 (2) (b) of Constitution of Kenya 2010;

“Committee” means the Ward Scholarship Fund Committee established by section 4 of this Act;

“Ward Representative” means the elected Member of County Assembly under Article 177 (1) (a) of the Constitution of Kenya, 2010;

“Board” means the County Scholarship Fund Board established under section 12 of this Act;

“County Treasury” means the office established by section 103 of the Public Finance Management Act;

"Post-Secondary institutions" include universities, Colleges and Youth Polytechnics;

"Sponsors" means Faith Based Organizations;

"Public Notice Board" Means notice boards, churches, schools, shopping centers etc;

"Total orphan" Means an applicant whose both parents are not alive;

"Partial orphan" Means an applicant whose one parent is alive;

"Single parent" Means an applicant living with one parent;

"Needy" An applicant who is in need of financial assistance to pursue education without which he may drop out.

PART II — OBJECTIVE AND ESTABLISHMENT OF THE FUND

3. The objectives of this Act shall be:

Object and purpose of this Act.

(1) To establish a Scholarship Fund to assist needy and eligible students financially.

(2) To ease the burden of education on financially strained parents of the needy and qualified students.

(3) To facilitate the provision of scholarship support services to the needy and eligible children of Murang'a County at all levels of post primary and special education without discrimination.

(4) To engage closely with other stake holders in the County to create a scholarship kitty that will enable the needy children acquire education at all levels without interruption.

4. There is established in Murang'a County a Fund to be known as the Murang'a County Scholarship Fund which shall:

Establishment of the Fund.

(1) Be a County Fund consisting of moneys of an amount not less than 4% (four per cent) of the money allocated to Murang'a County Government from the National Government under Article 203 (2) of the Constitution.

(2) Shall include other moneys donated to the county in form of grants, scholarships, endowment funds among others in the area of Education and fall within the County Government.

(3) Not less than ninety five (95) per cent shall be shared equally among all Wards of Murang'a County.

(4) Not more than five (5) per cent shall constitute a special kitty to be administered by the County Executive Committee Member in-charge of matters related to education.

(5) Shall be administered by the County Executive in charge of matters related to education.

(6) Shall be awarded as full or partial financial scholarship assistance to the needy students in post primary and special needs institutions of learning.

5. For greater certainty, the Fund shall constitute development expenditure in every financial year and shall be provided for in the County Budget.

The Fund as
Development
Expenditure for
learning institutions.

PART III — MANAGEMENT

6. (1) There shall be established in every Ward of Murang'a County a Ward Scholarship Fund Committee that shall comprise of—

Ward Scholarship
Fund Committee.

- (a) the sub-county director of education or representative;
- (b) the Ward administrator who shall be the secretary to the committee;
- (c) a representative of the Kenya Secondary Schools Heads Association;
- (d) a representative of the Kenya Primary Schools Heads Association;
- (e) two sponsors from the respective Ward vetted by the Ward representative;
- (f) one community leader vetted by the Ward Representative;
- (g) one person representing the people living with disabilities;
- (h) one person representing youth;

(i) two "Murang'a Child Can" representatives to be vetted by the ward representative.

(2) Understanding the principle of separation of powers set out in the Constitution of Kenya, 2010, the Ward Representative shall be an *ex-officio* member of the committee serving the role of oversight and shall be patron of the Fund.

(3) The membership of the committee established under section 6 (1) shall be constitutional to the extent that no more than two thirds of the members shall be of the same gender.

(4) For avoidance of doubt, members of the Committee shall be persons of integrity, and shall have minimum education certification of The Kenya Certificate of Secondary Education (KCSE) or its equivalent, and should cut across the entire ward.

(5) The County Executive Committee Member responsible for matters related to education shall cause the gazetting of the members in the County *Gazette*.

(6) The committee, in its first sitting, shall elect a Chairperson and a Treasurer.

(7) The Secretary shall be the accounting officer of the Fund.

7. (1) The functions of the committee shall be—

- (a) to allocate and award scholarships to individual applicants;
- (b) to ensure there is full transparency in the distribution of scholarship funds and only needy cases are granted through competitive vetting of the application forms;
- (c) to provide the oversight and clear direction in the implementation of the program at the Ward level;
- (d) to receive, analyze, consult and verify for each of the scholarship applications;
- (e) to review and recommend special and extremely needy cases to the County Executive Committee Member responsible for Education for partial or full scholarship consideration;

Functions of the
Ward Scholarship
Fund Committee.

- (f) to communicate with the parents and institutions following the scholarship allocations and disbursement of scholarships awarded;
- (g) to display on all public notice boards particulars of successful applicants including amounts awarded to them.

(2) The County Executive Committee Member responsible for matters related to education shall, with the approval of the County Assembly, prescribe regulations for administrative procedures of the committee.

(3) The committee shall meet not more than three times in a year unless there is absolutely necessity and with approval of the County Executive Member in-charge of education.

(4) The quorum of the Committee shall be two thirds of its members.

(5) The secretary of committee shall provide full report on all scholarship committee meetings.

PART IV—APPLICATIONS

8. (1) The Ward Scholarship Fund Committee shall, in exercising its mandate under this Act, ensure fair distribution across the ward in allocation of scholarship support to applicants.

Scholarship
allocation criteria.

(2) The Fund shall be open to applicants in any secondary school, post secondary school institutions and special schools established for purposes of people living with disabilities, provided that in the opinion of the committee such institutions qualify to benefit the larger public.

(3) The committee shall ensure that strict criteria are adhered to in determining whether an applicant qualifies for scholarship support and shall ensure that—

- (a) beneficiaries in secondary schools shall be students in public institutions;
- (b) priority is given to needy in the order of total orphans, partial orphans, single parent and people living with disabilities;
- (c) the committee may in its opinion come up with other criteria not specified in this Act provided it does not contravene part IV of this Act subject to approval by the County Executive Member.

Applications.

9. (1) Every student wishing to be considered for the grant of scholarship fund shall make an application to the committee in the prescribed form.

(2) All duly completed forms will be eligible for evaluation.

(3) The committee after evaluation may accept or reject any application for a scholarship assistance.

(4) If the committee accepts the application, it shall award an amount of scholarship to the applicant as it may deem necessary.

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

PART V — ADMINISTRATION OF THE FUND

10. (1) There shall be established a Scholarship Fund Bank Account for Murang'a County administered by the County Executive Member in-charge of Education.

Scholarship Fund
Bank Account.

(2) The Bank Account shall be opened in well-established Bank with a wide range of branches in the County and duly licensed and regulated by the Central Bank of Kenya preferably where the Government has interest.

11. (1) The County Executive Committee Member responsible for Finance and Planning shall ensure timely disbursement of the Funds to the bank account established under section 10 (1) above not later than December 31, every year.

Disbursement of
Funds.

(2) The CEC Education shall ensure that the awarded Scholarship funds reach their respective beneficiary institution within the first term of the year.

(3) The CEC Education, in disbursing the funds to various institutions, shall accompany the disbursed funds with the list of beneficiaries duly stamped and signed by the Chairman and the Secretary of the Ward scholarship committee in every page of the list.

(4) The committee shall use not more than 3% (three per cent) of the Ward allocation as administrative expenses.

(5) The Executive committee member for Education shall make an order on the allowances payable to committee member subject to section 10 (4) above and cause to circulate such orders in the *Gazette*.

PART VI — COUNTY BOARD

12. (1) There shall be established a Murang'a County Scholarship Fund Board which shall comprise of—

County Scholarship
Fund Board.

- (a) the Governor who shall be the Patron of the Board;
 - (b) the Executive Committee Member for Education who shall be the Chairperson;
 - (c) the County Director of Education or equivalent national government officer in-charge of education matters in the County who shall be the secretary;
 - (d) the county officer representing the Teachers Service Commission;
 - (e) representatives of Primary and post primary schools' heads associations in the County;
 - (f) chairperson of the County Assembly Committee on Education matters;
 - (g) chairperson of the County Assembly Committee on Delegated Legislation;
 - (h) the County Chief Officer in-charge of education and shall Chair the board in the absence of the Executive Committee Member for education;
 - (i) the County Chief Officer for Finance;
 - (j) the County Executive Member may adopt five other members who are stakeholders in education and may form a subcommittee for fundraising.
- (2) The quorum of the board shall be two thirds of its members
- (3) The functions of the board shall be—
- (a) to develop policy for Scholarship funds where such policy shall be approved by the County Assembly;
 - (b) to liaise and correspond with other organizations and institutions in soliciting funds for the County Scholarship scheme;
 - (c) to advice the County Government on matters related to efficiency and effectiveness in the administration of the Scholarship Fund;

- (d) to ensure timely allocations of the Fund to the Wards through consultations with the County treasury;
- (e) where necessary to help the ward committees with capacity building;
- (f) to develop policies and programs to make education affordable and accessible by the needy at all levels.

(4) The board shall not hold more than six meetings unless in the discretion of the Executive Committee member in-charge of education.

(5) The Executive Committee member for education, in consultation with the county treasury, may make regulations for payment of sitting allowances of the Board members commensurate with the job groups.

(6) Annual estimates of the Budget shall make provisions for the running of the board

13. (1) The board shall not exercise supervisory responsibility over the Ward Scholarship Fund Committee except where there is contravention of this Act.

Limitation of the Board.

(2) The board shall not revoke a decision made by the Committee under this Act.

PART VII — MISCELLANEOUS

14. (1) The Executive Committee Member in-charge of education may make Regulations for smooth running of this Act.

(2) The Regulations made in section 14 (1) above must be within the spirit of the Constitution and this Act and such Regulations shall be approved by the County Assembly.