

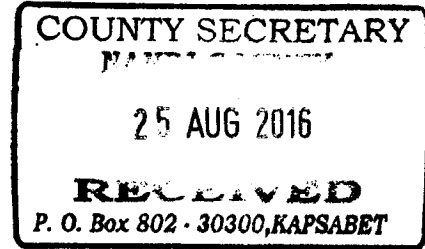
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SPECIAL ISSUE

Nandi County Gazette Supplement No. 2 (Acts No. 1)



REPUBLIC OF KENYA



**NANDI COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

NAIROBI, 8th June, 2016

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**THE NANDI COUNTY EDUCATION FUND ACT,
2016**

AN ACT of the County Assembly of Nandi to provide for the establishment of the County Education Fund; to provide for the management, governance and administration of the Fund; and for connected purposes

ENACTED by the County Assembly of Nandi as follows—

PART I—PRELIMINARY PROVISIONS

1. This Act may be cited as the Nandi County Education Fund Act, 2016 and shall come into operation upon publication.

Short title.

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

Interpretation.

“access” means the right or opportunity to use or benefit from education;

“Board” means the Higher Education Loans Management Board established under Section 3 of the Higher Education Loans Board Act;

[Cap. 213 A]

“chief officer” means the county chief officer as appointed under Section 45 of the County Governments Act, 2012, responsible to the County Executive Committee member for the time being responsible for education;

[Act No. 17 of 2012]

“Committee” means a County Education Fund Committee established under Section 12 of this Act;

“community” means residents of a particular geographical area or region defined as county ward, location, sub location or village having common interests;

“county” means the County Government of Nandi;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to Education, Research and Vocational Training;

“education improvement” means the development, enhancement and progression of education;

“eligible person” means any person, who being a resident of Nandi County has met minimum entry requirements and has been admitted to a recognized institution of learning to complete a full course;

“equity” means the act of being fair and impartial in considering a matter;

“Fund” means the County Education Fund established under section 5 of this Act;

“higher education” means any course of education offered by an institution above the standard of Kenya Certificate of Secondary Education or any equivalent certificate approved by the County Government;

“Loanee” means any person granted a loan under this Act;

“scholarship” means a grant, gift or donation given to a successful applicant;

“tertiary education” means education provided for by polytechnics, colleges and universities;

“ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution; and

“youth” means a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

3. The objectives of this Act are to establish a legal and institutional framework to facilitate—

- (a) improved access to education by all residents of Nandi County by providing funds to grant bursaries and scholarships;
- (b) enhanced Equity in education for all residents of Nandi County;
- (c) improvement of literacy level within Nandi County; and
- (d) ensuring that a specific portion of the County annual budget is devoted to the Education Fund for the purposes of this Act.

Objectives of the Act.

4. The guiding principles that shall govern the application of this Act shall be—

Guiding Principles.

- (i) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (ii) good governance, integrity, transparency and accountability; and
- (iii) sustainable development.

PART II — ESTABLISHMENT OF THE EDUCATION FUND

5. (1) There is established a fund, to be known as the Nandi County Education Fund.

Establishment of the Fund.

(2) The Fund shall consist of—

- (a) monies as allocated by the County Assembly for the purposes of the Fund, of an amount of not less than 1% (one per centum) of all the county government annual budget in every financial year;
- (b) any grants, scholarship, gifts, donations, loans or other endowments received by the County Government for the purpose of this Fund; and
- (c) such monies as may vest in or accrue to the Fund.

6. The resources of the fund shall be utilized for—

Application of the Fund.

- (a) securing the attendance to an educational institution of the nature of a youth polytechnic, middle level colleges and home craft centers or any other institution that may be recognized by the County Government pursuant to this Act as a bursary;
- (b) securing attendance to an educational institution of a nature of middle level colleges and universities or any other institution recognized by the County Government pursuant to this Act as an education loan; and
- (c) enhancing equity in educational services provided in accordance with this Act.

7. (1) The County Executive Committee Member responsible for finance shall designate a person who shall administer the Nandi County Education Fund.

Administration of
the Fund.

(2) The Fund Administrator appointed under subsection (1) above shall be the accounting officer of the Fund.

(3) The Fund Administrator shall—

- i) prepare and keep the accounts of the Fund in each financial year;
- ii) not later than three (3) months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and
- iii) present financial statements to the County Assembly.

(4) The Fund Administrator shall cause an account to be opened in any commercial bank, approved by the County Treasury, and such an account shall be known as the “Nandi County Education Fund Account”.

(5) The signatories of the account stated in subsection (4) above shall include the Fund Administrator and two other members who shall be assigned by the County Executive Committee Member responsible for finance.

(6) The Fund Administrator will ensure that the accounts resources are used for the purpose for which they were intended and shall ensure that the earnings of, or accruals to the Fund are retained in the Fund.

(7) The Fund Administrator of a county public fund shall ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

8. (1) The Fund Administrator referred to in Section 7 (1) is accountable to the County Assembly for ensuring that the resources of the Fund for which the officer is designated are used in a way that is—

Responsibilities of
the Fund
Administrator.

- (a) lawful and authorized; and
- (b) effective, efficient, economical and transparent.

(2) In carrying out a responsibility imposed by subsection (1), the Fund Administrator, in respect of the Fund shall— [Act No. 18 of 2012]

- (a) ensure that all expenditure made by the Fund complies with subsection (1) above;
- (b) ensure that the Fund keeps financial and accounting records that comply with the Public Finance Management Act;
- (c) ensure that all financial and accounting records that the Fund keeps in any form including in electronic form are adequately protected and backed up;
- (d) ensure that all contracts entered into on behalf of the Fund are lawful and are complied with;
- (e) ensure that all applicable accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance;
- (f) bring a matter to the attention of the County Executive Committee Member if, in the accounting officer's opinion a decision or policy or proposed decision or policy of the Fund may result in resources being used in a way that is contrary to subsection (1);
- (j) submit the estimates of the Fund to the County Executive Committee Member who, after approving it, shall forward it to the County Executive Committee Member responsible for finance;
- (k) not later than three (3) months after the end of each financial year, prepare annual financial statements for that financial year and submit them to the Auditor—General for audit, with a copy to the County Treasury;

- (l) try to resolve any issues resulting from an audit that remain out;
 - (m) manage the assets of the Fund to ensure that it receives value for money when acquiring, using or disposing of its assets;
 - (n) dispose of assets at the most competitive price and at the lowest possible cost ensuring that the proceeds from all asset disposals are deposited in the bank account of the Fund;
 - (o) ensure that the Fund has adequate systems and processes in place to plan for, procure, account for, maintain, store and dispose of assets, including an asset register that is current, accurate and available to the relevant County Treasury or the Auditor-General;
 - (p) provide the County Treasury with any information it requires to fulfill its functions under this Act;
 - (q) provide information on any frauds, losses, or any violations of subsection (1) and provide explanations for the actions taken to prevent similar conduct in future; and
 - (r) carry out such other responsibilities as may be specified in regulations by the County Executive Committee Member responsible for finance.
- (3) Not later than three (3) months after the County Assembly has adopted a report by a committee of the County Assembly with respect to a report submitted by the Controller of Budget under Article 228 (6) of the Constitution, the Fund Administrator shall—
- (a) prepare a report on actions taken by the Fund to implement any recommendations made in the committee's report as adopted by the County Assembly; and
 - (b) submit the report to the County Assembly with a copy to the County Treasury.
- (4) Not later than one month after receiving a report by the Fund Administrator under subsection (3), the County

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Treasury shall submit to the County Assembly the accounting officer's report and may include any comments on the report by the County Treasury.

(5) The report referred to in subsection (3) shall be published and publicized.

9. (1) The Fund Administrator—

- (a) is responsible for the management of the Fund's assets and liabilities; and
- (b) shall manage those assets in such a way as to ensure that the Fund achieves value for money in acquiring, using or disposing of those assets.

Management of
Assets and
Liabilities of the
Fund.

(2) The Fund Administrator shall dispose of assets only in terms of the Public Procurement and Disposal Act and pursuant to Article 227 of the Constitution, and shall ensure that the proceeds from all asset disposals are credited into the Fund's bank account.

[Act No. 3 of 2005]

10. (1) At the end of each financial year, the Fund Administrator shall prepare financial statements in respect of the Fund in formats to be prescribed by the Accounting Standards Board.

Reports.

(2) The Fund Administrator shall include in the financial statements—

- a) appropriation accounts, showing—
 - (i) the services for which the appropriated money was spent;
 - (ii) the amounts actually spent on each service;
 - (iii) a statement explaining any variations between the actual expenditure and the sums voted; and
 - (iv) any other information specified by the County Treasury;
- b) a statement of the Fund's debt that is out at the end of the financial year;
- c) a statement of the Fund's assets and liabilities as at the end of the financial year;

- d) a statement of the accounting policies followed in preparing the financial statement; and
- e) a statement of the Fund's performance against predetermined objectives.

(3) The Fund Administrator shall prepare the financial statements in a form that complies with relevant accounting standards prescribed and published by the Accounting Standards Board from time to time.

(4) Within three (3) months after the end of each financial year, the Fund Administrator shall—

- (a) submit the Fund's financial statements to the Auditor-General; and
- (b) deliver a copy of the statements to the relevant County Treasury, the Controller of Budget, and the Commission on Revenue Allocation.

(5) The Fund Administrator shall submit a copy of the Fund's financial statements to the County Executive Committee Member who shall approve and forward the statements to the County Executive Committee Member responsible for finance.

11. (1) The Fund Administrator shall prepare a report for each quarter of the financial year in respect of the Fund.

Quarterly reports.

(2) In preparing the quarterly report, the Fund Administrator shall ensure that the report—

- a) contains information on the financial and non-financial performance of the Fund; and
- b) is in a form determined by the Accounting Standards Board.

(3) Not later than fifteen (15) days after the end of each quarter, the Fund Administrator shall submit a copy of the quarterly report to the County Executive Committee Member, who, upon approving it, shall submit a copy to the County Executive Committee Member responsible for finance.

**PART III – ESTABLISHMENT OF THE FUND
COMMITTEE**

12. (1) There is established a committee to be known as the County Education Fund Committee which shall consist of—

Establishment of the
Committee.

- a) a Chairperson appointed by the County Executive Committee Member in accordance with the procedure set out in the regulations;
- b) a County Education Officer not below the rank of a County Director of Education;
- c) six (6) persons representing Sub-Counties and appointed by the County Executive Committee Member;
- d) Three (3) persons appointed by the County Executive Committee Member representing the following groups—
 - (i) the National Youth Council within the County;
 - (ii) a person with Disabilities nominated by the Council of Persons with Disabilities; and
 - (iii) a person nominated by the Kenya Council of Churches.
- g) the various Sub-County administrators within the County who shall be *ex-officio* members;
- h) the chief officer responsible for finance and economic planning or a designated alternate not below the level of Director who shall be an *ex-officio* member; and
- i) the Chief Officer responsible for Education who shall be the secretary and an *ex-officio* member.

(2) Appointment of members of the Committee shall take into account—

- (i) the principles of equality and non-discrimination, regional balance and gender parity;

- (ii) representation of men and women, persons with disabilities and youth; and
 - (iii) the requirements, standards and values of Articles 10, 27 (4), 56 (c) and 232 (1) of the Constitution of Kenya.
- (3) A person shall not be selected as a chairperson under subsection (1) (a) unless the person—
- (a) holds a minimum requirement of a bachelor's degree in economics, law, finance, accounting, business or any related field from a recognized university; and
 - (b) has experience of at least five years in senior level management in public or private sector.
- (4) A person shall not qualify to be selected as a member under subsection (1) (e) and (f) unless they hold a certificate in post secondary education.
- (5) The chairperson and the vice chairperson shall be of the opposite gender.
- (6) The term of office for members appointed under sub-section (1) (a), (e) and (f) shall be three (3) years, which shall be non-renewable.
- (7) The County Executive Committee member shall cause the names of persons appointed as members of the Committee to be published in the Kenya Gazette.
- (8) The quorum of the Committee shall be a simple majority.
- (9) Whenever a vacancy occurs in the 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.

13. (1) The Committee shall—

- (a) receive, deliberate and approve applications for bursary education grants and loans;
- (b) review the applications for bursary and make the awards to the eligible and successful applicants;

Functions of the
Committee.

- (c) resolve disputes arising from the award of bursary education grants and loans;
- (d) ensure that fairness and equity is adhered to in making the awards for bursary education grants and loans;
- (e) select eligible candidates for the award of the Nandi County Government Social Responsibility throughout the county; and
- (f) perform such other duties as are allocated to them by the County Executive Committee Member.

(2) The awards specified under subsection (1) (e) shall not exceed twenty percent of the total allocation made to the Fund in every financial year.

(3) The secretary to the Committee shall compile proper records and minutes and make returns thereof to the County Executive Committee Member.

14. The meetings of the Committee shall be conducted as provided for in the First Schedule.

Conduct of meetings.

15. (1) A member who has an interest in any matter presented 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 matter, or be counted in the quorum of the meeting during consideration of the matter.

Declaration of interest.

(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 Committee who contravenes subparagraph (1) shall cease to be a member of the Committee subject to the discretion of the County Executive Committee Member.

(4) A member who contravenes the provisions of this Act commits an offence.

16. (1) The office of a person appointed as the Chairperson or as a Member of the Committee shall become vacant, if such chairperson or member—

Removal from office.

- (a) is, on the recommendation of the members of the Committee, removed by the County Executive Committee Member;
 - (b) dies;
 - (c) resigns from office in writing to County Executive Committee Member;
 - (d) is convicted of an offence punishable by a term of imprisonment exceeding three (3) months;
 - (e) violates the provisions of Chapter Six of the Constitution;
 - (f) is culpable of gross misconduct, whether in the performance of the member's functions;
 - (g) is incapable of performing the official functions of the office due to physical or mental incapacity;
 - (h) is absent from three consecutive meeting without good cause;
 - (i) is adjudged bankrupt; or
 - (j) is incompetent or unfit to discharge official duties.
- (2) Before removal from office under Subsection (1) (a), a member shall be accorded a fair opportunity to be heard by the County Executive Committee Member.

(3) An appointment to fill a vacancy shall be for the remainder of the term of the member being replaced and such a person shall be eligible for reappointment.

PART IV—EDUCATION GRANTS, BURSARY AWARDS AND LOANS

17. The Committee shall adhere to the following principles while making bursary awards—

Principles of making education grants or bursary awards.

- (a) equitability and fairness;
- (b) inclusivity and nondiscrimination;
- (c) public participation; and
- (d) accountability and transparency.

18. An applicant may be eligible for award of bursary

Eligibility for award

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or scholarship if he/she—

of bursary or scholarship.

- (a) has a parent or guardian who has been a resident in the ward or county for at least three (3) years;
- (b) is a full-time student or enrolled student attending a youth polytechnic, middle level college, home craft center or other institution;
- (c) is not financially capable of making payment of the school fees; and
- (d) meets the conditions set out under section 19 of this Act.

19. An education grant, or bursary, or scholarship, under this Act shall only be granted to a person who is—

Conditions for Education Grant, Bursary or Scholarship.

- a) an orphan;
- b) vulnerable due to family or social setting;
- c) disabled, or has special needs; or
- d) poor and whose parents have no means of providing financial support towards the person's education.

20. (1) An eligible applicant may apply to the Committee in the form set out under the Second Schedule.

Application for an Education Grant or Scholarship.

(2) The Committee shall ensure that the application forms are accessible in at least—

- a) the office of each ward administrator;
- b) the department's office;
- c) the County Government's registry; and
- d) the County Government's website.

(3) Notwithstanding subsection (2), the Committee may partner or collaborate with education stake holders such as schools, faith based or nongovernmental or community based organizations for provision of the forms to eligible students.

(4) An applicant shall not be charged any fee for accessing the forms prescribed under this section.

21. (1) The County Executive Committee member in charge of finance shall cause there to be a partnership between the County Government and the Board to facilitate the issuance of an education loan in relation to Section 6 (b) of this Act.

Agreement with the Board.

(2) The pact in the above sub-section (1) shall be entered into through a legal agreement.

(3) The objectives of the partnership shall be to—

- (a) grant loans, with or without security, to some of the eligible and successful loan applicants of the Board domiciled in Nandi County, to enable them to meet the cost of higher education;
- (b) receive a list of the eligible and successful loan applicants from the Board, and to approve, withhold or reject applicants for the grant of the loans; and
- (c) perform other functions relating to the granting of students' loans in accordance with the provisions of this Act.

(4) After approval of eligible and successful loan applicants as per sub-section (3) (b), the County Executive Committee Member shall forward the approved list to the Fund Administrator to effect the necessary payments.

(5) Any administrative expenses of executing the agreement shall be dealt with in a manner prescribed by the County Executive Committee Member.

22. (1) An applicant who wishes to be considered in the scheme mentioned under Section 21 shall make an application to the Board as per the regulations set out in the Third Schedule in consultation with the Committee.

Eligibility and Qualification for the Higher Education Loans.

(2) The Committee shall identify successful candidates who qualify to be awarded loans as per the Criteria and Means Testing Instrument established by the Committee.

(3) The Committee shall then submit the list of the successful candidates to the County Executive Committee Member who shall then forward the list to the Fund Administrator to effect payment thereof as per Section 21 (4) of this Act using the most efficient way.

(5) The Committee shall recover the loan as per the loan agreement between the County Government and loan applicant, and in accordance with this Act and any other relevant law.

(6) If the Committee rejects the list submitted by the Board as per Section 21 (3) (b), it shall notify the Board of its decision within fourteen (14) days with reasons of such rejection and recommendations thereof.

(5) Upon receipt of the notice of rejection of the Committee, the Board shall prepare a rejoinder and submit it to the Committee within twenty one (21) days.

(6) An unsuccessful candidate may appeal to the Committee for reconsideration of their loan application.

23. Notwithstanding any other provision in this Act, the provisions of Sections 21 and 22 shall apply to applicants from colleges in public and private universities who for any reasons cannot access National Government higher education loans kitty, or where access thereof is insufficient and cannot see them through their studies.

Application of higher education loans.

24. The Committee shall receive and consider the applications submitted under section 22 within fourteen (14) days after the expiry of the stipulated date of submission.

Review of the applications.

25. (1) The Committee shall consider the following categories of applicants in determining the amount of education grant or scholarship award—

Awarding education grants.

- (a) family status ranked as total orphan, partial orphan, or an applicant with parents in financial need;
- (b) affirmative action or special circumstances such as girl child, boy child, children from informal settlements, marginalized areas or of special needs, or with disability;
- (c) discipline ranked as excellent, very good, good, average or below average;
- (d) academic performance ranked as excellent, very good, good, average or below average; and

- (e) such other category as may be prescribe by the County Executive Committee Member.

(2) The Committee shall award scores under each category out of a possible one hundred marks, and the applicants with the highest scores shall be the successful candidates.

(3) The Committee shall ensure proper and up-to-date minutes are maintained.

(4) In considering the applications under this section, the Committee shall liaise, where applicable, with other relevant public or private entities to ascertain whether an applicant has been awarded an educational award or scholarship under a similar scheme to cater for the same year and whether the amount has been awarded.

(5) Where the Committee establishes that an applicant has been awarded an education grant, bursary or scholarship under subsection (4), it may make additional award to the applicant to meet the remaining fee deficit:

Provided that the Committee shall give priority to applicants who have not received any educational grant, bursary or scholarship.

26. Committee shall have powers to verify information provided by an applicant and may, subject to the relevant laws—

- (a) visit the residence of the applicant;
- (b) seek further information to support the application; or
- (c) invite the applicant to appear in person before the Committee.

Verification of Information.

27. (1) The Committee shall submit the list of beneficiaries, together with minutes of the deliberation and award proceedings to the County Executive Committee Member for approval and preparation of payment for the grant, bursary or scholarship.

Disbursements.

(2) The list of beneficiaries shall be in the summary form set out under the Fourth schedule.

(3) Where an applicant who is not eligible under this Act is awarded a grant, bursary or scholarship by any Committee, the County Executive Committee Member may cancel the grant, bursary or scholarship, and provide reason thereof to the committee.

(4) The County Executive Committee Member shall then forward a certified list of beneficiaries to the Fund Administrator for processing of payment.

(5) The Fund Administrator shall make payments in favor of, and directly to, the designated educational institution's account, and there shall be no direct payments to any eligible successful candidates.

(6) The Fund Administrator shall ensure that all payments are made in good time so as not to interrupt with the studies of the successful applicant.

28. The monies disbursed for an educational grant, bursary or scholarship may be applied towards any or all of the following uses depending on each successful candidates needs—

Application of
disbursed funds.

- (a) the tuition fees in the designated educational institution in which the successful candidate is registered;
- (b) the cost of books and other course related materials;
- (c) the cost of school uniform;
- (d) where the successful candidates are enrolled in a designated educational institution outside the ward in which they are residents and are required to board in such institutions, the cost of boarding and lodging of the successful candidate; and
- (e) such necessary supplies in reasonable quantities as may be approved by the school institution.

29. (1) The County Executive Committee Member shall publish the list of successful candidates in—

Publication of list of
Beneficiaries.

- (a) the office of the Ward Administrator;
- (b) the office of the Member of County Assembly of that Ward;

- (c) the office of the county officer in charge of education in the Ward;
- (d) the County Executive Committee Member's office;
- (e) the County website and such other media platform; or
- (f) such other office as may be determined by the County Executive Committee Member.

(2) The Committee shall ensure that the list of beneficiaries is accessible to the public.

PART V — MISCELLANEOUS PROVISIONS

30. The County Government shall make an award with respect to this Act to each successful candidate of not less than Kenya Shillings five thousand.

Minimum award per student.

31. (1) A person must not make a statement in connection with this Act which that person knows to be false or misleading—

Offenses – false or misleading statements.

- a) in connection with an application for the grant of a bursary or an application for grant of a higher education loan pursuant to Sections 20 and 23, respectively, of this Act; or
- b) generally, when providing information required under this Act.

(2) If a person contravenes subsection (1), the person is guilty of an offence and is punishable on conviction by a fine not exceeding Kenya Shillings two hundred and fifty or imprisonment of one (1) year, or both.

32. A person who commits an offence under this Act shall be liable to a fine not exceeding Kenya Shillings five hundred thousand or to imprisonment for a term not exceeding two (2) years or to both.

General penalty.

33. Neither the County Executive Committee Members nor any other officer or body of officers shall be personally liable to any action or proceedings for or in respect of any act or thing done or omitted to be done in good faith in the performance or exercise or intended performance or exercise of any duty or power imposed or conferred by or under this Act.

No action maintainable against County Executive Committee Members, etc.

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34. (1) The county government shall liaise with the Office of the Director of Public Prosecution to have its authorized officers gazetted in order to prosecute matters for and on behalf of the County Government under this Act.

Prosecution of
matters under this
Act.

(2) Offences created pursuant to this Act shall be cognizable offences.

35. (1) Fines payable under this Act shall be remitted to the County Revenue Fund.

Fines.

(2) The County Government shall make an arrangement with the National Treasury on the remittance of fines paid to it to the County Treasury in relation to this Act.

36. The County Executive Committee Member shall make regulations for—

Regulations.

- (a) process of submitting requests for a grant, bursary or scholarship award;
- (b) submission of application forms deadlines;
- (c) format of the application forms for bursary awards;
- (d) serialization of list of successful candidates;
- (e) criteria to be used in making awards under the Nandi County Government Social Responsibility on education category;
- (f) maximum or minimum grant, bursary or scholarship an applicant can get;
- (g) the receipt, processing and approval of applications for loans and the granting of loans to students;
- (h) the preparation and maintenance of loanees' records;
- (i) the withdrawal, recovery and cancellation of loans already granted;
- (j) the waiver or exemption from repayment of loans;

- (k) persons who being loanees are or have been living outside Kenya; or
- (l) any other matter the County Executive Committee member may deem necessary for the proper carrying out of this Act.

37. (1) The Nandi County Education Fund Act (NACEF), 2014, is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the Nandi County Education Fund Act (NACEF), 2014—

[Act No. 1 of 2014]

- a) all successful candidates of the repealed law shall be deemed to be successful candidates under this Act; and
- b) any orders, directions, appointments and other acts lawfully made or done under any of the provisions of the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made or done under the corresponding provisions of this Act and shall continue to have effect accordingly.

SCHEDULES**FIRST SCHEDULE**

(s. 14)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. The Chairperson or a member of the Committee other than *ex – officio* members shall, subject to the provisions of this Schedule, hold office for a period of three (3) years, on such terms and conditions as may be specified in the instrument of appointment, and shall not be eligible for appointment for another term.

Tenure of office.

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

Vacation of office.

(a) at any time resign from office by notice in writing to the County Executive Committee Member; or

(b) be removed from office by the County Executive Committee Member on recommendation of the Committee if the member—

- i) has been absent from three consecutive meetings of the Committee 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 (6) 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 sub – paragraph (1).

3. (1) The Committee shall meet quarterly in every financial year and not more than four (4) months shall elapse between the date of one meeting and the date of the next meeting.

Meetings.

(2) Notwithstanding sub – paragraph (1), the

Chairperson may, and upon requisition in writing by at least five (5) members, convene a special meeting of the Committee at any time for urgent, unforeseen and contingent transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen (14) days' written notice of every meeting of the Committee shall be given to each Committee member.

(4) The quorum for the conduct of the business of the Committee shall be a simple majority.

(5) The Chairperson shall when present, preside at every meeting of the Committee.

(6) The members present shall elect one (1) 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.

(7) Unless a unanimous decision is reached, a decision on any matter before the Committee 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.

(8) Subject to sub – paragraph (4), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this Schedule, the Committee may determine its own procedure and the procedure for any sub-committee of the Committee and for the attendance of other persons at its meetings and may make orders in respect thereof.

4. (1) A member who has an interest in any matter presented 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 matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of interest.

(2) A disclosure of interest made under sub – paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Committee who contravenes sub – paragraph (1) shall cease to be a member of the Committee subject to the direction of the County Executive Committee Member.

5. The provisions of this Schedule shall apply to the conduct of the business of the Committee but only where no specific provisions have been made in this Act, and only in so far as they do not constitute a contradiction or negation of the provisions of the Act.

Application of this
Schedule.

SECOND SCHEDULE (s. 20(1))

APPLICATION FORM

FORM NDCG/WARD YEAR

TO: THE CHAIRMAN,
NANDI COUNTY EDUCATION FUND,
P.O BOX 802 – 30300, KAPSABET

REF: APPLICATION FOR AN EDUCATION GRANT OR
BURSARY

A. PERSONAL INFORMATION

- i. Name of applicant.....
ii. Name of Guardian/Parent.....
iii. Occupation.....
iv. Area of residence
a) Ward
b) Location
c) Sub-Location
d) Village
v) Name of the institution of learning
from to

vi) Reasons for applying (tick) where appropriate

- () I am a needy orphan
() I am a needy student from a single parent
() I hail from a poor family
() Any other – Please explain

.....
.....
.....
.....

Have you ever been a beneficiary?

() Yes

() No

vii) If yes, which year.....

Amount in Kenya Shillings
.....
.....

Total cost of your Education per year in Kenya Shillings
.....
.....

I,, certify that the above information is true to the best of my knowledge and belief.

STUDENT'S SIGNATURE: DATE:

B. FOR OFFICIAL USE

i. Ward name:

ii. Date application received:

iii. Reasons for not approving:
.....
.....
.....

iv. Amount recommended in Kenya Shillings:
.....
.....

CHAIRPERSON, COMMITTEE

SIGNATURE: DATE:

SUB – COUNTY ADMINISTRATOR

SIGNATURE:

DATE:

THIRD SCHEDULE (s. 22 (1))**ADMINISTRATION OF THE REVOLVING FUND****Application of the higher education loans**

1. (1) Every student who wishes to be considered for the grant of a loan under this Act shall make an application to the Board in the prescribed form.

(2) The Committee shall invite the Board to forward a list of students who made applications to it as stated in sub – paragraph (1), and were not awarded a loan under the Higher Education Loans Board Act, Chapter 213 A, of the Laws of Kenya.

Loanee Identification Personal Account Number

2. Every student who has been awarded a loan by the Committee shall be issued with a Loanee Identification Personal Account Number by the Board.

Conditions for grant of loan

3. (1) The Committee may—

- (a) accept or reject any application for a loan;
- (b) grant a loan to any student and in so granting impose conditions, demand security and require repayment in installments at such times and within such periods as it deems fit:

Provided that subject to the provisions of this Act, the loan applicant may make a request in the prescribed form to vary—

- (i) the condition subject to which the loan was made;
- (ii) security given in relation to the loan; or
- (iii) any of the terms of repayment of the loan.

Notice to candidate in writing.

4. Where the Committee has resolved to grant a loan to an eligible candidate, it shall notify the applicant in writing, and require him within a specified period not exceeding six (6) months to comply with any conditions, and provide any security which it may have imposed or demanded.

Lapse of the application

5. Where an applicant fails to comply with the requirements of the notice referred to in paragraph 4 above within the prescribed period, the application shall be deemed to have lapsed.

Loan guarantor

6. (1) Where in granting a higher education loan to a candidate, and the Committee considers it prudent to request for a guarantor to guarantee any loan granted to a student, in case of any default by the Loanee in the repayment of the loan, such a guarantor shall automatically be wholly liable for the repayment of all or part of the loan together with interest accrued.

(2) Written notice shall be made to the guarantor of default by the Loanee to make repayment of the loan for three (3) consecutive months.

Default by the guarantor

7. (1) Where a guarantor who has been notified by the higher education loan under paragraph 7 above fails or refuses to repay such loan together with any interest accrued thereon, the guarantor shall be guilty of an offence and liable to criminal prosecution or civil proceedings or both in accordance with the provisions of this Act.

(2) A guarantor who fails to pay a loan issued pursuant to this Act commits an offence and shall be liable on conviction to fine not less than Kenya Shillings six thousand or to imprisonment not exceeding six (6) months, or to both.

Bonding the Loanee

8. (1) The Committee may on approval of a loan application resolve to bond Loanee to offer their services to the County Government after completion of their studies, or in between their study period:

Provided that the bond terms shall not interfere with the study program offered to the Loanee.

(2) The bond forms shall be in the prescribed form and shall be prepared by the legal services directorate and copied to the Department and the Human Resource Manager.

Default by Loanee

9. (1) A loanee shall be required, subject to and in accordance with this Act or any regulations made thereunder, within one year of

completion of his studies or within such a period as the Committee decides to recall its loan, whichever is earlier—

- (a) to inform the Committee of his contact address;
- (b) to begin repayment of his loan together with any interest accrued thereon; or
- (c) if he is in formal employment, to authorize his employer to deduct the loan repayment and to remit it to the Fund in such manner as the Committee may direct.

(2) Any loanee who fails or neglects to satisfy the requirements of sub – paragraph (1) within the stipulated time, shall in addition to any other action that the Committee may take against him, be guilty of an offence and liable to a fine of not less than Kenya Shillings five thousand in respect of each loan deduction that remains unpaid in accordance with provisions of sub – paragraph (1), and such fine shall be payable to the Fund.

(3) The County Government shall make an arrangement with the National Treasury on the remittance of fines paid to it to the County Treasury in relation to this Act.

FOURTH SCHEDULE (s. 27 (2))

SUMMARY FORM

FORM NDCG/WARD YEAR

<i>S. No.</i>	<i>Name</i>	<i>Institution</i>	<i>Adm. No.</i>	<i>Award</i>	<i>Comment</i>

Chairperson, Committee:

Signature: *Date:*

Sub-County Administrator:

Signature: *Date:*