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**THE KISUMU COUNTY EDUCATION AND SOCIAL
PROTECTION FUND BILL, 2026**

A Bill for

AN ACT of the County Assembly of Kisumu to repeal the Kisumu County Education Funds Act (No. 8 of 2014) and the Kisumu County Education Funds (Amendment) Act (No. 6 of 2016); to establish the Kisumu County Education and Social Protection Fund and for connected purposes

ENACTED by the County Assembly of Kisumu, as follows—

PART I — PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Kisumu County Education and Social Protection Fund Act, 2026.

Interpretation

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

“academic year” means the period of twelve months commencing on the first day of January and ending on the thirty-first day of December of the same year, or such other period as may be prescribed in regulations;

“applicant” means a student who has submitted an application for a bursary or scholarship under this Act;

“beneficiary” means a student who has been awarded a bursary or scholarship under this Act and whose award has not been discontinued;

“bursary” means a means-tested financial grant awarded to an eligible student under this Act to meet the costs of education, including tuition fees, examination fees, boarding fees, and such other education-related costs as may be prescribed;

“Chief Officer” means the Chief Officer within the meaning of the County Governments Act (No. 17 of 2012), responsible for matters relating to education in the County;

“Committee” means the County Education and Social Protection Fund Committee established under section 14;

“County” means Kisumu County;

“County Assembly” means the County Assembly of Kisumu established under Article 176 of the Constitution;

“County Executive Committee” means the County Executive Committee of Kisumu County established under Article 176 of the Constitution;

“County Government” means the County Government of Kisumu established under Article 176 of the Constitution;

“County Treasury” means the County Treasury within the meaning of the Public Finance Management Act, 2012 (No. 18 of 2012) of Kisumu County;

“Data Commissioner” means the Data Commissioner appointed under section 10 of the Data Protection Act, 2019 (No. 24 of 2019);

“data subject” means a student, applicant, or other person whose personal data is processed by the Fund or any of its committees;

“education” means education at any of the following levels in a recognized educational institution —

- (a) pre-primary education, as defined in the Early Childhood Education Act;
- (b) primary education, as defined in the Basic Education Act, 2013 (No. 14 of 2013);
- (c) secondary education, as defined in the Basic Education Act, 2013 (No. 14 of 2013);
- (d) technical and vocational education and training, as defined in the Technical and Vocational Education and Training Act, 2013 (No. 29 of 2013);
- (e) university education, as defined in the Universities Act, (No. 42 of 2012); provided that, for education at levels (c), (d) and (e), financial assistance from the Fund shall only be provided in accordance with a valid intergovernmental partnership agreement entered into under section 8 of this Act;

“financial year” means the period of twelve months ending on the thirtieth day of June in each year, or such other period as may be prescribed by the Public Finance Management Act, 2012 (No. 18 of 2012);

“Fund” means the Kisumu County Education and Social Protection Fund established under section 10,

“Fund Administrator” means the Fund Administrator appointed under section 22;

“intergovernmental partnership agreement” in this Act referred to as an ‘IPA’; means an agreement entered into between the County

Government and the National Government or any agency thereof, or between the County Government and a development partner, donor, or other body, for the purpose of cooperation in the provision of educational financial assistance to eligible students, entered into pursuant to Article 189 of the Constitution and in accordance with the Intergovernmental Relations Act, 2012 (No. 2 of 2012);

“person with disability” means a person within the meaning of section 2 of the Persons with Disabilities Act, 2003 (No. 14 of 2003);

“personal data” means any information relating to an identified or identifiable natural person, within the meaning of section 2 of the Data Protection Act, (No. 24 of 2019);

“recognized educational institution” means a public educational or training institution that is duly registered, accredited, or licensed by the relevant national government authority, and that is approved by the County Government for purposes of this Act by notice in the Kenya Gazette;

“resident” means a person who has been ordinarily and continuously resident in Kisumu County for a period of not less than twelve months immediately preceding the date of an application under this Act, which continuous residence may be established by any one or more of the following—

- (a) a National Identity Card or passport indicating a physical address within Kisumu County;
- (b) a certificate of ordinary residence issued by the relevant Ward Administrator upon approval by the Ward Committee;
- (c) such other documentary evidence as the CEC Member may, by regulations, prescribe;

“scholarship” means a merit- and need-based financial award granted to an eligible student under this Act to meet the full or partial costs of tuition fees for the duration of an approved course of study;

“social protection” means targeted interventions and financial assistance programmes designed to reduce poverty and vulnerability among learners and their households in Kisumu County, including education-related grants, bursaries, and scholarships provided under this Act;

“student” means a person who is a resident of the County and who is enrolled or seeking enrollment in a recognized educational institution;

“vulnerable student” means a student who—

- (a) comes from a household that is unable, by reason of poverty, to meet the costs of that student's education as assessed in accordance with criteria prescribed by regulations;
- (b) is an orphan or comes from a child-headed household;
- (c) is a person with disability;
- (d) comes from a household headed by a person with disability or a chronic illness;
- (e) is a girl student at risk of dropping out of school by reason of socio-economic factors;
- (f) is from a historically marginalized community within the County; or
- (g) meets such other criteria of vulnerability as may be prescribed by the Committee with the approval of the County Assembly;

“Ward” means an electoral Ward within Kisumu County as defined under the First Schedule to the County Governments Act, (No. 17 of 2012);

“Ward Administrator” means the Ward Administrator appointed under section 51 of the County Governments Act, (No. 17 of 2012) for the respective Ward;

“Ward Committee” means a Ward Education and Social Protection Fund Committee established under section 19 of this Act.

Objects of the Act

3. (1) The object and purpose of this Act is to provide a legal framework for the establishment and management of a fund to advance the progressive realisation of the right to education, as guaranteed under Articles 43(1)(f) and 53(1)(b) of the Constitution, for vulnerable students resident in Kisumu County.

(2) Without prejudice to the generality of subsection (1), this Act is intended to—

- (a) increase access to quality education and reduce educational inequality within the County;
- (b) promote enrollment, retention, completion, and transition rates in educational institutions within and serving the County;
- (c) support the progressive elimination of poverty as a barrier to educational attainment;
- (d) advance gender equity in educational access and completion;

- (e) support the full inclusion of persons with disability in educational programmes;
- (f) promote social protection for vulnerable households through targeted educational financial assistance; and
- (g) provide for effective and transparent governance of public funds dedicated to education.

Guiding Principles

4. In the performance of its functions and the exercise of its powers under this Act, every person, committee, and body established or acting under this Act shall be guided by the following principles—

- (a) all actions and decisions shall comply with the Constitution of Kenya, 2010, and all applicable written law;
- (b) all decisions regarding the award of bursaries and scholarships shall be made in the interest of the eligible students and the public of Kisumu County, and not for private benefit;
- (c) special regard shall be had to the educational needs of girls, persons with disability, orphans, and persons from historically marginalized communities, and at least fifty percent of all awards in each financial year shall be made to female students, where eligible applicants are available;
- (d) all decisions regarding awards of bursaries and scholarships shall be made on the basis of published and publicly accessible criteria, and the reasons for all decisions shall be recorded in writing;
- (e) all persons entrusted with public resources under this Act shall be individually and collectively accountable to the public and to the County Assembly;
- (f) the Fund shall actively facilitate the participation of students, parents, guardians, and community representatives in its programmes;
- (g) no person shall be discriminated against in the award of a bursary or scholarship on the grounds of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language, or birth, in accordance with Article 27 of the Constitution;
- (h) all persons involved in the administration of the Fund shall conduct themselves in accordance with Chapter Six of the Constitution; and

- (i) the Fund shall be managed in a manner that ensures its long-term viability for the benefit of future generations of students.

Application of the Act

5. (1) Nothing in this Act shall be construed as limiting or derogating from—

- (a) the right to education guaranteed under Articles 43 and 53 of the Constitution;
- (b) the provisions of the Public Finance Management Act, 2012;
- (c) the provisions of the Data Protection Act, 2019; or
- (d) any other statute of Parliament applicable to the management of public funds.

(2) The direct disbursement of bursaries and scholarships from the Fund for educational levels assigned to the National Government under Part 1 of the Fourth Schedule to the Constitution shall only be made where—

- (a) a valid IPA has been entered into between the County Government and the National Government or the relevant national agency in accordance with section 8 of this Act; and
- (b) the beneficiary is not in receipt of full financial coverage from the National Government or any national bursary or scholarship fund.

Intergovernmental Partnership Agreements

6. (1) The County Government may enter into intergovernmental partnership agreements for the purpose of achieving the objects of this Act, including agreements with—

- (a) the National Government or any national government entity;
- (b) other county governments;
- (c) development partners, donors, or multilateral organizations; and
- (d) faith-based organizations or non-governmental organizations engaged in education.

(2) Every IPA entered into under subsection (1) with the National Government or another county government shall be concluded in accordance with—

- (a) Article 189 of the Constitution;
- (b) the Intergovernmental Relations Act, 2012 (No. 2 of 2012); and
- (c) such procedures as may be prescribed in regulations made under this Act.

(3) Every IPA shall—

- (a) be in writing and signed by the authorized representatives of the parties;
- (b) clearly specify the obligations of each party, including financial contributions, reporting requirements, and the educational levels and categories of beneficiaries covered;
- (c) include provisions for monitoring and evaluation, dispute resolution, and termination;
- (d) be tabled before the County Assembly within twenty-one days of being signed, for information; and
- (e) be published in the *Kenya Gazette* within fourteen days of being signed.

(4) No IPA shall commit the Fund to a financial obligation that is not provided for in the County budget for the relevant financial year.

PART II — ESTABLISHMENT AND FINANCING OF THE FUND

Establishment of the Fund

7. (1) The County Executive Committee Member for Finance shall establish a fund to be known as the Kisumu County Education and Social Protection Fund.

(2) The Fund shall be established in accordance with section 116 of the Public Finance Management Act, (No. 18 of 2012), and shall be a designated fund within the accounts of the County Government.

(3) The objects of the Fund shall be to—

- (a) provide financial assistance to vulnerable students resident in Kisumu County through the award of bursaries and scholarships;
- (b) support the progressive realisation of the right to education for residents of the County;
- (c) promote equity and inclusion in access to education; and
- (d) foster cooperation with the National Government and other partners in meeting educational needs of residents of the County.

Sources of the Fund

8. (1) The Fund shall consist of monies from the following sources—

- (a) allocations from the County Government budget, which shall not be more than two percent of the County Government's total annual budget for the relevant financial year;
- (b) grants, donations, endowments, and gifts made to the Fund from any lawful source, subject to the approval of the Committee and compliance with the Public Finance Management Act, 2012;
- (c) amounts received under any intergovernmental partnership agreement entered into under section 8 of this Act;
- (d) amounts recovered from beneficiaries pursuant to section 36 of this Act; and
- (e) such other monies as may lawfully be paid into the Fund from time to time.

(2) The County Executive Committee Member for Finance shall, in each financial year, ensure that the minimum allocation referred to in subsection (1)(a) is included in the County Government's annual budget estimates, and shall notify the Committee of the allocation not later than thirty days after the commencement of the financial year.

(3) All monies payable into the Fund shall be paid into a designated bank account maintained in the name of the Fund at—

- (a) the Central Bank of Kenya; or
- (b) a commercial bank licensed under the Banking Act (Cap. 488) and approved by the County Treasury for that purpose.
- (c) no money shall be withdrawn from the Fund account except in accordance with this Act and the Public Finance Management Act, 2012.

Expenditure from the Fund

9. (1) Money from the Fund shall only be applied for the following purposes—

- (a) payment of bursaries and scholarships to eligible beneficiaries in accordance with this Act;
- (b) administrative expenses of the Fund, subject to the limitation in section 12 of this Act; and
- (c) such other purposes as are consistent with the objects of the Fund and approved by the County Assembly.

(2) No payment shall be made from the Fund unless—

- (a) the payment is within the approved budget of the Fund for the relevant financial year;
- (b) the payment has been approved by the Committee in accordance with this Act; and
- (c) the payment is supported by appropriate documentation as prescribed by the Fund Administrator.

Limit on Administrative Expenses

10. (1) The total administrative expenses of the Fund in any financial year, including the allowances payable to committee members under section 32 of this Act, shall not exceed three percent of the total monies available in the Fund at the commencement of that financial year.

(2) For the purposes of this section, “administrative expenses” means all costs incurred in the operation of the Fund other than the direct disbursement of bursaries and scholarships, including—

- (a) allowances of the Fund Administrator and Fund secretariat;
- (b) allowances of the members of the Committee and the Ward Committees;
- (c) costs of audit, legal services, and procurement; and
- (d) operational costs of the Committee and Ward Committee secretariats.

(3) The Fund Administrator shall prepare a quarterly report on administrative expenditure and submit it to the Committee for review.

(4) Where the Fund Administrator projects that administrative expenses are likely to exceed the limit in subsection (1), the Fund Administrator shall immediately notify the CEC Member for Finance, who shall take such remedial action as is necessary.

PART III — INSTITUTIONAL FRAMEWORK

Establishment of the County Education and Social Protection Fund Committee

11. (1) There is established a committee to be known as the County Education and Social Protection Fund Committee (in this Act referred to as “the Committee”).

- (2) The Committee shall consist of the following persons—
 - (a) a Chairperson, who shall be a person of recognized standing with at least a bachelor's degree from a recognized university and not less than seven years' proven experience in any of the following

fields: education management, public finance management, law, economics, social policy, or development administration, appointed by the Governor;

- (b) the Chief Officer responsible for matters relating to education in the County Government, or a designated alternate of not lower than the grade of Director;
- (c) the Chief Officer responsible for matters relating to finance in the County Government, or a designated alternate of not lower than the grade of Director;
- (d) the Director responsible for Social Protection within the County Government;
- (e) two persons resident in the County, being one man and one woman, appointed by the CECM each having a minimum of a bachelor's degree from a recognised university and not less than five years' professional experience in education, law, social sciences, public finance, or community development;
- (f) one person nominated by registered faith-based organizations actively engaged in education in the County, through a process prescribed by regulations; and
- (g) the Fund Administrator, who shall serve as the Secretary to the Committee and shall be a non-voting member.

(3) In making appointments under subsection (2), the CECM shall have due regard to—

- (a) the principle of gender balance, such that not more than two-thirds of the appointed members shall be of the same gender;
- (b) the inclusion of persons with disability; and
- (c) regional and sub-county balance within the County.

(4) The appointed civilian members referred to in paragraphs (a), (e), and (f) of subsection (2) shall each hold office for a single term of four years and shall be eligible for re-appointment for one further and final term of four years.

(5) *Ex-officio* members referred to in paragraphs (b), (c), and (d) of subsection (2) shall serve for so long as they hold the respective substantive office, and shall be replaced by the relevant substantive office holder or alternate upon vacation of that office.

(6) A member of the Committee may be suspended or removed from office by the CECM on the grounds specified in section 16 of this Act, subject to the procedure set out in that section.

Qualifications and disqualifications for appointment to the Committee.

12. (1) A person is qualified for appointment as a member of the Committee if that person—

- (a) meets the academic and professional qualifications prescribed under section 14(2) for the relevant position;
- (b) is a citizen of Kenya;
- (c) satisfies the requirements of Chapter Six of the Constitution; and
- (d) has not been convicted of any offence involving dishonesty, fraud, or financial impropriety.

(2) A person is disqualified from appointment or from continuing to hold office as a member of the Committee if that person—

- (a) is an undischarged bankrupt;
- (b) has been declared to be of unsound mind by a court of competent jurisdiction;
- (c) has been convicted of a criminal offence and sentenced to a term of imprisonment of six months or more, without the option of a fine;
- (d) holds a financial or other interest in any matter that is likely to come before the Committee, unless the interest has been disclosed in accordance with section 18 of this Act and the person has been excused from participating;
- (e) is an elected Member of a County Assembly or the National Assembly or Senate; or
- (f) is an active partisan political officeholder.

Vacation of office of a member of the Committee

13. (1) The office of an appointed member of the Committee shall become vacant if the member—

- (a) resigns from office by written notice addressed to the CECM through the Secretary, with a minimum of thirty days' notice;
- (b) is absent from three consecutive meetings of the Committee without the prior written approval of the Chairperson, unless the Chairperson is satisfied that the absence was due to illness or other reasonable cause;
- (c) becomes disqualified under section 15(2);

- (d) is found by the Committee to be in breach of Chapter Six of the Constitution;
- (e) is incapacitated by reason of physical or mental illness and is unable to perform the functions of the office for a continuous period of six months;
- (f) is convicted of a criminal offence; or
- (g) dies.

(2) Where the CECM proposes to remove a member from office under subsection (1)(b), (c), (d), or (e), the CECM shall—

- (a) notify the member in writing of the grounds for the proposed removal;
- (b) afford the member an opportunity to be heard, either in person or in writing, within twenty-one days of receipt of the notice; and
- (c) make a decision in writing, with reasons, within fourteen days of receipt of the member's representations or the expiry of the twenty-one day period, whichever is earlier.

(3) A member who is aggrieved by a decision to remove them from office under this section may appeal to the High Court within thirty days of being notified of the decision.

(4) Where a vacancy arises in the membership of the Committee, the CECM shall, within sixty days of the vacancy arising, appoint a replacement in accordance with section 14 of this Act, who shall hold office for the remainder of the predecessor's term.

Conflict of Interest

14. (1) A member of the Committee, the Fund Administrator, or any staff of the Fund shall not participate in any meeting, deliberation, or decision in respect of any matter in which that person has a direct or indirect personal, financial, or other interest.

(2) A member of the Committee shall, as soon as practicable after becoming aware of a conflict of interest in relation to a matter before the Committee—

- (a) disclose the nature and extent of the interest to the Committee;
- (b) leave the meeting for the duration of the deliberation and voting on that matter; and
- (c) not be counted in the quorum for the purposes of that matter.

(3) Every member of the Committee and the Fund Administrator shall, at the time of appointment or engagement and at the beginning of each financial year thereafter, submit to the Secretary a written declaration of all interests that could give rise to a conflict of interest.

(4) The Secretary shall maintain a register of interests declared under subsections (2) and (3), which shall be made available for public inspection upon request.

(5) A decision or action taken in breach of this section shall be voidable at the instance of the Committee or a person aggrieved, subject to the rules of natural justice.

(6) A member of the Committee or staff member who knowingly fails to disclose a conflict of interest commits a breach of duty and may be removed from office or employment, as the case may be, following the procedure set out in section 16.

Functions of the Committee

15. (1) The Committee shall be responsible for the overall governance, management, oversight, and accountability of the Fund, and shall specifically—

- (a) formulate and review policies for the management and disbursement of the Fund, in accordance with this Act;
- (b) approve the annual budget of the Fund and monitor its implementation;
- (c) receive, review, and approve or reject recommendations from Ward Committees for the award of bursaries and scholarships;
- (d) prescribe the criteria, conditions, and application procedures for bursaries and scholarships, by regulations published in the County Gazette;
- (e) source and receive funds, grants, donations, and endowments for the Fund in accordance with section 10;
- (f) ensure that accurate, complete, and current records of all Fund transactions are maintained;
- (g) approve the audited annual accounts of the Fund and submit them to the County Assembly and the Office of the Auditor-General in accordance with this Act;
- (h) ensure compliance with the Public Finance Management Act, 2012, the Data Protection Act, 2019, and all other applicable law;

- (i) submit quarterly and annual reports on the Fund to the CECM and to the County Assembly;
- (j) establish and periodically review guidelines for the Ward Committees;
- (k) conduct oversight visits to Ward Committees and educational institutions to monitor compliance;
- (l) receive and determine appeals from applicants in accordance with section 39 of this Act; and
- (m) perform such other functions as are ancillary to the objects of the Fund or as may be prescribed by regulations.

(2) The Committee may, by resolution, delegate any of its functions under subsection (1) to the Fund Administrator or to a sub-committee, but shall not delegate—

- (a) the final approval of the annual budget;
- (b) the final approval of the audited accounts; or
- (c) the determination of appeals under section 39.

(3) Any delegation under subsection (2) shall be in writing, shall specify the scope of the delegation, and shall not divest the Committee of responsibility for the delegated function.

Meetings of the Committee

16. (1) The Committee shall hold not fewer than four ordinary meetings and not more than eight ordinary meetings in each financial year, at such times and places as the Chairperson may determine.

(2) The Chairperson may, and shall upon the written request of not fewer than one-third of the members, convene a special meeting of the Committee at any time for the transaction of urgent or special business.

(3) The quorum for a valid meeting of the Committee shall be a majority of all the members, excluding the non-voting Fund Administrator.

(4) If a quorum is not present within thirty minutes of the scheduled commencement of a meeting, the meeting shall be adjourned to a time and date determined by the Chairperson, being not more than fourteen days from the date of the adjourned meeting.

(5) The Chairperson shall preside over all meetings of the Committee. In the absence of the Chairperson, the members present shall elect one of their number to preside over that meeting.

(6) All questions before the Committee shall be decided by a simple majority of the votes of the members present and entitled to vote. In the event of an equality of votes, the person presiding shall have a casting vote in addition to an original vote.

(7) A member who is not able to be physically present at a meeting may, with the prior approval of the Chairperson, participate by video conference or other electronic means, and such participation shall be treated as attendance for purposes of quorum and voting.

(8) The Fund Administrator shall cause minutes of all proceedings of the Committee to be recorded, and the minutes of each meeting shall be confirmed by the Committee at the subsequent meeting and signed by the Chairperson.

(9) Subject to this Act, the Committee shall regulate its own procedure.

(10) The Committee shall maintain a record of attendance at all meetings, and such records shall be included in the Committee's quarterly report.

Establishment of the Ward Committee

17. (1) There is established, in each Ward of the County, a committee to be known as the Ward Education and Social Protection Fund Committee (in this Act referred to as the "Ward Committee").

(2) Each Ward Committee shall consist of the following persons—

- (a) a Chairperson, who shall be elected by the members of the Ward Committee from among themselves by simple majority vote at the first meeting of the Committee, and who shall hold that position for the duration of the Committee's term;
- (b) the Ward Administrator, who shall serve as the Coordinator and Secretary to the Ward Committee, and as a non-voting ex officio member;
- (c) two persons representing religious communities actively operating within the Ward, nominated through a process prescribed by regulations;
- (d) five other persons resident in the Ward, appointed by the CECM in consultation with the elected Ward Member of the County Assembly, of whom—
 - (i) at least two shall be women;
 - (ii) at least one shall be a youth, being a person between the ages of eighteen and thirty-five years; and

- (iii) at least one shall be a person with disability or a representative of persons with disability within the Ward;
- (e) a representative of the parents' associations of schools within the Ward, nominated through a process prescribed by regulations; and
- (f) the County Education coordinator for the Ward, as a non-voting ex officio member.

(3) In nominating and appointing members under subsection (2), the CECM and the Ward Member of the County Assembly shall have due regard to the gender, disability, and community diversity within the Ward.

(4) Appointed and elected members of the Ward Committee under paragraphs (a), (c), (d), and (e) of subsection (2) shall hold office for a term of three years and shall be eligible for re-appointment or re-election for one further and final term.

(5) The CECM shall formally constitute each Ward Committee by way of gazette notice, and shall issue letters of appointment to each member within thirty days of the completion of the appointment process.

(6) The minimum academic qualification for appointed civilian members under subsection (2)(d) shall be the Kenya Certificate of Secondary Education or its equivalent, and preference shall be given to persons with experience or background in education, social work, community development, or financial management.

(7) All members of the Ward Committee shall, before assuming office, undergo a mandatory induction and capacity-building programme of not less than two days, organised by the Committee.

Vacation of Office of Ward Committee Member

18. (1) The office of an appointed or elected member of a Ward Committee shall become vacant upon—

- (a) resignation by written notice to the Ward Administrator;
- (b) absence from three consecutive meetings of the Ward Committee without the prior approval of the Chairperson, unless the Chairperson is satisfied that the absence was due to illness or reasonable cause;
- (c) the member ceasing to be resident in the Ward;
- (d) conviction of a criminal offence;
- (e) a finding of breach of Chapter Six of the Constitution by a competent body;

- (f) incapacity due to illness or infirmity lasting more than six months; or
- (g) death.

(2) Where a vacancy arises in the membership of a Ward Committee, the Ward Administrator shall, within fourteen days, notify the CECM, who shall initiate a replacement process within thirty days of receiving the notification.

(3) The conflict of interest provisions of section 17 shall apply, with necessary modifications, to all members of the Ward Committee and to the Ward Administrator.

Functions of the Ward Committee

19. (1) Each Ward Committee shall, within the respective Ward—

- (a) receive, assess, and vet applications for bursaries and scholarships from students in the Ward;
- (b) conduct household verification visits to assess the eligibility and vulnerability of applicants in accordance with the criteria prescribed by the Committee;
- (c) compile and transmit a recommended list of eligible beneficiaries, with supporting documentation, to the Committee for consideration and approval;
- (d) monitor the academic performance and continued eligibility of recipients within the Ward and report thereon to the Committee not less than once per term;
- (e) maintain a register of all applications received, assessments conducted, recommendations made, and disbursements reported, which register shall be open to inspection by the Committee and the Fund Administrator;
- (f) sensitize the community on the availability, eligibility criteria, and application processes of the Fund;
- (g) identify and report to the Committee any cases of fraud, misrepresentation, or abuse of the Fund within the Ward; and
- (h) perform such other functions as the Committee may assign, consistent with this Act.

(2) A Ward Committee shall not make payments directly to beneficiaries or to educational institutions. All disbursements shall be made by the Fund Administrator in accordance with section 24(4) of this Act.

Meetings of Ward Committees

20. (1) Each Ward Committee shall hold not fewer than three ordinary meetings in each financial year, and not more than six ordinary meetings, at such times and places as the Chairperson shall determine.

(2) The quorum for a valid meeting of a Ward Committee shall be a simple majority of all the voting members of that Ward Committee.

(3) All questions at a meeting of the Ward Committee shall be determined by a simple majority of the votes of the members present and entitled to vote. In the event of an equality of votes, the person presiding shall have a casting vote in addition to an original vote.

(4) The Ward Administrator shall cause minutes of each meeting to be recorded and confirmed at the subsequent meeting.

(5) Subject to this Act and any guidelines issued by the Committee, each Ward Committee shall regulate its own procedure.

Appointment and functions of the Fund Administrator

21. (1) The County Executive Committee Member responsible for Finance shall appoint a Fund Administrator from among persons employed by the County Government.

(2) A person shall be eligible for appointment as Fund Administrator only if that person—

- (a) is an employee of the County Government;
- (b) is a member in good standing of a recognised professional body in finance and accounting;
- (c) has at least five years' experience in public financial management, public administration, or a related field; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(3) The Fund Administrator shall hold office for a term of four years, renewable for one further and final term, subject to satisfactory performance.

(4) The Fund Administrator shall be responsible for the day-to-day operational management of the Fund and shall specifically—

- (a) serve as the Accounting Officer of the Fund and be personally responsible for the proper management of the financial affairs of the Fund in accordance with the Public Finance Management Act, 2012;
- (b) supervise all staff employed in the administration of the Fund;

- (c) implement the decisions of the Committee;
 - (d) maintain proper books of account and financial records of the Fund, including records of all income, expenditure, assets, and liabilities;
 - (e) prepare and present to the Committee the annual budget of the Fund for approval before the commencement of each financial year;
 - (f) make disbursements from the Fund to beneficiaries or directly to educational institutions in the prescribed manner, following approval by the Committee;
 - (g) prepare and submit quarterly management accounts, and annual audited financial statements, to the Committee, the County Assembly, and the Auditor-General in accordance with the Public Finance Management Act, 2012;
 - (h) receive and process appeals from applicants in accordance with section 39;
 - (i) ensure the Fund's compliance with the Data Protection Act, 2019, including by registering the Fund as a data controller with the Data Commissioner;
 - (j) serve as Secretary to the Committee without voting rights; and
 - (k) perform such other functions as the Committee may assign, consistent with this Act.
- (5) The Fund Administrator shall not disburse funds from the Fund unless—
- (a) the disbursement has been duly approved by the Committee;
 - (b) the disbursement is supported by a valid award letter and supporting documentation; and
 - (c) the disbursement is within the approved budget.

PART IV — ELIGIBILITY, APPLICATIONS, AND AWARDS

Eligibility for Bursaries

22. (1) A person shall be eligible for consideration for a bursary under this Act if that person—

- (a) is a resident of the County within the meaning of section 2 of this Act;
- (b) is a vulnerable student within the meaning of section 2 of this Act;

- (c) is enrolled or has been admitted to a recognized educational institution; and
- (d) is not in receipt of a full scholarship or full financial support covering all educational costs from any other government or institutional source.

(2) A bursary applicant who is in receipt of partial financial support from another source shall remain eligible under this Act, and the amount of any award shall take into account and complement, without unnecessarily duplicating, support from other sources.

(3) Where an applicant is a student at a level of education assigned to the National Government under the Fourth Schedule to the Constitution, eligibility for a bursary from the Fund shall additionally require the existence of a valid IPA as provided under section 6(2) of this Act.

Eligibility for Scholarships

23. (1) A person shall be eligible for consideration for a scholarship under this Act if that person—

- (a) meets the eligibility criteria for a bursary under section 25(1) of this Act;
- (b) has demonstrated exceptional academic performance, as evidenced by performance in national examinations or institutional assessments, at such level as the Committee shall prescribe by regulations; and
- (c) is of good character and disciplinary standing at the educational institution in which they are enrolled or have been admitted.

(2) In considering an application for a scholarship, the Committee shall take into account—

- (a) the applicant's academic achievement;
- (b) the applicant's financial need and vulnerability;
- (c) whether the applicant is already a beneficiary of a scholarship from any other public or private source; and
- (d) the principles of equity set out in section 4(c) of this Act.

(3) A scholarship awarded under this Act shall, unless otherwise determined by the Committee, cover the full applicable tuition fees of the recipient at the recognized educational institution for the entire approved period of study.

Application Procedure

24. (1) A student wishing to apply for a bursary or scholarship under this Act shall submit an application to the Ward Committee of the Ward in which the student is resident.

(2) Every application shall be made in such form as the Committee shall prescribe and shall be accompanied by—

- (a) proof of residency within the meaning of section 2;
- (b) a letter of admission or proof of enrollment from a recognised educational institution;
- (c) documentary evidence establishing the applicant's vulnerability, including at least one of the following: a poverty assessment report from a recognised government agency; confirmation of orphan status from the relevant authority; a disability certificate from the National Council for Persons with Disabilities; or such other evidence as the Committee may prescribe;
- (d) a full disclosure of any other bursary, scholarship, or financial support that the applicant is currently receiving or has applied for;
- (e) a signed declaration by the applicant confirming the truth and completeness of all information in the application; and
- (f) such other documentation as the Committee may, by regulations, prescribe.

(3) The application form shall include clear and accessible information on—

- (a) the eligibility criteria;
- (b) the obligations of a beneficiary under this Act;
- (c) the consequences of providing false information; and
- (d) the applicant's rights, including the right to be notified of the outcome and the right of appeal.

(4) The CEC Member shall prescribe, by regulations, the annual application window period, being the period within which applications shall be submitted and considered in each financial year.

Processing of Applications by the Ward Committee

25. (1) Upon receipt of an application, the Ward Committee shall—

- (a) acknowledge receipt of the application in writing within seven days;

- (b) assess and verify the application and supporting documentation against the prescribed eligibility criteria;
- (c) conduct a household verification visit, where necessary, to assess the vulnerability and financial circumstances of the applicant;
- (d) prepare an assessment report for each application, containing the Ward Committee's findings and recommendation; and
- (e) compile a recommended priority list of applicants for bursaries and scholarships, ranked in accordance with the prescribed criteria.

(2) In preparing the recommended priority list under subsection (1)(e), the Ward Committee shall ensure that—

- (a) the most vulnerable applicants are given the highest priority;
- (b) the principles of gender equity and inclusion are observed; and
- (c) the list is supported by the assessment reports prepared for each recommended applicant.

(3) The Ward Committee shall transmit the recommended list and supporting documentation to the Committee within the timeline prescribed by the Committee in its annual programme.

(4) A member of the Ward Committee shall not be involved in the assessment or recommendation of an application made by a relative within the third degree of consanguinity or by a person with whom the member has a close personal or financial relationship, and shall disclose and recuse themselves in such circumstances.

Consideration of Awards by the Committee

26. (1) The Committee shall consider the recommended lists received from Ward Committees and shall, in respect of each recommended applicant, have the power to—

- (a) approve the award of a bursary or scholarship as recommended;
- (b) approve the award of a bursary or scholarship at a different amount or on different terms from those recommended;
- (c) defer the consideration of an application pending receipt of additional information or verification; or
- (d) reject the award of a bursary or scholarship, with written reasons.

(2) In exercising its powers under subsection (1), the Committee shall be guided by—

- (a) the eligibility criteria in sections 25 and 26;

- (b) the principles set out in section 4;
- (c) the availability of funds in the approved budget; and
- (d) the need to ensure equitable distribution across Wards and sub-counties of the County.

(3) The Committee shall record, in writing, the reasons for every decision made under subsection (1), which reasons shall be included in the Committee's quarterly report.

(4) The Committee shall complete its review of all applications for a financial year not later than the date prescribed in the annual programme, to allow timely disbursement of awards at the commencement of the academic year.

Notification of decisions

27. (1) The Committee shall, within fourteen days of making a decision under section 29, cause every applicant to be notified of the decision in writing, through the respective Ward Committee.

- (2) A notification of an award shall—
 - (a) specify the nature, amount, and duration of the award;
 - (b) set out the conditions to which the award is subject;
 - (c) specify the mode and timeline of disbursement; and
 - (d) inform the beneficiary of the obligations and the consequences of non-compliance under this Act.
- (3) A notification of rejection or deferral shall—
 - (a) state clearly the reasons for the rejection or deferral;
 - (b) inform the applicant of the right to appeal under section 39 of this Act, including the applicable timeline and procedure; and
 - (c) where a deferral is made, specify the additional information or steps required and the period within which they must be provided.

Disbursement of Awards

28. (1) Upon approval of an award by the Committee, the Fund Administrator shall disburse the amount of the award directly to the recognized educational institution in which the beneficiary is enrolled, within thirty days of the approval or before the commencement of the relevant academic term, whichever is earlier..

(2) All disbursements shall be made by electronic funds transfer to a verified bank account or, where banking services are not accessible to the

beneficiary, by such other means as the Committee may prescribe, subject to the maintenance of a proper payment trail.

(3) The Fund Administrator shall maintain a disbursement register recording each payment made, including the name of the beneficiary, the institution, the amount, the date of payment, and the payment reference.

(4) The Fund Administrator shall, within thirty days of the end of each academic term, submit a disbursement report to the Committee confirming all payments made in that term.

Allowance of Committee Members

29. Members of the Committee and Ward Committees shall be paid such allowances, if any, as may be determined by the Salaries and Remuneration Commission in accordance with Article 230 of the Constitution and published guidelines, and such allowances shall be paid from the Fund within the administrative expenses limit prescribed by section 12 of this Act.

PART V — BENEFICIARY OBLIGATIONS, REVIEW, AND SANCTIONS

Obligation of beneficiaries

30. (1) A beneficiary of a bursary or scholarship under this Act shall—

- (a) remain enrolled at the recognized educational institution in respect of which the award was made;
- (b) maintain a satisfactory academic standard, as defined in the award conditions and in any regulations made under this Act;
- (c) comply with all lawful conditions attached to the award;
- (d) promptly notify the Ward Committee of any material change in their circumstances that may affect their eligibility, including receipt of another bursary or scholarship;
- (e) submit to the Ward Committee, at the end of each academic term, proof of continued enrollment and a performance report from the educational institution; and
- (f) not transfer the benefit of the award to any other person.

(2) A beneficiary shall make full and frank disclosure to the Ward Committee of all financial support received from any source in relation to their education.

Annual Review of Awards

31. (1) The Committee shall, at the commencement of each financial year, conduct a review of all continuing awards to determine whether each beneficiary continues to satisfy the eligibility conditions.

(2) In conducting a review under subsection (1), the Committee shall consider reports submitted by Ward Committees under section 22(1)(d) and may request additional information from the beneficiary, the educational institution, or the Ward Committee.

(3) Following a review under this section, the Committee may—

- (a) confirm the continuation of the award;
- (b) vary the terms of the award, including the amount; or
- (c) initiate the discontinuation process under section 35.

Discontinuation of awards

32. (1) The Committee may discontinue a bursary or scholarship award if—

- (a) the award was obtained through fraud, misrepresentation, or non-disclosure of a material fact;
- (b) the beneficiary has been admitted to or has applied for and been granted full financial support from any other source after being admitted to the award;
- (c) the beneficiary has ceased to be a student at a recognized educational institution;
- (d) the beneficiary has persistently failed to maintain the prescribed minimum academic standard, after having been afforded an opportunity to improve; or
- (e) the beneficiary has committed a serious disciplinary offence resulting in suspension or expulsion from the educational institution.

(2) Before discontinuing an award under subsection (1), the Committee shall—

- (a) serve the beneficiary with a written notice stating the grounds upon which discontinuation is proposed;
- (b) afford the beneficiary not fewer than twenty-one days from the date of service of the notice to make written or oral representations to the Committee; and

(c) consider any representations made by the beneficiary before making a decision.

(3) Where the Committee is satisfied that the grounds for discontinuation are established, it shall issue a written decision with reasons, notified to the beneficiary through the Ward Committee.

(4) Pending the determination of the discontinuation process under subsection (2), the award shall be suspended and no further disbursements shall be made unless the Committee otherwise directs.

(5) A beneficiary who is aggrieved by a decision of the Committee under this section may appeal in accordance with section 39 of this Act.

Recovery of funds

33. (1) Where an award has been obtained through fraud, misrepresentation, or non-disclosure of a material fact, the beneficiary shall be liable to repay to the Fund the full amount of all sums received from the Fund under the award, together with interest at the prevailing Central Bank Rate from the date of each disbursement.

(2) The Committee shall, where it determines that repayment is required under subsection (1), issue a written demand to the beneficiary, specifying the amount due and providing not fewer than thirty days for repayment.

(3) Where a beneficiary fails to repay the amount demanded within the specified period, the Fund Administrator may, with the approval of the Committee, recover the debt by—

- (a) deduction from any other amount payable by the County Government to the beneficiary;
- (b) instigation of civil proceedings in a court of competent jurisdiction; or
- (c) such other lawful means as may be prescribed.

(4) A beneficiary found liable for fraud under this section shall, in addition to repayment, be permanently disqualified from receiving any further benefit from the Fund.

(5) The Fund Administrator shall report all cases of suspected fraud to the relevant law enforcement authorities.

PART VI — FINANCIAL REPORTING, AUDIT, AND ACCOUNTABILITY

Financial Accounts

34. The Fund Administrator shall cause to be prepared, in respect of each financial year, complete and accurate accounts of all income,

expenditure, assets, and liabilities of the Fund, in accordance with generally accepted accounting standards and the Public Finance Management Act, 2012.

Audit of Accounts

35. (1) The accounts of the Fund shall be audited annually by the Auditor-General, or by an auditor appointed by the Auditor-General, in accordance with Article 229 of the Constitution and the Public Audit Act, 2015 (No. 34 of 2015).

(2) The Fund Administrator shall, not later than three months after the end of each financial year, submit to the Auditor-General the accounts of the Fund for the preceding financial year, together with all documents and information that the Auditor-General may require for the audit.

(3) The Fund Administrator shall, within sixty days of receiving the audit report, prepare and submit to the County Assembly a response to the findings and recommendations in the audit report.

Reporting obligations

36. (1) The Fund Administrator shall prepare and submit to the Committee—

- (a) a monthly summary of the Fund's financial position;
- (b) a quarterly report on all receipts, disbursements, and administrative expenditure, including a status report on all awards made in the quarter; and
- (c) an annual report on the activities and financial performance of the Fund.

(2) The Committee shall submit to the CECM and to the County Assembly—

- (a) a quarterly report on the Fund's operations and financial position, within thirty days of the end of each quarter; and
- (b) an annual report within ninety days of the end of each financial year, which shall include the audited accounts, a summary of awards made, monitoring and evaluation findings, and the Committee's plans for the subsequent year.

(3) All reports submitted to the County Assembly under this section shall be made available to the public through the County Government's website and at the offices of the Committee.

PART VII — APPEALS AND DISPUTE RESOLUTION

Right of Appeal

37. (1) An applicant or beneficiary who is aggrieved by a decision of the Committee or a Ward Committee under this Act shall have the right to appeal against that decision in accordance with this Part.

(2) The right of appeal under this Act is without prejudice to any other remedy available at law, including the right to apply for judicial review of administrative action under Article 47 of the Constitution and the Fair Administrative Action Act, 2015 (No. 4 of 2015).

Internal Appeal Procedures

38. (1) An applicant or beneficiary aggrieved by a decision of a Ward Committee may, within twenty-one days of being notified of the decision, lodge a written appeal with the Committee through the Fund Administrator.

(2) An applicant or beneficiary aggrieved by a decision of the Committee may, within twenty-one days of being notified of the decision, lodge a written appeal with the Committee for internal review, through the Fund Administrator.

(3) Every appeal submitted under this section shall—

- (a) be in writing;
- (b) clearly state the decision being appealed against;
- (c) set out the grounds of the appeal with particularity; and
- (d) be accompanied by any relevant supporting documents.

(4) The Fund Administrator shall, within seven days of receiving an appeal, acknowledge receipt and notify the Committee.

(5) The Committee shall determine an appeal within thirty days of receiving it and shall—

- (a) afford the appellant a reasonable opportunity to be heard, whether in writing or at a hearing, before making its determination;
- (b) consider all relevant information, including the documentation submitted by the Ward Committee;
- (c) issue its decision in writing with clear reasons; and
- (d) notify the appellant of the decision within seven days of making it.

(6) In determining an appeal, the Committee may—

- (a) uphold the original decision;

- (b) vary the original decision; or
- (c) substitute its own decision for the original decision.

(7) Where an appeal relates to a decision to discontinue an award, the suspension of the award under section 35(4) shall continue pending the determination of the appeal, unless the Committee otherwise directs.

Further recourse

39. (1) An appellant who is dissatisfied with the determination of an internal appeal by the Committee under section 41 may, within thirty days of being notified of the determination, seek judicial review in the High Court under the Fair Administrative Action Act, 2015, or such other remedy as may be available at law.

(2) The Committee shall cooperate fully with any court in any proceedings relating to a decision made under this Act.

PART VIII — DATA PROTECTION AND CONFIDENTIALITY

Compliance with the Data Protection Act.

40. (1) The Fund and all persons acting under this Act shall comply in all respects with the Data Protection Act, 2019 in the collection, processing, storage, use, disclosure, and transfer of personal data of applicants, beneficiaries, and any other data subjects.

(2) The collection of personal data under this Act shall be limited to information that is necessary, relevant, and proportionate to the purposes for which it is collected, which purposes shall be clearly stated in the application form and all related documentation.

(3) Personal data collected under this Act shall not be shared with any third party except—

- (a) with the informed consent of the data subject;
- (b) where required for the administration of this Act, including sharing with educational institutions for purposes of verification or payment;
- (c) where required by a court order or written law; or
- (d) where sharing is necessary for the prevention, detection, or prosecution of fraud relating to the Fund.

(4) The Fund Administrator shall ensure that appropriate technical and organizational measures are in place to protect personal data against unauthorized access, loss, destruction, or alteration.

Rights of data subjects

41. (1) Every data subject whose personal data is held by the Fund shall have the right to—

- (a) be informed of the data being held and the purpose for which it is held;
- (b) access their personal data held by the Fund;
- (c) request the correction of inaccurate or incomplete personal data;
- (d) object to the processing of their personal data in specified circumstances; and
- (e) have their personal data deleted upon the expiry of the retention period, subject to any legal requirement to retain the data.

(2) The Fund Administrator shall, within twenty-one days of receiving a request from a data subject under subsection (1), respond to the request in writing.

(3) Personal data of applicants and beneficiaries shall be retained for a period of not more than seven years from the date of the last transaction relating to the data subject, after which it shall be securely deleted or anonymised.

Confidentiality

42. (1) Every person who has access to information relating to the identity, financial circumstances, or personal affairs of an applicant or beneficiary in the course of performing functions under this Act shall treat that information as confidential and shall not disclose it to any person who does not have a legitimate and lawful right to receive it.

(2) The obligation of confidentiality under subsection (1) shall continue after a person has ceased to hold office or employment under this Act.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

PART IX — GENERAL PROVISIONS

Protection from Personal Liability

43. (1) A member of the Committee, a member of a Ward Committee, the Fund Administrator, or a member of staff of the Fund shall not be personally liable for any act done or omission made in good faith in the performance of their respective duties under this Act.

(2) The protection from personal liability under subsection (1) shall not apply to—

- (a) acts or omissions amounting to gross negligence or wilful misconduct;
- (b) acts done in bad faith or for personal benefit; or
- (c) acts constituting a criminal offence.

(3) The County Government shall, subject to subsection (2), assume vicarious liability for acts or omissions of persons acting in official capacity under this Act, in accordance with the Government Proceedings Act (Cap. 40).

(4) A public officer who directs or concurs in the misapplication or misappropriation of the Fund's resources shall be personally liable for any resulting loss to the Fund and shall be required to make good such loss, whether or not that person continues to hold office, in accordance with the Public Finance Management Act, 2012.

Offences

44. (1) A person commits an offence under this Act if that person—

- (a) obtains or attempts to obtain a bursary or scholarship through fraud, misrepresentation, or wilful concealment of a material fact;
- (b) submits or procures the submission of a false or forged document in support of an application under this Act;
- (c) unlawfully retains or misapplies money received from the Fund;
- (d) accepts a bribe or other unlawful inducement in connection with the administration of the Fund;
- (e) wilfully obstructs a person performing a lawful function under this Act; or
- (f) contravenes section 45 (confidentiality).

(2) A person convicted of an offence under subsection (1)(a), (b), (c), or (d) shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years, or to both.

(3) A person convicted of an offence under subsection (1)(e) or (f) shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(4) Where a body corporate or an unincorporated association commits an offence under this Act, every director, officer, or partner of that body or association who at the time of the commission of the offence knew or ought

to have known of its commission, and who did not take all reasonable steps to prevent it, commits the same offence and is liable to the same penalty.

(5) Nothing in this section shall be construed as limiting the application of any other written law relating to corruption, fraud, or misuse of public funds.

Power to make Regulations

45. (1) The County Executive Committee Member responsible for education may, in consultation with the County Executive Committee Member responsible for finance, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—

- (a) the form and content of application forms for bursaries and scholarships;
- (b) the criteria and scoring methodology for assessing applications;
- (c) the maximum annual award amounts for bursaries and scholarships at different educational levels;
- (d) the procedure for Ward Committee operations, including conduct of household verification visits;
- (e) the minimum academic standards to be maintained by scholarship beneficiaries;
- (f) the process for nomination of faith-based organization representatives to committees;
- (g) the process for nomination of parents' association representatives to Ward Committees;
- (h) the procedure for entering into intergovernmental partnership agreements;
- (i) the procedure for conducting public participation under section 7; and
- (j) any other matter required by this Act to be prescribed by regulations.

(3) Regulations made under this section shall be made in accordance with the procedure set out in section 7 of this Act and the Statutory Instruments Act, 2013 (No. 23 of 2013), and in particular—

- (a) draft regulations shall be published for public comment for not fewer than twenty-one days;
- (b) a public participation report shall be prepared and published;
- (c) the finalised regulations shall be published in the County Gazette; and
- (d) the regulations shall be tabled before the County Assembly within seven days of gazettelement, and shall be subject to annulment by a resolution of the County Assembly under the Statutory Instruments Act, 2013.

(4) The CEC Member may issue guidelines and administrative circulars for the internal administration of the Fund consistent with this Act and the regulations made hereunder, and shall publish all such guidelines on the County Government's website.

Winding up of the Fund

46. (1) The Fund shall not be wound up except by a resolution of the County Assembly passed by a majority of all the members of the County Assembly, on a motion moved by the CECM, and only upon the occurrence of one or more of the following circumstances—

- (a) the objects of the Fund have been fully achieved or have become impossible or impractical to achieve;
- (b) the Fund is to be merged with another fund established by law with equivalent or broader objects;
- (c) the County Government has become permanently unable to fund the Fund at the minimum level prescribed by section 10(1)(a); or
- (d) the County Assembly has determined, following an independent review, that the Fund is no longer an efficient or effective mechanism for delivering the services contemplated by this Act.

(2) Before moving a motion to wind up the Fund, the CECM shall—

- (a) conduct a public consultation in accordance with section 7 of this Act;
- (b) obtain a report from an independent expert on the implications of the winding-up; and
- (c) prepare a transition plan for the continued provision of educational financial assistance to existing beneficiaries.

(3) Upon the passing of a resolution to wind up the Fund—

- (a) the Fund Administrator shall complete all outstanding disbursements to existing beneficiaries in accordance with their award letters, to the extent that funds are available;
- (b) all remaining assets of the Fund shall be transferred to the County Revenue Fund, unless the resolution of the County Assembly directs otherwise;
- (c) all records of the Fund shall be transferred to and maintained by the County Government; and
- (d) the Committee and all Ward Committees shall be dissolved with effect from the date specified in the resolution.

Repeal

47. (1) The Kisumu County Education Funds Act, 2014 (No. 8 of 2014); and the Kisumu County Education Funds (Amendment) Act, 2016 (No. 6 of 2016) are hereby repealed.

(2) Notwithstanding the repeals effected by subsection (1), any subsidiary legislation, guidelines, or administrative instruments made under the repealed Acts shall, to the extent that they are not inconsistent with this Act, continue in force as if made under this Act until they are revoked or replaced under this Act.

Savings and transitional provisions

48. (1) Notwithstanding the repeals under section 47, and subject to the provisions of this Act—

- (a) all acts done, decisions made, and processes commenced under the repealed Acts before the commencement of this Act shall, to the extent that they are consistent with this Act, be deemed to have been done, made, or commenced under this Act;
- (b) any bursary or scholarship awarded under the repealed Acts and continuing as at the commencement of this Act shall be deemed to be an award made under this Act, and shall continue for the remainder of its approved period, subject to the beneficiary's compliance with the obligations imposed under this Act;
- (c) any member of a committee appointed under the repealed Acts and serving as at the commencement of this Act shall continue in office until the expiry of their term or until a replacement is appointed under this Act, whichever is earlier;
- (d) all funds, assets, rights, obligations, and liabilities of the Fund subsisting under the repealed Acts as at the commencement of this

Act shall vest in and be deemed to be the funds, assets, rights, obligations, and liabilities of the Fund established under this Act;

- (e) any application pending before a committee at the commencement of this Act shall be processed in accordance with the procedures and criteria of this Act, to the extent practicable; and
- (f) all staff employed in the administration of the Fund under the repealed Acts shall continue in their positions on the same terms and conditions of employment until alternative arrangements are made in accordance with this Act and the applicable employment law.

(2) The CECM shall, within ninety days of the commencement of this Act, ensure that the Committee and all Ward Committees are constituted in accordance with this Act.

(3) Where any act, matter, or thing is required or permitted to be done under this Act but the relevant committee has not yet been constituted, the Fund Administrator may, with the written approval of the CECM, perform such interim functions as are necessary to ensure continuity in the administration of the Fund pending the constitution of the relevant committee.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to consolidate, modernise, and constitutionally ground the legal framework governing the provision of educational financial assistance to vulnerable students resident in Kisumu County, by repealing the Kisumu County Education Funds Act, 2014 and the Kisumu County Education Funds (Amendment) Act, 2016, and enacting a comprehensive statute in their place.

Part I (Preliminary): Introduces the Act, defines key terms (such as “resident” and “vulnerable student”), and establishes guiding constitutional principles including equity, transparency, accountability, and the right to education. It also ensures compliance with requirements on legislative authority, public participation, and intergovernmental relations.

Part II (Fund Establishment and Financing): Formally establishes the Fund, guarantees a minimum allocation of 2% of the County budget, and sets strict rules on financial management, including expenditure limits, administrative cost caps, and investment of surplus funds.

Part III (Institutional Framework): Creates the Fund Committee, Ward Committees, and the Fund Administrator with clear roles, qualifications, and accountability measures to strengthen governance and address past weaknesses.

Part IV (Eligibility and Awards): Defines criteria for bursaries and scholarships and provides a transparent application, vetting, approval, and disbursement process, including the right to receive reasons for decisions.

Part V (Obligations and Sanctions): Outlines beneficiary responsibilities, provides for periodic review of awards, and establishes fair procedures for discontinuation, including due process safeguards. It also introduces recovery and penalties for fraud.

Part VI (Reporting and Accountability): Requires regular financial reporting, annual audits by the Auditor-General, and oversight by the County Assembly to ensure accountability.

Part VII (Appeals): Establishes a two-tier dispute resolution system: internal appeals and access to judicial review, ensuring compliance with fair administrative action rights.

Part VIII (Data Protection): Ensures compliance with data protection laws, including confidentiality, data minimisation, and lawful processing of personal information.

Part IX (General Provisions): Covers ethical standards, offences, regulation-making powers, Fund winding-up procedures, and transition from previous laws while preserving existing rights and obligations.

Statement on Delegation of Legislative Powers

The Bill delegates legislative powers to the County Executive Committee Member responsible for education, through section 45, to make regulations for the better carrying into effect of its provisions. The delegation is circumscribed by specific subject-matter limitations set out in section 50(2), and is subject to mandatory public participation requirements under section 7 and the oversight of the County Assembly under the Statutory Instruments Act, 2013. The delegation does not delegate the core legislative policy choices made by the County Assembly in this Act, and is consistent with the standards of permissible legislative delegation established by the High Court.

Statement on Limitation of Fundamental Rights

The Bill does not limit any fundamental rights or freedoms guaranteed by the Constitution. To the contrary, it advances the rights to education, equality, fair administrative action, and privacy. Any collection and processing of personal data under the Act is done in compliance with the Data Protection Act, 2019 and is limited to what is necessary for the administration of the Fund.

Statement on Financial Implications

This Bill is a money Bill within the meaning of Article 114 of the Constitution. Its enactment shall necessitate the appropriation of funds from the County Revenue Fund for the purposes of the Fund established herein, and in particular the mandatory allocation of not less than two percent of the County Government's annual budget to the Fund. The enactment of this Bill is consistent with the County Government's development plans and budget framework.

SETH OKUMU,
*Chairperson, Committee on Education,
Technical Training, Innovation and Social Services.*