

SPECIAL ISSUE

Taita Taveta County Gazette Supplement No.7(Bills No.6)



REPUBLIC OF KENYA

TAITA TAVETA COUNTY GAZETTE SUPPLEMENT

BILLS, 2013

=====

NAIROBI, Date 20TH DECEMBER, 2013

=====

CONTENT

Bill for Introduction into the Taita Taveta County Assembly

Taita Taveta County Education Fund Board Bill, 2013

CHAPTER.....

TAITA TAVETA COUNTY EDUCATION FUND BOARD BILL

ARRANGEMENT OF SECTIONS

PART I-PRELIMINARY

Section

1. Short title
2. Interpretation

PART II - ESTABLISHMENT AND FUNCTIONS OF THE BOARD

3. Establishment of the Board
4. Constitution of the Board
5. Eligibility for Board membership
6. Secretary to the Board
7. Functions of the Board
8. Committees of the Board
9. Delegation of powers
10. Officers and Agents of the Board
11. Meetings of the Board

PART III- ESTABLISHMENT AND ADMINISTRATION OF THE FUND

12. Establishment of the Fund
13. Revenue and expenditure of the Fund
14. Appropriation of the Fund
15. Administration of the Fund
16. Conditions for grant of loan
17. Obligations of the Loanee
- 17 A. Obligations of a scholarship/bursary beneficiary
18. Responsibilities of an employer
- 18A. Responsibility of Kenya Revenue Authority
19. Penalties for delayed remittance
20. Annual returns
21. Loan deductions
22. General provisions
23. Board's discretion to waive loans

PART IV-OFFICERS OF THE BOARD

24. Officers of the Board
25. Inspectors of the Board
26. Powers of inspector to prosecute

PART V- LEGAL PROCEEDINGS

27. General provisions as to offences
28. Court order on repayments
29. Evidence

PART VI-FINANCIAL PROVISIONS

30. Financial year of the Board
31. Annual estimates
32. Books of accounts and audits
33. Annual report of the Board

PART VII - MISCELLANEOUS PROVISIONS

34. Secrecy, offences and penalties
35. Protection from personal liability
36. Liability of the Board for damages
37. Powers of County Executive Committee Member Incharge of Education to exempt
38. Act to apply to Government employees
39. Regulations

APPENDIX

- F1 Loan Application for Post-Secondary Training/Education
- F2 Loan Recovery Form
- F3 Bursary Form
- F4 Loan Application for Youth Polytechnic Training/Education

Memorandum of Objects and Reasons

LAWS OF TAITA TAVETA COUNTY

TAITA TAVETA COUNTY EDUCATION FUND BILL 2013

CHAPTER

An ACT Bill of the Taita Taveta County Assembly to provide for the establishment of a Board for the management of An Education Fund to be used for granting loans, bursaries and scholarships to assist students residents of Taita Taveta County to obtain post primary and higher education at recognized institutions within and outside Kenya and for matters incidental thereto and connected therewith.

Bill No. of 2013

PART 1 - PRELIMINARY

1. Short title

This Act may be cited as the Taita Taveta County Education Fund Board Act 2013.

2. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Taita Taveta Education Fund Management Board established by Section 3 of this Act.

"Bursary" means a grant of scholarship.

"Commission for Higher Education" means Commission established by Section 3 of the Universities ACT CAP.201B

"Eligible person" means a resident of Taita Taveta County who has attained minimum entry requirements and has been admitted to a recognized institution of post primary or higher education course of at least one year's duration.

"Fund" means the Taita Taveta Education Fund established by Section 12 of the 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 Board.

"He"/"His" denotes the male and female gender.

"Loanee" means any person granted an education loan by the Board under this Act.

"Loan" means a sum of money lent to an eligible student to be returned with interest.

"Post Primary education" means any course of education offered by an institution above the standard of Kenya Certificate of Primary Education.

"Scholarship" means a payment of a sum of money from the fund to maintain an able student in education.

"Secretary" means the secretary to the Board appointed under section 6 of this Act.

"Student" means any Kenya citizen resident of Taita Taveta County admitted and pursuing post primary or higher education with financial assistance from the Board:

PART II - ESTABLISHMENT AND FUNCTIONS OF THE BOARD.

3. Establishment of the Board

- (1) There is hereby established a Board to be known as the Taita Taveta Education Fund Management Board which shall be a body corporate with perpetual succession and a common seal.
- (2) The Board shall be capable in its corporate name of-
 - (a) suing and being sued;
 - (b) receiving, purchasing or otherwise acquiring, holding, charging and/or disposing of movable and immovable property;
 - (c) entering into contracts;
 - (d) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act and which may lawfully be done or performed by a body corporate;

4. Constitution of the Board

- (1) The Governor shall be the Patron of the Board. The Board shall have 15 members and shall consist of:-
 - (a) a Chairman appointed by the Governor with the approval of the county assembly
 - (b) a Vice Chair elected by the members
 - (c) a Secretary.
 - (d) a Representative of the youth.
 - (e) a Representative of persons with disabilities

- (f) five members representing special interest groups
 - (g) a representative of the Finance docket.
 - (h) the legal advisor who shall be appointed by the Governor and the Chief Officer in charge of Education who shall be *ex officio* with no voting rights.
 - (i) such other persons, not more than three, as the Board may co-opt.
- (2) The members of the Board referred in paragraphs (c) to (f) shall be appointed by the County Executive Committee Member Incharge of Education. with the approval of the county assembly
- (3) The members of the Board other than the *ex officio* members shall hold office for a period of 3 years and may be eligible for re-appointment for one more term of three years.
- (4) In making the appointments referred to in (2) hereinabove the County Executive Committee Member Incharge of Education shall take into account regional balance and one third gender rule.

5. Eligibility for Board membership

- (1) Unless disqualified under clause (2) a person is eligible for appointment as a Board member if the person:-
- (a) is registered as a voter in Taita Taveta County;
 - (b) meets the requirements of Chapter Six of the Constitution of Kenya;
 - (c) has working experience in business, the education sector or institution of higher learning or a faith based organization.
- (2) The office of a member of the Board shall fall vacant:-
- (a) if not being an *ex officio* member he submits his resignation in writing under his hand to the appointing authority through the secretary;
 - (b) if the Board is satisfied that such a member is by reason of his physical or mental infirmity unable to execute the functions of his office;

- (c) if he has been adjudged bankrupt by a competent court of law or has committed a criminal offence which directly or otherwise reflects adversely on his status as a member of the Board; or
 - (d) upon his death.
- (3) Where the office of a member becomes vacant under subsection (2), the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

6. Secretary to the Board

- (1) There shall be a Secretary to the Board who shall be appointed by the County Executive Committee Member Incharge of Education and who shall be the Chief Executive of the Board and shall be responsible for the management of the day to day activities of the Board.
- (2) The Secretary shall hold office for four years and shall be eligible for reappointment.
- (3) The Secretary shall be the head of the Secretariat and shall be responsible to the Board in ensuring that the Secretariat satisfactorily carries out duties and performs functions assigned to it by the Board.
- (4) The Secretary shall be an *ex officio* member of the Board and shall have no right to vote at the meetings of the Board.

7. Functions of the Board.

The functions of the Board shall be:-

- (a) to formulate sound policies for regulating the management of the Fund;
- (b) to solicit for funds and other assistance to promote the functions of the Board;
- (c) to set the criteria and conditions governing the granting of loans including the rate of interest and recovery of loans;
- (d) to receive any gifts, donations, grants or endowments made to the Board and to make legitimate disbursements therefrom;

- (e) to establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Board may consider appropriate for the furtherance of the purposes for which the Board is established;
- (f) to enter into contracts with financial institutions for the purpose of loans disbursement and recovery;
- (g) to grant loans out of the Fund either with or without security , as the Board may deem fit to any eligible person to enable him, or assist any student to meet the cost of higher education;
- (h) to determine the maximum number of eligible persons or students to be granted loans in any one particular year;
- (i) to invest any surplus funds not currently require for the purpose of the Board in any investment authorized by law for the investment of trust funds with power from time to time to vary or realize those investments;
- (j) with the consent of the County Executive Committee Member Incharge of Education, on approval by the county assembly to set up and expend such other funds as may from time to time be required;
- (k) to receive and consider all loan applications from eligible persons or students wishing to be considered for the award of higher education loans, and to approve, withhold or reject such requests in accordance with the provisions of this Act;
- (l) to borrow such monies from such sources and in such amounts as my be approved by the County Executive Committee Member Incharge of Education with concurrence of the County Executive Committee Member Incharge of Finance and to secure such loans in such manner as they deem fit;
- (m) to take out insurance cover for risky loans such as death, incapacity or inability to pay, as the Board deems fit;
- (n) to disburse ward bursary fund to the various ward bursary committees

- (o) to perform any other functions relating to the granting of students' loans in accordance with the provision of this Act; and
- (p) to perform and exercise all other functions and powers conferred on the Board by this Act.

8. Committees of the Board

- (1) The Board shall appoint the following committees:-
 - (a) the loans Disbursement and recovery Committee;
 - (b) the Finance, Staff and General Purposes Committee; and
 - (c) **the ward bursary committee** - There shall be establishment of a ward bursary committee comprising of (11) eleven members who will include two members who will represent special groups i.e. people with disability and the youth. The patron of this committee will be the area member of the County Assembly; the term of the committee will be three years.
This committee will receive bursary application and deliberate on the amount to be awarded and the beneficiaries with special preference being given to orphans, needy & disabled students from the ward. The committee will submit the list of beneficiaries including amount of money given to each beneficiaries which must be approved by the area MCA who will submit it to the Taita Taveta county Education Fund Board to effect disbursement to the listed beneficiaries. The ward bursary fund will provide bursaries for only secondary, youth polytechnics and special needs schools.
- (2) The membership of each Committee shall be five and the quorum shall be three members present.
- (3) Each Committee shall elect its own chairman.
- (4) All committees of the Board shall have powers to invite members of the board or any other person with relevant information or expertise.
- (5) Subject to this Act, the Committees shall regulate their own proceedings.

9. Delegation of Powers

- (1) The Board may delegate to any of its Committees such of its powers and duties as it may deem necessary.
- (2) Except with the written authority of the Board, no act of a Committee shall be binding on the Board until it has been approved by the Board.
- (3) Any person aggrieved by a decision of a Committee, may appeal to the Board within thirty days from the date of such appeal, the decision of the Board shall be final and not subject to a further appeal in any court.

10. Officers and agents of the Board

The Board may by resolution either generally or in any particular case delegate to any member, officer, employee or agent of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board as authorized by this Act.

11. Meetings of the Board

- (1) The Chairman shall preside at all the meetings of the Board unless he is absent from a particular meeting in which case the Vice Chairman shall preside and in the absence of both the Chairman and the vice chairman the members present shall elect one of themselves to preside at that particular meeting or part thereof.
- (2) The Board shall meet at least four times in each year, but the Chairman shall upon requisition in writing by at least seven members, convene a special meeting of the Board at any time.
- (3) The quorum necessary for transaction of the business of the Board shall be 60% of the members:
Provided that the quorum at any requisitioned meeting shall be any number of the members of the Board entitled to attend such meeting and the meeting shall be free to adopt any procedure thereat suitable in the circumstances.
- (4) All questions at any meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.

- (5) The Chairman shall, in case of equality of votes, have an original and a casting vote.
- (6) The secretary shall cause minutes and proceedings of all the Board's meetings to be entered into the Minute-Book kept for that purpose.
- (7) Subject to this Act, the Board shall regulate its own proceedings.

PART III - ESTABLISHMENT AND ADMINISTRATION OF THE FUND

12. Establishment of the Fund

- (1) There is hereby established a Fund to be known as Taita Taveta Education Fund which shall be managed and administered by the Board.
- (2) The object and the purpose of the fund shall be to provide funds to be used for granting loans, bursaries and/or scholarships to assist Taita Taveta County students to pursue post primary and higher education at such institutions within and outside Kenya, recognized by the (Commission for Higher Education).

13. Revenue and expenditure of the Fund

- (1) There shall be credited to the Fund:-
 - (a) sums of money which may from time to time be voted by Taita Taveta County Assembly for that purpose;
 - (b) sums which represent the repayment of the capital and interest of any loan granted by the Board;
 - (c) income from any investment made by the Board;
 - (d) any sums of money borrowed by the Board with the consent of the County Executive Committee Member Incharge of Education;
 - (e) any gifts, donations, grants and endowments made to the Fund.
- 2) There shall be paid out of the Fund any expenditure approved by the Board and incurred in connection with the administration of the Fund.

14. Appropriation of the Fund

1. The fund shall be appropriated as hereunder;

Ward bursary fund

This will account for 50% of the appropriated Budget for Taita Taveta county Education fund. It will be disbursed equally amongst the 20 respective wards within the county.

Loans and scholarships

This will account for 50% of the appropriated budget for Taita Taveta county Education Fund and will be shared as follows.

- a) 5% Administrative cost
- b) 7.5% investment
- c) 25% scholarships
- d) 62.5% loans
- e) All the above must ensure affirmative action, gender, person with disabilities and regional balance in disbursement is observed at all times.

15. Administration of the Fund

- (1) Every student wishing to be considered for the grant of a higher education loan or bursary for post primary or secondary education shall make an application to the Board in the prescribed form and the ward bursary committee for bursary applicants
- (2) Every student who has been awarded a higher education loan shall be issued with a Loanee Identification Personal Account Number (L.I.P.A.) by the Board.
- (3) Any student who-
 - (a) in filling a loan application form knowingly makes any false statement, whether orally or in writing relating to any matter affecting his request for a loan; or
 - (b) being required under paragraph (a) to answer any questions, furnish any information or particulars or produce any document or paper, neglects to do so without reasonable cause; or
 - (c) is granted a loan based on false information, shall be guilty of an offence and in the case of paragraphs (a) and (b) be liable to a fine of not

less than three thousand shillings or to imprisonment for a term of not less than six months and in the case of paragraph (c) to a fine of not less than thirty thousand shillings or imprisonment for a term of not less than three years.

16. Conditions for grant of loan or bursary

(1) The Board may-

(a) accept or reject any application for a loan or bursary;

(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 the Board deems fit;

Provided that and subject to the provisions of this section the Board may upon the request by any student to whom a loan has been granted any time vary-

(5) the condition subject to which the loan was made;

(ii) any security given in relation to the loan;

(iii) any of the terms of repayment of the loan.

(1) Where the Board has resolved to make a loan or to award a scholarship or grant a bursary to any eligible student, the Board shall notify the applicant in writing, and require him within a specified period not exceeding six months to comply with any conditions and in the case of a loan provide any security which the Board may have imposed or demanded.

(2) Where any applicant fails to comply with the requirement of the Board notified to him under subsection (2) within the prescribed period, the application shall be deemed to have lapsed.

17. Obligations of the Loanee

(1) A loanee shall be required, subject to and in accordance with the provisions this Act or any regulations made thereunder, within one year of completion of his studies or within such a period as the Board decides to recall its loan whichever is the earlier-

- (a) to inform the Board of his contact address;
 - (b) to begin repayment of his loan together with any interest accrued thereon;
 - (c) if he is in formal employment, to authorize his employer to deduct the loan repayment and to remit it to the Board in such manner as the Board may direct.
- (2) Any loanee who fails or neglects to satisfy the requirements of subsection (1) within the stipulated time shall, in addition to any other action that the Board may take against him, be guilty of an offence and liable to a fine of not less than five thousand shillings in respect of each loan deduction that remains unpaid in accordance with provisions of subsection (1), and such fine shall be payable to the Board.

17.A Obligations of a scholarship or bursary beneficiary

Any student who benefits from an award of scholarship or Bursary from the board is obligated to maintain academic Excellence and he shall submit to the board end of term Result transcripts and a progress report from his learning Institution.

18. Responsibilities of an employer

- (1) Every employer shall be required , subject to and in accordance with this Act or any regulations made thereunder-
- (a) upon the employment of any loanee to inform the Board in writing within a three months period of such employment;
 - (b) upon confirmation by the Board that such a person so employed is a loanee, to deduct from the wages or remuneration of the loanee, the amount of any loan as instructed by the Board.
- (2) The employer shall pay every deduction from the loanee's wages or remuneration in the prescribed manner to the Board within 15 days after the end of each month.

18A. Responsibility of Kenya Revenue Authority

Subject to section 125(3) of the Income Tax Act (Cap.470), the Kenya Revenue Authority shall, at the request of the Board, furnish it with the name and address of a loatee or the employer of a loatee, if such information is known to the Authority.

19. Penalties for delayed remittance

- (1) Where an employer fails to deduct or after deduction of any loan repayment from a loatee, he fails to remit such deductions to the Board within the prescribed period, a sum equal to five percent of the total amount of the repayment shall be charged on the employer for each month or part of the month that the repayment remains unpaid.
- (2) Where an employer fails, without reasonable excuse, to notify the Board that he has in his employment a loatee, within the specified period, that employer shall be guilty of an offence and liable to a fine of not less than three thousand shilling for each month or part of the month that he fails to notify the Board of such employment.

20. Annual returns

On the last day of each calendar year the Board shall send to all loatees an annual return from which every loatee shall be required to fill and submit to the Board before the end of the month of February of the proceeding year.

21. Loan deductions

In making its deduction for loan recovery, the Board shall not deduct more than one quarter of the loatee's basic monthly salary.

22. General provisions

- (1) If in the opinion of the Board there has been or is likely to be a breach of or failure to comply with any condition or term of repayment in respect of a loan the Board may forthwith-
 - (a) recover from the person from whom the loan was made or his personal representative as a civil debt under

the Debts (Summary Recovery) Act (CAP.42) the amount of the loan or the amount thereof then remaining unpaid together with interest thereon;

(b) enforce or realize any security relating thereto.

(2) The Board may, in exercise of the powers conferred by subsection (1) engage the services of private legal practitioners.

23. Board's discretion to waive loans

Notwithstanding the provisions of this Act, in any case where the Board is of the opinion that a loanee should be exempted from repaying his loan by reason of-

(a) death;

(b) incapacitation;

(c) considerations of hardship or equity;

(d) impossibility or undue difficulty, or the expenses to be incurred in the recovery of the loan being far in excess of the amount sought to be recovered,

thereupon the liability of the loan shall be extinguished or deemed to be abandoned under the provision of this Act and the provisions of this Act, other than this section, shall no longer apply to any such loan.

PART IV - OFFICERS OF THE BOARD

24. Officers of the Board

The Board shall employ such officers, inspectors and servants as shall be necessary for the performance of their functions under this Act and shall pay out of the Fund to such officers and servants such salaries and allowance as the Board may from time to time determine.

25. Inspectors of the Board

(1) Every inspector appointed under Section 24 shall for the purposes of ascertaining whether the provisions of this Act have been complied with within any premises or place liable to inspection under this section have power to enter such premises or place at all reasonable times and to examine every person whom he finds therein.

(2) The occupier of any premises or place liable to inspection under this section and any person who is or has been employing any loanee and the servants and agents of such occupier or other person, and any employer shall furnish to the inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purposes of ascertaining whether loan repayments have been deducted and/or have been duly remitted by the employer in respect of any loanee employed in such premises.

(3) Any person who-

(a) willfully delays or obstructs any inspector in the exercise of any power under this section; or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section, shall be guilty of an offence and shall be liable to payment of a fine of Ksh 20000 or imprisonment for a term of four months.

Provided that no person shall be required under this section to answer any question or to give any information which tends to incriminate him.

(4) Every inspector shall, upon seeking admission to any premises for the purposes of inspection, produce his letter of authorization issued by the Board.

26. Powers of inspector to prosecute

An inspector appointed under section 24 or any other person authorized by the Board in writing may, subject to the general or special directions of the Director of Public Prosecution prosecute in any court for all offences under this Act and for that purpose have all the powers conferred on a public prosecutor by the Criminal Procedure Code (Cap.75)

PART V - LEGAL PROCEEDINGS

27. General provisions as to offences

Proceedings for an offence under this Act may, notwithstanding in any law to the contrary, be commenced at any time within

the period of twelve months from the date on which evidence sufficient in the opinion of the Board to justify a prosecution for the offence comes to the knowledge of the Board.

28. Court order on repayments

- (1) The court before whom any person is convicted of an offence under this Act shall without prejudice to any civil remedy, order such person to pay to the Board as the case may be, the amount of any outstanding loan repayments and interest or any other sum, together with any penalty thereon, found to be due from such person to the Board, and any sum so ordered shall be recoverable as a fine and paid to the Board.
- (2) All sums due to the Board shall be recoverable as debts due to the Board and without prejudice to any other remedy may be recovered by the Board summarily as a civil debt.
- (3) All criminal and civil proceedings under this Act, may, without prejudice to any other in that behalf, be instituted by any inspector or other officer of the Board and where the proceedings are instituted or brought in a Magistrate's court, any such inspector or other officer shall prosecute or conduct the proceedings.
- (4) All sums recovered by legal proceedings in respect of sums which should have been but were not paid to the Board shall be so paid to the Board.

29. Evidence

In any proceedings under this Act, a copy of the entry in the accounts of or any extract from the records or register of the Board shall, if stated to be a true copy by a certificate purporting to be signed by the Secretary or a person authorized on his behalf by him, be received in evidence as *prima facie* evidence of the truth of the contents thereof.

PART VI - FINANCIAL PROVISIONS

30. Financial year of the Board

The financial year of the Board shall be the period of twelve months commencing on the 1st of July and ending on the 30th June of the year following.

31. Annual estimates

- (1) The Board shall, six months before the commencement of its financial year, submit to the County Executive Committee Member Incharge of Education an estimate of its income and expenditure during the succeeding financial year.
- (2) The County Executive Committee Member Incharge of Education shall communicate to the Board his approval of the annual estimates at least one calendar month before the commencement of the financial year.
- (3) The annual estimates shall make provisions for all the estimates of expenditure of the Board for the financial year and shall provide, subject to the provision of section 14, for-
 - (a) the cost of administration of the Board including payment of salaries, allowances, pensions, gratuities and other charges whatsoever payable to the staff and members of the Board;
 - (b) the payment or reimbursement to the members of the Board of monies in respect of expenses incurred during the attendance of the meetings of the Board;
 - (c) the development and maintenance of any property vested in the Board.
- (4) Except with the approval of the County Executive Committee Member Incharge of Education, no expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (2).

32. Books of Accounts and audits

- (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Fund.
- (2) The Board shall, not more than four months or such longer period as the County Assembly may by resolution appoint

after the end of each financial year, cause to be prepared and submitted to the Auditor General.

- (a) a balance sheet showing in detail the assets and liabilities of the Board at the end of the financial year;
 - (b) a statement of financial activities, income and expenditure during the financial year; and
 - (c) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board.
- (3) The accounts of the Board shall be audited by the Auditor General or an auditor approved by the Auditor General.
- (4) Within a period of four months after the end of each financial year, the auditor or the Auditor General shall report on the examination and audit of the accounts of the Board to the County Executive Committee Member Incharge of Education.
- (5) The County Executive Committee Member Incharge of Education shall lay the auditor's report submitted to him under subsection (5) before the County Assembly as soon as practicable, in accordance with provisions of section 31(5) of the Exchequer and Audit Act, and if he fails or neglects to comply, the provisions of subsection (6) of that section shall apply.
- (6) The fee for any auditor shall be fixed and paid by the Board.

33. Annual report of the Board.

The Board shall within three months after the end of each financial year, prepare a report on the operation of the Fund during that financial year and shall transmit such report to the County Executive Committee Member Incharge of Education who shall cause it to be presented to the County Assembly together with the report of the Auditor General or an Auditor and certified copies of the accounts referred to in section 32.

PART VII - MISCELLANEOUS PROVISIONS

34. Secrecy, offences and penalties

- (1) Any person having an official duty or being employed in, or in connection with, the administration of this Act shall regard and deal with all documents, information, returns and forms relating to applications for bursaries, scholarships, loans or to the granting of bursaries, scholarships or loans under this Act which come to his knowledge or access by virtue of his official status or employment, as secret and confidential.
- (2) Any person having possession of, or control over, or access to, any documents , information, returns or forms relating to a matter referred to in subsection (1) who communicates anything contained therein-
 - (a) to any person other than a person to whom he is authorized by the Board to communicate it; or
 - (b) otherwise than for the purposes of this Act, shall be guilty of an offence.
- (3) Any person guilty of an offence under this Act shall, where no other penalty is prescribed, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years.

35. Protection from personal liability

No matter or thing done by the Chairman, Vice Chairman or any member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done *bona fide* for the purpose of executing any provision of this Act, render the Chairman, Vice Chairman, member, officer, employee or agent or any person acting on their directions, personally liable to any action, claim or demand whatsoever.

36. Liability of the Board for damages

The provisions of this Act shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interest caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially of the exercise of such powers.

37. Powers of the County Executive Committee Member Incharge of Education

The County Executive Committee Member Incharge of Education may by notice exempt any class of persons from all or any of the provisions of this Act, where in his opinion it is expedient in the public interest to do so.

38. Act to apply to Taita Taveta County, other County Governments within the Republic of Kenya and the National Government employees

- (1) This Act shall, subject to the provisions thereof relating to exempt persons, apply to persons in the service of the Taita Taveta County Government, the other County Governments within the Republic of Kenya and the National Government as it would apply if their employer were a private person or a State corporation.
- (2) All monies required to be paid under this Act by the Taita Taveta County Government, the other county Governments within the Republic of Kenya and the National Government in respect of loan repayments in relation to persons in the service of the Taita Taveta County Government, the other County Governments within the Republic of Kenya and the National Government shall be charged on and paid out of the Consolidated Fund without any further appropriations than in this Act.

39. Regulations

- (1) The County Executive Committee Member Incharge of Education may make regulations generally for the better of carrying out the provisions of this Act, and without prejudice to the foregoing, the County Executive Committee Member Incharge of Education may make regulations in respect of the following-
 - (a) the receipt processing and approval of applications for loans and the granting of loans to students.
 - (b) the preparation and maintenance of loanees' records;
 - (c) the withdrawal, recovery and cancellation of loans already granted;
 - (d) the waiver or exemption from repayment of loans;
 - (e) persons who being loanees are or have been living outside Kenya;

- (f) the terms and conditions of service for the Board's staff;
- (g) the setting-up of procedures for dealing with loan defaulters; and
- (h) the grant of bursaries and scholarships.

APPENDIX A

TAITA TAVETA COUNTY GOVERNMENT

Telephone: 0788186436/0718988717
Email: governortaitataveta@gmail.com



P.O. Box 1066-80304
WUNDANYI

LOAN APPLICATION FOR POST SECONDARY TRAINING/EDUCATION

THE TAITA TAVETA COUNTY GOVERNMENT POST SECONDARY STUDENT'S EDUCATION FUND

INSTRUCTIONS

(PLEASE STUDY THE FORM CAREFULLY AND FILL THE PARTS THAT APPLY TO YOU IN CAPITAL LETTERS.)

CHECK LIST

Please make sure you attach the photocopies of the following documents where applicable:

1. National Identification Cards (ID) of Loanee, Parents/ Guardian/ Sponsor and Referees
2. Applicants Birth Certificates

3. Current Fee Structure
4. Students ID
5. Current transcripts
6. Death Certificate (s) where applicable.
7. Admission letter for new students
8. KRA Pin

PART A: STUDENT'S PERSONAL INFORMATION

1. Full Name:
 (Surname) (First) (Middle)
2. Gender: Male Female
3. Date of Birth..... ID. NO.....
4. Disclose any disability.....
5. Village Ward..... Sub-County.....
6.
 Postal Address E-Mail: Mobile-Phone:
7. KRA Pin No.....

PART B: COLLEGE /UNIVERSITY DETAILS

1. Name of the College /University admitted to: (include the full address/ email and Tel. No):.....

2. Admission No
3. Year of study: (Tick appropriately)
 1st 2nd 3rd 4th 5th 6th
4. Type of course/Training.....

- 4b. Tick appropriately
 Post graduate Undergraduate Diploma Certificate
5. Total fees (per year)..... Outstanding Balance.....

PART C: FAMILY INFORMATION (Tick appropriately)

1. A). Both Parents alive B). Single Parent C). Partial Orphan D). Total Orphan
-

N.B. Attach photocopies of death certificate (s) where applicable.

2. Who has been paying your school fees:.....

3. Father's Name.....

Occupation:.....

.....

Postal address E-mail Mobile phone Id. No.

4. Mother's Name:.....

Occupation:.....

.....

Postal address E-mail Mobile phone Id. No.

5. Guardian's Name:.....

Occupation:.....

.....

Postal address E-mail Mobile phone Id. No.

6. Gross Income in the last 12 months Kshs.:
(Gross income includes: Salaries, Business, Farming and any other form of income)

Father's Income: Kshs.....

Mother's Income: Kshs.....

Guardian's Income: Kshs.....

Self: Kshs.....

Spouse: Kshs.....

7. Applicant's siblings in Primary, Secondary Schools, Colleges and Universities.

Sibling's name	Institution	Form/year	Fees Per Yr

PART D: REFEREES (To be filled by the two referees)

I. REFEREES

(They should be persons from your Sub County who know you well but not close relatives.)

A. Name and ID No:.....

Address.....

E-mail.....

Mobile No.....Signature & Date.....

B. Name and ID No:.....

Address.....

E-mail.....

Mobile No.....Signature & Date.....

2. GUARANTOR

(Should be: Parent/Guardian/Sponsor)

Name and ID No:.....

Address.....

E-mail.....

Mobile No.....Signature & Date.....

PART E: DECLARATION

I. APPLICANT'S STATEMENT

(Indicate any previous loan that you have been awarded)

Amount	Source	Year

Briefly explain why you should be considered for a loan:.....

.....

.....

.....

.....

.....

.....

.....

.....

I declare that the information given herein is true to the best of my knowledge, belief and information.

.....

Applicant Signature Date

In the presence of:

Commissioner of Oaths/Magistrate

2. PARENT/GUARDIAN DECLARATION

I declare that I have read this Form and I confirm that the information given herein is true to the best of my knowledge, belief and information.

.....

Name: Signature & Date: Mobile No:

In the presence of:

Commissioner of Oaths/Magistrate

3. VILLAGE ADMINISTRATOR

Comment

.....
Name Signature & Mobile No. Rubber Stamp & Date

4. WARD ADMINISTRATOR

Comment

.....
Name Signature & Mobile No. Rubber Stamp & Date

5. RELIGIOUS LEADER

Comment

.....
Name Signature & Mobile No. Rubber Stamp & Date

6. COLLEGE /UNIVERSITY VERIFICATION

I Confirm that the above named is a student in this institution.

.....
Name Signature & Mobile No. Rubber Stamp & Date

.....
Designation

PART G: FOR OFFICIAL USE ONLY

Recommended

Not Recommended

Reasons for disqualification.....

.....
.....
LOAN AWARDED

Kshs..... Date.....

SIGNED/CHECKED BY:

LOANS BOARD CHAIRMAN

.....
Signature Rubber Stamp & Date

LOANS BOARD SECRETARY

.....
Signature Rubber Stamp & Date

LOANS BOARD ACCOUNTS MANAGER

.....
Signature Rubber Stamp & Date

***Please Note: it is the responsibility of the Loanee to ensure that once employed the employer informs the Taita /Taveta Governor’s Revolving Fund Board.**

APPENDIX B

TAITA TAVETA COUNTY GOVERNMENT

Telephone:0788186436 /0718988717
Email: governortaitataveta@gmail.com



P.O. Box 1066-80304
WUNDANYI

LOAN RECOVERY FORM
THE TAITA TAVETA COUNTY GOVERNMENT POST SECONDARY EDUCATION
REVOLVING FUND

EMPLOYER'S NAME:.....

1. Address:
 - (A) Postal.....
 -
 - (B) Physical Location
 -
 -
2. Telephone No.....
3. E Mail.....
4. Name Of Contact Person.....
5. Designation.....

INFORMATION ABOUT LOAN BENEFICIARY (S) FROM THE EMPLOYER

1. Full Name Of Employee.....
2. National I.D Card No.....
3. Kra Pin No.....
4. Employment No.....
5. Salary Per Month.....
6. Recovery Amount Per Month.....
7. E-Mail Address.....
8. Mobile Phone No.....
9. Physical Address.....

To Be Filled In Triplicate: The Board, Employer, Self.

APPENDIX C

TAITA TAVETA COUNTY GOVERNMENT

Telephone: 0788186436/0718988717
Email: governortaitataveta@gmail.com



P.O. Box 1066-80304
WUNDANYI

APPLICATION FOR BURSARY FOR SECONDARY, YOUTH POLYTECHNIC & SPECIAL NEEDS SCHOOLS

INSTRUCTIONS

Attach the following documents:

1. Copy of the result slip/Report form of previous term.
2. Copy of leaving Certificate
3. Copy of Death Certificate (s) where applicable.
4. Fee structure duly signed and rubber stamped by the Principal of the school.
5. Copy of Identification Card (s) of Parent's/Guardian.

PART A: STUDENT'S PERSONAL INFORMATION

1. Full Name:

.....
(Surname) (First) (Middle)

2. Student's Admission Number.....

3. Gender: Male Female

4. Date & Year of Birth:.....

5. Disclose any disability:.....

6. Last Primary School attended:.....

7. Sub County.....

8. Ward.....

9. Village.....

PART B: SCHOOL INFORMATION

Name of the School &

Address.....

.....Tel.....E-mail.....

Year of joining the School.....Joined in form.....Currently in form.....

Day Scholar: Yes No

Boarder: Yes No

PART C: (To be filled and confirmed by the Principal)

1. Current year outstanding fees (Total).....
.....

2. Outstanding balance at the time of applying.....

3. Has the student received assistance before?.....

4. If yes from where and how much?.....

5. Bank account Name and A/C No of the school.....
.....

6. Tel No of the School.....E-mail.....

7. Principal's Comments on:

	Excellent	Good	Fair	Poor
(a) Academic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Discipline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	32	<input type="checkbox"/>	<input type="checkbox"/>

(d) Co-curricular
Activities

.....
(Principal's Name) (Mobile No.& Sign) (R/Stamp & Date)

PART D: FAMILY INFORMATION (*Please note that false information will lead to automatic disqualification*)

1. Tick appropriately:

- a). Both parents alive b). Single parent c) Partial Orphan d) Total Orphan

2. Father's Name.....
Occupation.....
Name of Employer.....
Postal Address.....
Physical Address.....
Mobile No.....E-mail.....

3. Mother's Name.....
Occupation.....
Name of Employer.....
Postal Address.....
Physical Address.....
Mobile No.....E-mail.....

4. Guardian's Name.....
Occupation.....
Name of Employer.....
Postal Address.....
Physical Address.....
Mobile No.....E-mail.....

Applicant's siblings in Secondary Schools, Colleges and Universities

Sibling's name	Institution	Form/year	Fees Per
----------------	-------------	-----------	----------

			Year

.....
Applicant's Name

.....
Sign & Date

.....
Cell No.

PART E: FAMILY INCOME STATUS (Please give correct information)

8. Monthly Gross Income in: Ksh.....

Father: Kshs.....

Mother: Kshs.....

Guardian: Kshs.....

.....
(Name, Sign & Date)

.....
(Name Sign & Date)

.....
(Name Sign & Date)

(Income includes Salaries, Business, Farming and any form of income)

I. APPLICANT'S STATEMENT

(Indicate any previous bursary that you have been awarded)

Amount

Source

Year

Briefly explain why you should be considered for a bursary:.....

.....

.....

.....

.....

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

2. PARENT/GUARDIAN DECLARATION

I declare that I have read this Form and I confirm that the information given herein is true to the best of my knowledge, belief and information.

.....
Name Signature & Date Cell No

PART F: (TO BE FILLED BY THE FOLLOWING PERSONS)

1. **RELIGIOUS LEADER** Not Needy Needy Very Needy
(Tick)

Comment.....
.....

.....
Name Mobile No & Sign R/Stamp & Date

2. **VILLAGE ADMINISTRATOR** Not Needy Needy
Very Needy
(Tick)

Comment.....
.....

.....
Name Mobile No.& Sign R/Stamp & Date

3. CHAIRPERSON TO WARD BURSARY FUND COMMITTEE

(Tick) Not Needy Needy Very Needy

Comment.....
.....

.....
Name Mobile No.& Sign R/Stamp & Date

PART G: FOR OFFICIAL USE ONLY

Recommended Not Recommended

Reasons for
Disqualification.....
.....
.....

BURSARY AWARDED

Kshs..... Date.....

SIGNED/CHECKED BY:

WARD BURSARY FUND COMMITTEE CHAIRPERSON

.....
Signature Rubber Stamp & Date

WARD BURSARY FUND COMMITTEE SECRETARY

.....
Signature Rubber Stamp & Date

MEMORANDUM OF OBJECTS AND REASONS

This bill is prepared pursuant to Articles 43(1)f, 183(2) and 185(2) of the Constitution of Kenya

Upon taking cognizance of the need to actualize the Constitutional right to education as enshrined in article 43(1)f of the Constitution of Kenya 2010 and to enhance the education standards of the residents of the county and further regard being had to the financial cost of attaining these twin goals it is thus necessary to create an Education Fund to cater for the funding of education in Taita Taveta county.

The purpose of this Bill is to provide the appropriate legislative framework and mandate upon which the County Government shall disburse loans, bursaries and scholarships to the residents of the county.

The bill seeks to emulate the spirit and the letter of the Higher Education Loans Board Act Chapter 213A Laws of Kenya though it has been modified to accommodate the specific needs on the county wherefore all post primary school applicants are considered and given the opportunity to advance their education in different institutions of learning be they youth polytechnics, secondary schools, universities or other tertiary institutions.

This bill provides for the establishment of an education fund which shall be managed by a management board that will be appointed by H.E the Governor and the Committee Executive Member in Charge of Education as provided for in sections 3 and 4 of the bill. The criteria for the selection of the board membership are outlined and the bill stipulates the tenure of the management board.

The prerequisite for eligibility, the terms and condition for the grant of loan, bursaries or scholarship are clearly outlined in the forms contained in the appendix to this bill.

It is the aim of this bill to provide a loan recovery procedure. The bill sets out the mandate of the board and it outlines its functions.

The bill discloses the Revolving Fund's source of revenue and mandates the board to invest a percentage of the Revolving Fund to enable it generate more funds. The amount appropriated to the Education Fund under section 13(1) a shall be as per the Taita Taveta County Appropriation Bills as shall be appropriated from time to time by the Taita Taveta County Assembly.

The bill makes provision for the employment of staff necessary to facilitate the smooth running of the fund.

The Bill provides for the annual submission by the Board of a report of the operations of the Fund and a report of the Auditor General to the County Assembly.

The implementation of the provisions of this proposed legislation will entail an expenditure of public funds.

DATED: 23RD January, 2014

Signed By.....
Chairperson
County Education Committee