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***BOMET COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2014

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**THE BOMET COUNTY SUPPORT FOR THE
NEEDY BILL, 2014
ARRANGEMENT OF CLAUSES**

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A Bill for

**AN ACT of the County Assembly of Bomet to provide
for the establishment and administration of the
Old Persons Fund; the Education Fund and the
Compassionate Fund; and for related purposes.**

ENACTED by the County Assembly of Bomet as follows—

PART 1 – PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Bomet County
Support for the Needy Act, 2014 and shall come into
operation upon assent.

Interpretation

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

“congenital disorder” means a condition existing
at birth or that develops during the first month of life
regardless of causation;

“Executive Committee Member” means the member
of the county executive committee for the time being
responsible for education, Social Services, health as the
case may be;

“Fund” means the funds established under sections
3, 7 and 12 respectively;

“old person” means a person who has attained the
age of seventy-five years and above or such other age as
may be prescribed;

“person with disability” means a person whose
disability renders the person unable to undertake his or her
day to day activity in a manner that can enable him or her
support himself or herself and as may be determined by a
recognised medical practitioner;

**PART II – OLD PERSONS AND PERSONS WITH
DISABILITY FUND**

Establishment
of the Fund.

3. There is established a Fund to be known as the
Bomet County Old Persons and Persons with Disability
Fund.

Purpose of the
fund.

4. The purpose of the fund is to—

- (a) provide stipend to the old persons and for persons with disabilities in accordance with the criteria established under this Act;
- (b) pay for National Health Insurance Fund for use by the old persons in accordance with the criteria established under this Act;
- (c) support persons with disability in accordance with the prescribed criteria; and
- (d) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

PART III – BURSARY FUND

Establishment of the Fund.

5. There is established a Fund to be known as the Bomet County Bursary Fund.

Purpose of the fund.

6. The purpose of the fund is to—

- (a) enhance access to education;
- (b) promote and increase enrolment, retention, completion and transition rates in schools;
- (c) improve education standards and literacy levels; and
- (d) assist the poor but bright students access quality education; and
- (e) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

PART IV – COMPASSIONATE FUND

Establishment of the Fund.

7. There is established a Fund to be known as the Bomet County Compassionate Fund.

Purpose of the fund.

8. The purpose of the fund is to—

- (a) support medical expenses to children born with congenital disorders, from poor families; and
- (b) meet the expenditure that may be incurred in administering this fund:

provided that not more than three per centum of the total monies consisting of the Fund shall be utilized for administration of the Fund.

It cannot be checked alone

PART V – MISCELLANEOUS PROVISIONS

Sources of the funds.

9. The sources of the established Funds shall be—

- (a) monies as shall be appropriated yearly by the county assembly;
- (b) such sums as may be received as contributions, gifts or grants from any lawful source; and
- (c) any monies earned from interest or arising from any approved investment of the Funds.

Criteria for funding.

10. (1) The Executive Committee member responsible shall prescribe the criteria for funding which shall be approved by the Executive Committee. →

(2) The criteria may be varied from time to time to take into consideration the changing circumstance of the purpose of the fund.

(3) Each year, the Executive Committee member responsible shall prepare a list of beneficiaries from the applicants received and developed in accordance with the prescribed criteria. *and table before assembly*

(4) The Executive Committee member responsible shall table the list of beneficiaries before the executive committee for approval and authorization before funds are disbursed. } *After*

Successful applicant

Capitalization and administration of the funds.

11. (1) The County Executive Committee Member for finance shall designate the accounting officer for the department responsible to be the administrator of the Fund.

(2) The duties of the administrator are to —

- (a) supervise and control the administration of the Fund;
- (b) be the accounting officer of the Fund;

- (c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;
- (e) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (f) prepare, sign and transmit to the Auditor-General, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Finance Management Act, 2012, and in such details as the County Treasury may, from time to time, direct;
- (g) furnish such additional information as may be required for examination and audit by the Auditor-General, or under any law;

(3) All monies received by the Funds shall be maintained in a separate bank account in the respective names opened with the approval of County Treasury and administered in accordance with the provisions of the Public Finance Management Act, 2012.

(4) The balance of the Fund at the close of each financial year shall be retained in the Fund for purposes for which the Fund is established.

Register of the
needy to be kept.

12. (1) The Executive Member responsible shall keep and maintain the register of the needy persons.

(2) The persons who wish to be considered from the fund shall make an application in the prescribed manner in accordance with the prescribed criteria.

False
information.

13. A person who submits false information for purposes of registration in accordance with this Act, shall, on conviction, be liable to a fine of one hundred thousand shillings or to a term of imprisonment of one year or to both such fine and imprisonment.

Savings.

14. Any Fund lawfully disbursed for the purpose of supporting the needy prior to the coming into force of this Act shall be deemed to have been disbursed in accordance with this Act.

Regulations.

15. (1) The Executive Committee member responsible for the fund may make regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

- (a) provide for the criteria and scope of the fund;
- (b) prescribe additional guidelines regarding fund;
- (c) prescribe the relevant forms;
- (d) providing for the registration and the procedure for registration;
- (e) provide for the amount and manner of disbursement; and
- (f) any other matter that is necessary for the implementation of the fund.

MEMORANDUM OF OBJECTS AND REASONS

The main purpose of this Bill is to provide for a manner in which the county may provide support for the needy.

PART I deals with preliminary matters and interpretations containing the definitions of words used in the Bill.

PART II, III and IV provides for the establishment and purpose of the various funds under the Act.

PART IV deals with miscellaneous provisions.

Clause 9 deals with sources of the funds.

Clause 10 provides for the criteria for funding.

Clause 11 provides for the capitalization and administration of the fund. It also provides for the duties of the administrator of the fund. Clause 12 deals with the registration requirement.

Clause 14 provides for savings for funds disbursed prior to the coming into force of this Act.

Clause 15 gives the Executive Committee members responsible to make regulations for giving effect to the provisions of this Act.

Dated the 13th day of June, 2014.

Josephat Kirui,
Leader of the Majority



