

SPECIAL ISSUE

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KILIFI COUNTY BILLS, 2023

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CONTENT

Bill for Introduction into the County Assembly of Kilifi—	PAGE
The Kilifi County Ward Scholarship Fund (Amendment) Bill, 2023.....	1

**THE KILIFI COUNTY WARD SCHOLARSHIP FUND
(AMENDMENT) BILL, 2023**

A Bill for

**AN ACT of the County Assembly of Kilifi to amend the Kilifi County
Ward Scholarship Fund Act, 2018**

ENACTED by the County Assembly of Kilifi, as follows—

Short title and Commencement

1. This Act shall be cited as the Kilifi County Ward Scholarship Fund (Amendment) Act, 2023.

Amendment of Section 4 of No. 3 of 2018

No. 1 of 2020

2. Section 4 of the Principal Act is amended in—

(a) subsection (2) by deleting paragraph (a) and replacing thereof with the following new paragraph —

“Monies allocated by the County Assembly for the Fund amounting to not less than Kenya Shilling Five Hundred Million (KSh. 500,000,000) and not more than Kenya Shillings One Billion (KSh.1,000,000,000)”;

(b) by inserting the following new subsection (4).

(4) The Fund shall be appropriated as follows—

(a) an amount totalling to seventy (70%) per centum of the monies set aside for disbursement under this Act shall be allocated equally to all the wards;

(b) an amount totalling to twenty-five (25%) per centum of the monies set aside for disbursement under this Act shall be allocated to grant full scholarships and grants;

(c) an amount totalling to five (5%) per centum of the monies shall be set aside as expenditure for running the Fund.

Amendment of Section 5 of No. 3 of 2018

3. Section 5 of Principal Act is amended by deleting the entire paragraph (5).

Amendment of Section 6 of No. 3 of 2018

4. Section 6 of the Principal Act is amended by inserting the following new paragraph immediately after paragraph (6) —

(6a) “Recipients shall only receive from one ward at a particular time.”

Amendment of Section 7 of No. 3 of 2018

5. Section 7 of the Principal Act is amended by deleting subsection (3) and replacing thereof with the following paragraph—

“Notwithstanding subsection (1) at the end of a financial year, unspent funds by a ward shall only be spent for the purposes for which the fund is established.”

Amendment of Section 9 of No. 4 of 2018

6. Section 9 of the Principal Act is amended by deleting subsection 2(b) and inserting the following new paragraphs immediately after paragraph (a) —

- (aa) the Fund Accountant; and
- (ab) one other person appointed by the Board from amongst its members.

Amendment of Section 20 of the principal Act

7. Section 20 is amended by—

- (a) deleting the words “three (3%) per centum” appearing in subsection (1) and replacing thereof with the words “five (5%) per centum”;
- (b) inserting the following new paragraphs (1a) and before subsection (3) —
 - (1a) “Notwithstanding the generality of Subsection (1) above the Board and Committee shall receive a sum equivalent to three (3%) per centum and two (2%) per centum respectively of the monies set aside as expenditure for running the Fund.”

Amendment of Section 21 of No. 12 of 2018

8. Section 21 of the principal Act is amended by—

- (a) deleting the words “one half” and replacing with the words “two thirds” appearing on subsection (8);
- (b) deleting the word “two” appearing after the word “be” and “years” and replacing thereof with the word “five” appearing in subsection (9);
- (c) deleting the word “committee” appearing after the word “Scholarship” and replacing thereof with the words “Fund Board” in subsection (13)(a);
- (d) deleting the word “committee” and replacing thereof with the words “Fund Board” appearing in subsection (13)(b).

Amendment of Section 24 of No. 12 of 2018

9. Section 24 of the Principal Act is amended by deleting the words “County Assembly” appearing in subsection (1) and substituting thereof with the words “County Public Service Board”.

Insertion of New Section 24A

10. The Principal Act is amended by inserting the following New Section 24A —

Establishment of the Kilifi County Ward Scholarship Dispute Resolution Committee

24A (1) There is hereby established a Committee to be known as the Kilifi County Kilifi County Ward Scholarship Dispute Resolution Committee.

(2) The Committee shall hear and determine appeals from parties dissatisfied by the recommendations made by the Board.

(3) The Committee shall promote Alternative Dispute Resolution Mechanism, as the first line of action in resolving disputes through facilitating negotiation and mediation to achieve speedy and inexpensive resolution of disputes.

(4) The County Executive Committee Member shall prescribe the composition, qualifications, terms of office and procedure for filing disputes of the Kilifi County Ward Scholarship Dispute Resolution Committee with approval of the County Assembly.

Insertion of New Section 24B

11. The Principal Act is amended by inserting the following New Section 24B —

Appeals against the decision

24B. Any person aggrieved by a decision of the Kilifi County Ward Scholarship Dispute, Resolution Committee may appeal to the High Court against such decision in accordance with the rules of procedure for the time being applicable to the High Court.

Amendment of Section 29 of No. 18 of 2018

12. Section 29 of Principal Act is amended by deleting Subsection (2) in its entirety.

MEMORANDUM OF OBJECTS AND REASONS

The Principle object of this Bill is to amend the Kilifi County Ward Scholarship Fund Act, 2018.

The Bill proposes to raise the amount of monies allocated by the County Assembly for the purpose of the funds to a minimum of Kenya Shillings Five Hundred Million to a Maximum of Kenya Shillings One Billion.

The Bill has provided a sharing formula of the monies in the Fund being appropriated to the Kilifi County Ward Scholarship Fund Board and the Ward Scholarship Committee for the purpose of meeting the expenditure for running the Board and Committee.

The Bill further provides for an Alternative Dispute Resolution Committee that shall hear Appeals from parties aggrieved by the decisions of the Board in relation to implementation of the provisions of the Board.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for through estimates.

MOSES FURAH KEA,
Chairperson, Ward Scholarship Fund Committee.