

COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday 19<sup>th</sup> December 2018

The House met at 2.30 P.M.

*[The Temporary Deputy Speaker  
Hon. (Mr. Sadia Araru) in the Chair]*

PRAYERS

PAPER LAID

*(Hon. Tamasot laid the paper on the table)*

MOTION

SECOND GENERATION COUNTY INTERGRATED DEVELOPMENT PLAN 2018-2022

MOTION BY HON. DAUD TAMASOT

**Hon. Daud Tamasot Arakhole:** Thank you Madam Chair. I would like to move a Motion that this County Assembly adopts the report of the Budget, Finance and Economic planning Committee on the second Generation County Integrated Development Plan 2018-20122 tabled in the County Assembly on 7<sup>th</sup> August 2018.

The report is in the file and every Member has a copy. As we all understand, this document has taken a lot of time where it went through series of consultations involving

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the public and stake holders at different levels and we as Members also engaged the Executive. All this was meant to make this a rich document which I believe it is now.

As the Chair of the Budget Committee, I appreciate and thank the Members of my Committee for their patience during this time and I also thank other Members for their engagements at different forums where we put our heads together to make this a rich document.

I therefore, beg the House to adopt this report so that we can have our CIDP approved without which we cannot get some resources from the National Government and also other well wishers who intend to support this document. Thank you.

**The Temporary Deputy Speaker:** Secondment..!

*(Secondment by Hon. Halkano Konso)*

**Hon. Halkano Konso (Majority Leader):** Thank you Madam Speaker. I stand to support the...

*(Hon. Tamasot stood in his place)*

**Hon. Daud Tamasot Arakhole:** Any Member of my Committee to second first!

**Hon. Halkano Konso (Majority Leader):** Madam Speaker, I am already on my feet and I believe it is unfair to compel the Majority Leader to sit when he already is on his feet!

**The Temporary Deputy Speaker:** Order Majority Leader! Any Member of the Committee to second the Chair!

**Hon. Daniel Burcha:** I wish to support the Motion by the Budget Chair. We have really deliberated enough on the CIDP and its now our time to pass it. Thank you.

*(Question proposed)*

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**Hon. Halkano Konso (Majority Leader):** Thank you Madam Speaker. I stand to support the CIDP. This is a very important document. It is an instrument we can use to seek funds from the National Government.

In this regard I would wish to make some amendments in my Ward. I propose for the purchase of water bowsers in all locations in my Ward. I beg to support thank you.

**Hon. Konchora Abduba:** Madam Speaker, I support the Motion. Actually as it has been said, consultations about the CIDP have been ongoing at different levels. After long discussions, we have brought this out and we as Members of the County Assembly make our inputs.

What I have as an input again is setting up of Vocational Training Centre for persons living with disability in the County. As big as our County is we lack specific Vocational Training Centre for persons with disability. Though this has not been raised during the public participation and also in the departmental proposal yet this is a five year plan. It does not auger well that we are not thinking of empowering the PWD's.

I therefore, suggest that Vocational Training Centres for PWD's be included in the CIDP so that they can take part in the development, make a living and become economically empowered.

**[Hon. Konchora Abduba]**

There are also lots of duplications. To avoid all the duplications in issues of PWD's, the programmes meant for PWD's must be lined with the department. Most departments neglect affirmative action. Therefore the relevant department of Health, Education and also Tourism must work together and capture affirmative action in their programmes and also curb duplication.

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Again there is a need to include special curriculum to all the Vocational Training Centres across the County. I have seen persons with disability in these institutions and it appears the environment does not really suit them. I request the additions of this special curriculum so as to suit PWD's in these institutions.

Thank.

**Hon. Hassan Wako Jarso:** Thank you Madam Chair. May I also take this opportunity to support this motion. CIDP remains a very vital document and it is a lifeline for the people of Marsabit County.

While I support, I wish to do it with some amendments. One of the items that is of great importance to the youths and the population of Marsabit County is the provision of the resource center from where the youths will get skills and conduct their research in any matter that will be of help to them.

Thank you.

**Hon. Tura Ruru Elema:** Thank you Madam Chair. Being a Member of this Committee, I will obviously support the CIDP but there are areas that I want to highlight in this report.

There are areas that have been mentioned as achievements, but looking at the report and what is on the ground, it is not worth being in the report. The said achievement is *Biashara Center*. It is true the centre was started sometimes back but it does not exist for the report to capture it as an achievement.

We also look at the construction of abattoir, it is captured as an achievement but it has been abandoned as an achievement yet a lot of monies have been invested here...a tune of about 300 million of County Government resources but this has completely stalled and I don't even see it captured for the next five years.

The other thing which should have been captured in the report is the map which has been attached here. This has been a bone of contention because it is not the right map. As a Committee, we have said an authenticated map from either IEBC that concerns with boundaries should be replaced with that map. This is very crucial. Thank you.

**Hon. Halkano Konso (Majority Leader):** Thank you Madam Speaker.

I would like to know from my Deputy on the reference he made on the map. I believe that our able Committee cannot mislead this House by attaching a misleading map that is of no significance to the people of this County.

On the abattoir, I do believe that when the construction of abattoir was done feasibility studies in terms of cost benefit analysis was not properly done. At the onset of the Second County Government, when the process of coming up with the second generation CIDP began, feasibility study was done. I do believe within two to three months, action plan will be in place. Even then, I wish I was the first Governor when construction of this abattoir began. It should have been done in place like Gudas or Logologo where there is grass for the animals taken there or strategic place along the highway. So, it will never be a white elephant project and the level it has already reached is something to be registered as an achievement. Thank you.

**Hon. Tura Ruru Elema:** Point of information! I think the Majority Leader has not understood what I said. I cannot also mislead this House! This is something the Chair stressed that boundaries had issues and that we have to engage the Executive on where the source of this information is. From the information that they gave, it was not satisfactory and I said.....an authentic map from a credible commission should be attached and that cannot be misleading!

The other thing is on the abattoir. If the feasibility study was not properly done, it should not appear in this CIDP as an achievement. I think he didn't listen well when I was on the

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floor. I also spoke on Biashara Centre is no more now and therefore should not be captured as an achievement. That is what I said.

**Hon. Hassan Wako Jarso:** If you look at this CIDP, there are political units...Constituencies and Wards. If what Honourable Tura is saying is an interest that develops from him, then definitely when those boundaries are mentioned, it is critical to each Member of this House. If his information was sought before, then the Chair Budget should shed more light on this and Madam Speaker we need your guidance on this.

**Hon. Daud Tamasot Arakhole:** Thank you Madam Chair. To start with, in page 12 of this report, the concerns of Honourable Kizito have been captured on the rehabilitation of the vocational centres, curriculum and then the duplication of that programme.

On the issue of the abattoir, yes it was established by the first Government and we intend to complete the abattoir. I think whoever thought of stalling this project could have had a reason and the solution is on the way. There is a time a team from the National Government had visited the abattoir. The report is coming.

This captured as an achievement is not wrong because the money was invested into and I don't think anyone will stop it at the level the project has reached.

About the Biashara Centre, sure it was established but lately I don't see that business on going. But it was there and it as achievement because there are youths who received the skills from the training there.

The only concern about the map is that, while we were in Mombasa, Members said that the map is not right. As a Chair, mine is not to bulldoze but listen to the Members and inquire from the relevant Executive department. That is what we did and they answered only that the map they got is from the KNBS which is on page four. The question is, the House has to adopt this map or have an alternative to that? To me the report is good but I said it because it was the concerns of the Members.

Surely we gave Members enough time to make amendments. Can we as members learn to make our amendments in time? I would not table this report without adoption by the Committee. It is procedural for the Committee to adopt the report before tabling.

I beg the Honourable Members, next time make sure to submit your amendments in time but today we can consider. Thank you.

**The Temporary Deputy Speaker:** Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**BILL(S)**

*Second Reading*

THE MARSABIT COUNTY EDUCATION FUND BILL, 2018

**Hon. Stephen Sora Katelo:** Thank you Madam Speaker. I now propose that the Marsabit County Education Fund Bill, 2018 be read a Second Time. This is an Act of County Assembly to provide for the establishment of a fund to finance Secondary and Higher education Courses in designated fields at recognized institutions of learning and for connected purposes.

This is a Bill that seeks to repeal the Scholarship Fund Bill that was there a number of years before then. Members of this Committee have looked at this Bill. It conducted public participation on 17<sup>th</sup> December and further did much deliberation on it. During the public participation, a number of issues were raised which were later considered widely and consolidated to ensure concerns of the public were captured...

*[Hon. Temporary Speaker (Hon. Sadia Araru) left the Chair]*

*[Hon. Speaker (Hon. Mathew Loltome) took the Chair]*

**Hon. Speaker:** Continue Honourable Member. You want to run away!

*(Laughter)*

**Hon. Stephen Sora Katelo:** I didn't want to run away. I was only giving a break for the Honourable Speaker to sit respectfully.



During public participation a number of issues were raised. The Members felt that the percentage annual budget that was allocated to this fund was to be increase but to competing needs. Members did stick to 1.5%. The issues of Ward levels of management or Sub County level came up.

Finally, we got into the fact that this fund needs to be managed at Ward level. Issues of percentage of percentage of equal share came up...the report is long and I may not read through but it is available for all of us.

**[Hon. Stephen Sora Katelo]**

This Bill has got 22 Chapters. Close to a number of Chapters have been amended and we will come to it at a later stage while a number has remained as it was. This fund proposes to support the various Scholarships that have been here with us in the County. several Banks have been doing the Scholarship programmes.

The Bill seeks to support our students in secondary school together with those in vocational trainings and those pursuing designated courses.

We know that our constituents are eagerly waiting for the passage of this Bill to become an Act of the County Assembly of Marsabit so that our students continue to benefit. It's a very important Bill that we have taken time to scrutinize to ensure that the loopholes that has been cited in the previous Scholarship Fund Bill is repealed and that we give right guidance and proper foundation in law for this to take place. I wish the House takes in the report of the Committee and also support this Bill to become fruitful and to benefit our people at the end of it all. Thank you.

**Hon. Speaker:** Secondment preferable a member of the Committee...

**Hon. Hassan Wako Jarso:** Mr. Speaker, I support the motion. It's true what our good Chair has said that the Committee of Education actually had time to deliberate on this Bill and shared all concerns.

One very important thing about this Bill is that it takes full concern and consideration of our young brothers and sisters who are joining secondary education, not forgetting the already existing consideration Mr. Speaker.

Because this Bill translates the issue of generosity, what this County should do for the people are actually what the Honourable members need to acquit themselves with.

This Bill has come at the right time when the people are waiting for the passage of this Bill and to this effect we have trust and confidence that the feelings we have is a similar concern for the Honourable Members. I therefore second the Motion.

**Hon. Speaker:** Thank you Honourable Member for Marsabit Central. I can now propose the question so that this Bill goes to the floor of the House for debate. That the Marsabit County Education Fund Bill, 2018 be now read a Second Time. Honourable Members you can make your contributions.

**Hon. Daud Tamasot Arakhole:** Mr. Speaker, as a House we also discussed this Bill differently from the Committee. We have gone through the Bill and at least made our contribution. Going through the Bill, almost 99% of the Member's contribution has been captured unless there is a slight ambiguity in language in Clause 21 (c) where it says "the account signatories shall include the fund administrator and two other members stated

in the sub section 2 above". Because Members feel that the Chair of that fund must be a mandatory signatory...that is the legal term our legal officer put here...this is my only concern and if this can be put in a term every other member will understand...otherwise the Bill is 99% perfect. Thank you.

**Hon. Speaker:** Honourable Member, I think we can get that clarity from the Chair but the Chair can raise it during the Committee of the Whole House.

**Hon. Abdirahman Sheikh Bashir:** Thank you Mr. Speaker.

I support the Bill as it has been deliberated by a few Members in Mombasa and we had quite a good number of amendments but I should say here that those amendments were proposed by almost 5 to 6 of us while in Mombasa.

The way this document was brought at the last minute now for passage and most of the Members have not gone through to know what it entails and what has been amended, I think it's not good for the Honourable Members of this House. I am sensing that only the few of us who were there with the other facilitators...and now Members here requesting this be changed to that...yet we changed a whole section which talked about Sub-County to Wards to benefit these Members and those people who are there at the Wards. But most of our Members were not even there. This document was just brought here and....

*(The Speaker interjects)*

**Hon. Speaker:** Order Honourable Member! Please make your contribution. You are telling us they were in Mombasa?

**Hon. Abdirahman Sheikh Bashir:** Honourable Speaker, they were there but when we were discussing these issues, most of them were not there. This is a very important document....

*(The Speaker interjects)*

**Hon. Speaker:** Honourable Bashir, continue since I wouldn't want those who were not there to drag you or us behind.

**Hon. Abdirahman Sheikh Bashir:** But most of the time it is quiet dangerous for such a special document. Just coming and saying 'Ayes' and then it is passed without having a glimpse at it?

*(The Speaker interjects)*

**Hon. Speaker:** Just continue and enlighten us.

**Hon. Abdirahman Sheikh Bashir:** Fine. Thank you Mr. Speaker. Then I have to go to Clause 5(2) where we made some amendments previously. I still feel that the way it is written, 2(d)- the character of the applicant as attested to by a recognized leader from his, (I think her should also be included) Ward or Village. I felt that 'her' should be included and the recognized leader should be listed. It should not be anybody who is there....

*(Hon. Sora interjects)*

**Hon. Stephen Sora Katelo:** Point of information Mr. Speaker!

**Hon. Speaker:** Yes Honourable Chair?

Honourable Bashir take your seat!

**Hon. Stephen Sora Katelo:** Honourable Chair, as per our Standing Orders, you know it very well that there is room for cleanup that is allowed. What we captured are the key things that can affect the course and operation of the Bill. As for the rest, there is room for correction and we agreed with the Legal Counsel.

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**Hon. Abdirahman Sheikh Bashir:** Thank you Mr. Speaker. I don't know what the Chair will say about the recognized leader, but we felt that we should have Imams, Bishops, Ward Administrators and such people. Then my other concern is what the Budget Chair has mentioned. I have heard something about it because it was not very clear. When we were down there we clearly stated that the Chair should be mandatory. That should also be clearly specified.

*(The Speaker interjects)*

**Hon. Speaker:** Honorable Bashir, what I am getting is that the signatories to the account are three and not two. All the three are to sign.

**Hon. Abdirahman Sheikh Bashir:** That is where I was not getting it clear. It was put in a legal way that we couldn't understand. Now that we are given that surety I think there is no problem. I feel that we have amended most of the things and they are very clear only that I feel for the County Committee, there should be a bit of specification where at least one representative from each Sub-County is what I am opting for. I don't know what other Members will say. One Member from Laisamis, Saku, North-Horr, Moyale, it should go like that. If that is done, there will be proper representation.

Lastly, I am going for the ratio of 60:40...

*(Hon. Sora interjects)*

**Hon. Stephen Sora Katelo:** Point of information Mr. Speaker?

**Hon. Speaker:** Yes, Honourable Chair?

**Hon. Stephen Sora Katelo:** Is the Honourable Member of Golbo in order to revisit his former stand on an issue that we took a vote on? 40:60 had the majority but we said for posterity and balancing the interest of the Members, we went for 50:50. Is he in order to go back on his earlier decision?

*(Loud consultations)*

**Hon. Abdirahman Sheikh Bashir:** Not really but together with other two Members, I was for that idea of 40:60. Remember we were around six. Then the Chair joined the rest and that was how we were defeated.

*(Laughter)*

**Hon. Speaker:** Fine. If there is a lot of seriousness on the issue of the amendment that you would like to seek, you can address it through the Committee of the Whole House. But it looks like what the Chair is saying, we have already fought that battle and we agreed on a compromised kind of a position.

**Hon. Qabale Huqa:** Thank you Mr. Speaker. I am fully in support of the Bill which is in front of us. It really matters and we need to pass it as early as possible. I have a concern to make. When the Committee or the House was discussing this Bill in Mombasa, I couldn't make it but I have an amendment or a reservation that I ask this House to consider if it is genuine.

[Hon. Qabale Huqa]

There is a contentious issue that even attracted the public. We even got a memorandum from the Inter-Faith Council. Clause 8(c) reads from public primary school and also 8(d) special category of students. The word private means a lot. We should be very careful when we use this word. There is a private school in Nairobi County and a private school in Marsabit County. We cannot compare the two. One can pay up to Kshs. 90,000 per year for a child in a Nairobi private school, but as little as Kshs.500 for one who is in a private school in Marsabit.

When the memorandum was brought to the House by the Inter-Faith Council, they even quoted some students. Those students are from my Ward. They are really needy students who were in private schools. Their parents cannot afford to pay their fee but the teachers themselves intervened and supported the students. Last year, there was a student from a private school who got 404 marks but the parents could not even afford to pay for transport. We made a fundraising and took the child to school. The same mother has another child today. She cannot ask for a fundraising for the second child!

The truth of the matter is that the word private should not be omitted. It should be left there. The Clause should read, *'public and private primary school on a need basis'*. There are institutions where religious leaders volunteer themselves and come out so as to support the poor parents. Let us not ignore the word 'private' totally but look at it from a broader perspective. If we pass the Bill as it is, it will create more problems next year. All the students will sit for their exams at a public primary school. With these remarks, I plead with all the Honourable Members to make these amendments.

**The Speaker (Hon. Loltome):** Thank you Honourable Qabale.

We shall get there during the Committee of The Whole House, but if you have an amendment on your mind you can still share.

Hon. Guyo Dub Yaro: Thank you Mr. Speaker for giving me this opportunity to contribute to this important Bill. I want to thank the Committee in a special way for the good work they have done and for pushing that we assemble here because we have only a month left for the beneficiaries to benefit from this fund.

[Hon. Guyo Dub Yaro]

I have also the same concern that Honourable Qabale has raised that.....(*inaudible*) 18a(c) condition for grant of scholarship to students admitted in a secondary school. Devolution is a gift to us, today we are discussing about a Bill ourselves as a County. This is a gift. These are the fruits of devolution. We have lagged behind for many years and our students have performed poorly. Some of the public schools that we have, the giant school such as Marsabit Boys, if today a student scores 350 and you ask him to go to this school, honestly he will not go.

We have seen that there is a gap in certain careers such as Medicine, Law, and that few can qualify for these courses. To boost them, we gave them scholarships. I think it is better if we give them that option to go to a public or private school. Our concern is for our students to perform well. This concern was also raised by Inter-faith council. We have some NGO's like FH-Kenya that help needy students. If they pass and qualify for the scholarship, I think they need to benefit from this fund.



Two, this Bill has come at the right time. My only concern is that we should distribute it fairly and equally to all the Wards. Thank you.

**Hon. Speaker:** Thank you Honourable Guyo although you are going to tell us how we can distribute it fairly. Hon. Safia?

**Hon. Safia Wako Dulacha:** Thank you Mr. Speaker, I also have a special request in relation to Clause 18 on public and private schools. As we all know, poverty level in Marsabit County is high. Three quarters of our people are poor. If we are really considerate, it is good if we include private schools. We encourage all our students to read hard. Let us amend this so as to consider private schools. Thank you.

**Hon. Sadia Araru:** Thank you Mr. Speaker. I have a different opinion on 18(c). This money is supposed to assist the poor. Majority of the people are poor who don't even get well-wishers to take them to private schools. I think we need to know that this is the only chance they have so that they get assistance from the County. If we say private schools should be considered, the majority of those who will get this money will be from private schools. That itself is encouraging more private schools.

The poor, those who cannot afford even a meal a day are taking their children to public schools. We have so many poor children in public schools. This scholarship is supposed to give such students a chance because sometimes they cannot even get any well-wisher to take them to secondary school. Many of them are just left like that. They cannot even go to these vocational training institutions because they are demoralized!

[Hon. Sadia Araru]

I have a different opinion. This is a scholarship that is supposed to assist those who are crying. Many students do not do well at those private schools. Many public schools are

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even not performing but because there is scholarship, many pupils will work hard to be given this chance. But if we say we will consider private schools, then if my child gets 450 marks and he is given the scholarship and a poor child loses it, I think we should consider the people we represent in this House.

We come from very poor backgrounds and that is why even as Honourable Members we face too much dependency. We are also paying fees and assisting many. We need to be very considerate to the poor and we should not deny them a chance to go to secondary schools. I remember there is a girl from Sessi Primary School who scored 309 marks last time. She was not able to join secondary school because her mother couldn't pay the fee. 309 from Sessi Primary! She was to join Moi Girls, but she is at home as we speak.

Let this issue of private schools not disturb our heads. I beg this House that since we are all representing these poor people, let the Members forget about private schools. If there are those organizations that assist the poor or orphans, they can still take them to school. I even know there are women foundations. I took five women from this County from 2013 and are being sponsored by women foundations. There are Islamic organization and many others that can assist students from private schools but I think this House should consider the poor.

Thank you.

**Hon. Daniel Ltinyilan Burcha:** Thank you Mr. Speaker. I also take this opportunity to contribute to this very important Bill. I will also go to Clause 18(c). We must thank the Governor for giving out the scholarship to our children. There are instances where children go to private schools but register in public schools. What can we say about that? This is an issue that we have to take great concern on because everybody needs money. The level of poverty in our County is very high.

My point of concern is that we have to consider private schools. This is a fruit of devolution and everyone must enjoy. We should not be giving it out selectively.

Thank you.

**Hon. Tura Ruru Elema:** Thank you Mr. Speaker. I really want to support the Bill. I can say that this is a gift of the year for the people of Marsabit and especially the poor. It comes at the right time when people are in need of money to pay school fees. I also want to thank the entire House for accepting to come back when all the other assemblies are on recess so as to pass this Bill.

**[Hon. Tura Ruru Elema]**

The other reason why I support the Bill is that for any County or Country to develop, then the question would be the backbone of that development. By educating the bright students in a poor County like this is taking a step towards the right direction in terms of development and as we continue doing it, we will cease being in the lower indices and move a notch higher.

I also want to support this Bill because it is time to bridge the gap of human resource in this County. We lack so many lower cadre human resource such as plumbers, welders and as you can see there are many people who come from different Counties who work here. If you look at the areas that they work in, they are very lucrative and that give people money. Our people are not taking any of these courses. By offering special consideration to these areas, they will fill the gap and that is the way to go for any development to take place in Marsabit County.

There is this hot debate on private schools that I want to add my voice to. It is true that we really want to educate children from private schools. They deserve to be given this. But what is challenging here is, I don't know if you have read the Bill since it has

considered them under special category. Secondly, why we did not agree with private schools is, what amount of money do we have that we can give out? That is why we are saying 300 marks for girls and 320 for boys. This is a way to control the number because if we sponsor everybody, it will be a bloated number that will not get anything. Why we also fear considering private schools is that this money may not be enough. The other time we were crying that the money was not enough and now we have added some more to 100 and included secondary school kids. This money is still not enough.

Let us be careful as we handle this matter and how we are going to give out this money so that it can help the kids. There is a petition from the Inter-faith. I am a product of a church organization that gave me school fees throughout. Unfortunately, they are the ones writing to the County Government so that private schools are also considered. They know how to do this, they have done it and of late I don't think that they are still doing it. They need to take up this role as religious organizations and look for sponsors that can help this County. Let them not toss the problem entirely to Marsabit County. they should also toss it among themselves and help our kids so that they go to school.

Thank you Mr. Speaker.

*(Applause)*

**Hon. Kiya Chana Jillo:** Thank you Mr. Speaker. I support this Bill. I will give the Committee an upper hand because they did their work. On the issue of the private schools that is disturbing us here, I will concur with my brother the Deputy Majority Leader. If we look at the sponsors like Equity and KCB most of the beneficiaries are from private schools because they target higher marks which is around 380 - 390.

*(Applause)*

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The poor children from public schools who score 290 – 320 never get that opportunity. I am not blocking pupils from private schools but if we pass this Bill, as from next year, many pupils from private schools will register at public schools. The amount of money the County Government will allocate is not enough. It is good if we consider the poor in both public and private schools.

In my Ward, the lowest out of 30 pupils in one of the private schools got 360 marks. I hope the House will elaborate on this so that we consider only the poor. I support the motion.

Thank you.

**Hon. Roba Godana Chachole:** Thank you Mr. Speaker. I stand here to support the Bill. In fact it was long overdue. It should have been here from the First Assembly. I will talk about Clause 18(d) (5). It says; *for purpose of this section, special category of students means students enrolled in charity education institutions that are not profit making.*

There are private schools that sponsor poor orphans and needy students. Now here we are referring only to non-profit making institutions. What happens to students who are sponsored by private primary schools? I can give an example of a private school in my Ward that sponsors 5 students every year from very needy families up to class eight. What happens after class eight?

I propose that the charity organization institutions that are none profit making should instead be looked into. Let us not agree into considering all the students from private schools but allow the needy and orphans identified by religious leaders from wards.

Thanks.

*(The Speaker interjects)*

The Speaker (Hon. Loltome): Honourable Member for Obbu, we cannot have the religious leaders manage the funds.

Hon. Roba Godana Chachole: The application form is supposed to be signed by a religious or a recognized leader from the area.....

*(Hon. Tura interjects)*

Hon. Tura Ruru Elema: Point of information Mr. Speaker?

The Speaker (Hon. Loltome): Yes, what is your point of information?

Hon. Tura Ruru Elema: For Clause 18(d) (5), I understood that there are schools that are not public and are run by Muslims or Christians organizations. They are not profit making.

Hon. Roba Godana Chachole: There are those schools that are run by charitable organizations and they don't charge fees. There are private schools that charge fees but which also sponsor poor and needy students. Those ones should also be considered.

The Speaker (Hon. Loltome): Honourable Member for Obbu, In a private school of 300 pupils which sponsors 3-5 because of CSR, can we still consider them? Tell us.

Hon. Roba Godana Chachole: I am not saying that we should consider the schools. What I mean is that we should consider the poor students who are sponsored by these schools.

*(Hon. Tura interjects)*

Hon. Tura Ruru Elema: Point of information Mr. Speaker?

The Speaker (Hon. Loltome): What is your point of information?

**Hon. Tura Ruru Elema:** I really want to get clear information on whether the Honourable Member on the floor does not want pupils from such schools not to be sponsored. I don't really get the gist of what he is saying. He is saying special category are those from charitable organizations like Church or Muslim run schools while we are saying let the poor from these schools be considered instead of calling them private. So is he suggesting that this Clause be removed so that pupils from those schools are not sponsored?

**Hon. Roba Godana Chachole:** No, I am not saying that the Clause should be removed. We should only add the poor and needy students from private schools to this category. That is what I am proposing.

Thank you Mr. Speaker.

**Hon. Konchora Abduba:** Thank you Mr. Speaker. I support the Bill. The private schools as has been said are so many in this County. Students from private schools actually perform well than those from government schools. The few lawyers, engineers and quantity surveyors that we have are actually from those private schools.

Even if there is a sponsor for public schools, because of their quality education pupils from private schools will not join public schools. Private schools always benefit from well wishers or such institutions like banks. I am sponsoring a girl from a poor family who is in university now. Many of us can sponsor a bright child.

*(Applause)*

That is simple. We can do it if we have a good heart! The Education Fund Selection Committee on the ground can consider the deserving pupils. We can give some extra chances to the Committee on the ground. The gap between public and private schools is actually very big. It is high time for the public schools to come up and catch up with the private through this bridge of education fund.

Right now if those students from North-Horr and Dukana get a chance at those schools, I swear in the name of God even those who scored 250 marks will beat the ones that scored 400 marks.

*(Applause)*

It is only that they don't get this chance. If the public schools are well supported, they will catch up with private schools. I support the Bill in totality. It is up to the sponsors to also support private schools. The ground committee should select and consider special cases. Let us not do it here.

Thank you very much.

**Hon. Speaker:** Honourable Members, any other Member who has a contribution in terms of an amendment on an amendment for any other Clause other than Clause 18?

*(Laughter)*

**Hon. Sadia Araru:** I want to give a point of clarification Mr. Speaker.

**Hon. Speaker:** I will allow you, but it should be one minute!



Hon. Sadia Araru: It is even less than a minute. Honourable Speaker, I want to give a point of clarity here that I am a teacher by profession and it is known by all the teachers that there is a policy that governs public and private schools. Any head teacher is not even allowed to register any pupil from any private school. If they are not aware, they should go and see. There is a policy on that!

Thank you Mr. Speaker.

*(Loud consultations)*

*(The Speaker interjects)*

*(Hon. Sadia stood in her place)*

*(Loud Consultations)*

Hon. Stephen Sora Katelo: .....*(inaudible)* But generally a law can be regarded as discriminatory under some circumstances, so we have to be careful about that but we will make our contribution at the next stage. I appreciate the interests the Members are making in the Bill to make it better and work for our people, I wish resources are sufficient to cover all that we want. I want to urge that we look at every Clause that has amendment or even create amendment on top of the earlier amendment, but will have focus to ensure that these funds once operationalized is able to work and sustain itself, thank you.

*(House adjourned temporarily)*

*(House resumed)*

*(Question proposed)*

*(Question put and agreed to)*

(Then)

COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Loltome) left the Chair]*

*[The Chairperson (Hon. (Mr.) Loltome) took the Chair]*

THE MARSABIT COUNTY EDUCATION FUND BILL, 2018

*(Clauses 1, 10, 13, 14, 15, 16, 18, and 22 agreed to)*

*(Loud Consultations)*

Hon. Stephen Sora Katelo: Hon. Chairman. I beg to move:-

THAT, Clause 3 be amended:-

(a) by deleting the word 'facilitate' and substitute it with the words "provided financial assistance to eligible students in the County in order to-",

(b) in paragraph (a) by deleting it and substituting it with "ensure access to education by granting scholarships to students in institutions of higher learning secondary education and special category of students;

(c) in paragraph (b) by deleting the word "enhanced" and substituting it with "enhance,"

(d) introduction of a new paragraph immediately after paragraph(a) to provide as follows:" increase enrollment and improve transition from one level of education to the next,"

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THAT Part II of the Bill is amended by deleting the part heading and substituting therefore with "ESTABLISHMENT AND ADMINISTRATION OF THE COUNTY EDUCATION FUND"

THAT, Clause 4 of the Bill be amended

(a) By inserting new sub-clauses immediately after Sub Clause (2) to provide as follows:

"(2a) There shall be paid out of the Fund any expenditure approved by the County Education Fund Selection Committee and incurred in connection with the administration of the Fund.

(2b) The administration costs of the Fund shall not exceed three (3%) percent of the approved budgets of the Fund.

(2c) The administrator of the Fund shall ensure that money held in the fund, including any earnings or accruals is spent only for the purposes for which the fund is established."

*New Clauses*

That the Bill be amended by inserting the following new clauses immediately after Clause 4 —

*"Administration of the Fund*

**4A.** (1) The County Executive Committee Member responsible for finance shall designate a person who shall administer the Marsabit County Education Fund.

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

(3) The Fund Administrator shall-

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- (i) Prepare and keep the accounts of the Fund in each financial year;
  - (ii) Not later than three (3) months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and
  - (iii) Present financial statements to the County Assembly.
- (4) The Fund Administrator of a county public fund shall ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

*Responsibilities of the Fund Administrator*

**4B.** (1) The Fund Administrator shall—

- (a) Ensure that the Fund keeps financial and accounting records that comply with the Public Finance Management Act;
- (b) Ensure that all financial and accounting records that the Fund keeps in any form including in electronic form are adequately protected and backed up;
- (c) Ensure that all contracts entered into on behalf of the Fund are lawful and are complied with;
- (d) Ensure that all applicable accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance;
- (e) Bring a matter to the attention of the County Executive Committee Member if, in the accounting officer's opinion a decision or policy or proposed decision or

policy of the Fund may result in resources being used in a way that is contrary to the provisions of this Act

- (f) Submit the estimates of the Fund to the County Executive Committee Member who, after approving it, shall forward it to the County Executive Committee Member responsible for finance;
- (g) Not later than three (3) months after the end of each financial year, prepare annual financial statements for that financial year and submit them to the Auditor—General for audit, with a copy to the County Treasury;
- (h) Manage the assets of the Fund to ensure that it receives value for money when acquiring, using or disposing of its assets;
- (i) Dispose of assets at the most competitive price and at the lowest possible cost ensuring that the proceeds from all asset disposals are deposited in the bank account of the Fund;
- (j) Ensure that the Fund has adequate systems and processes in place to plan for, procure, account for, maintain, store and dispose of assets, including an asset register that is current, accurate and available to the relevant County Treasury or the Auditor-General;
- (k) provide the County Treasury with any information it requires to fulfill its functions under this Act;
- (l) Provide information on any frauds, losses, or any violations of subsection (1) and provide explanations for the actions taken to prevent similar conduct in future; and

- (m) Carry out such other responsibilities as may be specified in regulations by the County Executive Committee Member responsible for matters finance.

*Management of Assets and Liabilities of the Fund*

**4C** (1) The Fund Administrator is responsible to the Marsabit County Education Fund Selection Committee for the management of the Fund's assets, income and expenditures and discharge of all liabilities of the Fund

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

*Clause 5*

That Clause 5 of the Bill be deleted.

*Clause 6*

That Clause 6 of the Bill be deleted.

*Clause 7*

That Clause 7 of the Bill be amended by deleting it and substituted with the following provisions:

*Allocation of Funds*

- (1) The distribution of the amount set aside for disbursement under this Act shall be in two categories:
  - (a) Three percent of the fund allocation to cater for administrative costs;
  - (b) The remaining amount after deducting the amount in (a) shall be allocated as fifty (50%) percent equal share to all the ward and the remaining fifty (50%) percent in accordance with the prescribed formula depending on the number of applicants received per ward.
  - (c) The Committees established under this Act shall ensure that the Funds disbursed to the Wards are utilized to fund both secondary level and higher level education including vocational training equally at 50 – 50 share.

*Amendment to Part III of the Bill*

That Part III of the Bill is amended by deleting the part heading and substituting therefore with "ESTABLISHMENT OF THE COUNTY AND WARD EDUCATION FUND SELECTION COMMITTEES"

*Clause 8*

That Clause 8 of the Bill be amended

- (a) In sub-clause (1) by deleting it and substituting it thereof with
  - (1) There is established a Committee to be known as the Marsabit County Education Fund Selection Committee."

(2) The Committee shall consist of —

- (a) A chairperson, not being an employee of national government or the county government appointed by the Governor and with the approval of the County Assembly;
- (b) The chief officer responsible for matters relating to education;
- (c) The Fund Administrator who shall be the secretary of the Committee and the head of the secretariat; and
- (d) Four persons competitively recruited from each of the sub-counties

*Clause 9*

That Clause 9 of the Bill be amended

- (a) in sub-clause (1) paragraph (b) by deleting the word “ideals” appearing immediately after the words ‘ to promote the” and substituting it with the word “objectives”;
- (b) paragraph (c) by inserting the words “ subject to the county assembly approval” at the end thereof;
- (c) paragraph (e) by deleting the word “sub-county” and substituting it with “Ward”
- (d) paragraph (h) by deleting the words” and development of the County’s Human Resource”;

*Clause 11*

That Clause 11 of the Bill be amended

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(a) by inserting a new sub clause immediately after sub-clause (1) to provide as follows:

(1A) A person shall be qualified for appointment as member of the Committee referred to in Section 8 (1) (d) if the person —

(a) Is a resident of the Ward;

(b) Holds a Bachelor's degree from a university recognized by the Commission for University Education;

(c) Has had a demonstrably distinguished career of at least five years in his career; and

(d) Meets the leadership and integrity requirements of Chapter six of the Constitution.

(b) By amending the marginal note by inserting the words "and Members of the County Education Fund Selection Committee"

### *Clause 12*

That Clause 12 of the Bill be amended by deleting it and substituting it with the following provisions:

12. (1) A member of the County Education Fund Selection Committee under section 8 (2) (a) and (d) shall hold office for a period of 3 years and shall be eligible for re-appointment for a further one term.

(2) The Members of the County Education Fund Selection Committee may be entitled to allowances as determined by the Salaries Remuneration Commission.

*Clause 17*

That Clause 17 of the Bill be amended by deleting it and substituting it thereof with the following provisions

17. (1) There is established a Ward Education Fund Selection Committee for each Ward in the County.

(2) The Ward Education Fund Selection Committee shall comprise of-

(a) A chairperson elected in accordance with Sub-section 3;

(b) Ward administrator who shall be the secretary of the Committee and an *ex officio* member; and

(c) Maximum of 5 members who are residents of the ward.

(3) The Ward Education Fund Selection Committee shall elect a chairperson from amongst the members appointed under sub-section 2 (c).

(4) The members of the Ward Education Fund Selection Committee shall be appointed by the County Executive Committee Member in line with Article 232 of the Constitution and with the approval of the County Assembly.

(5) In making appointments under subsection (4) the County Executive Committee Member shall ensure that not more than two-thirds of the members of the Ward

Education Fund Selection Committee are of the same gender and shall have due regards to the principles of equal opportunities for persons with disabilities as well as ethnic diversity within the Ward.

*New Clauses*

That the bill be amended by introducing new clauses immediately after Clause 17 to provide as follows:

*Functions of the Ward Education Fund Selection Committee*

**17A** Each Ward Education Fund Selection Committee shall —

- (a) Receive, review and approve applications for education grant, bursary or scholarship, as the case may be, under this Act;
- (b) Determine the amount of education grant, bursary or scholarship, as the case may be, to be awarded to each eligible student;
- (c) Transmit the decision of the Ward Education Fund Selection Committee to the County Education Fund Selection Committee for final determination;
- (d) Monitor and evaluate the progress and performance of the eligible students supported under this Act;
- (e) Creating awareness among the residents of the ward about the Fund;
- (f) Carrying out such other roles as are necessary for the implementation of the object and purpose of this Act, and perform such other functions as may be assigned by the County Executive Committee Member or the County Education Fund Selection Committee.

*Tenure of office of the Ward Education Fund Selection Committee*

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**17B** (1) A member of the Ward Education Fund Selection Committee shall hold office for a period of 3 years and shall be eligible for appointment for a further one term."

*Terms and conditions of service*

**17C** The Members the Ward Education Fund Selection Committee may be entitled to allowances as determined by the Salaries Remuneration Commission.

*Conduct of business*

**17D** The conduct of business of the Committees established under sections 8 and 17 shall be in accordance with the procedure provided for in the Third Schedule"

(2) The County Executive Committee member may in consultation with the Ward Education Fund Selection Committee designate County public officers for purposes of providing secretariat services to the Ward Education Fund Selection Committee.

*Amendment to Part IV of the Bill*

That Part IV of the Bill is amended by deleting the part heading and substituting it with  
GRANTS AND AWARDS OF SCHOLARSHIPS

*New Clause 18A*

That Clause 5 of the Bill be rearranged by moving it to Part IV of the Bill and amend it to provide as follows:

*Eligibility Criteria and Conditions for the Grant of Scholarships*

**18A** (1) An applicant may be eligible for an education grant or scholarship under this Act if the applicant –

(a) Falls under any of the categories listed under sub-section (2);

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- (b) Has or had a parent or guardian who has been a resident in the ward for at least three years;
  - (c) is a student, and attending a public secondary school or, enrolled in a public institution of higher learning recognized by the relevant authorities;
  - (d) has not received full financial support towards payment of the required school fees for that year; and
  - (e) meets the conditions set out under section 20, 21 or 22 of this Act depending on the category they fall under.
- (2) An education grant, or bursary, or scholarship under this Act shall only be granted to a person who is either—
- (a) a student admitted in a recognized institution of higher learning including vocational training institutes pursuing a grade test, a Certificate Course, diploma or a degree in any of the designated fields listed under Section..... of this Act;
  - (b) a student from a public primary school who has been admitted to a public secondary school; or
  - (c) special category of students including students from marginalized and disadvantaged areas within the county who may not meet the criteria and conditions for the grant of scholarships under section 20 of this Act,

*Conditions for grant of scholarship to a student enrolled in an institution of higher learning*

**18B** (1) An eligible student in a recognized institution of higher learning including vocational training institute who has been admitted to or is pursuing a grade test, a Certificate Course, diploma or a degree in any of the following designated fields shall be funded:

- (a) Hydrology/Geology/Energy and Petroleum-related courses;
- (b) Livestock production/Animal Health/ Veterinary medicine/Fisheries;
- (c) Human medicine and Nursing;
- (d) Law;
- (e) Engineering/Architecture/Quantity Survey
- (f) Actuarial Science
- (g) Teaching; and
- (h) Specialized artisan and vocational courses, including masonry, woodwork, metalwork, electrical works, and mechanical works.

(2) In granting the scholarship, the County and Ward Education Fund Selection Committees shall take into account, among other things-:

- (a) The relevance of the Applicant's chosen field to the County's human resource development priority;
- (b) The academic record and related achievement(s) of the Applicant;
- (c) The socio-economic status of the Applicant's family;
- (d) The character of the Applicant, as attested to by a recognized leader from his Ward or Village;

- (e) The Applicant's co-curricular abilities;
  - (f) The Applicant's engagement in local community development and social justice activities; and
  - (g) The Applicant's leadership potential.
- (3) The County Executive Committee Member shall, with the approval of the County Assembly, periodically review the list of designated fields or the requirements for qualification under this Section.
- (4) In reviewing the list of designated fields, the County Executive Committee Member and the County Assembly shall take into account the prevailing human resource capacity gaps in the County and other relevant factors.

*Conditions for grant of scholarship to a student enrolled admitted in a secondary school*

**18C (1)** An eligible student under category stipulated under section 19 (2) (b) shall only be granted a scholarship if that student;

- (a) Is from a public primary school;
- (b) Has been enrolled in a public secondary school;
- (c) Has attained a minimum of 300 marks and 320 marks for a girl and a boy respectively at the nationally administered examination of primary level education by the relevant authority;
- (d) Comes from an indigent family

**18D.** *Special category of students*

- (1) The County Education Fund Selection Committee may give consideration to special category of students who may not meet the criteria and conditions for the grant of scholarships in the spirit of affirmative action and ensuring that equity and fairness is achieved.

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- (2) In making such consideration, the Committees shall be guided by regulations issued by the County Executive Committee Member with the approval of the County Assembly.
- (3) The regulation referred in (2) above shall be enacted within 6 months of the commencement of this Act and should list the eligible charity education institutions.
- (4) For purposes of this Act, special category of students includes students from indigent families enrolled in charity education institution that are not profit making institutions.
- (5) For purposes of this section special category of students means students enrolled in charity education institutions that are non- profit making.

*Clause 19*

That Clause 19 of the Bill be amended

- (a) in sub-clause (1) by deleting it and substituting it thereof with the following provisions:

“An eligible student applying for an education grant or award of bursary or scholarship under this Act shall apply to the Ward Education Fund Selection Committee in the prescribed form.
- (b) By inserting new sub-clauses immediately after sub-clause (1) to provide as follows:

(1A) The County and Ward Education Fund Selection Committees shall ensure that the forms are accessible in at least the offices of the Ward Administrator, Member of County Assembly Offices, the County Government’s Offices at the ward level and Official Website.



(1B) An applicant shall not be charged any fee for accessing the forms prescribed under this Act.

(1C) An applicant shall submit the duly filled form

- (i) by 01<sup>st</sup> December each year for students pursuing secondary level education; or
- (ii) if enrolled in a higher institution of learning, submit an application form between the months of January to March in each year.

*New Clause 19A*

That the Bill be amended by inserting new clauses immediately after clause 19 to provide as follows:

*"Review of Applications and Awards*

19A (1) The Ward Education Fund Selection Committee shall review and consider the applications submitted under section 19 within fourteen days after the expiry of the stipulated date of submission.

(1) The Ward Education Fund Selection Committee shall, within seven days, forward its resolution and report of all applications received and shortlisted to the County Education Fund Selection Committee for consideration and final determination.

(2) The County Education Fund Selection Committee shall within fourteen days after receipt of the Ward Education Fund Selection Committee resolution award the scholarship to successful applicants, as the case may be, in accordance with the criteria set out this Act.

- (3) The County and Ward Education Fund Selection Committees shall award scores in each category out of a possible one hundred, and the applicants with the highest scores shall be awarded an education grant, bursary or scholarship, as the case may be.
- (4) The County and Ward Education Fund Selection Committees shall ensure that proper minutes and records of all the meetings are maintained.
- (5) In considering the applications under this section, the County and Ward Education Fund Selection Committees shall liaise, where applicable, with other relevant public or private entities to ascertain whether an applicant has been awarded an education grant, bursary or scholarship under a similar scheme to cater for the same year and the amount awarded.
- (6) Where the County Education Fund Selection Committee establishes that an applicant has been awarded an education grant, bursary or scholarship under sub-section (6), it may award additional education grant or bursary to the applicant to meet the remaining fees deficit.
- (7) Notwithstanding sub-section (7) the Committee may give priority to applicants who have not received any education grant, bursary or scholarship from any other source.

*Verification of information*

**19C**The County and Ward Education Fund Committee shall verify all the information provided by the applicant, and may-

- (a) visit the residence of an applicant;
- (b) seek further information to support the application; or

- (c) Invite the applicant to appear in person before the County Education Fund Selection Committee or the Ward Fund Selection Committee as the case may be,

*Decision of the County Education Fund Selection Committee*

**19D** (1) The County Education Fund Selection Committee shall make a decision on every application without undue delay and not later than 21 days after the submission of the resolution and report of the Ward Education Fund Selection Committee.

(2) The County Education Fund Selection Committee shall notify the Ward Education Fund Selection Committee and the successful applicants of its decision in the prescribed manner.

(3) Where it reject an application, the County and Ward Fund Selection Committee shall provide reasons for rejection of the application.

*Disbursement of Funds*

**19E** (1) The County Education Fund Selection Committee shall submit the list of beneficiaries and minutes of its proceedings to the Fund Administrator for preparation of payment for the education grant or scholarship awarded.

(2)) The Fund Administrator shall make payments in favor of the beneficiary directly to the respective educational institutions in which the eligible students are enrolled, and there shall be no payment to any eligible students.

(3) The Fund Administrator shall ensure that all the payments are processed –

- (a) in the case of continuing eligible students, not later than 31<sup>st</sup> January each year;  
and
- (b) in the case of new students, not later than the last day of February each year.
- (c) in the case of new students joining institution of higher learning within the month of intake as shall be specified in the application form.

#### *Right of Appeal*

**19F** (1) Any applicant aggrieved by the decision of the Ward Education Fund Selection Committee may appeal to the County Education Fund Selection Committee within fourteen days of the Ward Education Fund Selection Committee's forwards it's report to the County Education Fund Selection Committee.

(2) The County Education Fund Selection Committee may, after giving the applicant a hearing, confirm or reverse the decision of the Ward Education Fund Selection Committee.

(3) Nothing in this provision limits the right of an aggrieved person from seeking redress from courts of law under the Fair Administrative Actions Act or any other written law.

*Publication list of beneficiaries*

**19G.** (1) The County Education Fund Selection Committee shall publish the list of beneficiaries in – the office of the Ward Administrator or the office of the Member of County Assembly; the county government offices in the Ward or such other place as the County Education Fund Selection Committee may determine.

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

*Clause 20*

That Clause 20 of the Bill be amended in subsection (1) and (2) by inserting the words "County Education Fund" immediately before the words "Selection Committee"

*Clause 21*

That Clause 21 of the Bill be amended

- (a) In sub-clause (2) paragraph (a) by inserting the words "County Education Fund" immediately before the words "Selection Committee"
- (b) In sub-clause (2) paragraph (b) by deleting the word "Education" appearing at the end thereof;
- (c) In sub-clause (3) by deleting it and substituting it with

"The signatories of the account shall include the Fund Administrator and two other members stated in sub-section (2) above on all payments in cheques or any other instruments intended for actual release of money from the fund"

*Clause 23*

That Clause 23 of the Bill be amended

(a) In sub-clause (2) (b) (c), (d) (e), (f) by deleting the words "selection Committee and sub-county Selection Committees" appearing in the paragraphs" and substituting thereof with the words " "County and Ward Education Fund"

(b) In sub-clause (2) (f), by deleting the words "creation of such"

*Clause 24*

That Clause 24 of the Bill be amended

(a) In sub-clause (1) and (3) by inserting the words "County Education Fund" appearing immediately before the words" Selection Committee"

(b) In sub-clause (2) (b), (c), (d), (e), (f) County and Ward Education Fund" appearing immediately before the words" Selection Committee appearing in the paragraphs

*Clause 25*

That Clause 25 of the Bill be amended by inserting the words "County Education Fund" appearing immediately before the words" Selection Committee" and by deleting the words "Staff of the Fund's Secretariat" and substituting with the words "secretariat of the Fund".

*Clause 26*

That Clause 26 of the Bill be amended by inserting the words "County Education Fund" appearing immediately before the words " Selection Committee" and by deleting the words "Staff of the Secretariat" appearing immediately after the words " or a member of" and substituting with the words "the secretariat of the Fund".

*Clause 27*

That Clause 27 of the Bill be amended by deleting it.

*Clause 28*

That Clause 28 of the Bill be amended by deleting it.

*Clause 29*

That Clause 29 of the Bill be amended in sub-clause 2 by deleting paragraph (b) and substituting it with the following paragraphs;

"(b) On the commencement day, all the funds, assets and other property both movable and immovable, which immediately before such date were vested in the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, shall by virtue of this subsection, vest in the County Education Fund Selection Committee established under this Act.

(c) On the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the County Scholarship Fund Management Committee established under Marsabit County Scholarship Fund

Act, 2015 shall be deemed to be vested, imposed or enforceable against the County Education Fund Selection Committee.

(d) Any reference in any written law or in any document or instrument to the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015 shall, on and after the commencement day, be construed to be a reference to the County Education Fund Selection Committee.

(e) The annual estimates of the County Scholarship Fund Management Committee, established under the Marsabit County Scholarship Fund Act, 2015, financial year in which the commencement day occurs shall be deemed to be the annual estimates of the County Education Fund Selection Committee for the remainder of that financial year.

(f) The administrative directions made by the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, which are in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the County Education Fund Selection Committee under this Act.

(g) Any person who is an officer or employee of the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015, immediately before the commencement date of this Act shall be an officer or employee of the County Education Fund Selection Committee in the same capacity and on the same terms he or she was serving before the enactment of this Act.

(h) The members of the County Scholarship Fund Management Committee established under the Marsabit County Scholarship Fund Act, 2015 and the chief executive officer shall continue in office as members of the County Education



Fund Selection Committee and the chief executive officer respectively until the expiry of their existing terms.

(i) The Fund established under section 4 of this Act shall be the successor to the Marsabit County Scholarship Fund established by section 4 of the Marsabit County Scholarship Fund Act, 2015."

*Clause 30*

That Clause 30 of the Bill be amended

(a) by inserting a new sub-clause immediately after sub-clause (2)

(2A) For purposes of Article 94 of the Constitution;

(a) The purpose of the delegation under this section is to enable the County Executive Committee Member to make regulations for better carrying into effect the provisions of this Act.

(b) The Authority of the County Executive Committee Member to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this Section.

(c) The principles and standards applicable to the delegated power referred to under this section are those found in:

(i) Statutory Instruments Act, 2013;

(ii) The Interpretations and General Provisions Act;

(iii) General Rules of International Law as specified under Article 2(5) of the Constitution;

(iv) Any treaty and convention ratified by Kenya under Article 2(6) of the Constitution;

*Amendment to the Schedules*

That the First Schedule of the Bill on the Scholarship Application Form be amended by deleting it and substituting it with the following form:

*Clause 2*

That Clause 2 of the Bill be amended by

- (a) Cross referencing the interpretation of the words appropriately;
- (b) The definition of the word "indigent person" be amended by deleting the word "means " and substituting it with the word "includes"
- (c) The definition of the word "scholarship" be amended by inserting the word "bursary," immediately after the word "grant,"
- (d) The definition of the word "

HALKANO

Assembly rose at .....