

SPECIAL ISSUE

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MARSABIT COUNTY ACTS, 2016

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**THE MARSABIT COUNTY SCHOLARSHIP FUND ACT
(AMENDMENT) BILL, 2016**

No. 4 of 2016

Date of Assent; 12th July, 2016

Date of Commencement; 25th July, 2016

AN ACT of County Assembly of Marsabit to amend the Marsabit County Scholarship Fund Act, 2015 and for connected purposes

ENACTED by the County Assembly of Marsabit as follows—

Amendment to Long title of the Marsabit County Scholarship Fund Act, 2015

1. The Marsabit County Scholarship Fund Act, 2015 (in this Act referred to as the “Principal Act”) is amended by deleting the long title and substituting with the following—

AN ACT of the County Assembly of Marsabit to make provision for the establishment of the County Scholarship Fund to finance higher education courses in designated fields at recognized institutions of learning where the county has identified human resource capacity gaps and for connected purposes

Amendment to Section 1 of the Marsabit County Scholarship Fund Act, 2015

2. This Act may be cited as the Marsabit County Scholarship Fund (Amendment) Act, 2016.

Amendment to Section 2 of the Marsabit County Scholarship Fund Act, 2015

3. The Principal Act is amended by the repeal of section 2.

Amendment to Section 3 of the Marsabit County Scholarship Fund Act, 2015

4. The Principal Act is amended by—

(1) deleting the definition of “chairperson” and substituting therefor the following new definition-“means the Chairperson of the County Scholarship Fund Selection Committee established under this Act.”

(2) introducing definition of “Commission on Revenue Allocation,”-“means the commission established pursuant to Article 215 of the Constitution of Kenya, 2010.”

(3) introducing definition of “Salaries and Remuneration Commission,”- “means the commission established pursuant to Article 230 of the Constitution of Kenya, 2010.”

(4) deleting the words, ‘management committee,’ and substituting it with the words, ‘County Scholarship Selection Committee’ wherever they occur in section 3.

Amendment to Section 7 of the Marsabit County Scholarship Fund Act, 2015

5. Section 7 of the Principal Act is amended—

- (a) in subsection 1, deleting “shall be divided equitably amongst the Wards in the county” and substituting it with, “shall be administered equitably using Commission for Revenue Allocation’s formular to the extent that it considers relative student population, poverty and human resource development indices in the wards;”
- (b) The repeal of subsection 3.

Amendment to Part III of the Marsabit County Scholarship Fund Act, 2015

6. Part III of the Principal Act is amended by—

- (a) deleting Part III title ‘Institutional Set-up’ and substituting it with the word, “Administration and Management;”
- (b) deleting the sub-title/marginal notes of Part III, “The County Scholarship Fund Management Committee,” and substituting it with the words, “County Scholarship Fund Selection Committee.”

Amendment to Section 8 of the Marsabit County Scholarship Fund Act, 2015

7. Section 8 of the Principal Act is amended by—

- (a) in sub-section 1, deleting the word, “management” and substituting it with the word, “selection;”
- (b) the repeal of sub-section 1(b) and introducing a new sub-section 1(b), the county chief officer for the time being responsible for matters relating to education who shall be the secretary to the scholarship fund selection committee and head of the secretariat;
- (c) the repeal of sub-section 1(c), (d), (e), (f) and introducing a new sub-section 1(c), four persons being the chairpersons of the Sub-county Scholarship Selection Committee;
- (d) the repeal of sub-section 2 and introducing a new sub-section 2, “person appointed under sub-section 1 (a) shall be approved by the County Assembly and serve for a five-year non-renewable term on a part-time basis;”

- (e) in sub-section 3, deleting the word, ‘management’ and substituting it with the word, “selection” wherever it occurs;
- (f) by introducing a new sub-section 4, “the scholarship selection committee may establish a secretariat drawn from existing county public service establishment to assist in the day-to-day running of the affairs of the fund;”
- (g) by introducing a new sub-section 5, “the fund shall be administered and managed in compliance with the provisions of Public Finance Management Act with a fund manager appointed by the County Executive Committee for Finance;”
- (h) by introducing a new Sub-section 6, “The Secretary shall be the Accounting officer of the Fund and shall be responsible to the County Selection Committee for all assets, income and expenditures and the discharge of all liabilities of the Fund.”

Amendment to Section 9 of the Marsabit County Scholarship Fund Act, 2015

8. Section 9 of the Principal Act is amended by—

- (1) Deleting the word, “management” in the sub-title/marginal notes and substituting it with the word, “Selection” wherever it occurs in section 9.
- (2) in Sub-section 1 (e), deleting the words “as received from Wards in accordance with Section 19 (1) of this Act” and substituting it with the words as received from the Sub-County Scholarship Selection Committee.

Amendment to Section 10 of the Marsabit County Scholarship Fund Act, 2015

9. Section 10 of the Principal Act is amended by—

- (1) Deleting the word, “management” in the sub-title/marginal notes and substituting it with the word, ‘Selection’ wherever it occurs in section 10.

Amendment to Section 11 of the Marsabit County Scholarship Fund Act, 2015

10. Section 11 of the Principal Act is amended by—

- (1) Deleting the word, “management” in the subtitle/marginal notes and substituting it with the word, ‘Selection’ wherever it occurs in section 11.
- (2) The repeal of subsection 3.

Amendment to Section 12 of the Marsabit County Scholarship Fund Act, 2015

11. The Principal Act is amended by the repeal of section 12 and introducing the following, Members of the Scholarship Fund selection Committee shall serve on such terms and conditions as may be determined by the Salaries and Remuneration Commission's guidelines issued from time to time and the provisions of this Act.

Amendment to Section 13 of the Marsabit County Scholarship Fund Act, 2015

12. Section 13 of the Principal Act is amended by—
deleting the word, “management” and substituting it with the word, “selection.”

Amendment to Section 14 of the Marsabit County Scholarship Fund Act, 2015

13. Section 14 of the Principal Act is amended by—
(1) Deleting the word, “management” in the sub-title/marginal notes and substituting it with the word, “Selection” wherever it occurs in section 14.

(2) In Sub-section 3 by deleting “Section 11(3)” appearing immediately after the words “provided in” and substituting it with “Section 8(2).”

Amendment to Section 15 of the Marsabit County Scholarship Fund Act, 2015

14. The Principal Act is amended by the repeal of section 15.

Amendment to Section 17 of the Marsabit County Scholarship Fund Act, 2015

15. The Principal Act is amended by the repeal of section 17.

Amendment to Section 18 of the Marsabit County Scholarship Fund Act, 2015

16. The Principal Act is amended by the repeal of section 18.

Amendment to Section 19 of the Marsabit County Scholarship Fund Act, 2015

17. Section 19 of the Principal Act is amended by deleting the “Ward Selection Committee” and replacing it with the “Sub-County Scholarship Selection Committee.”

Amendment to Section 20 of the Marsabit County Scholarship Fund Act, 2015

18. Section 20 of the Principal Act is amended—

- (a) By deleting the words “Ward Selection Committee” in the sub- title/marginal note and substituting it with the words “ Sub- County Scholarship Selection Committee”;
- (b) In Sub-section 1, by repealing it and substituting it with the following—
 - (i) “There is established a Sub-County Scholarship Selection Committee for each Sub-County for purposes of receiving applications for scholarships and making preliminary determination on the same.”
- (c) In Subsection 2, by repealing it and introducing a new Subsection 2 to provide as follows—
 - (i) “The Subcounty Scholarship Selection Committee shall comprise of representatives from each Ward within the Sub-Counties who shall be appointed by the Sub-County Administrator in consultation with opinion leaders from the respective wards.
- (d) By inserting a new sub-section immediately after sub-section 2 to provide as follows:

New Subsection 3—

“(3) Notwithstanding the provisions of sub-section 2 above, each Subcounty Scholarship Selection Committee shall have a minimum of 5 members and a maximum of 7 members.”

- (e) By inserting a new sub-section` immediately after new subsection 3 to provide as follows—

“The County Assembly and the County Executive Committee Member shall ensure that not more than two-thirds of the members of the Sub-County Scholarship Selection Committee are of the same gender, representatives of religious bodies within the Wards, regional and ethnic balance and shall have due regard to the principle of equal opportunities for persons with disabilities.”

- (f) In subsection 3 by deleting and substituting it with the following—

“A member of a Committee shall be appointed for a single term of three years and shall not be eligible for reappointment.”

- (g) In Subsection 4 by deleting it and substituting it with the following—

“Each Sub-County Scholarship Selection Committee shall, in their first sitting, elect a Chairperson who shall be the Chairperson of the respective Sub-county Scholarship Selection Committee.”

- (h) By introducing a new subsection 8 to provide as follows—

- (i) “The Chairpersons appointed in subsection 4 above shall be a member of the County Scholarship Selection Committee;”

- (ii) By introducing a new subsection 9 to provide as follows—

“The Chairpersons referred to in subsection (8) above shall have the qualifications referred to in section 11(2).”

Amendment to Section 23 of the Marsabit County Scholarship Fund Act, 2015

19. The Principal Act is amended by deleting the words, “management committee,” and substituting it with the words, “Scholarship Selection Committee” wherever they occur in section 23.

Amendment to Section 24 of the Marsabit County Scholarship Fund Act, 2015

20. The Principal Act is amended by deleting the word, ‘management’ and substituting it with the word, “selection” wherever it occurs in section 24.

Amendment to Section 25 of the Marsabit County Scholarship Fund Act, 2015

21. The Principal Act is amended by deleting the words, “management committee,” and substituting it with the words, “Scholarship Selection Committee” wherever they occur in section 25

Amendment to Section 27 of the Marsabit County Scholarship Fund Act, 2015

22. Section 27 of the Principal Act is amended by—

- (a) In Sub-section 1, deleting the words “appointed by the County Executive Member with the approval of the County Executive Committee” and substituting it with the words “by the Fund Manager in accordance with the provisions of the Public Finance Management Act;”

- (b) In sub-section 2, deleting the word, “management” and substituting it with the word, “selection” wherever it occurs;

- (c) By deleting Paragraph 2 (c), “one other member of the Management Committee as may be appointed by a resolution of the Management Committee” and substituting it with “The Scholarship Fund Manager.”

Amendment to Section 28 of the Marsabit County Scholarship Fund Act, 2015

23. The Principal Act is amended by deleting the words, “management committee,” and substituting it with the words, “Scholarship Selection Committee”.

Amendment to Section 29 of the Marsabit County Scholarship Fund Act, 2015

24. Section 29 of the of the Principal Act is amended by—

- (a) deleting the words, “the management committee” and substituting it with the words, “scholarship selection committee” wherever they occur in the section;
- (b) in Subsection 2 (c), by deleting the words “Ward Selection Committee” and substituting it with “the Subcounty Scholarship Selection Committee.”

Amendment to Sections 30-34 of the Marsabit County Scholarship Fund Act, 2015

25. (1) The Principal Act is amended by deleting the words, “management committee,” and substituting it with the words, “County Scholarship Selection Committee” wherever they occur in sections 30-34.

(2) The Principle Act is amended by deleting the words “Ward Selection Committee” and substituting it with the words “Sub-County Scholarship Selection Committee wherever they occur.”

Amendment to the schedules

26. The Principal Act is amended by restructuring the first schedule to accord with the amendments.

