

REPUBLIC OF KENYA



**COUNTY ASSEMBLY OF SIAYA
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FIRST ASSEMBLY– FOURTH SESSION-2016

**THE SIAYA COUNTY EDUCATION BURSARY FUND BILL,
2016**

**AMENDMENTS FROM THE COMMITTEE ON EDUCATION,
YOUTH AFFAIRS, GENDER AND SOCIAL SERVICES**

**CLERK’S CHAMBERS,
ASSEMBLY BUILDINGS,**

SIAYA

FEBRUARY, 2016

1.0 PREFACE

Mr. Speaker Sir,

It is my honour and pleasure to present to this Honourable House, the report of the Committee on Education, Youth Affairs, Gender and Social Services on the Siaya County Education Bursary Fund Bill, 2016.

Mr. Speaker Sir,

Article 185(1) of the Constitution of Kenya, 2010 stipulates that the legislative authority of a County is vested in, and exercised by the County Assembly. Article 185 (2) further provides that a County Assembly may make any laws that are necessary for or incidental to the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule. Section 9 of Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010 provides for an array of functions including provision of pre-primary education, village polytechnics, home craft centres and childcare facilities among others. It is in this regard that County Governments are expected to make legislations to enable them to effectively discharge the envisaged functions.

The County Government of Siaya has developed the Siaya County Education Bursary Fund Bill, 2016 to primarily provide a legal framework for the establishment of the County Education Bursary Fund, to provide for the management, governance and the administration of the Fund.

2.0 COMMITTEE MEMBERSHIP

The Committee on Education, Youth Affairs, Gender and Social Services was constituted by the House on Tuesday 30th April, 2013. The Committee comprises of the following Members:-

NO	NAME	DESIGNATION	SIGN
1.	HON. LORNA. A. O. ADIDA	CHAIRPERSON	
2.	HON. ANDREW OMWENDE	VICE CHAIRPERSON	
3.	HON. ERIC ODUYA NDONJI	MEMBER	
4.	HON. CHARLES OMOLLO KOWII	MEMBER	
5.	HON. BOOKER OTIENO MINAMI	MEMBER	
6.	HON. MARY.C.AJWANG	MEMBER	
7.	HON. JOSHUA OSURI	MEMBER	
8.	HON. NICHOLAS WERE	MEMBER	
9.	HON. ROSEMARY OGUTU	MEMBER	
10.	HON. ZILPAH OMONDI	MEMBER	
11.	HON. WALTER OKELLO	MEMBER	

3.0 COMMITTEE MANDATE

The Committee on Education, Youth Affairs, Gender and Social Services is one of the Sectoral Committees established under Standing Order No.192 read together with the Second Schedule of the County Assembly Standing Order.

The Committee Mandate includes but not restricted to:

- i) Study and review all county legislation referred to it
- ii) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

4.0 EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Siaya County Education Bursary Fund Bill, 2016 went through its first reading on Tuesday, 9th February 2016 and was committed to the Committee on Education, Youth Affairs, Gender and Social Services. The Committee organized several stakeholders meetings to look deeply into the Bill. The committee met at Namsagali Hotel Siaya on Thursday, 11th February with the legal experts, CEC, CO – Education, the Director responsible for Education and Vocational Training together with his counter part in Sports Culture and Social Services to analyze the Bill and have a common understanding before subjecting the Bill to Public participation.

Mr Speaker Sir,

County Assembly Standing Order 121(1) clearly spells out that A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put. Standing Order 121 (3) read together with Article 118 (1) (b) of the Constitution of Kenya, 2010 further elucidates that the Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly. In this regard, the Committee took the Bill to the Public on Friday 12th February in Bondo and Ugunja Sub-Counties to provide a forum for the public to air their views on the Bill before submitting the final report to the Assembly.

Mr Speaker Sir,

Allow me to point out from the onset that Part II of the Bill which highlights the Establishment of the County Education Bursary Fund came out prominently as a contentious issue at all levels i.e during the Committees engagement with the legal expert team and the Executive at Namsagali Hotel as well as during the public participation exercise both in Bondo and Ugunja Sub- Counties.

Section 4: Sub-section (1) of the Bill clearly spells out that there shall be an Established Fund to be known as Siaya County Education Bursary Fund without qualifying the exact source of the Fund i.e whether the Fund will be a percentage of the total allocation of the County kitty or

a percentage of the total allocation in the Education Department. Sub - section (3) and (4) further apportion this inexplicable fund into two; 85% of the Fund to be disbursed equally to Wards whereas 15% of the Fund to be disbursed to the Wards based on other parameters.

Mr Speaker Sir,

This Section is a grey area which must be handled cautiously because it is not in conformity with the present arrangement of bursary disbursement. In this connection, the Committee resolved that Sub-section (3) and (4) be expunged from the Bill for the time being. In the meantime, wide consultation should be initiated between the Executive, the County Assembly and legal experts for the purpose of amending the Bill to respond to the present realities.

THE SIAYA COUNTY EDUCATION BURSARY FUND BILL, 2016

Bill committed to the Committee on Education, Youth Affairs, Gender and Social Services.

AMENDMENTS FROM THE COMMITTEE AND MEMBERS OF THE PUBLIC

PART I – PRELIMINARY

Section 2: Interpretation

Section 2 of the Bill is amended in the interpretation of the word ‘committee’ by deleting digit 6 and inserting digit 7

Expunge the sentence in bold ‘Act 17 of 2012’ entirely from the Bill

PART II – THE EDUCATION BURSARY FUND

Section 4: Establishment of the Fund

Section 4 of the Bill is amended in Sub-section (1) by deleting the word Bungoma and inserting the word Siaya

Section 5: Fund Expenditure

Section 5 of the Bill is amended in Sub-section (1)(a) of the Clause to read ‘providing education grants or bursaries to eligible students enrolled in secondary schools, special primary schools, universities, colleges and polytechnics’

Further, Sub-section (3) and (4) is expunged from the Bill

Section 6: Establishment and Administration of the Fund

Section 6 of the Bill is amended in Sub-section (3) by deleting the word ‘finance’ and inserting the word ‘education’

Section 7: Ward Education Bursary Committee

Sub-section (2) is enhanced by adding the word ‘taking cognisance of two thirds-gender rule’ before the sentence

Sub-section 2(a) of the Bill is amended by deleting the Clause entirely and inserting the sentence ‘a chairperson elected by Committee members and forwarded to the Executive Member for official appointment’

Sub-section 2(e) of the Bill is amended by deleting the word ‘one person’ and replacing with the word ‘two persons’ at the beginning of the sentence

Sub-section 2(h) of the Bill is enhanced by inserting the sentence ‘not of the same gender’ in between ‘pesons and ‘nominated’

Sub-section 2(i) of the Bill is enhanced by adding the sentence ‘Ward Administrator of the Ward who shall be an *ex officio* member’

Sub-section 3(d) of the Bill is enhanced by adding the sentence ‘for atleast 3 years’ after the word –Ward

Sub-section (7) of the Bill is amended by deleting the Clause entirely and inserting the new Clause – ‘The term of the Committee shall expire when a new Committee is constituted after the general election’

Section 8 : Functions of the Committee

Sub-section (1) of the Bill is enhanced by adding 1(e) which reads ‘preparing and sub- mitting to the County Executive Member Annual report’

PART III – EDUCATION GRANT AND BURSARY AWARDS

Section 12: Eligibility for education grant or bursary

Sub-section 12(a) of the Bill is enhanced by adding ‘or comes from the Ward’ after the word – years

Sub-section 12(b) of the Bill is further enhanced by adding the word ‘polytechnics’ after the word – college

Section 13: Conditions for education grant, bursary

Sub-section 13(a) of the Bill is amended by deleting the word ‘an’ and inserting the word ‘a vulnerable’

Sub-section 13(c) of the Bill is further enhanced by inserting the the word ‘vulnerable’ before the word person

Section 14: Application for education grant, bursary

Sub-section (2) of the Bill is enhanced by adding sub-section 2(d) to read - ‘schools’

Sub-section (3) of the Bill is entirely expunged from the Bill

Sub-section 4(b) of the Bill is amended by deleting the word ‘31st January’ and inserting the word ‘end of February’

Section 17: Verification of information

Section 17 of the Bill is amended by inserting the word ‘incase of doubt’at the end of the sentence

Sestion 18: Disbursement

Sub-section 5(b) of the Bill is amended by deleting the word ‘February’ and inserting the word ‘March’.

Section 21: Publication of the list of beneficiaries

Sub-section (1) of the Bill is enhanced by adding sub-section 1(e) to read – ‘County Government Website’

Sub-section 1(f) is amended by deleting the sentence ‘the Executive member may determine’ and inserting the sentence ‘may be convenient for the applicants’

Mr. Speaker Sir, I now call upon Honorable Members of this House to adopt this report.

Signed: Date:

Hon. Lorna A.O. Adida

Chairperson

Education, Youth Affairs, Gender and Social Services Committee

Signed: Date:

Misoloh .A.E

Committee Clerk

Education, Youth Affairs, Gender and Social Services Committee