

SPECIAL ISSUE

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NAKURU COUNTY BILLS, 2025

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THE NAKURU COUNTY BURSARY FUND BILL, 2025

A Bill for

AN ACT of the County Assembly of Nakuru to provide for the establishment, administration and management of the Nakuru County Bursary Fund; to provide financial assistance to needy and deserving students; and for connected purposes

ENACTED by the County Assembly of Nakuru, as follows—

PART I — PRELIMINARY

Short title and commencement

1. This Act may be cited as the Nakuru County Bursary Fund Act, 2025 and shall come into operation on such date as the County Executive Committee Member responsible for Education may, by notice in the Gazette, appoint.

Interpretation

2. In this Act—

“County Executive Committee Member” means the County Executive Committee Member responsible for Education;

“Committee” means the County Bursary Committee, a Ward Bursary Committee, or the Governor’s Bursary Committee as established under this Act;

“Conflict of interest” means a situation where a committee member’s personal interest conflicts with the official functions of the committee.

“Fund” means the Nakuru County Bursary Fund established under section 4;

“Permanent Resident” means a student whose parent or guardian ordinarily resides within a Ward in Nakuru County.

Objects and purposes of the Act

3. The objects and purposes of this Act are to—‘

- (a) establish a framework for providing financial assistance to needy students who are permanent residents of Nakuru County;
- (b) enhance access, equity, and retention in education;
- (c) promote enrolment, transition, and completion rates in schools;
- (d) reduce poverty, disparities, and inequality;

- (e) provide for efficient allocation and disbursement of bursary funds through the Ward and County Scholarship Programmes;
- (f) strengthen accountability and transparency in bursary management.

PART II — ESTABLISHMENT OF THE COUNTY BURSARY FUND

Establishment of the Fund

4. (1) There is established a fund to be known as the Nakuru County Bursary Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly;
- (b) contributions, donations, and grants from lawful sources;
- (c) monies earned from investment of the Fund;
- (d) any other monies payable into the Fund.

Application of the Fund

5. (1) The monies of the Fund shall be applied for—

- (a) the Ward Bursary Programme;
- (b) the County Scholarship Programme;
- (c) administrative costs of the Fund.

(2) Not more than three per cent of the monies appropriated to the Fund shall be applied to administrative costs.

(3) Not more than fifteen per cent of the monies appropriated to the Fund shall be applied to the County Scholarship Programme.

(4) Monies allocated to the Ward Bursary Programme shall be shared equally among all Wards in the County.

Fund Administrator

6. The County Executive Committee Member responsible for Finance shall, in accordance with section 116(2) of the Public Finance Management Act, 2012, designate a public officer to serve as the Fund Administrator.

Functions of the Fund Administrator

7. The functions of the Fund Administrator shall be to—

- (a) ensure that all monies accruing to the Fund are retained in the Fund;
- (b) ensure that monies are applied only for the purposes of the Fund;
- (c) prepare accounts of the Fund for each financial year;
- (d) submit financial statements to the Auditor-General and County Assembly as required under the Public Finance Management Act.

PART III – ESTABLISHMENT OF THE COUNTY BURSARY COMMITTEE

Establishment of the County Bursary Committee

8. (1) There is established a committee to be known as the County Bursary Committee.

(2) The Committee shall comprise—

- (a) a chairperson appointed by the Governor who is not a public officer;
- (b) the officer nominated by the County Executive Committee Member for Education, who shall also serve as secretary;
- (c) one officer nominated by the County Secretary to represent the Governor's Office;
- (d) one officer nominated by the County Executive Committee Member responsible for Finance, who shall serve as Fund Accountant;
- (e) one youth representative;
- (f) one representative of persons with disabilities;
- (g) two representatives of religious organizations, one from the Christian and one from the Muslim community;
- (h) one representative of children's welfare organizations.

Functions of the County Bursary Committee

9. The functions of the Committee shall be to—

- (a) vet and approve applications from Ward Committees;
- (b) set criteria for awarding bursaries with the approval of the County Assembly Education Committee;
- (c) approve and oversee disbursement of bursary funds;

- (d) monitor allocations to ensure equity and fairness;
- (e) maintain a database of applicants and beneficiaries;
- (f) mobilize resources for the Fund;
- (g) receive donations, grants, and gifts for the Fund;
- (h) prepare and share annual disbursement reports with the Governor and County Assembly;
- (i) consider appeals from Ward Committees;
- (j) perform any other function conferred by this Act.

Quorum and decisions

10. (1) The quorum for meetings of the Committee shall be one-half of the members, excluding the secretary.

(2) Decisions shall be made by a majority of the members present and voting.

Term of office

11. The Committee shall serve for a term concurrent with that of the Governor and shall stand dissolved upon the expiry of that term.

Allowances

12. Members of the Committee shall be paid such allowances as may be determined by the County Public Service Board, subject to approval by the Salaries and Remuneration Commission.

PART IV—WARD BURSARY PROGRAMME**Establishment of the Ward Bursary Programme**

13. The County Government shall implement in each Ward a programme to be known as the Ward Bursary Programme, accessible to students resident in that Ward.

Ward Bursary Committee

14. (1) There is established in each Ward a Ward Bursary Committee consisting of—

- (a) two members elected by the community;
- (b) one religious leader;
- (c) one representative of persons with disabilities;
- (d) one youth representative;

- (e) one officer nominated by the County Executive Committee Member for Education;
- (f) the Ward Administrator, who shall serve as Secretary.

Functions of Ward Bursary Committees

15. The functions of the Ward Committee shall be to—

- (a) receive and vet bursary applications at the Ward level;
- (b) recommend eligible applicants to the County Committee;
- (c) conduct outreach and maintain data on beneficiaries;
- (d) publish determinations on applications;
- (e) monitor academic performance of beneficiaries;
- (f) perform any other functions conferred under this Act.

Quorum and decisions

16. (1) The quorum for meetings of the Ward Committee shall be two-thirds of the members, excluding the secretary.

(2) Decisions shall be made by a majority of the members present and voting.

Term of office

17. Ward Committees shall serve concurrently with the term of the County Assembly and shall stand dissolved upon the expiry of that term.

Eligibility for nomination

18. A person shall be eligible for nomination to the Ward Committee if that person—

- (a) has at least a Kenya Certificate of Secondary Education or equivalent;
- (b) is a resident of the Ward;
- (c) is validly nominated in accordance with this Act.

Removal from office

19. (1) A member of a Committee may be removed from office on grounds of—

- (a) gross misconduct or violation of the law;
- (b) incompetence;
- (c) physical or mental incapacity;

(d) bankruptcy;

(e) absenteeism without cause from three consecutive meetings.

(2) A person seeking removal shall petition the County Executive Committee Member, who shall determine the matter within thirty days.

(3) A member may resign in writing to the secretary of the relevant committee.

(4) Vacancies shall be filled within thirty days in accordance with this Act.

PART V — COUNTY SCHOLARSHIP PROGRAMME

Establishment of the County Scholarship Programme

20. (1) The County Government shall establish a programme known as the County Scholarship Programme.

(2) The Programme shall—

(a) support needy students whose needs are not fully met under the Ward Programme;

(b) support students previously funded under the Ward Programme where additional assistance is required.

Governor's Bursary Committee

21. (1) There is established a committee known as the Governor's Bursary Committee.

(2) The Committee shall comprise—

(a) the County Executive Committee Member responsible for Education, who shall be the chairperson;

(b) three senior officers designated by the Governor;

(c) the Fund Administrator, who shall serve as secretary.

Functions of the Governor's Bursary Committee

22. The functions of the Committee shall be to—

(a) vet and determine applications under the Programme;

(b) maintain records of applications and beneficiaries;

(c) determine awards to eligible applicants;

(d) monitor academic progress of beneficiaries;

(e) prepare and submit annual reports to the County Assembly.

Quorum

23. The quorum for meetings of the Governor’s Committee shall be three members.

PART VI — GENERAL PROVISIONS

Guiding principles

24. The implementation of bursary programmes shall be guided by the principles of—

- (a) openness and accessibility;
- (b) accountability and transparency;
- (c) public participation and awareness;
- (d) equity and fairness;
- (e) poverty and vulnerability targeting.

Application procedure

25. (1) A bursary shall not be awarded unless applied for in the prescribed form.

(2) Applications shall be made using the standard form set out in the Schedule to this Act.

Scope of bursary awards

26. Bursaries awarded under this Act shall be applied only to—

- (a) tuition and fees at recognized institutions;
- (b) books, supplies, and equipment;
- (c) official room and board;
- (d) school meals for students in public schools and vocational training centres.

Publicity of programmes

27. The Fund Administrator shall publicize information on the Fund, including allocations, beneficiaries, and timelines for applications.

Auditing of the Fund

28. The Fund shall be audited in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

Regulations

29. The County Executive Committee Member responsible for Education may make regulations for the better carrying into effect of the provisions of this Act.

PART VII — TRANSITION**Transition of Fund Administrator**

30. The Fund Administrator serving immediately before the commencement of this Act shall continue in office unless otherwise determined by the County Executive Committee Member responsible for Finance.

Transition of Committees

31. The Ward Bursary Committees and County Bursary Committee appointed under the repealed Nakuru County Bursary Fund Regulations, 2015 shall continue to serve until the dissolution of the current County Assembly.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons of the Bill

The principal object of this Bill is to provide for the establishment, administration, and management of the Nakuru County Bursary Fund to enhance equitable access to education through financial support to needy and deserving learners.

The Bill seeks to operationalize a transparent and accountable bursary framework that ensures fair allocation of education support resources across all Wards within Nakuru County.

The proposed legislation intends to promote educational inclusivity, reduce poverty levels, and improve transition and completion rates at various levels of learning. It also aims to institutionalize structures such as the County Bursary Committee and Ward Bursary Committees to ensure efficient vetting, disbursement, and monitoring of funds. By enacting this Bill, the County Government will strengthen governance in bursary management, eliminate duplication and favoritism in award processes, and align education financing with the constitutional right to education under Article 43(1)(f) of the Constitution of Kenya, 2010.

The anticipated impact includes improved retention and performance of learners from low-income backgrounds, reduced inequality in educational access, and enhanced social cohesion through equitable opportunities for youth empowerment and human capital development.

Statement on Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

The Bill delegates limited legislative authority to the County Executive Committee Member responsible for Education to make subsidiary regulations for the proper and effective implementation of the Act, as provided for under section 29 of the Bill and in accordance with section 116(2) of the Public Finance Management Act, 2012.

These delegated powers are purely administrative and procedural, aimed at facilitating implementation, and are subject to the oversight of the County Assembly.

The Bill does not in any way limit or derogate from the fundamental rights and freedoms guaranteed under the Constitution. Instead, it seeks to promote the right to education and equality in access to public services as envisaged under Articles 27, 43, and 53 of the Constitution.

Indication Whether the Bill Concerns County Governments

The Bill concerns County Governments as it deals directly with the functions of education and social development, which are devolved under Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010.

Statement on Financial Implications

The Bill will require expenditure of public funds through allocations appropriated by the County Assembly.

Dated the 30th October, 2025.

ZIPPORAH WAMBUI,
*County Executive Committee Member for Education,
I.C.T, e-Government & Public Communications.*