

**ELGEYO/MARAKWET COUNTY YOUTH, WOMEN AND
PERSONS WITH DISABILITIES REVOLVING
FUND ACT, 2020**

No. 5 of 2020

Date of Assent: 20th July, 2020

Date of Commencement: See Section 1

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Clause

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THE ELGEYO/MARAKWET COUNTY YOUTH, WOMEN AND PERSONS WITH DISABILITIES REVOLVING FUND ACT, 2020

AN ACT of the County Assembly of Elgeyo/Marakwet to provide for the establishment of Youth, Women and Persons with Disabilities Revolving Fund for empowering youth, women and persons with disabilities in the County; to provide for the administration of the Fund and for connected purposes

ENACTED by the County Assembly of Elgeyo/Marakwet, as follows—

PART I—PRELIMINARY

Short title and commencement date

1. This Act may be cited as the Elgeyo/Marakwet County Youth, Women and Persons with Disabilities Revolving Fund Act, 2020 and shall come into force on such date as the County Executive Committee Member may by notice in the Gazette appoint.

Interpretation

2. In this Act unless the context otherwise requires—

“Applicant” means any person, group, or institution who has applied for a loan under this Act;

“appropriation” means funds appropriated by the County Assembly for purposes of this Act;

“beneficiary” means a group or institution granted loan or any other benefit under this Act;

“Chief Officer” means the county chief officer as appointed under section 45 of the County Governments Act, 2012 (Act No. 17 of 2012);

“Committee” means the Committee established under section 7 of this Act;

“Constitution” means the Constitution of Kenya 2010;

“County” means the County of Elgeyo/Marakwet;

“County Assembly” means the County Assembly of Elgeyo/Marakwet;

“County Executive Committee Member” means the County executive Committee member for the time being responsible for the matters to deal with youth, women and persons with disabilities;

“Defaulter” means any person, group or institution who has failed to remit loan repayment premiums on the loan granted;

“disability” means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation;

“Fund” means the Elgeyo/Marakwet Youth, Women and persons with disabilities Fund established by section 4 of this Act;

“Fund Administrator” means a person designated as such under this Act;

“Institution” means a legal entity operating an enterprise comprising youth, women and persons with disability;

“Loanee” means any person, group or institution granted a loan under this Act;

“Micro enterprise” shall have the same meaning as defined by Micro and Small Enterprises Act (No. 55 of 2012);

“Register Book” means a book maintained by the ward Administrator for purposes of recording loan application and status of loans applied at the wards;

“Small enterprise” shall have the same meaning as defined by Micro and Small Enterprises Act (No. 55 of 2012);

“table banking” means group based financial transactions usually governed by rules set out by the group and where such transactions, including deposits, contributions, payments and loans issuance are done during the meeting of the group with all the members present;

“woman” means a person of the female gender who is above eighteen years of age;

“youth” has the meaning assigned to it under Article 260 of the Constitution.

Objects and purpose of the Act

3. The object and purpose of this Act is to provide a legal and institutional framework to facilitate economic growth and development

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of women, youth and persons with disabilities in the County, and in particular to—

- (a) Establish the Youth, Women and Persons with Disabilities Fund;
- (b) Establish a framework for involving youth, women and persons with disabilities in economic activities in the County;
- (c) Train and build capacity to youth, women and persons with disabilities;
- (d) Facilitate access to business development services through micro and small enterprises;
- (e) Facilitate formalization and upgrading of informal micro and small enterprises;
- (f) Promoting and enterprenual culture by the youth, women and persons with disabilities in the county;
- (g) Assist in the eradication of poverty through economic empowerment of youth, women and persons with disabilities.

PART II—ESTABLISHMENT OF THE ELGEYO/MARAKWET YOUTH, WOMEN AND PERSONS WITH DISABILITIES FUND

Establishment of the Fund

4. (1) There is established the Elgeyo/Marakwet Youth, women and persons with disabilities Fund.
- (2) The Fund shall consist of—
 - (a) Monies allocated and appropriated from the County Revenue Fund by the County Assembly;
 - (b) Grants, gifts, donations, loans or other endowments given to the Fund;
 - (c) Such funds as may vest on or accrue to the Fund;
 - (d) Income generated from the proceeds of the Fund;
 - (e) Interests accruing on the Fund;
 - (f) All moneys from any other source provided, donated or lent to the Fund.

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(3) The monies allocated under sub-section (2)(a) shall be appropriated for an initial period of five years from the date of commencement of this Act.

(4) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the objects and purposes for which the Fund is established.

The objects and purpose of the Fund

5. The objects and purpose for which the Fund is established are—

- (a) Promote and develop youth, women and persons with disabilities enterprises at the county;
- (b) To generate gainful self-employment for the youth, women and persons with disabilities;
- (c) To model an alternative framework in funding community driven development;
- (d) To attract and facilitate investment in micro and small enterprises oriented commercial infrastructure that are beneficial to youth, women and persons with disabilities;
- (e) To support youth, women and persons with disabilities oriented micro and small enterprises to develop linkages with large enterprises; and
- (f) To provide, expand and facilitate access to capital financing to micro and small enterprises owned by youth, women and persons with disabilities.

Capital of the Fund

6. (1) The amount set aside for disbursement as loans shall be allocated as per wards subject to the provisions of Elgeyo/Marakwet Equitable Development Act.

(2) The initial capital of the Fund shall be forty million shillings, being two million shillings subject to provisions of section 1 hereof, being two million shillings from every ward as shall be appropriated by the County Assembly in the financial year after the enactment of this year.

(3) Notwithstanding the provisions of subsection (2), the Committee shall cause the funds that have already been allocated prior

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to the enactment of this Act to be dispensed according to ward allocation and shall be limited to the wards that allocated.

PART III—ESTABLISHMENT OF THE ELGEYO/MARAKWET YOUTH, WOMEN AND PERSONS WITH DISABILITIES FUND MANAGEMENT COMMITTEE

Establishment of the Committee

7. (1) There is established a Committee to be known as the Elgeyo/Marakwet Youth, Women and Persons with Disabilities Fund Management Committee.

- (2) The Committee shall consist of—
 - (a) A Chairperson of the Committee who shall be nominated by the County Executive Committee Member and appointed by the Governor and approved by the County Assembly;
 - (b) The Chief Officer for the time being responsible for matter relating to youth and women affairs who shall act as the secretary to the Committee;
 - (c) The Chief Officer for the time being responsible for matter relating to finance who shall be the *ex-officio* member;
 - (d) One person representing the youth appointed by the County Executive Committee Member;
 - (e) One person representing the women appointed by the County Executive Committee Member;
 - (f) One person representing persons living with disabilities, nominated by the National Council for Persons with Disability and appointed by the County Executive Member;
 - (g) One professional who is experienced in matters related to enterprise development, Finance or business related discipline appointed by the County Executive Committee Member in consultation with the Governor.
- (3) The members under section 7(2)(a),(d),(e), (f), and (g) shall—
 - (a) meet the requirements, standards and values of Articles 10, 27(4), 56(c), 232(1) and Chapter six of the Constitution of Kenya.
 - (b) Possess a minimum requirement of degree from a recognized university in Kenya for both the Chairperson and the persons

Functions and powers of the Committee

- 12.** The Fund Committee shall—
- (a) Provide overall management, design and oversight of the Fund;
 - (b) Manage, control and monitor the Fund;
 - (c) Receive and consider all fund applications;
 - (d) Verify, approve or reject such applications;
 - (e) Monitor and evaluate the recovery of Funds and programmes and activities under the Fund;
 - (f) Receive reports on the performance of the Fund;
 - (g) Sensitize youth, women and persons with disabilities on enterprise development’
 - (h) Prepare an annual report on the operations and performance of the Fund to the County Executive Member;
 - (i) Develop relevant guidelines and review them as the need arises, to guide the operations and implementation of the Fund;
 - (j) Develop and facilitate sectoral linkage on the Fund;
 - (k) Oversee the management and administration of the Fund including recoveries from loans beneficiaries; and
 - (l) Put in place necessary mechanisms for sanctions and their enforcements on case of loan repayment default;
 - (m) Cause to be opened a Register Book to be used at the Ward Offices where application records and Status of loan applications shall be maintained;
 - (n) Develop a receipt stamp to be used for ward applications to authenticate the applications done at the wards.
 - (o) Report back to Ward Administrators on the status of loans applied at the wards immediately after the meeting where consideration of the loans was an agenda.

Partnership

13. The Committee may collaborate, consult or enter into partnership with other government or private entities for the purposes of implementing this Act.

Conduct of Business

14. The conduct and regulation of the business and affairs of the Committee shall be set out in the Schedule.

Except as provided in the Schedule, the Committee may regulate its own procedure.

Strategic Plan

15. (1) The Committee shall prepare a five year strategic plan for implementation of this Act which shall be approved by the County Executive Committee.

- (2) The plan shall provide among others for—
 - (a) Projects, strategies and activities projected to be funded together with its estimated costs;
 - (b) Estimated number of enterprises for youth, women and persons with disabilities targeted to be funded under the Act;
 - (c) Strategies to be pursued in regard to mobilization of target groups;
 - (d) Any other matter that may be prescribed or directed.

Funding of projects

16. The Committee shall not fund a project as provided for under this Act unless the project is provided for in the strategic plan prepared under section 15 of this Act.

Signing on behalf of the Committee

17. (1) All letters and instruments written or made on behalf of the Committee other than those required by law to be under seal, and all decisions of the Committee, shall be signed under the hand of the Chairperson.

(2) In the absence of the chairperson the signing shall be undertaken by the secretary to the Committee.

(3) In the absence of the chairperson and the secretary, any other Member of the Committee, authorized as such, may sign.

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Delegation of duties

18. (1) A member of the Committee who is a public officer may, in writing appoint another public officer to attend meetings of the Committee in his or her absence and the alternate member appointed shall, when attending a meeting, be deemed for all purposes to be a member of the Committee.

(2) The delegated duties and or functions shall not include voting and signing rights.

(3) An alternate member appointed shall not re-delegate his or her appointment.

Role of the County Executive Committee Member

19. The County Executive Committee Member responsible for youth and women affairs shall facilitate and oversee the operations of the Committee in the implementation of the Fund and in particular shall—

- (a) develop policy measures relating to the Fund ;
- (b) give guidelines on the Fund allocation formula for distribution;
- (c) through its office, liaise with local business and corporate enterprises and encourage peer mentoring engagements for all Fund recipients;
- (d) be responsible for development of curriculum content and standards for capacity building to Fund recipients on table banking, business entrepreneurship, and public procurement and other business development areas.

PART IV—ADMINISTRATION OF THE FUND

Application of Public Finance Act, 2012, regulations and procedures

20. Subject to the provisions of the Public Finance Management Act, 2012, existing Government Regulations and procedures shall apply in the administration of the Fund.

Opening of Fund Account

21. (1) All monies received by the Fund shall be maintained in a separate bank account in the name of ‘Elgeyo/Marakwet County Youth and Women Fund and Persons with Disabilities Fund’ opened and

administered in accordance with the provisions of Public Finance Management Act, 2012.

(2) The balance of the Fund at the close of each financial year shall be retained in the Fund for purposes of which the Fund is established.

Signatories to the Account

22. The signatories to the Account shall be—

- (a) Chairperson to the Committee;
- (b) Fund Administrator;
- (c) Secretary to the Committee;

Provided that all the three shall sign for the transaction to be valid.

Fund Administrator

23. There shall be a Fund Administrator of the Fund who shall be the accounting officer of the department for the time being responsible for the matters relating to Finance.

Functions of the Fund Administrator

24. (1) The Administrator of the Fund shall—

- (a) Open and operate a bank account with a bank to be approved by the County Treasury;
- (b) Supervise and control the administration of the Fund;
- (c) Cause to be kept proper books of accounts and other books and records in relation to the Fund, of all activities and undertakings financed from the Fund;
- (d) Consult with the County Executive Committee Member and the Committee on matters relating to the administration of the Fund;
- (e) Prepare, sign and transmit to the Auditor-General, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and submit a copy to the National Treasury and the statements shall be prepared in such a manner as the Public Sector Accounting Standards Board shall prescribe;
- (f) Furnish additional information which is proper and sufficient for the purpose of examination and audit by the Auditor-

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General in accordance with the provisions of the Public Audit Act;

- (g) Prepare a quarterly report on the receipts into the issues out of the Fund and submit it to the County Executive Committee Member for *Gazettement* by the 21st day of every fourth month.

(2) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the financial year is concerned.

Fund Expenditure

25. (1) There shall be paid from the Fund—

- (a) Loan to qualifying small and micro enterprises;
- (b) Operational expenses incurred in the administration of the Fund; and
- (c) Monies as are necessary for the Committee to carry out its mandate under this Act.

(2) The expenses incurred in paragraphs (b) and (c) of sub-section (1) shall not exceed three percent of the Fund's loan book from time to time.

Disbursement of Funds

26. (1) The Committee shall lend to small enterprises either directly or through other mechanisms as the Committee may determine.

(2) All disbursements from the Fund shall be approved and minuted by the Committee

(3) All disbursements from the Fund shall be to the qualified individuals with registered entities, groups and institutions within the County;

(4) The record of the amounts received by each recipient and the record of expenditure of amounts to be received shall be submitted to the Committee within thirty days after the close of the relevant financial year, together with a copy the relevant bank statements.

(5) No disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received.

(6) The Committee may impose reasonable requirements including restrictions, on a particular ward, individuals, group or institution and such restrictions or requirements shall be reported together with the monthly returns to be submitted to the County Executive Committee Member.

Application for Loan

27. (1) All loan applications shall be done to the Committee in the prescribed form and in accordance with the prescribed conditions.

(2) The application for loan may be made by an individual, group or institutions subject to the prescribed conditions.

(3) The Executive Member shall, in consultation with the Committee prescribe the limits of the amounts that can be disbursed as a loan to an applicant.

(4) Notwithstanding the provisions of subsection (2), a loan shall not be disbursed to an applicant unless the successful applicant has undergone through the targeted enterprenual training.

Ward Application Criteria

28. (1) The Committee shall make available at all times the application forms to all ward offices in the County.

(2) The application forms shall be availed to the wards together with the Register Book and the Official Receipt Stamp.

(3) The application forms shall be entrusted to the Ward Administrator who shall—

- (a) Receive, stamp and register the application on the register book;
- (b) Transmit the application forms to the Committee within fourteen (14) days from the date of application submission;
- (c) Note on the register book the status of the application as soon as communicated by the Committee:

Provided that the conditions shall not be prohibitive to accessing the funds by the applicants.

Eligibility criteria for application

- 29.** (1) Applicants shall qualify for the Fund loan—
- (a) The person must be a youth, woman, or a person with disability;
 - (b) Operates or intending to start a micro or small enterprise;
 - (c) Individuals with registered entity.
- (2) For a group—
- (a) Is registered with the department of social services, co-operatives or the registrar of Societies;
 - (b) Has members aged between eighteen and thirty five years for the youth whereas the women's' groups shall be made up of women aged eighteen years and above;
 - (c) for persons with disabilities, the members to the group must be registered with the National Council for Disability;
 - (d) Is based and operational at the County;
 - (e) Operates a table banking structure or any other group fund structure where members make monthly contributions according to the groups' internal guidelines (evidence of monthly contributions shall be a requirement);
 - (f) hold a bank account in the name of the group.
- (3) for an institution—
- (i) is a registered entity;
 - (ii) has listed youth, persons living with disability and women groups within it;
 - (iii) it is based in the county.
- (4) An application for the funds shall be accompanied by a signed guarantee form executed by each member of the women, youth group or persons with disability group individually committing to repay the loan requested by the group.
- (5) On behalf of the County Government, the Committee shall enter into an agreement with the identified beneficiary groups on the terms of the loan repayment prior to the release of funds through signing a prescribed forms.

Interest rate

30. The interest chargeable on the loan shall be at two to five percent per annum, which shall be subject to review from time to time by the Committee, but shall not exceed five per cent.

Repayment of loan

31. (1) The Committee shall, in consultation with the Executive Member shall establish loan repayment conditions.

(2) In establishing the amount repayable by an applicant, the Committee may charge a fee for insuring the loan.

(3) Without prejudice to the generality of the provisions of subsection (1) above:

- (i) All applicants shall be allowed a three month grace period before commencement of repayment of the loan element.
- (ii) In consideration of the provisions of subsection (3) above, all loans shall be payable within two years from the expiry of the grace period.
- (iii) Loan recipients shall deposit by cash, mobile banking or cheque their monthly repayments for loan proceeds into the Fund Account and submit a copy of the deposit slip to the Committee who shall issue and acknowledge receipt to the recipient group.
- (iv) Upon verifiable proof of loan repayment of all loan proceeds to the Committee shall issue a discharge certificate to the recipient beneficiary with respect to the loan repayment.

Appointment of Financial Institution

32. (1) The County Executive Committee Member may appoint a financial institution to administer the Fund on its behalf for purposes of managing the loan applications and repayments.

(2) The financial institution appointed under subsection (1) above may charge a higher interest rate upon approval by the County Executive Committee Member, but not exceeding five percent.

Utilization of Loan

33. (1) A loan granted under this Act shall only be used for financing a youth, women and persons with disability small and micro

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enterprise undertaking that was approved by the Committee at the time of application for loan.

(2) A person who utilizes the loan granted in non-youth, women and persons with disability enterprise contrary to the provision of subsection (1) above shall be disqualified from accessing the loan under this Act.

Annual forum

34. (1) The Committee shall convene an Annual Forum for all the beneficiaries and potential beneficiaries that qualify under this Act.

(2) The forum shall provide a platform for reviewing and evaluating the funding and success of the Fund.

Forms, etc.

35. The Committee in consultation with the County Executive Member shall formulate the prescribed forms and other instruments necessary for the implementation of this Act.

Winding-up of the Fund

36. On the winding up of the Fund and subject to the provisions of section 116 of the Public Finance Management Act, 2012—

- (a) The Administrator of the Fund shall pay any amount remaining in the Fund in the County Exchequer Account;
- (b) The County Executive Committee Member for Finance shall, with the approval of the County Assembly, pay any deficit in the Fund from the County Exchequer Account;
- (c) The County Executive Member for Finance shall submit a final statement of accounts to the County Assembly.

PART V—REPORTS AND AUDITING

Annual Estimates

37. (1) At least three months before the commencement of each financial year, the committee shall prepare or cause to be prepared estimates of the revenue and expenditure of the Fund for that financial year.

- (2) The financial estimates shall—
 - (a) Differentiate between recurrent and disbursement expenditure;

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(2) The Committee shall, if the County Executive Committee Member so requires, publish the report, balance sheet and statements submitted under subsection (1) in such manner as the County Executive Committee Member may specify.

(3) The County Executive Committee Member shall lay before the County Assembly the reports, balance sheet and statements submitted under subsection (1), and such statements of accounts as may be approved, within a period of fourteen days of the receipt of the reports and statements, or, if the County Assembly is not sitting, within fourteen days of the commencement of its next sitting.

PART VI—MISCELLANEOUS PROVISIONS

Offences-false or misleading statements

40. (1) A person acting on behalf of an enterprise or an institution shall not make a statement in connection with this Act which that person knows to be false or misleading—

- (a) In connection with an application for the grant of loan under section 36; or
- (b) Generally, when providing information required under this Act.

(2) If a person contravenes subsection (1), the person is guilty of an offence and is punishable by a fine not exceeding two hundred and fifty thousand Kenya shillings or imprisonment term of one year, or both.

General penalty

41. A person who commits an offence under this Act shall be liable to a fine not exceeding two hundred and fifty thousand Kenya shillings or to imprisonment for a term not exceeding two years or to both.

Action maintained against County Executive committee Member, etc.

42. (1) The County Executive Members or any other person commits an offence if that officer—

- (a) Takes possession of public funds or assets without lawful authority;
- (b) Misappropriates public funds or assets;
- (c) Conceals information on public finances to obtain a financial benefit either for the officer or another person; or

(d) Engages in a corrupt act.

(2) In this section, “corrupt” includes soliciting or receiving an inducement.

Prosecution of matters under this Act

43. The County Government shall liaise with the Office of the Director of Public Prosecutions to provide a special prosecutor to prosecute matters for an on behalf of the County Government under this Act.

Default by Loanee

44. (1) A loanee and or beneficiary shall be required, subject to and in accordance with this Act or any regulations made thereunder, inform the Committee of inability to repay the monthly remittance in repayment of the loan within that month of inability.

(2) Any loanee who fails or neglects to satisfy the requirement of subparagraph (1), shall in addition to any other action that the Committee may take against him, be guilty of an offence.

Regulations

45. Generally to give full effect to the provisions of this Act, which shall include but not limited to—

- (a) Prescribing the chargeable interest rates for the persons living with disabilities;
- (b) Prescribe the limits of amounts that can be disbursed as a loan to an applicant;
- (c) Procedure for co-opting membership to the Committee if his or her expertise is needed in a particular meeting.

SCHEDULE (Section
14)

**PROVISIONS AS TO CONDUCT OF BUSINESS AND AFFIARS
OF THE COMMITTEE**

Vacation from office

1. A Member may—
 - (a) At any time resign from Office by notice in writing to the County Executive Committee Member; or
 - (b) Be removed from Office by the County Executive Committee Member on the recommendation of the Committee if the Member—
 - (i) has been absent from three consecutive meetings of the Committee without permission;
 - (ii) is convicted of a criminal offence for imprisonment term exceeding six months;
 - (iii) is unable to perform the functions of his or her office by reason of incapacitation either by prolonged physical or mental illness for a period exceeding six months;
 - (iv) Is otherwise unable or unfit to discharge his or her functions.

Removal from Office

2. A Member may removed from office only for—
 - (a) Gross violation of the Constitution or any other law;
 - (b) Gross misconduct in the performance of the Committee functions;
 - (c) Incompetence or neglect of duty;
 - (d) Being declared bankrupt.

Filling of vacancy

3. Where a vacancy occurs in the membership of the Committee under section 1 and 2 of this schedule, the CECM shall appoint a new member within thirty days in accordance with the provisions of this Act.

Meetings of the Committee

4. (1) The Committee shall meet quarterly in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) The chairperson shall convene the ordinary meetings of that committee at the headquarters.

(3) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least five members, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(4) The quorum for the conduct of the business of the Committee shall be simple majority.

(5) The Chairperson shall when present, preside at every meeting of the Committee.

(6) Whenever the chairperson is absent, the vice-chairperson shall transact the business of the meeting and in any event that both the chairperson and vice-chairperson are absent, the members present shall elect one member to preside over the meeting.

(7) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (4), no proceeding of the Committee shall be invalid by reason only of a vacancy among the Members thereof.

(9) Subject to the provisions of this section, the Committee with the approval of County Executive Member, may determine its own procedure for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Conflict of interest

5. (1) If a member is directly or indirectly interested in an outcome of any decision of the Committee or other matter before the Committee and is present at a meeting of the Committee at which the matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be

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counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Committee may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member of the Committee shall be considered to have a conflict of interest for purposes of this Act if he or she acquires any pecuniary or other interest that could conflict with proper performance of his or her duties as a member or employee of the Committee.

(3) Where the Committee becomes aware that a member has a conflict of interest in relation to any matter before the Committee, the Committee shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the chairperson has a conflict of interest he or she shall, in addition to complying with other provisions of this section, disclose the conflict that exists to the County Executive Member in writing.

(5) Upon the Committee becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member of the Committee and the member with the conflict of interest shall not vote on this determination.

(6) Where the Committee determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for under subparagraph (5), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Committee within thirty days.

(7) The Committee shall report to the executive member any determination by the Committee that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Committee.

(8) The annual report of the Committee shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

