

SPECIAL ISSUE

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KAJIADO COUNTY BILLS, 2021

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**THE KAJIADO COUNTY WOMEN ECONOMIC
EMPOWERMENT FUND BILL, 2021**

A Bill for

AN ACT of the County Assembly of Kajiado to establish a Women Economic Empowerment Fund for empowering women in the County; to provide for the administration of the Fund and for connected purposes

ENACTED by the County Assembly Kajiado, as follows—

PART I—PRELIMINARY PROVISIONS

Short title and commencement date

1. This Act may be cited as the Kajiado County Women Economic Empowerment Fund Act, 2021 and shall come into force thirty (30) days from the date of publication in the *Kenya Gazette*.

Interpretation.

2. In this Act unless the context otherwise requires—

“administrator of the Fund” means a person designated as such under this Act;

“Board” means the Fund Board established under section 5 of this Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for gender affairs

“eligible administrative cost” means administrative expenditure allowable as determined by the Board;

“evaluation criteria” means criteria used to evaluate group applications under this Act;

“The Fund” means the Kajiado County Economic Empowerment Fund established under section 4 of this Act;

“Department” means the Department for the time being responsible for matters relating to gender affairs;

“Resident” means a person who lives in the county and with an Identity Card registered in Kajiado County, or own a permanent residence within Kajiado County.

“table banking” means group based financial transactions usually governed by the 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 members present; and

“woman” means a person of the female gender who is above 18 years of age.

Object of the Act

3. The object and purpose of this Act is to facilitate the growth and development of women in the County, and in particular to—

- (a) establish the Kajiado County Women Economic Empowerment Fund;
- (b) establish a framework for involving women in economic activities in the county;
- (c) train and build capacity to women;
- (d) assist in the eradication of poverty through economic empowerment of women.

PART II—ESTABLISHMENT OF THE KAJIADO COUNTY WOMEN ECONOMIC EMPOWERMENT FUND

Establishment of the Fund

4. (1) There is established a Fund to be known as the Kajiado County Women Economic Empowerment Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly;
- (b) grants and donations; and
- (c) income generated from the proceeds of the Fund.

(3) 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.

Guiding principles

5. (1) In the performance of functions under this Act, the County Executive Committee Member, the Board and the Secretariat shall be guided by the following principles—

- (a) public participation and financial inclusiveness
- (b) protection of the interests of women, and
- (c) local ownership and sustainability.

(2) the access by eligible groups to the Fund shall be on a first come first served basis, subject to assessment and approval of the application,

provided that the Board shall ensure equitable distribution of funds to the Sub-counties and the Wards.

Objects and purpose of the Fund

6. (1) The objects and purpose for which the Fund is established are—

- (a) to expand access to finances in promotion of women businesses and enterprises at the sub-county and ward level for economic growth;
- (b) to generate gainful self-employment for the women; and
- (c) to model an alternative framework in funding community driven development.

(2) Subject to provisions of this Act and Regulation, a grant may be disbursed to a legible applicant to finance—

- (a) a start-up business;
- (b) local purchase order;
- (c) local service order;
- (d) micro and small enterprises;
- (e) asset purchase, and;
- (f) agri-business.

(3) Subject to section 6(2) of this Act the Board in partnership with the beneficiary will liaise with service providers in case of asset financing.

Emergency reserve Fund

7. (1) A portion of the Fund equivalent to four (4%) per centum shall remain unallocated and shall be available to cover emergencies on women economic empowerment groups.

(2) The board shall determine and prioritize allocation of the Emergence Reserve Fund.

Establishment of the Board.

8. (1) There is established a Board to be known as the Kajiado Women Economic Empowerment Fund Board.

(2) The Board shall consist of—

- (a) the Executive Member who shall be the chairperson or in his absence, the Chief Officer;
- (b) the Chief Officer for the time being responsible for gender affairs;

- (c) Five (5) women representatives from each of the five sub counties with at least one being a youth and one being person with disability registered by the National Council for Persons with Disability appointed by the County Executive Committee Member responsible for gender, and
- (d) Fund administrator, who shall be the secretary to the Board and will be an ex-officio member,

(3) The members of the Board, appointed under section (2)(c) shall hold office for a period of three years and shall be eligible for reappointment for one further term of three years.

(4) County Executive Committee Member shall provide such public officers as may be necessary for secretariat services to the Board.

(5) The quorum at any meeting of the Board shall be five members and the Board shall meet four times in each financial year.

(6) The County Executive Committee Member may make regulations generally to give full effect to this Act.

Functions of the Board

9. The Board shall—

- (a) provide overall management, design and oversight of the Kajiado County Women Economic Empowerment Fund;
- (b) consider, verify and approve funding to the women groups;
- (c) approve disbursement to the sub-counties and the wards;
- (d) receive reports on the performance of the Fund from the Ward Fund Management Committee established under this Act;
- (e) develop relevant guidelines and review them as the need arises, to guide the operations and implementation of the Fund;
- (f) develop and facilitate sectoral linkage on the Fund;
- (g) monitor and evaluate of the programmes and activities under the Fund;
- (h) prepare an annual report on the operations and performance of the Fund to the County Executive Committee Member;
- (i) oversee the management and administration of the Fund ; and
- (j) put in place necessary mechanisms for sanctions and their enforcements.

Vacation of office

10. A member of the Board, other than ex-officio member, may—
- (a) at any time resign from office by notice in writing to the CECM responsible for gender affairs;
 - (b) be removed from office by the CECM responsible for gender affairs, if the member—
 - (i) has been absent from three consecutive meetings of the Board without permission from the Chairperson;
 - (ii) is adjudged bankrupt;
 - (iii) is convicted of an offence involving dishonesty or fraud
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
 - (v) is incapacitated by prolonged physical or mental illness, or;
 - (vi) is otherwise unable or unfit to discharge his / her functions.

Ward management committees

11. (1) There is established in each Ward a committee to be known as a Ward management committee.
- (2) The committee shall consist of the following members—
 - (a) Chairperson who shall be ward administrator of the respective ward;
 - (b) Two women being residents of the respective ward appointed by Member of the County Assembly for the respective ward;
 - (c) the Chief Officer in charge of gender affairs to appoint an officer in the department of gender who shall be the secretary to the committee;
 - (d) one person representing persons with disability appointed by the Executive committee member;
 - (e) one person representing the youth.
 - (3) The Ward management committee shall be responsible for—
 - (a) receiving applications for the grant at the ward level and submitting them to the Board under this Act.
 - (b) monitor and evaluate the progress and performance of the eligible applicants under this law;
 - (c) create awareness among the residents of the ward about the Fund.

Capital of the Fund

12. The initial capital of the Fund shall be the amount as shall be appropriated by County Assembly. The fund shall be a revolving fund as appropriated by the county assembly each financial year.

Expenditure on the Fund

13. (1) The expenditure incurred on the Fund shall be on the basis of and limited to annual work programmes and cost estimates which shall be prepared by the administrator of the Fund, and approved by the Board at the beginning of the financial year to which they relate.

(2) Any revision of the approved annual work programme, and of any cost estimate, shall be referred to the Board for approval.

Retention of receipts

14. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Application of Government Regulations and procedures.

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

Administration of the Fund.

16. (1) The County Executive Committee member responsible finance shall designate a person to be appointed as the administrator in accordance with the Public Finance Management Act.

(2) 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) consult with the County Executive Committee Member, the Chief Officer for Gender and the Board on matters relating to the administration of the Fund;
- (d) 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;
- (e) furnish additional information which is proper and sufficient for the purpose of examination and audit by the Auditor- General in accordance with the provisions of the Public Audit Act; and

- (f) prepare a quarterly report on the receipts into and issues out of the Fund and submit it to the County Executive Committee Member.

(3) 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 concerned.

Role of the County Executive Committee Member.

17. The County Executive Committee Member responsible for gender affairs shall facilitate, and oversee the operations of the Board 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 to the wards;
- (c) through its ward management committees, liaise with local business and corporate enterprises and encourage peer mentoring engagements for all the Fund recipient groups;
- (d) be responsible for development of curriculum, content and standards for capacity building to the Fund recipients on table banking, business entrepreneurship, and public procurement and other business development areas.

PART III— FUND APPLICATIONS AND DISBURSEMENTS

Disbursement of funds.

18. The funds shall be disbursed under the following conditions—
- (a) all disbursement from the Fund shall be approved and minuted by the Board;
 - (b) all disbursements from the Fund shall be to the successful women groups and institutions within each ward in the county;
 - (c) all disbursements from the Fund shall be made through the group bank accounts;
 - (d) the record of the amounts received by each group and the record of expenditure of amounts so received shall be submitted to the Board within thirty days after the close of the relevant financial year, together with a copy of the relevant bank statements and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received;
 - (e) the Board may impose reasonable requirements, including restrictions, on a particular group and such restrictions or

requirements shall be reported together with the monthly returns to be submitted to the County Executive Committee Member.

Administrative cost

19. The administrative cost for the grant shall be a maximum of Three (3) per cent.

Eligibility criteria for fund application.

20. (1) Applicants shall qualify to benefit from the Fund if—

(a) for a group—

- (i) is a women group composed of a hundred per cent residents of Kajiado County
- (ii) is registered with the department of social services, Cooperatives or the Registrar of Societies;
- (iii) has members aged eighteen years and above;
- (iv) is based and operational at the ward level;
- (v) has not less than fifty members ;
- (vi) has a business permit to operate business within the county;
- (vii) 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);
- (viii) hold a bank account in the name of the group;

(b) for an institution—

- (i) is a registered entity;
- (ii) has listed women groups within it.

(2) On behalf of the County Government, the Board shall enter into an agreement with the identified beneficiary groups on the terms of the grant prior to release of funds through signing a prescribed form.

Unauthorized business

21. An application for the fund under this Act shall be —

- (a) accompanied by a resolution and minutes of a properly constituted meeting of a women group;
- (b) notwithstanding the provisions of this Section, a person shall not be granted a grant to conduct any business of the following nature—

- (i) alcoholic drinks business
- (ii) unauthorized money lending services;
- (iii) gaming and lottery services as defined under the Betting, Lotteries and Gaming Act, and
- (iv) unlawful business under any written law.

Fund Limit

22. (1) The limit for the fund under this Act shall be—
- (a) for groups minimum of one hundred thousand (Kshs 100,000) and a maximum of three hundred thousand shillings (Kshs 300,000);
 - (b) for institution a minimum of one hundred thousand shillings (Kshs 100,000) and a maximum of one million shillings (Kshs 1,000,000)
- (2) In determining the minimum and maximum amount of the fund that an applicant may access, the following shall be considered—
- (a) the viability of the business idea or concept,
 - (b) the duration of the business has been operational and in case of existing business;
 - (c) the financial risk;
 - (d) the capitalization of the existing business.

Offences and penalties.

23. An applicant who—
- (a) in filling a grant application form, knowingly makes any false statement in regard to any matter affecting his/her request for a grant; or
 - (b) being required under paragraph (a) to answer any questions, furnish any information or particulars or produce any document or paper, neglects to do so without reasonable cause; or
 - (c) is granted a grant based on false information shall be guilty of an offence and in the case of paragraphs (a) and (b), shall be liable to a fine of not more than one hundred thousand shillings or to imprisonment for a term of not more than six months and in the case of paragraph (c) to a fine of not more than one hundred thousand shillings or to imprisonment for a term of not less than eight months.

Winding Up

24. In the event of winding up of the Fund, the cash balances shall be transferred to the County Revenue Account while other assets of the Fund shall be transferred to the Department for the time being responsible for matters relating to finance.

Regulations.

25. The County Executive Committee Member may make regulations generally to give full effect to this Act.

SCHEDULE 1

FORM A

GRANT APPLICATION FORM (SECTION 20(2))

COUNTY GOVERNMENT OF KAJIADO

P.O BOX 11

KAJIADO.

Date

TEL:

GENDER, CULTURE, WILDLIFE AND TOURISM

SUB- COUNTY

WARD

VILLAGE/ESTATE

PART A: DESCRIPTION OF THE APPLICANT

PART B:

MEMORANDUM OF OBJECT AND PURPOSES

The main object and purpose of this Act is to facilitate the growth and development of women in the County, and in particular to establish the Kajiado Women Economic Empowerment Fund; establish a framework for involving women in economic activities in the county; train and build capacity to women; assist in the eradication of poverty through economic empowerment of women.

The Bill further provides for the administration of the Fund and disbursement of the funds.

YVONNE TONKEI,
*Chairperson, Gender, Tourism,
Wildlife, Youth and Sports Committee.*