

**SPECIAL ISSUE**

*Machakos County Gazette Supplement No. 19 (Acts No. 6)*



REPUBLIC OF KENYA

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**MACHAKOS COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2015**

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**NAIROBI, 11th March, 2016**

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**THE MACHAKOS COUNTY WARD DEVELOPMENT FUND  
(AMENDMENT) ACT, 2015**

**No. 6 of 2015**

*Date of Assent: 28th October, 2015*

*Date of Commencement: 11th March, 2016*

**AN ACT of the Machakos County Assembly to amend the Machakos  
County Ward Development Fund Act, No 2 of 2014.**

**ENACTED** by the County Assembly of Machakos as follows—

**Short title**

1. This Act may be cited as the Machakos County Ward Development Fund (Amendment) Act, 2015.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“Principal Act” means Machakos County Ward Development Fund Act No 2 of 2014.

‘Chief Officer’ means the Chief Officer responsible for matters relating to Finance’;

‘project’ means projects undertaken under this Act;

**Amendment of section 2**

3. Section 2 of the Principal Act is amended by deleting the definition of the word “Clerk”.

**Amendment of section 5**

4. Section 5 of the Principal Act is amended as follows—

(a) by deleting paragraph (d) of subsection (2) and substituting therefor the following new paragraph—

“(d) the Chief Officer responsible for matters relating to planning or designated alternate not below the level of a Director;”

(b) by inserting the following new paragraph immediately after paragraph (d)

“the Chief Officer responsible for matters relating to roads or a designated alternate not below the level of a Director;”

(c) by inserting the following new subsection immediately after subsection (4)

“(5) The Executive Committee member shall convene initial meetings of every new Committee”

(d) by inserting the following new subsection—

“(6) Before the appointment of the members of the County Management Committee under section 5 (2), the Chief Officer responsible for Finance shall act as the chairperson of the Committee.”

(e) by inserting the following new subsection:

“(7) Before the appointment of the Officer Administering the Fund under section 8, the County Executive Committee member shall appoint an officer, not below the level of a Director, from the Department to act in that capacity.

(f) by inserting the following new subsection:

(8) The County Management Committee shall be considered properly constituted despite the existence of a vacancy in its membership or the absence of any of its members.

#### **Amendment of section 8**

5. Section 8 of the Principal Act is amended by deleting paragraph (a) of subsection (2) and substituting therefore the following paragraph—

“at least a bachelors’ degree from a recognized university in any of the following fields—

- (i) finance;
- (ii) accounting;
- (iii) engineering;
- (iv) economics;
- (v) law;
- (vi) community development; or
- (vii) any other related field.”

#### **Amendment of section 11**

6. Section 11 of the Principal Act is amended by deleting subsection 3 and substituting therefor the following new subsection—

“(3) Subject to the Public Finance Management Act, the Public Procurement and Disposal Act and other laws governing public finance, disbursements may be made from a Ward Development Fund account opened and operated for that purpose.

**Amendment of section 12**

7. Section 12 of the Principal Act is amended by deleting subsection (4) and substituting therefor the following new subsection—

(4) In making the annual budget for the Fund, priority shall be given to projects that are not implemented or are partly implemented by the end of a financial year and funds.

**Amendment of section 16**

8. Section 16 of the Principal Act is amended by deleting subsection (8).

**Amendment of section 17**

9. Section 17 of the Principal Act is amended as follows—

(a) by deleting subsection (2) and substituting therefor the following new subsection—

“The disbursement of the funds for the implementation of the projects in the Wards shall be made per the approved workplans for the Fund.”

(b) in subsection (4) by deleting the phrase “Executive Committee member” and substituting therefor the phrase “Chief Officer in-charge of matters relating to Finance”.

**Amendment of section 20**

10. Subsection (1) of Section 20 of the Principal Act is amended by deleting the word “February” appearing immediately after the phrase “month of” and substituting therefor the word “May”.

**Amendment of section 28**

11. Section 28 of the Principal Act is amended as follows—

(a) by deleting subsection (5);

(b) in subsection (8) —

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

“twenty per cent of each Ward’s allocation may be used to support bursary programmes;

(ii) by deleting paragraph (c).

(iii) by deleting paragraph (d).

**Amendment of section 31**

12. Section 31 of the Principal Act is deleted.

**Amendment of section 33**

13. Section 33 of the Principal Act is amended by deleting the words “which shall be constituted by the elected member of the County Assembly within the first thirty days of a new assembly” appearing immediately after the expression “every Ward”.

**Amendment of section 34**

14. Section 34 of the Principal Act is amended as follows—

- (a) in subsection (1)(a) by deleting the words ‘nominated by the members of the Ward Development Fund Committee’ appearing immediately after the word ‘chairperson’
- (b) in subsection (1) (f) by deleting the expression “the Ward Administrator” and substituting therefor the expression “the Sub-county Administrator, Deputy or Assistant Sub-county Administrator or other County administration officer responsible for the Ward”;
- (c) by inserting the letter (a) before the words ‘sub section (1)’ and immediately before the letter ‘(b)’;
- (d) by deleting paragraph (2) (a) and substituting therefor the following new paragraph—
 

“2. (a) within 60 days of coming into effect of this Act, the officer administering the Fund shall convene open public meetings in each Ward.”
- (e) by deleting all the words appearing in paragraph 2 (c) immediately after the expression “paragraph (a)” and substituting therefor the words “and (b), the officer administering the Fund shall forward the names of the members of the Ward Development Fund Committee so elected, to the County Executive Committee member for gazettelement.”;
- (f) by deleting paragraph(2) (d).
- (g) in subsection (4) by deleting the words “within the first sixty days of a new County Assembly or a by-election” appearing immediately after the word “convened.”;
- (h) by deleting subsection (5) and substituting therefor the following new subsection—
 

“(5) Each Chairperson of a Ward Development Fund Committee shall, in consultation with the local leaders and county government officers responsible for the Ward, convene annual

public meetings to deliberate on development matters in the Ward.”

- (i) by deleting subsection (7) and substituting therefor the following new subsection—

“(7) The term of office of members of the Ward Development Fund Committee shall be three years renewable once.”

- (j) by deleting subsection (8) and substituting therefor the following new subsection—

“(8) The officer of the Fund for each Ward shall; on behalf of the officer administering the Fund; be the custodian of all records and equipment for the Ward.”

- (k) by deleting subsection (12).

- (l) By deleting the phrase “employed under subsection (12)” appearing immediately after the word “staff” and immediately before the phrase “ shall assist” and substituting therefor the phrase “of the Fund”.

#### **Amendment of section 36**

15. Subsection (6) of Section 36 of the Principal Act is amended by deleting the word “Committee” appearing immediately after the word “the” and immediately before the phrase “may make reports” and substituting therefor the phrase “Officer Administering the Fund”.

#### **Amendment of section 37**

16. Subsection (1) of Section 37 of the Principal Act is amended by deleting the word “County Ward Development Fund Management Committee” appearing immediately after the word “the” and immediately before the phrase “ shall, on a quarterly basis” and substituting therefor the phrase “Officer Administering the Fund”.

#### **Amendment of section 38**

17. Subsection (5) of Section 38 of the Principal Act is amended by deleting all the words appearing after the phrase “approval of the” and substituting therefor the phrase “Chief Officer for matters relating to Finance”.

#### **Amendment of section 39**

19. Section 39 of the Principal Act is amended by deleting subsection (2).

#### **Amendment of section 49**

20. Section 49 of the Principal Act is amended as follows—

- (a) by inserting the following new subsection immediately after sub section (2)

‘(3) pending the formation of the Ward Development Committee and any other structures for the implementation of this Act, the Executive Committee Member and the County Management Committee shall issue guidelines for the operationalization of this Act’.

- (b) by inserting the following new subsection immediately after the new sub section

‘(4) before the appointment of the Officer administering the Fund under section 8 of the Principal Act, the Chief Officer shall convene the open public meeting under section 34(2)(a)’.

- (c) by inserting the following new subsection immediately after the new sub section

‘(5) for the avoidance of doubt, the initial projects shall be undertaken pursuant to the provisions of this Act’.

**Amendment of Schedule 1 paragraph. 1**

20. Paragraph 1 of the first schedule is amended as follows—

- (a) by deleting the word “three” appearing immediately after the phrase “for a period of” and substituting therefor the word “two”;
- (b) by deleting all the words appearing after the phrase “instrument of appointment” and substituting therefor the words “and shall be eligible for reappointment”.