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THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 of 2012)

**THE BUNGOMA COUNTY YOUTH, WOMEN AND PERSONS WITH
DISABILITIES EMPOWERMENT FUND REGULATIONS, 2025**

IN EXERCISE of the powers conferred by section 116 (1) of the Act, the County Executive
Member for Finance makes the following Regulations; -

Arrangement of Regulations

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Objects and purpose of the Regulations.

**PART II—ESTABLISHMENT OF BUNGOMA COUNTY YOUTH, WOMEN AND
PERSONS WITH DISABILITY EMPOWERMENT FUND**

- 4—Establishment of the Fund.

**PART III—ESTABLISHMENT OF THE BUNGOMA COUNTY YOUTH, WOMEN
AND PERSONS WITH DISABILITIES EMPOWERMENT FUND MANAGEMENT
COMMITTEE**

- 5—Establishment of the Committee.
- 6—Remuneration.
- 7—Election of the vice-chairperson.
- 8—Term of Office.
- 9— Vacation of office of Member of the County Empowerment Fund Committee
- 10—Functions and powers of the Committee.
- 11—Partnership.
- 12—Conduct of Business.
- 13—Strategic Plan.
- 14—Funding of Projects.
- 15—Signing on behalf of the Committee.

16—Delegation of duties.

17—Role of County Executive Committee Member.

PART IV—ADMINISTRATION OF THE FUND

18—Application of Public Finance Act, 2012.

19—Opening of Fund Account.

20—Signatories to the Account.

21— Administration of the Fund

22—Vacation of office by Fund Administrator

23—Fund Expenditure.

24—Disbursement of Funds.

25—Application for loan.

26—Ward Application Criteria.

27—Eligibility criteria for application.

28—Interest rate.

29—Repayment of Loan.

30—Appointment of financial institution.

31—Utilization of loan.

32—Annual forum.

33—Forms, etc.

34—Winding-up of the Fund.

PART V—REPORTS AND AUDITING

35—Annual Estimates.

36—Financial statement and audits.

37—Annual Report and publications.

PART VI—MISCELLANEOUS PROVISIONS

38—Offences on false or misleading statements.

39—General Penalty.

40—No Action maintained against County Executive Committee Member.

41—Prosecution of matters under these Regulations.

42—Default by Loanee.

SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

THE BUNGOMA COUNTY YOUTH, WOMEN AND PERSONS WITH DISABILITIES EMPOWERMENT FUND REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations shall be cited as the Bungoma County Youth, Women and Persons with Disabilities Empowerment Fund Regulations, 2025 and shall come into force upon publication and subject to the requirements of the Statutory Instrument Act No. 23 of 2013 *Citation*
2. In these regulations unless the context otherwise requires— *Interpretation*
 - “Applicant” means any person, group, or institution who has applied for a loan under these regulations;
 - “Appropriation” means funds appropriated by the County Assembly for purposes of these regulations;
 - “Beneficiary” means a group or institution granted loan or any other benefit under these regulations ;
 - “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 5 of these Regulations;
 - “Constitution” means the Constitution of Kenya 2010;
 - “County” means the County Government of Bungoma;
 - “County Assembly” means the County Assembly of Bungoma;
 - “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 Bungoma County Youth, Women and Persons with Disabilities Fund established by Regulations 4;

“Fund Administrator” means a person designated as such under these Regulations;

“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 these Regulations;

“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 transaction 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.

3. The object and purpose of these regulations is to provide a legal and institutional framework to facilitate economic growth and development of women, youth and persons with disabilities in the County, and in particular to;- *Objects and purpose of the Regulation*

- 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 of 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) Promote an entrepreneurial 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.
- h) Provide funds to be used for granting low-interest loans to women and youth with a view to scaling up their lending activities, value addition, amongst other activities as may be prescribed.
- i) Provide funds to support revive and initiate micro-enterprises owned by women and the youth in sectors that can have an immediate impact on household economy.
- j) Attract and facilitate investment in economic sectors that have linkages to micro, small and medium enterprises that benefit the youth.

PART II—ESTABLISHMENT OF THE BUNGOMA COUNTY YOUTH, WOMEN AND PERSONS WITH DISABILITIES FUND

- 4.** (1) There is established the Bungoma County Youth, women and persons with disabilities empowerment Fund. *Establishment of the 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.

(3) The monies allocated under sub-regulations (2) (a) shall be appropriated for

an initial period of five years from the date of commencement of these regulations.

(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.

PART III—ESTABLISHMENT OF THE BUNGOMA COUNTY YOUTH, WOMEN AND PERSONS WITH DISABILITIES EMPOWERMENT FUND MANAGEMENT COMMITTEE

5. (1) There is established a Committee to be known as the Bungoma County *Establishment of* Youth, Women and Persons with Disabilities Empowerment Fund *the Committee* Management Committee.

(2) The Committee shall consist of—

- (a) The Chief Officer for the time being responsible for matter relating to Gender and Culture who shall act as the Chairperson to the Committee;
- (b) The Fund Administrator who is also 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 or his/her representative;
- (d) The Chief Officer for the time being responsible for matter relating to Youths and Sports or his/her representative;
- (e) Two persons being male and female residents of the County representing the youths nominated by the National Youth Council and appointed by the County Executive Committee Member;
- (f) One person nominated by the Maendeleo Ya Wanawake Organization representing the women and appointed by the County Executive Committee Member;
- (g) Two persons being male and female residents of the County representing persons living with disabilities, nominated by the National Council for Persons with Disability and appointed by the County Executive Member;
- (h) One professional who is experienced in matters related to enterprise

development, finance or business related discipline appointed by the County Executive Committee Member.

- (i) The members under regulation 5(2)(c),(d),(e) and (f) shall—
- (i) meet the requirements, standards and values of Articles 10, 27(4), 56(c), 232(1) and Chapter Six of the Constitution of Kenya.
 - (ii) Possess a minimum requirement of degree from a recognized university in Kenya for both the Chairperson and the person appointed under paragraph (g) and
 - (iii) Post-secondary school education for other persons appointed under these regulations.
 - (iv) The County Executive Committee Member shall provide such public officer as may be necessary for the secretariat services to the Committee.

6. Members of the Committee may be paid such allowances as may be determined by the Salaries and Remuneration Commission. *Remuneration*
7. Members appointed under regulation 5(2) (c), (d), (e), and (f) are eligible for appointment as the Vice-Chairperson: Provided that chairperson and Vice-chairperson shall be of either gender. *Election of Vice-chairperson*
8. The Members appointed under regulation 5(2)(c), (d),(e), and (f) members by the County Executive Committee Member shall hold office for a term of three years and shall be eligible for appointment for one further term of three years after which the person shall retire from the Committee for at least two years before being eligible for appointment to the Committee. *Term of office of the Committee Members*
- (2) The term of office of the members of the committee contemplated on sub-regulation (1) above, as first constituted at every election, nomination or change in membership shall commence on the date appointed by the County Executive Committee Member through a *gazette notice*.
9. The office of a member of the Committee appointed under regulation 5 shall become vacant if the member;- *Vacation of office of Member of the County*
- (a) Is adjudged bankrupt; *Empowerment*

- (b) Is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) Is convicted of an offence involving fraud or dishonesty;
- (d) Is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (e) Resigns in writing addressed to the Executive Committee Member;
- (f) Is removed from office by the Executive Committee Member;-
 - (i) Being unable to perform the functions of his office by reason of mental or physical infirmity; or
 - (ii) Failing to declare his interest in any matter being considered or to be considered by the Committee; or
 - (iii) Any other sufficient reason as may be prescribed.
- (g) Dies.

10. The Fund Committee shall;-

*Functions and
powers of the
Fund Committee*

- (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) Provide the status of loans applied at the wards immediately after the meeting where consideration of the loans was an agenda.

11. The Committee may collaborate, consult or enter into partnership with other government or private entities for the purposes of implementing these regulations. *Partnership*

12. (1) The conduct and regulation of the business and affairs of the Committee shall be set out in the Schedule. *Conduct of Business*
(2) Except as provided in the Schedule, the Committee may regulate its own procedure.

13. (1) The Committee shall prepare a five year strategic plan for implementation of these regulations which shall be approved by the County Executive Committee and County Assembly. *Strategic Plan*
(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 regulation;
- (c) Strategies to be pursued in regard to mobilization of target groups;
- (d) Any other matter that may be prescribed or directed.

14. The Committee shall not fund a project as provided for under these regulations unless the project is provided for in the strategic plan prepared under regulations 13. *Funding of projects*

15. (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. *Signing on behalf of the Committee*

(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.

16. (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. *Delegation of duties*

(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.

17. The County Executive Committee Member responsible for youth, women and disability affairs shall facilitate and oversee the operations of the Committee in the implementation of the Fund and in particular shall;- *Role of the County Executive Committee Member*

(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

18. Subject to the provisions of the Public Finance Management Act, 2012, existing Government Act and procedures shall apply in the administration of the Fund. *Application of Public Finance Act, 2012, act and procedures*

19. (1) All monies received by the Fund shall be maintained in two separate bank account in the name of 'Bungoma County Youth, Women and Persons with Disabilities empowerment Fund for Operations and Collections *Opening of Fund Account*

Purposes' 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.

20. There shall be three (3) signatories to the Account;-

Signatories to the Account

- (a) Chairperson to the Committee;
- (b) Fund Administrator who is also the secretary to the Committee;
- (c) The Chief Officer in the Department designated by the County Executive Committee Member for Finance and Economic Planning.

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

21. (1) The County Executive Member responsible for Finance in consultation with the County Executive Member for Gender, Culture, Youth and Sports shall designate an officer within the department of gender, culture, youth and sports in the level of the County Director to administer the Fund. *Administration of the Fund*

(2) The officer administering the Fund may, with the approval of the County Executive Committee Member responsible for Finance, invest or place in a deposit account any of the monies of the Fund and any interest earned on monies so invested or deposited.

(3) The officer administering the Fund shall;-

- (a) ensure compliance with the provisions of the Public Finance Management Act, 2012;
- (b) supervise and control the administration of the Fund;
- (c) impose conditions on the use of any expenditure personally authorized and may impose any restriction or other requirement concerning the use of expenditure;
- (d) prepare quarterly reports of the operations of the fund and submit to the County Executive Committee Member responsible for Finance;
- (e) cause to be kept proper books of account and records in relation to the operations of the Fund;
- (f) prepare, sign and submit to the Auditor General in respect of each financial year a statement of accounts relating to the Fund within three months after the end thereof; and

(g) furnish such additional information as may be required for examination and audit by the Auditor-General.

(4) The County Executive Committee Member responsible for Finance may designate to the fund the fund accountant responsible for management of the fund accounts and books. Such an officer shall perform the following functions;

- (a) Provide expert accounting services to the fund.
- (b) Advise the Fund Administrator on financial matters.
- (c) Manage the fund's accounts and financial records.
- (d) Maintain accurate and up-to-date books of the fund.
- (e) Ensure compliance with relevant financial regulations and procedures.
- (f) Support preparation of financial reports and audits related to the fund.

22. The office of the Fund administrator shall become vacant if the member;-

*Vacation of office
by Fund*

- (a) Is adjudged bankrupt;
- (b) Is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) Resigns in writing addressed to the Committee;
- (d) Is removed from office for:-
 - (i) Being unable to perform the functions of his/her office by reason of mental or physical infirmity; or
 - (ii) Failing to declare his/her interest in any matter being considered or to be considered by the unit or the Committee; or
 - (iii) Fails to perform his/her duties in accordance with the terms and conditions of appointment;
 - (iv) Misappropriates public funds under these Regulations.
- (e) dies.

Administrator

23. (1) There shall be paid from the Fund;-

Fund Expenditure

- 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 these regulations.
- d) Grants and costs relating to specialized equipment and items such as assistive services and tools of trade for persons with severe disabilities the elderly and vulnerable orphans within the County;
- e) Other operating expenses aimed at supporting women, youth, and persons with disabilities.

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

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

Disbursement of Funds

(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.

25. (1) All loan applications shall be done to the Committee in the prescribed **Form A** in the First Schedule of these regulations and in accordance with the

Application for Loan

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 sub-regulation (2), a loan shall not be disbursed to an applicant unless the successful applicant has undergone through the targeted enterprenual training.

26. (1) The Committee shall make available at all times the application forms to all ward offices in the County. *Ward Application Criteria*

(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 (14) days from the date of application submission;
- (c) Note on the register book the status of the application as soonas communicated by the Committee:

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

27. (1) Applicants shall qualify for the Fund loan;- *Eligibility criteria for application*

- (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) An application for the funds shall be accompanied by a signed guarantee executed by each member of the women, youth group or persons with disability group individually committing to repay the loan requested by the group.

(4) 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 application form.

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

29. (1) The Committee shall, in consultation with the Executive Committee *Repayment of*
Member shall establish loan repayment conditions. *loan*

(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 sub-regulation (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 sub-regulation (1) 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.
 - (v) Any individual or group in default of repayment terms shall attract legal proceedings by the fund committee through the county attorney's office
 - (vi) Any delayed monthly repayments shall attract interest thereof as shall be determined by the fund committee.
- 30.** (1) The Committee in consultation with the Executive Committee Member may appoint a financial institution to administer the Fund on its behalf for purposes of managing the loan applications and repayments. *Appointment of Financial Institution*
- (2) The financial institution appointed under sub-regulation (1) above may charge an interest rate upon approval by the County Executive Committee Member, but not exceeding five percent.
- 31.** (1) A loan granted under these Regulations shall only be used for financing a youth, women and persons with disability small and micro enterprise undertaking that was approved by the Committee at the time of application for loan. *Utilization of Loan*
- (2) A person who utilizes the loan granted in non-youth, women and persons with disability enterprise contrary to the provision of sub-regulation (1) above shall be disqualified from accessing the loan under these regulations.
- 32.** (1) The Committee shall convene an Annual Forum for all the beneficiaries and potential beneficiaries that qualify under these regulations. *Annual forum*
- (2) The forum shall provide a platform for reviewing and evaluating the funding and success of the Fund.
- 33.** The Committee shall formulate the prescribed forms and other instruments necessary for the implementation of these regulations. *Forms, etc.*
- 34.** On the winding up of the Fund and subject to the provisions of Section 116 of the Public Finance Management Act, 2012— *Winding-up of the Fund*
- (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

35. (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. *Annual Estimates*

(2) The financial estimates shall—

- a) Differentiate between recurrent and disbursement expenditure;
- b) Itemize every activity that the Committee intends to undertake in respect of the Fund in the coming financial year under a separate vote head; and

(3) Upon approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund shall be paid into the Fund Account.

36. (1) The Committee shall cause to be kept such books of account and other books in relation thereto of all undertakings, funds, activities and property as the County Executive Member may from time to time approve and shall, within a period of three months after the end of the financial year, cause to be prepared, signed and forwarded to the Auditor-General— *Financial statements and audits*

- (a) A financial statement of the Fund; and
- (b) Such other statements of accounts as the County Executive Committee Member for Finance may approve.

(2) The accounts of the Fund shall be examined, audited and reported upon annually by the Auditor-General in accordance with the Public Audit Act.

(3) The County Treasury shall submit to the Auditor-General all books of account of the Committee, together with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to inquire from any member, officer, employee or agent of the Authority such information and explanation as he may consider necessary for the performance of his duties as Auditor-General.

(4) The expenses incurred in and incidental to the auditing of the accounts of the Fund shall be met by the Committee.

37. (1) The Committee shall within a period of three months after the end of the financial year or within such longer period as the County Executive Committee Member may approve in writing submit to the County Executive Committee Member a report of the operations of the Fund and the Committee during such year, and the yearly balance sheet and such other statements of account as the County Executive Committee Member shall require, together with the Auditor-General's report. *Annual Report and Publication*
- (2) The Committee shall, if the County Executive Committee Member so requires, publish the report, balance sheet and statements submitted under sub-regulation (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 sub-regulation (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

38. (1) A person acting on behalf of an enterprise or an institution shall not make a statement in connection with these regulations which that person knows to be false or misleading;- *Offences-false or misleading statements*
- (a) In connection with an application for the grant of loan under regulation 36; or
- (b) Generally, when providing information required under these regulations.
- (2) If a person contravenes sub-regulations (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.
39. A person who commits an offence under these regulations 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. *General penalty*

- 40.** (1) The County Executive Members or any other person commits an offence if that officer;- *Action maintained against County Executive committee Member, etc.*
- (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 corrupt acts.
- (2) In these regulations, “corrupt” includes soliciting or receiving an inducement.
- 41.** 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 these regulations. *Prosecution of matters under these regulations*
- 42.** (1) A loanee and or beneficiary shall be required, subject to and in accordance with these regulations or any act made thereunder, inform the Committee of inability to repay the monthly remittance in repayment of the loan within that month of inability. *Default by Loanee*
- (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.

FIRST SCHEDULE

(Regulations 13)

PROVISIONS AS TO CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

1. A Member may—

Vacation from office

 - (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.
2. A Member may be removed from office only for—

Removal from Office

 - 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.
3. Where a vacancy occurs in the membership of the Committee under regulations 5, the CECM shall appoint a new member within thirty days in accordance with the provisions of these regulations.

Filling of vacancy
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.

Meetings of the Committee

 - (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 these regulations, 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.

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 counted in the quorum of the meeting during consideration of the matter: *Conflict of interest*

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 up to have a conflict of

interest for purposes of these Regulations 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 these regulations, 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.

(9) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(10) A member of the Committee who contravenes the provisions of these regulations commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred and fifty thousand Kenya shillings, or both.

6. The Committee shall comply with the code of conduct governing public *Code of*
officers. *conduct*

7. The Committee shall cause minutes of all resolutions and proceeding of *Minutes* meetings of the Committee to be entered in books keptfor that purpose.

SECOND SCHEDULE

BUNGOMA COUNTY YOUTH, WOMEN AND DISABILITY EMPOWERMENT FUND EMPOWERMENT LOAN APPLICATION FORM

Date of Application:

SECTION A: BACKGROUND INFORMATION

1. Group Data					
Name				Sub-County	
Reg. No.				Ward	
Year of Registration				Village	
2. Banking Information					
Bank Name					
Branch					
Account No					
Bank Account Signatories					
Name			Signature/Thumb Print		
1.	
2.	
3.	
4.	
3. Membership profile					
	Below 18 (No.)	18- 35 year (No.)	Above 35 years (No.)	Persons With Disabilities (No.)	Total Number
Male					
Female					
Total					

4. Group background:

(a) Year of formation:

.....

(b) Vision:

.....

.....

(c) Activities/Projects

.....

 (d) Achievements:

SECTION B: LOAN PROPOSAL

5. Loan particulars	
i. Amount applied (Kshs)	
ii. Previous amount of loan borrowed (<i>if any</i>)	
iii. Proposed business/project	
iv. Main products/services	
v. Target market	
vi. Business/Project location	
vii. The period for which the business/project has been in operation (<i>For ongoing</i>)	

6. Reasons for selecting the proposed business/project:

.....

7. (a) Proposed Business/Project Budget

Item	Quantity	Unit Cost (Kshs)	Total Cost (Kshs)
i.			
ii.			
iii.			
iv.			
Total			

(b) Other proposed sources of funds (*if any, indicate the amount in Kshs.*)

- i) Group savings []
 - ii) Members' Contributions []
 - iii) Loan(s) []
 - iv) Others []
- Total amount in Kshs

8. Projected monthly income flow from business/project

Item	Sales (Kshs)	Purchases (Kshs)	Profit (Kshs)
i.			
ii.			
iii.			
iv.			
v.			
vi.			
Total			

9. Who will manage the business/project?

.....
.....
.....

10. How do/will you market your products?

.....
.....
.....

11. What changes are expected in the business from financing by Loan?

.....
.....
.....

12. Briefly explain how you expect to repay the loan to completion

.....
.....
.....

SECTION C

13. LOAN AGREEMENT

This agreement is entered into between Bungoma County Youth, Women and Disability Empowerment Fund Committee of P.O Box..... Bungoma hereby called the 'lender' and[(insert name of applicant(s)] of P.O Boxherein referred to as 'Borrower'.

Amount: At express request of the borrower(s), the Lender agrees to advance to the borrower an amount of (*in words*) Kenyan shillings

.....

In figures Kshs.....

Purpose: The proposed loan will be used for

.....
.....
.....

Terms and conditions: the loan will be repaid in.....monthly installments of Kshs.....after a three (3) months grace period until the loan is repaid in full.

Management fees: The borrower(s) hereby acknowledge and agrees that the loan will be subject to a management fee at a rate of 5% payable upfront. It is hereby clarified that the said management fee will be deducted from the loan approved.

Law: The Kenyan law will be applicable.

14. GUARANTEE

I/We the undersigned hereby confirm that we are bona fide bearers of(*insert name of organization*) and declare that the information given herein is true to the best of knowledge. I/We further affirm that i/we have read and fully understood the content of this loan agreement. I/We understand that the amount given here is a loan and must be repaid on due date. I/We hereby guarantee and commit the borrower(s) to redeem the loan to the satisfaction of the Fund.

(a)Chairman.....ID/No.....Signature.....Contact.....

(b)Secretary.....ID/No.....Signature.....Contact.....

(c)TreasurerID/No.....Signature.....Contact.....

Date:

Witnessed by;

Group patron/Referee (*Name*).....

Leadership Position in the Community:

Signature: Date: Contact:

(The group patron/referee should be a community elder, elected leader, government administrator, religious leader, reputable mentor or other prominent persons in the community)

15. WARD ADMINISTRATOR'S ENDORSEMENT

I..... (*Administrator's Name*), the undersigned, confirm that the applicant(s) mentioned above is/are known to me and that they operate within my area of jurisdiction.

Signature: Date: Contact:

Official Stamp:

SECTION D

16. BORROWER ASSET PLEDGE: SECURITY

This pledge is made as of theday of.....20.....

By: [*insert name of borrower(s)*] Reg/ID. No: of P.O BOX,
in favor of Bungoma County Youth and Women Empowerment Fund of P.O. BOX

I/We, the undersigned has/have read, understood and agreed to abide by the loan agreement which has been fully explained to us. In consideration of the loan made by the Bungoma County Youth, Women and Disability Empowerment Fund, I/we jointly assign all right, title and interest in the asset(s) listed below to the Fund and its successors. The said asset(s) are

charged to SECURE as a continuing security, the payment on demand of the amount as per the agreement.

Type of asset	Identification (Make/Serial No, color	Quantity	Owner of Asset(s)	Sign	Estimated value (Kshs)

I,
the undersigned, confirms that I have physically inspected the asset(s) listed above and further confirm their beneficial owner(s).

Ward Administrator:

Name Sign..... Date:

SECTION E: FOR OFFICIAL USE ONLY

17. Recommendation from the Bungoma County Youth, Women and disability

Empowerment Fund Unit

- a. Result of Evaluation (*please tick as applicable*)

Approved ☐ Deferred ☐ Declined ☐

- b. Reasons for Approval/Deferment/Decline

.....
.....

Fund Administrators' Name Signature:

Date: Official Rubber Stamp:

18. COUNTY ATTORNEY'S ENDORSEMENT

I, (Attorney's Full Name), the undersigned and duly appointed County Attorney of Bungoma County, having reviewed the contents of this loan application form and the accompanying agreement, hereby affirm that the structure, intent, and provisions herein are consistent with the applicable laws and regulations governing the Bungoma County Youth, Women and Disability Empowerment Fund.

I further affirm that:

- The information required in this form meets the necessary legal and regulatory standards;
- Any misrepresentation, fraudulent activity, or willful default arising from the use or processing of this application shall constitute a breach of these regulations and applicable laws;
- Legal proceedings shall be commenced without prejudice against any person(s), group(s), or entity(ies) found culpable of violating the terms of this agreement or misusing funds disbursed under this program.

This endorsement serves as a legal attestation to the enforceability of this agreement and the validity of its terms under the laws of Kenya.

Signature: Date: Contact:

Official Stamp

GROUP MEMBERSHIP LIST

No.	Name	Year of Birth	ID. No.	Position held	Sign
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

a) If more than 20 members, attach a separate sheet

b) Please attach the following:

- (i) Certified copy of registration certificate (where applicable)*
- (ii) Group minutes authorizing loan application;*
- (iii) Copy of business license (if applicable);*
- (iv) Copy of business records extracts (if applicable);*
- (v) Certified copy of latest bank statement for a period of six months;*
- (vi) Copies of national ID of group members.*

THIRD SCHEDULE
BUNGOMA COUNTY YOUTH, WOMEN AND DISABILITY EMPOWERMENT
FUND LOAN PRODUCTS

A. Youth Fund

I. Group Funding “Daraja”

Features

1. 5% administrative fee deducted upfront.
2. Minimum amount of the loan is Kshs 10,000 with maximum amount of Kshs 100,000.
3. Must be registered and have a valid registration certificate.
4. Must have 100% youth leadership.
5. Group composition of at least 70% youths

II. Facilities/Equipment Funding “Fanikisha”

Features

1. 5% administrative fee deducted upfront.
2. Includes provision of green houses, car washing machine, welding machine, incubators, sewing machine, battery charging machines and farm inputs
3. Meant for expansion
4. Must be youth owned projects
5. Have a tax compliant certificate
6. The fund should assist to meet 30% procurement
7. Maximum amount of the loan is Kshs 200, 000 upon the discretion of the committee

III. Top up loans “Bamba”

Features

1. To be given to groups not individuals
2. For expansion purposes.
3. Having repaid up to 60% of the first loan.
4. 5% Administrative fee deducted upfront.
5. Upon discretion of the committee for further funding.

6. Maximum amount of the loan is Kshs 200, 000 upon the discretion of the committee.
7. Group composition of at least 70% youths

IV. LPO Financing

Features

1. Maximum amount of the loan is Kshs 200, 000 upon the discretion of the committee.
2. Must have a registered group/company.
3. Members must be youth and own youth projects.
4. The committee will vet the LPO before disbursement.
5. Attracts an interest of 7%.
6. The LPO should come from reputable organization.
7. The fund should assist to meet 30% procurement.
8. Repayment period will be 3 months at the discretion of the committee.

V. Company funding “Ngazi”

Features

1. Must have the same features as LPO financing in addition to having a tax compliant certificate
2. The fund should assist to meet 30% procurement
3. Maximum amount of the loan is Kshs 200, 000 upon the discretion of the committee.

B. Women Fund

I. Group Funding ‘amkeni’

Features

1. Minimum loan of Kshs 10,000 to Maximum loan limit of Kshs 100,000.
2. Grace period will be 2 months.
3. Maximum repayment period will be 15 months.
4. 5% administrative fee deducted upfront.
5. Must be registered and have a valid certificate.
6. Beneficiary groups must have 100% women leadership.

7. Funding will be done to legal and viable projects.
8. Group composition of at least 70% women

II. Facilities/Equipment funding ‘vifaa’

Features

1. Maximum amount of the loan is Kshs 200, 000 upon the fulfillment of the set out criteria.
2. Grace period will be 2 months.
3. Repayment period will be 12 months.
4. 5% administrative fee deducted upfront.
5. Include provision of equipment and tools, green houses, salon equipment, incubators, sewing machines, farm inputs among others.
6. It is meant for business expansion.
7. Women owned projects.
8. Must have business license/tax compliance where applicable.
9. Payment will be made to reputable suppliers depending on prevailing market prices.

III. Top up loans ‘jazia’

Features

1. Maximum of Kshs 100,000.
2. Must have repaid up to 60% of amkeni loan.
3. Given to individuals and groups for expansion purposes.
4. Groups must have 100% women leadership
5. Group composition must be at least 70% women.
6. 5% administrative fee deducted upfront.
7. Grace period of 2 months.
8. Repayment period will be 18 months.

IV. LPO Financing

Features

1. Maximum amount of the loan is Kshs. 200, 000 upon the discretion of the committee.
2. Fund registered women owned enterprises.

3. Women owned enterprises, groups and companies.
4. Attracts an interest of 7%.
5. The committee will vet and appraise all LPOs to ensure they come from reputable organizations.
6. The fund should assist to meet 30% procurement rule (AGPO).
7. Repayment period will be 3 months with the discretion of the committee.

V. Special loans ‘imarisha’

Features

1. Minimum loan amount is Kshs 50,000
2. Maximum loan amount subject to appraisal of the business idea by the committee.
3. With a grace period of 2 months.
4. The fund should assist to meet 30% procurement rule.
5. Finance individuals and groups for asset acquisition and table banking.
6. Must have a registered business permit/ license and PIN certificate.
7. Attracts an interest of 7%.
8. Finance individuals, registered groups and licensed women owned enterprises
9. Finance innovative, skill-based and talent-based women business ideas such as weaving, basketry, music recording/performing art, events decoration, baking, outside catering facilities, fireless cookers, and energy saving stoves, alternative energy systems among others.
10. Finance Women SACCOs.
11. Maximum Repayment period 15 months

C. Disability Fund

I. Group Funding “TUMAINI”

Features

1. 5% administrative fee deducted upfront.
2. Minimum loan amount of Kshs 10,000 and a maximum of Kshs 100,000.
3. Must be a registered group with a valid certificate.
4. Must have 100% leadership from persons with disabilities.
5. Group composition must consist of at least 70% persons with disabilities (PWDs).
6. Funding to be used for legal and viable projects promoting self-reliance.

II. Assistive Tools & Equipment Support “WEZESHA”

Features

1. Maximum loan amount of Kshs 200,000, subject to appraisal by the committee.
2. 5% administrative fee deducted upfront.
3. Supports acquisition of tools and assistive equipment, including:
 - a) Mobility aids (e.g., wheelchairs, white canes)
 - b) Communication devices (e.g., hearing aids, Braille devices)
 - c) Vocational tools (e.g., sewing machines, screen readers, JAWS software, hairdressing kits)
 - d) Adapted IT hardware/software
4. Equipment to be used for self-employment or enterprise development.
5. Procurement to be through approved vendors, based on prevailing market prices.
6. Must have a registered business, group, or association of persons with disabilities.
7. Repayment period of up to 15 months, with a grace period of 2 months.

III. Top-Up Loan “ONGEZA”

Features

1. Must have repaid at least 60% of a previous loan from the Fund.
2. Maximum loan amount of Kshs 150,000.
3. 5% administrative fee deducted upfront.
4. Must demonstrate business growth or expansion need.
5. Applicable to groups or registered enterprises of PWDs.
6. Repayment period up to 18 months, with a 2-month grace period.

IV. LPO Financing “SAUTI”

Features

1. Maximum loan amount of Kshs 200,000, subject to committee discretion.
2. Must be a registered enterprise or group led by persons with disabilities.
3. The LPO must originate from a reputable organization or government entity.
4. 7% interest on loan.
5. Must be compliant with AGPO (Access to Government Procurement Opportunities) 30% rule.
6. The committee will appraise and approve the LPO before disbursement.
7. Repayment period of 3 months.

V. Individual Empowerment Loans “JIKAZE”

Features

1. Minimum loan of Kshs 30,000; maximum determined by committee based on business viability.
2. 5% administrative fee deducted upfront.
3. Open to individuals with disabilities who have valid identification and disability registration.
4. Used for small-scale enterprises, skills-based income activities, or assistive technology.
5. Must have basic business permit where applicable.
6. Repayment period of up to 15 months, with a grace period of 2 months.

VI. *Institutional Support “NGUVU”***Features**

1. Supports Disability Persons Organizations (DPOs), rehabilitation centers, or disability-focused CBOs.
2. Minimum Kshs 100,000; maximum Kshs 300,000 upon approval.
3. Must be formally registered and operate within Bungoma County.
4. Focused on capacity building, training, production, or accessible services for PWDs.
5. 5% administrative fee and interest of 5% per annum.
6. Repayment period of 24 months.

Made on the 3rd June, 2025

Signed Dated

CPA, Chrispinus Barasa

County Executive Committee Member for Finance and Economic Planning.