



LAWS OF KENYA

THE BASIC EDUCATION SCHOLARSHIPS AND BURSARIES BILL, 2024

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THE BASIC EDUCATION SCHOLARSHIPS AND BURSARIES BILL, 2024

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THE BASIC EDUCATION SCHOLARSHIPS AND BURSARIES BILL, 2024

[Date of assent: 2024.]

[Date of commencement: 2024.]

A Bill for

An Act of Parliament to provide for a framework for a coordinated approach in the provision of scholarships and bursaries in Basic Education, the establishment of the Basic Education Scholarships and Bursaries Council and the Basic Education Scholarships and Bursaries Fund and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY	
Short title.	1. This Act may be cited as the Basic Education Scholarships and Bursaries Bill, 2024.
Interpretation.	2. In this Act unless the context otherwise requires —
	“ Applicant ” means any person or institution applying for a scholarship or bursary under this Act;
	“ Affirmative Action ” includes any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom;
	“ Basic Education ” has the meaning assigned to it under the Basic Education Act;
	“ Bursaries ” means the non-repayable financial aid allocated on the basis of financial need in accordance with section 22 of this Act;
	“ Cabinet Secretary ” means the Cabinet Secretary for the time being responsible for matters relating to Basic Education;
	“ Chairperson ” means the chairperson of the Council appointed under section 7 of this Act;
	“ Council ” means the Basic Education Scholarships and Bursaries Council established under section 5 of this Act;
	“ Database ” means the register provided for under section 20 of this Act;
	“ Fund ” means the Basic Education Scholarships and Bursaries Fund established under section 30 of this Act;
	“ Learner ” has the meaning assigned to it under the Basic Education Act;

	<p>“Needy Learner” means a learner who demonstrates financial inability to meet all or a portion of the cost to attend a basic education institution for any period;</p>
	<p>“Parental Background” refers to the economic, social and cultural status of a learner’s parent;</p>
	<p>“Parent” has the meaning assigned to it under section 2 of the Children’s Act;</p>
	<p>“Salaries and Remuneration Commission” has the meaning assigned to it under the Salaries and Remuneration Act;</p>
	<p>“Scholarship” is a financial aid awarded to learners based on academic merit, financial need, or the high level of excellence, talent and skill that a learner has demonstrated in his/her studies;</p>
	<p>“School Category” refers to the classification of schools under section 43 of the Basic Education Act;</p>
	<p>“Secretary” means the Secretary of the Council appointed under section 16 of this Act;</p>
Objects of the Act.	<p>3. The objects of this Act are to—</p> <ul style="list-style-type: none"> (a) promote inclusivity, fairness, equity and equality in access to scholarships and bursaries in basic education; (b) enhance transparency and accountability in the provision of scholarships and bursaries in basic education; (c) facilitate an inclusive approach in the provision of scholarships and bursaries in basic education; (d) promote collaboration and partnerships in the provision of scholarships and bursaries; and (e) promote resource mobilization for sustainability in the provision of scholarships and bursaries
Application of the Act.	<p>4. This Act shall apply to all persons or entities offering or applying for scholarships and bursaries in pursuit of basic education.</p>
<p>PART II—ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL</p>	
Establishment of the Council.	<p>5. (1) There is established a Council to be known as the Basic Education Scholarships and Bursaries Council.</p> <p>(2) The Council shall be a body corporate with perpetual succession and shall in its corporate name, be capable of—</p>

	<ul style="list-style-type: none"> (a) suing and being sued; (b) taking, purchasing or otherwise acquiring, holding, charging, leasing or disposing of moveable or immovable property; (c) borrowing money; (d) doing or performing all such other acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate. <p>(3) The headquarters of the Council shall be in Nairobi, but the Council shall ensure reasonable access to its services in all parts of Kenya.</p>
<p>Functions of the Council</p>	<p>6. The functions of the Council shall be to—</p> <ul style="list-style-type: none"> (a) administer basic education scholarships and bursaries to eligible learners; (b) coordinate the provision of scholarships and bursaries in basic education; (c) provide governance oversight in the provision of scholarships and bursaries in basic education; (d) establish criteria for identification of persons qualified for the award of scholarships and bursaries in basic education; (e) continually develop, maintain and update a central database incorporating institutions or entities administering scholarships and bursaries, details of the beneficiaries, the eligibility status of each beneficiary and the amount awarded; (f) continually undertake due diligence on the eligibility status of beneficiaries or applicants; (g) mobilize resources to ensure adequate funding for scholarships and bursaries in basic education; (h) research, investigate, monitor and evaluate compliance with policies, criteria and regulations with regard to administration of scholarships and bursaries in basic education;

	<ul style="list-style-type: none"> (i) monitoring and evaluation of the impact of scholarships and bursaries in basic education; (j) conduct awareness and disseminate information on scholarships and bursaries in basic education; (k) advise the Cabinet Secretary on regulations which would be required to facilitate effective administration of scholarships and bursaries in basic education; and (l) perform any other function in relation to its mandate.
<p>Membership of the Board of the Council.</p>	<p>7. (1) The Board of the Council shall consist of—</p> <ul style="list-style-type: none"> (a) a Chairperson who shall be appointed by the President; (b) the Principal Secretary responsible for Basic Education or his/her nominee; (c) the Principal Secretary responsible for National Treasury or his/her nominee; (d) the Chief Executive Officer National Government Constituency Development Fund or his/her representative; (e) the Chief Executive Officer of Council of Governors or his/her representative; (f) a representative nominated by the Kenya Bankers Association, with experience in banking; (g) a representative from recognized religious organizations, on a rotational basis; (h) two independent members with experience in resource mobilization, appointed by the Cabinet Secretary; and (i) a Chief Executive Officer who shall be an <i>ex-officio</i> member. <p>(2) A person shall be qualified for appointment as a member of the Council under sub-section (1) (f), (g) and (h), if that person—</p> <ul style="list-style-type: none"> (a) is a Kenyan citizen; (b) holds a degree from a university recognized in Kenya; (c) has at least six years' experience; and (d) meets the requirements of chapter six of the Constitution.

	(3) The appointment of the Chairperson and independent members shall take effect upon gazettelement.
Qualifications of the Chairperson	<p>8. A person shall be qualified for appointment as chairperson of the Council if that person—</p> <ul style="list-style-type: none"> (a) Is a Kenyan citizen (b) holds a degree from a university recognized in Kenya; (c) has at least ten years’ experience in philanthropy or resource mobilization; and (d) meets the requirements of chapter six of the Constitution.
Term Limit	<p>9. (1) The chairperson and members of the Council shall hold office for a term of three years and shall be eligible for re-appointment for one further term subject to satisfactory performance.</p> <p>(2) Members of the council shall be appointed at different times so that their terms of office expire at different times.</p>
Vacancy of Office	<p>10. (1) A member of the Council, other than an <i>ex officio</i> member, may at any time resign from office, in the case of the Chairperson by notice in writing to the President, and in any other case to the Cabinet Secretary.</p> <p>(2) A member of the Council may be removed from office, in the case of the Chairperson by the President, and in any other case by the Cabinet Secretary, if the Chairperson or member, as the case may be—</p> <ul style="list-style-type: none"> (a) has been absent from three consecutive meetings of the Council; (b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; (c) is found to have been in breach of chapter six of the Constitution; (d) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors; (e) is incapacitated by physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Council; or (f) fails to comply with the provisions of this Act relating to disclosure.

Powers of the Board of the Council	<p>11. In performance of the functions of the Council under section 6 the board of the Council shall have powers to—</p> <ul style="list-style-type: none"> (a) manage control and administer the assets of the Council in such manner and for such purposes as best promotes the purposes for which the Council is established; (b) open and operate a bank account subject to approval by the National Treasury; (c) receive any gifts, grants or donations or endowments made to the Council or any other monies in respect of the Council and make disbursements therefrom in accordance with the provisions of the law; (d) investigate and inquire into any complaint regarding the award of scholarships and bursaries in basic education; and (e) enter into association, partnerships or linkages with any person or entity in order to facilitate the conduct of the functions of the Council.
Conduct of Business and Affairs of the Board of the Council	<p>12. (1) The conduct and regulation of the business and affairs of the Council shall be as provided in the Schedule.</p> <p>(2) Except as provided in the Schedule, the Council may regulate its own procedure.</p>
Committees of the Board of the Council	<p>13. (1) The Council may, for the effective discharge of its functions establish committees.</p> <p>(2) The Council may co-opt into the membership of a committee established under sub-section (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Council.</p> <p>(3) Any person co-opted into a Committee under sub-section (2) may attend meetings of the Council and participate in its deliberations, but shall not vote at such meeting.</p>
Remuneration and Benefits of the Board of the Council	<p>14. The members of the Board of the Council shall be paid such remuneration, fees or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.</p>

Chief Executive Officer	<p>15. (1) There shall be Chief Executive Officer who shall be appointed by the Council through an open, transparent and competitive process.</p> <p>(2) A person shall be qualified for appointment as the Chief Executive officer of the Council if the person—</p> <ul style="list-style-type: none"> (a) holds at least a bachelor’s degree from a university recognized in Kenya; (b) holds a Master’s degree in finance, business, education, law or other relevant degree from a university recognized in Kenya; (c) has at least fifteen years’ management experience, five of which shall be in senior management in a public or private institution; and (d) meets the requirements of chapter six of the Constitution. <p>(2) The Chief Executive Officer shall hold office for a term of three years on such terms and conditions of employment as the Council in consultation with Salaries and Remuneration Commission may determine and shall be eligible for re-appointment for one further term subject to satisfactory performance.</p> <p>(3) The Chief Executive Officer shall be—</p> <ul style="list-style-type: none"> (a) responsible for the day-to-day administration and management of affairs and staff of the Council; (b) responsible for executing the decisions of the Council; (c) custodian of all records of the Council; and (d) undertaking any other duties, as the Council may deem necessary.
Vacancy of Office of the Chief Executive Officer	<p>16. (1) The Chief Executive Officer may at any time resign from office by notice in writing to the Board of the Council.</p> <p>(2) A Chief Executive Officer may be removed from office if the Chief Executive Officer, as the case may be –</p> <ul style="list-style-type: none"> (a) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; (b) is found to have been in breach of chapter six of the Constitution;

	<p>(c) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;</p> <p>(d) is unable to perform the functions of office by reason of physical or mental incapacity; or</p> <p>(e) fails to comply with the provisions of this Act relating to disclosure.</p>
Corporation Secretary	<p>17. (1) There shall be a Corporation Secretary of the Council who shall be appointed by the board of the Council through a competitive process.</p> <p>(2) A person qualifies to be appointed as a Corporation Secretary if the person–</p> <p>(a) holds a degree from a recognized university;</p> <p>(b) has not less than eight years' experience;</p> <p>(c) is a registered Certified Public Secretary in good standing with the Institute of Certified Public Secretaries of Kenya; and</p> <p>(d) meets the requirements of Chapter Six of the Constitution</p> <p>(3) The Corporation Secretary shall–</p> <p>(a) provide guidance to the board of the institute on its role and responsibilities; and</p> <p>(b) assist the Chief Executive Officer in facilitating the board to carry out its functions.</p>
Staff of the Council.	<p>18. The Council may appoint such number of professionals, technical and administrative staff as it may consider necessary for the discharge of the Council function on such terms and conditions as the Council may determine in consultation with the relevant government agencies.</p>
Delegation of Powers of the Board of the Council.	<p>19. (1) The Board of the Council may, by resolution generally or in any particular case, delegate in writing, to a committee or any officer, member of staff or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.</p> <p>(2) A delegation under sub-section (1) shall not prevent the board of the council from exercising the power in question.</p> <p>(3) A delegation under this section -</p>

	<p>(a) shall be subject to such condition as the Board of the Council may impose;</p> <p>(b) shall not divest the Board of the Council of the responsibility concerning the exercise of the powers or the performance of the duty delegated; and</p> <p>(c) may be withdrawn, and any decision made by the person to whom the delegation is made may be withdrawn or varied by the Board of the Council.</p>
Seal of the Council.	<p>20. (1) The common seal of the Council shall be kept in the custody of the Corporation Secretary or such other person as the Council may direct and shall not be used unless upon the order of the Council.</p> <p>(2) The common seal of the Council shall be authenticated by the signature of the Chairperson of the Council or Chief Executive Officer provided that the Council shall in their absence in any particular matter nominate one member of the Council to authenticate the seal or the Council on behalf of the Chairperson of the Council or the Chief Executive Officer.</p> <p>(3) The common seal of the Council shall when affixed to a document and duly authenticated be judicially and officially noticed and unless a contrary is proven, any order or authorization by the Council shall be presumed to have been duly given.</p>
PART III – COORDINATION FRAMEWORK OF SCHOLARSHIPS AND BURSARIES	
Database	<p>21. (1) The Council shall establish and continually update a central and real time data base on administration of scholarships and bursaries in basic education in Kenya.</p> <p>(2) The database shall at minimum provide for the following particulars:</p> <p>(a) name and details of scholarships and bursaries awarding persons or institutions;</p> <p>(b) name and details of the beneficiaries including the learning institution of the beneficiary;</p> <p>(c) the amount of scholarships and bursaries awarded to each beneficiary including the name of person or institutions giving the award; and</p>

	(d) the needy status of applicants.
Determination of Needy Status	<p>22. (1) In determining the level of need of the applicants, the Council shall in liaison with other relevant Government agencies take into consideration the following –</p> <ul style="list-style-type: none"> (a) parental background; (b) gender; (c) school category; (d) family size and composition; (e) marginalization; and (f) any form of disability. <p>(2) The Council shall at all times, and in liaison with relevant Government agencies, continuously update the needy status of the applicants and beneficiaries.</p>
Guiding Criteria on Scholarship and Bursary Award	<p>23. (1) In determining the eligibility of an applicant to benefit from either a scholarship or bursary, and the amount to be awarded, the Council, any institution or person involved in scholarship and bursary administration shall be guided by the criteria set under this Act.</p> <p>(2) For the award of scholarships, the criteria shall include—</p> <ul style="list-style-type: none"> (a) academic excellence; (b) special talents and skills; (c) level of need; (d) affirmative action; (e) the category of school; (f) the amount of fees payable; and (g) whether the applicant is benefiting from any other scholarship or bursaries, including the amount of such benefit. <p>(3) For the award of bursaries the criteria shall include—</p> <ul style="list-style-type: none"> (a) level of need; (b) affirmative action; (c) the category of school; (d) the amount of fees payable; and (e) whether the applicant is benefiting from any other scholarship or bursaries, including the amount of such benefit.

	<p>(4) The Council shall issue such guidelines as shall be necessary to promote fairness, equality and equity in the amount issued for scholarships and bursaries in basic education.</p>
Scholarship and Bursaries Appropriation	<p>24. (1) In the event of a learner receiving a scholarship or bursary in excess of need, the learning institution shall notify the granting institution of the excess amount received and seek guidance on whether to refund the excess amounts or allocate the excess to another eligible learner in the learning institution.</p> <p>(2) Where the granting institution does not wish for the excess amount to be allocated to another eligible learner, the learning institution shall refund the scholarship or bursary granted in excess, to the granting institution.</p>
Reporting Obligations	<p>25. (1) Any such person, institution or entity taking part in the administration of scholarships and bursaries in basic education shall make annual reports to the Council.</p> <p>(2) The annual report submitted to the Council shall cover the particulars of the beneficiaries, the amount awarded to each beneficiary, the learning institutions and their beneficiaries, and the type of award.</p> <p>(3) Without prejudice to sub-section (1), any such person, institution or entity taking part in the administration of scholarships and bursaries in basic education may submit such reports, information, or data as is requested by the Council on an ongoing basis.</p> <p>(4) Learning institutions shall keep accounts and records of all scholarship and bursaries granted in favour of their learners and shall file quarterly reports with the Council on all monies received, and the particulars of the amounts allocated to their learners.</p>
Submission of Reports to the Cabinet Secretary	<p>26. (1) The Council shall on an annual basis prepare a comprehensive report covering the status of administration of scholarships and bursaries in Basic Education and submit the same to the Cabinet Secretary within a period of three (3) months upon close of the calendar year.</p> <p>(2) The report contemplated under sub-section (1) above shall at minimum provide—</p>

	<p>(a) the total amount of scholarships and bursaries awarded in the basic education in any given calendar year;</p> <p>(b) the geographical and ethnic distribution of the Scholarships and bursaries awarded in the basic education in any given calendar year;</p> <p>(c) the statistical analysis of the school category, type and level where the beneficiaries are learning; and</p> <p>(d) a summary of the status of disbursement from National Treasury to the Fund.</p>
Analysis of the Reports by the Council	27. Notwithstanding the provisions of section 24, the Council shall undertake such analysis on the status of administration of scholarships and bursaries in basic education and share such reports with the relevant stakeholders.
Advisories by the Council	28. The Council shall on a continuous basis undertake research on the appropriate modes of administration of scholarships and bursaries, trends, risks, and opportunities within the sector and develop strategic recommendations to the cabinet secretary and relevant stakeholders.
Information Sharing	29. (1) The Council shall establish a mechanism of information sharing with the relevant stakeholders to facilitate the better administration of scholarships and bursaries in basic education. (2) the information sharing mechanism contemplated under sub-section (1) shall include an information system, information sharing procedure, data protection measures, and the cost implications.
Data Protection	30. Any data processed under this Act shall be done in accordance with the provisions of the Data Protection Act.
Cooperation in the Administration and Management of Scholarships and Bursaries	31. (1) Any public or private institution may enter into such written cooperation framework with the Council for management and administration of scholarships and bursaries. (2) The cooperation framework shall detail, the subject matter of cooperation, the obligations of parties to the cooperation, the time the cooperation is to take, the resource requirements to give effect to the subject matter of the cooperation, and dispute resolution mechanism.

	<p>(3) Without prejudice to the generality of sub-sections (1) & (2), the collaboration contemplated under sub-section (1) may be in respect to –</p> <ul style="list-style-type: none"> (a) capacity building; (b) human resource support; (c) information sharing; or (d) systems management.
PART IV - ESTABLISHMENT AND ADMINISTRATION OF THE FUND	
Establishment of the Fund	<p>31. (1) There is hereby established a Fund to be known as the Basic Education Scholarship and Bursaries Fund which shall be managed and administered by the Council.</p> <p>(2) The object and purpose of the fund shall be to provide funds to be used for granting scholarships and bursaries to learners in Basic Education by the Council.</p>
Sources of the Fund	<p>33. (1) There shall be paid into the Fund—</p> <ul style="list-style-type: none"> (a) such monies as may be appropriated by Parliament for the purposes of the Council; (b) such monies or assets as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act; (c) such monies accrued from investment; (d) 2.5 percent of surplus raised from revenues generated by designated public institutions in the basic education sub-sector; (e) such gifts, donations, grants and endowments as may be given to the Council; and (f) Any such other income. <p>(2) There shall be paid out of the fund any expenditure approved by the Council and incurred in connection with the administration of the Fund.</p>
Administration of the Fund	<p>34. (1) Every learner wishing to be considered for the scholarships and bursaries shall make an application to the Council in the prescribed form.</p> <p>(2) Every student who has been awarded a scholarship or bursary shall be issued with a Personal Identification Account Number (P.I.A.N) by the Council.</p>

	<p>(3) Where the Council has resolved to grant a scholarship or bursary to any eligible learner, the Council shall notify the applicant in writing, and require him/her within a specified period not exceeding one month to comply with any conditions which the Council may have imposed or demanded.</p> <p>(4) Where any applicant fails to comply with the requirement of the Council notified to him/her under sub-section (c) within the prescribed period, the application shall be deemed to have lapsed.</p>
Mobilization of Resources	<p>35. (1) The Council shall mobilize resources to augment Government allocation on scholarships and bursaries to ensure sustainability of the Fund.</p> <p>(2) In discharging the mandate in sub-section (1), the Council shall develop and implement appropriate strategies.</p>
Right to Review	<p>36. (1) Where an applicant is dissatisfied with the decision of the Council, he/she shall have a right of review by the Council.</p> <p>(2) A person aggrieved by the decision of the Council made under this Act, may apply to the Council for review within 14 days from the date the decision was made;</p> <p>(3) Despite sub-section (1), the Council may on its own motion review any decision made under this Act on any of the following grounds:</p> <p>(a) a mistake or error apparent on the face of the record; and</p> <p>(b) discovery of new or important matter or information.</p> <p>(4) A person dissatisfied with the decision of the Council upon review may appeal to the Education Appeals Tribunal.</p>
Appeal	<p>37. A person dissatisfied with any decision made under this Act, and where a review mechanism has not been invoked, may appeal to the Education Appeals Tribunal.</p>
Offences and Penalties	<p>38. Any person who –</p> <p>(a) in filling an application form, knowingly make any false statement, whether orally or in writing, relating to any matter affecting his request for a scholarship or bursary; or</p>

	<p>(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</p> <p>(c) is granted a scholarship or bursary based on false information, shall be guilty of an offence and in the case of paragraphs (a) and (b) be liable to a fine of not less than ten thousand shillings or to imprisonment for a term of not less than six months and in the case of paragraph (c) to a fine of not less than one hundred thousand shillings or to imprisonment for a term of not less than three years.</p>
PART V – FINANCIAL PROVISIONS	
Financial Year	39. The financial year of the Council shall be the period of twelve months commencing on the 1st of July and ending on the 30th day of June of the following year.
Annual Estimates	<p>40. (1) The Council shall submit to the Cabinet Secretary an estimate of its income and expenditure during the succeeding financial year six months before the commencement of the financial year.</p> <p>(2) The Cabinet Secretary shall communicate to the Council his approval of the annual estimates at least one calendar month before the commencement of the financial year.</p> <p>(3) The annual estimates shall make provisions for all the estimates of expenditure of the Council for the financial year and shall provide for –</p> <p>(a) the cost of administration of the Council including payment of salaries, allowances, pensions, gratuities and other charges whatsoever payable to the staff and members of the Council;</p> <p>(b) the payment or reimbursement to the members of the Council of monies in respect of expenses incurred during the attendance of the meetings of the Council; and</p> <p>(c) the development and maintenance of any property vested in the Council.</p> <p>(4) Except with the approval of the Cabinet Secretary, no expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under sub-section (3).</p>

Books of Account and Audits	<p>41. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.</p> <p>(2) The Council shall, not more than four months or such longer period as the National Assembly may by resolution appoint after the end of each financial year, cause to be prepared and submitted to the Auditor-General –</p> <p>(a) a balance sheet showing in detail the assets and liabilities of the Council at the end of the financial year;</p> <p>(b) a statement of financial activities, income and expenditure during the financial year; and</p> <p>(c) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Council.</p> <p>(3) The accounts of the Council shall be audited by the Auditor-General.</p>
Investment of Funds	<p>42. The Council may invest any funds of the Fund in securities, treasury bonds, trust funds or any other securities which the National Treasury may from time to time approve.</p>
PART VI – OFFENCES AND PENALTIES	
Misconduct by Officers	<p>43. An officer of the Council who, while performing duties assigned –</p> <p>(a) directly or otherwise solicits for or receives a payment or other reward in contravention of any law;</p> <p>(b) uses his position to enrich himself or others; or</p> <p>(c) enters into any form of agreement to do, or abstain from doing, permit, conceal or conspire contrary to the provisions of the Act, commits an offence and shall be liable, upon conviction, to a fine not exceeding one hundred thousand or to imprisonment for a term not exceeding one year or to both.</p>
False Declaration	<p>44. Any person, officer or agent of the Council, institution or person involved in administration of scholarships and bursaries who knowingly make any false statement or representation, or produces, or furnishes, or causes to be produced, or furnish any document or information which he or she knows to be false in a material particular commits an offence and shall be liable upon conviction, to a fine not exceeding five hundred</p>

	thousand or to imprisonment for a term not exceeding three years or to both.
Unlawful Disclosure of Personal Data	45. Any person or institution who without lawful excuse discloses personal data in any manner that is incompatible with the purpose for which such data has been collected or without lawful excuse discloses personal data processed by the Council without prior authority of the Council, commits an offence in line with the provision of section 72 of the Data Protection Act, 2019 and shall be liable to the penalty provided in section 73 of the Data Protection Act, 2019.
Scholarships and Bursaries Appropriation	46. (1) A person shall not appropriate, attempt to appropriate or conspire to appropriate a scholarship or bursary for any purpose other than the purpose for which it was granted. (2) Any person or institution who contravenes sub-section (1) above commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand or to imprisonment for a term not exceeding three years or to both.
General Penalty	47. Any person guilty of an offence under this Act shall, where no other penalty is prescribed, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years.
PART VII – MISCELLANEOUS PROVISIONS	
Confidentiality	48. (1) Any person having an official duty or being employed in, or in connection with, the administration of this Act shall regard and deal with all documents, information, returns and forms relating to applications for scholarships or bursaries or the granting of scholarships or bursaries under this Act as secret and confidential. (2) Any person having possession of, or control over, or access to, any documents, information, returns or forms relating to a matter referred to in sub-section (1) who communicates anything contained therein— (a) to any person other than a person to whom he is authorized by the Council to communicate it; or (b) otherwise than for the purposes of this Act, shall be guilty of an offence.

Protection from Personal Liability	<p>49. No matter or thing done by the Chairperson or any member of the Council or any officer, employee or agent of the Council shall, if the matter or thing is done bona fide for the purpose of executing any provision of this Act, render the chairperson, member, officer, employee or agent or any person acting on their directions, personally liable to any action, claim or demand whatsoever.</p>
Liability of the Council for Damages	<p>50. The provisions of this Act shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interest caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially of the exercise of such powers.</p>
Regulations	<p>51. The Cabinet Secretary may make regulations generally for the better carrying out the provisions of this Act, and without prejudice to the foregoing, the Cabinet Secretary may make regulations in respect of the following—</p> <ul style="list-style-type: none"> (a) the receipt, processing and approval of applications for scholarships and bursaries and the granting of scholarships and bursaries to learners; (b) the preparation and maintenance of applicant’s records; (c) the withdrawal, recovery and cancellation of scholarships and bursaries already granted; and (d) collaboration with relevant stakeholders.
PART VIII – TRANSITIONAL PROVISIONS	
Council to be the successor of the former Jomo Kenyatta Foundation	<p>52. (1) The Basic Education Scholarships and Bursaries Council shall be the successor of Jomo Kenyatta Foundation.</p> <p>(2) At the commencement of this Act, the Jomo Kenyatta Foundation, established under the Companies Act as a company limited by guarantee, shall be wound up in accordance with the relevant laws.</p>
Transfer of Property, Assets and Liabilities	<p>53. (1) All movable and immovable property and assets which immediately before the commencement of this Act were vested in or possessed by Jomo Kenyatta Foundation shall by virtue of this section vest in the Basic Education Scholarships and Bursaries Council without further conveyance, transfer or assignment.</p>

	<p>(2) All rights, obligations and liabilities which immediately before the commencement of this Act were vested in Jomo Kenyatta Foundation, are deemed to be the rights, obligations and liabilities of the Council.</p> <p>(3) All references to the Jomo Kenyatta Foundation in any agreement or instrument relating to any property, assets, rights, obligations or liabilities transferred under subsections (1) and (2) and subsisting immediately before the commencement of this Act shall, unless the context otherwise requires be read as references to the Council.</p>
Members of the Board of Jomo Kenyatta Foundation	54. A person who is a member of the Board of Jomo Kenyatta Foundation immediately before the commencement of this Act shall remain in office until expiry of their term or six months, whichever is earlier.
Members of Staff of Jomo Kenyatta Foundation	<p>55. (1) All persons who were members of the staff of Jomo Kenyatta Foundation shall be members of the staff of the Council established under this Act and shall be deemed to have been appointed under this Act on the terms and conditions of service applicable to them immediately before the commencement of this Act.</p> <p>(2) All the employees of the Government who were serving at Jomo Kenyatta Foundation shall upon the commencement of this Act be given an option to elect to—</p> <ul style="list-style-type: none"> (a) serve in the Council; (b) retire; or (c) be redeployed in the Public Service within a period of one year.
<p>FIRST SCHEDULE <i>(S 12)</i></p> <p>CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE COUNCIL</p> <p>1. The Board of the Council shall meet as often as necessary for the transaction of business, but not more than three months shall elapse between the date of one meeting and that of the next meeting.</p> <p>2. The Chairperson may at any time, and shall upon written request by a majority of the members, call a special meeting of the Board of the Council.</p>	

3. The Chairperson shall preside at every meeting of the Board of the Council at which he/she is present, but in the absence of the Chairperson the members present may elect one from among their number to preside.
4. The quorum for a meeting of the Board of the Council shall be five members.
5. Unless a unanimous decision is reached, a decision on any matter before the Board of the Council shall be by a majority of the members present, and in the case of an equality of votes the Chairperson or person presiding shall have a casting vote.
6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Board of the Council shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
7. The Board of the Council shall cause the minutes of all proceedings of its meetings to be recorded and kept and shall be signed by the Chairperson or the person presiding at the meeting.