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THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND ACT

(No. 30 of 2015)

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND REGULATIONS, 2016

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THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND ACT

(No. 30 of 2015)

IN EXERCISE of the powers conferred by section 57 of the National Government Constituencies Development Fund Act, 2015, the National Government Constituencies Development Fund Board makes the following Regulations:—

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND REGULATIONS, 2016

1. These Regulations may be cited as the National Government Constituencies Development Fund Regulations, 2016.

Citation.

2. In these Regulations unless the context otherwise requires—

Interpretation.

“Act” means the National Government Constituencies Development Fund Act, 2015;

No.30 of 2015.

“Board” means the National Government Constituencies Development Fund Board established under section 14 of the Act;

“Chairperson” means the chairperson of a Constituency Committee elected under regulation 8;

“Constituency Committee” means the National Government Constituencies Development Fund Committee established under section 43 of the Act;

“Constituency Office” means an office established pursuant to regulations made under the Parliamentary Service Act;

No.10 of 2000.

“financial year” means the period of twelve months ending 30th June in each year;

“Fund” means the National Government Constituencies Development Fund established under section 4 of the Act;

“National Government Constituency office” means the designated office of the National Government Constituencies Development Fund Committee;

“National Assembly Select Committee” means the committee established under section 50 of the Act;

“secretary” means the secretary to a Constituency Committee elected under regulation 9;

“selection panel” means the selection panel established under these Regulations for the purpose of selecting persons for membership to the National Government Constituency Development Fund Committee in accordance with section 43(2) of the Act.

3. (1) The National Assembly shall, within twenty one days after receiving the names of the nominees to the Board from the Cabinet Secretary as provided under section 15 (4) of the Act, deliberate on the list of the nominees in accordance with the principles enshrined in Article 73(2) of the Constitution and the Public Appointments

Approval of
nominees to the
Board.

(Parliamentary Approval) Act 2011, and may approve or reject any of the nominees.

(2) Upon approval of the nominees by the National Assembly, the Cabinet Secretary shall, within fourteen days of receiving the approval, publish the names of the approved nominees in the Gazette.

(3) Whenever a vacancy arises in the membership of the Board, the Cabinet Secretary shall, within fourteen days of the vacancy arising, submit the names of the persons nominated to fill the vacancy to the National Assembly for approval as provided under section 15(4).

4. (1) The Board shall, in recruiting the chief executive officer of the Board under section 20(1) of the Act, ensure that the recruitment is carried out in a transparent and competitive manner.

Recruitment of
Chief Executive
Officer of the Board.

(2) The Board shall finalise the recruitment of the chief executive officer of the Board within sixty days from date of the close of the application period, and shall forward three names of the selected candidates to the Cabinet Secretary for consideration.

(3) The Cabinet Secretary shall, within twenty-one days after receiving the names of the selected candidates from the Board, forward the name of one of the selected candidates to the National Assembly for approval.

(4) The National Assembly shall, within twenty-one days of receipt of the name of the selected candidate from the Cabinet Secretary, under paragraph (3) consider the nomination, and may approve or reject the nomination.

(5) Where the National Assembly approves the nomination under paragraph (4), the Speaker of the National Assembly shall forward the name of the approved person to the Cabinet Secretary for appointment.

(6) The Cabinet Secretary shall, within fourteen days of the approval by the National Assembly, by notice in the Gazette, appoint the person approved by the National Assembly as the chief executive officer of the Board.

(7) Where the National Assembly rejects the person nominated by the Cabinet Secretary, the Speaker of the National Assembly shall, within three days of the decision, communicate the decision of the National Assembly to the Cabinet Secretary and request the Cabinet Secretary to submit a fresh nomination.

(8) The Cabinet Secretary shall submit to the National Assembly a name from the list initially forwarded by the Board within seven days of receipt of the communication from the Speaker.

(9) Where the National Assembly rejects the names of all the persons nominated by the Cabinet Secretary the provisions of paragraph (2) shall apply.

5. (1) The members of a Constituency Committee provided for under section 43(2) (b), (c) and (d) of the Act shall be selected by a selection panel established under paragraph (4) upon an occurrence of a vacancy in the Constituency Committee.

Appointment of
members of
Constituency
Committee.

(2) A vacancy shall occur in Constituency Committee upon—

- (a) commencement of a new parliamentary term;
- (b) dissolution of a Constituency Committee;
- (c) removal of a member of a Constituency committee ; or
- (d) the occurrence of a vacancy in a Constituency Committee.

(3) Upon the occurrence of a vacancy in a Constituency Committee, the Board shall within fourteen days, constitute a selection panel.

(4) The selection panel referred to in paragraph (1) shall consist of—

- (a) one person nominated by the national government official in charge of the sub-county or a designated representative, who shall be the chairperson of the selection panel;
- (b) the Officer of the Board seconded to the Constituency who shall be the secretary to the selection panel; and
- (c) two persons, one of either gender, nominated by the Constituency office.

(5) The officer of the Board seconded to the Constituency shall within fourteen days of the first meeting of the selection panel invite applications from persons who qualify for appointment to a Constituency Committee in accordance with guidelines issued by the Board.

(6) The selection panel shall, within fourteen days of receiving the applications under paragraph (5), consider the applications and shall select five applicants taking into account age, gender, special interest groups and regional balance in accordance with section 43(2)(b)(c) and (d) of the Act.

(7) The officer of the Board seconded to the Constituency shall within seven days of the selection process referred to in paragraph (6) submit to the Board the names of the selected candidates together with the report of the selection panel.

(8) The Board shall co-opt the person referred to in section 43(2)(g) of the Act to ensure equitable representation in the membership of a Constituency Committee.

(9) The Board shall, in writing, request the clerk of the National Assembly to notify the Constituency Office to nominate two persons of either gender, pursuant to section 43(2)(e) of the Act and to forward the names to the Office of the Board seconded to the Constituency.

(10) The Board shall submit the names of the seven persons selected from each Constituency in accordance with section 43(2)(b),(c),(d) and (e) of the Act to the National Assembly for approval.

(11) The Board shall, within fourteen days after receipt of the names approved by the National Assembly, appoint the members of a Constituency Committee by notice in the Gazette.

(12) The selection panel shall stand dissolved upon the appointment of the members of a Constituency Committee.

(13) The Board shall, within fourteen days after gazettelement of the members of a Constituency Committee inform the members of their appointment in writing.

(14) A member of a Constituency Committee who is appointed under section 43 (2) (b), (c), (d), (e) and (g) may at any time resign from office by giving notice, in writing, to the officer of the Board and a copy thereof to the Board.

(15) At least one of the Constituency Committee members appointed under section 43(2)(b)(c) or (d) shall be a mandatory signatory to the Constituency accounts.

6. (1) Subject to the provisions of the Act, a person shall be qualified to be appointed to a Constituency Committee if that person —

Qualifications of members of Constituency Committee.

- (a) is a citizen of Kenya;
- (b) is ordinarily a resident and a voter within the Constituency;
- (c) is able to read and write and to communicate in English and Kiswahili;
- (d) meets the requirements of Chapter Six of the Constitution; and
- (e) is available to participate in the activities of a Constituency Committee.

(2) A person who has previously served in a Constituency Committee constituted under the Fund or served in a leadership position in the Community will have an added advantage.

7. (1) The Officer of the Board seconded to the Constituency shall, in writing, convene the first meeting of a Constituency Committee in the manner provided for under section 43 (6) of the Act.

Conduct of meetings a Constituency Committee.

(2) Constituency Committee shall elect the chairperson and secretary of a constituency committee during its first meeting and shall notify the Board of the appointment.

(3) A person shall qualify to be elected as chairperson or secretary to a Constituency Committee if that person is the holder of a Kenya Certificate of Secondary Education.

(4) The provisions of the Second Schedule to the Act shall, with necessary modifications, apply to the conduct of the business and affairs of constituency committee.

(5) Constituency Committee shall hold its meetings at its designated office, but may hold meetings at a different venue with the approval of the Board.

(6) During its first meeting, a Constituency Committee shall establish two sub-committees necessary for the proper performance of its functions in accordance with the guidelines issued by the Board.

(7) In establishing sub-committees under paragraph (5), a Constituency Committee shall ensure that there is equitable representation in the sub-committees.

(8) A Constituency Committee may invite any public officer or any expert who, in the opinion of the Constituency Committee has expert knowledge in matters relating to the functions of a Constituency Committee to attend any meeting of a Constituency Committees.

(9) The Secretary shall, at the beginning of every financial year, in consultation with the officer of the Board seconded to the Constituency, prepare and table before a Constituency Committee a schedule of the meetings to be held during the year.

(10) The minutes of meetings of a Constituency Committee shall be confirmed by the members and signed by the chairperson in the subsequent meeting.

(11) Minutes that have been confirmed and signed shall be in the custody of the Officer of the Board.

(12) Copies of the minutes referred to in paragraph (9) shall be submitted to the Board within thirty days after the confirmation and execution of the minutes, in the manner prescribed by the Board.

8. (1) There shall be a chairperson of a Constituency Committee who shall be elected by members from among the persons referred to in section 43 (2) (b), (c), or (d), of the Act, and subject to regulation 6 (2) of these Regulations.

Chairperson.

(2) The chairperson of a Constituency Committee shall—

- (a) provide overall leadership to the Constituency Committee;
- (b) approve the agenda of the Constituency Committee meetings;
- (c) preside over meetings of the Constituency Committee;
- (d) carry out consultations with the Officer of the Board seconded to the Constituency and other relevant stakeholders;
- (e) ensure members and staff of the Constituency Committee are properly trained;
- (f) encourage a culture of transparency and teamwork among the members of the Constituency Committee;
- (g) be a signatory to the Constituency Fund Account; and
- (h) co-ordinate the compilation of project status reports every six months.

9. (1) There shall be a secretary to a Constituency Committee who shall be elected by the members from amongst themselves, subject to regulation 6(2) of these Regulations.

Secretary.

(2) The Secretary shall—

- (a) in consultation with the chairperson and the officer of the Board seconded to the Constituency, convene the meetings of the Constituency Committee;

- (b) circulate notices and the agenda of meetings;
- (c) accurately record the proceedings of every Constituency Committee meeting and after confirmation and execution of the minutes, transmit the minutes to the officer of the Board seconded to the Constituency for safe custody.
- (d) provide guidance to the Constituency Committee on management of meetings;
- (e) ensure minutes are readily available during subsequent meetings; and
- (f) ensure and facilitate effective communication amongst the members of the Constituency committee.

10. (1) The members of a Constituency Committee may remove a member in accordance with section 43 (13) and (14) of the Act upon receipt of a complaint against a member.

Removal of a
Constituency
Committee member.

(2) A complaint against a member of a Constituency Committee shall be deposited with the National Government Constituency Office.

(3) The complaint referred to in paragraph (2) shall clearly set out the particulars of the issues complained of.

(4) The Secretary shall convene a special meeting in accordance with these Regulations to deliberate on the complaint, but the member against whom the complaint is raised shall not participate in such a meeting.

(5) If, at a meeting held pursuant to paragraph (4), members determine that sufficient grounds exist requiring the member against whom the complaint is raised to respond to the issues complained of, the secretary shall by notice, require the member to respond to the issues received in the complaint within fourteen days of the date of the notice.

(6) A copy of the complaint and any other grounds of removal shall be attached to the notice issued under paragraph (5).

(7) The member against whom the complaint is raised may be required to respond to the complaint in writing.

(8) The member against whom a complaint is raised may, in addition to the written response required under paragraph (7), elect to be heard orally, and a Constituency Committee may hear such a member.

(9) The member against whom a complaint is made may call witnesses.

(10) If the member against whom a complaint is raised chooses not to submit a response in writing or to attend the hearings, a Constituency Committee may proceed to determine the matter.

(11) Notwithstanding paragraph (10), a Constituency Committee may summon the member against whom the complaint is made to clarify any issue, and such member shall attend the hearing.

(12) If the member against whom a complaint is made fails to respond to the complaint as may be directed by a Constituency Committee, the Committee may proceed and make a determination based on the evidence available.

(13) A Constituency Committee shall issue its decision on the complaint within seven days after the conclusion of the hearing.

(14) If a Constituency Committee resolves to remove the member against whom a complaint is made, the secretary shall communicate the decision of the Constituency Committee to the Board within fourteen days of the decision.

(15) The communication to the Board under paragraph (14) shall include duly executed proceedings, together with all the supporting documents.

(16) The Board shall, within thirty days after receipt of the communication in paragraph (14), consider the matter and issue a final declaration which shall be binding on all parties.

(17) A member against whom a complaint is made shall not participate in the deliberations and activities of a Constituency Committee from the time the Constituency Committee starts considering the complaint.

(18) If a member against whom a complaint is made responds to the allegations to the satisfaction of a Constituency Committee and the committee makes a determination in favour of such member, the member shall resume duties as a member of the Committee.

(19) A Constituency Committee may remove the Chairperson or secretary from their respective positions for failing to perform their functions, under regulations 8 and 9 respectively.

(20) A Constituency Committee shall inform the Chairperson or Secretary of the reasons for the proposed removal, and shall give the Chairperson or Secretary reasonable opportunity to be heard.

(21) A Chairperson or secretary who is removed pursuant to paragraph (19) shall continue to discharge duties as a member of the Constituency Committee.

(22) At least two thirds of the total membership of a Constituency Committee shall be required to remove the Chairperson or secretary from office.

11. (1) The functions of a Constituency Committee shall be to—

- (a) build the capacity of project management committees and sensitize the Community on the operations of the Fund;
- (b) consider all project proposals from all wards in the Constituency and any other projects which a Constituency Committee considers beneficial to the Constituency;
- (c) ensure that all proposed projects that are approved for funding meet the requirements of section 24 of the Act;

Functions of
Constituency
Committee.

- (d) ensure that project proposals submitted to the Board include detailed budget proposals, procurement plans and work plans;
- (e) in approving a project and before submitting the project to the Board for consideration, satisfy itself and make a declaration to the effect that such project (works and services) fall within the functions of the National Government under the Constitution;
- (f) consult with relevant government departments to ensure that cost estimates for projects are realistic;
- (g) in considering joint projects, ensure that the participating constituencies enter into negotiations for effective implementation of such projects;
- (h) subject to the provisions of the Act and these Regulations, enter into a memorandum of understanding with collaborating partners, detailing all aspects of funding and implementation, before respective constituencies approve such a project for joint funding;
- (i) rank projects proposals in order of priority while ensuring that on-going projects take precedence;
- (j) ensure that all projects receive adequate funding and are completed within three years;
- (k) where a project involves purchase of a parcel of land or a building, ensure that the ownership thereof is duly verified and ownership documents authenticated with relevant government agencies;
- (l) ensure that projects proposed for funding fulfil the requirements provided in the Act and relevant circulars issued by the Board;
- (m) monitor the implementation of projects in accordance with the monitoring and evaluation framework prescribed by the Board;
- (n) ensure that project reports are prepared and submitted to the Board;
- (o) ensure formation of project management committees, opening of project accounts, project implementation and closure of projects;
- (p) ensure that the principles of public finance as provided for under Chapter Twelve of the Constitution and the Public Finance Management legislation are observed in the management of the Fund;
- (q) submit financial statements to the Board within sixty days of the end of the financial year to enable the Board comply with section 39(4) of the Act;

- (r) collaborate with the officer of the Board seconded to the Constituency in the management of the Fund, including the keeping of proper records and maintenance of books of account in accordance with section 38(b) of the Act;
- (s) recommend to the Board the removal of a committee member in accordance with section 43(13) and (14) of the Act;
- (t) submit to the Board the report stipulated in section 5(5) of the Act, which report shall contain—
 - (i) a list of all the new projects commenced during the financial year and their completion status; and
 - (ii) a list of all projects approved, funded and commenced during previous financial years, and their completion status;
- (u) enter into performance contracting with the Board on an annual basis;
- (v) in exercising its discretion under section 32 of the Act, be guided by the principles of governance enshrined in Article 10 of the Constitution;
- (w) receive returns from project management committees in accordance with regulation 15;
- (x) maintain a database of project management committees and reports from the respective committees;
- (y) ensure that the reports referred to in paragraph (x) are received before funding is released for each phase of the project being implemented;
- (z) record the names of all the signatories of the accounts of a project management committee as communicated to a Constituency Committee by the project management committee upon assumption of office;
- (aa) receive and address all complaints concerning the implementation of projects and collectively respond to audit queries concerning the Fund at the Constituency level;
- (bb) ensure that the committee does not enter into commitments for which funding has not been allocated;
- (cc) ensure projects are labelled in accordance with the guidelines issued by the Board; and
- (dd) perform any other function assigned to it by the Board.

12. (1) A person may present a petition to the Board for removal of a member of a Constituency Committee or for the dissolution of a Constituency Committee.

(2) A person who presents a petition to the Board for the dissolution of a Constituency Committee under section 44 of the Act shall attach appropriate supporting documents to the petition.

(3) In making a determination on a petition presented against a

Dissolution of
Constituency
Committee.

Constituency Committee, the Board request upon the petitioner to provide more information in support of the petition.

(4) The Board may summon a petitioner to give oral evidence and to substantiate issues alleged to have been committed on the crime.

(5) Upon considering a petition, the Board may dissolve a Constituency Committee in accordance with section 44 (3) of the Act.

(6) The Board may, while a petition is under consideration, suspend a Constituency Committee for an initial period of thirty days, but for not more than sixty days.

(7) The Board shall, during the proceedings referred to in this regulation, ensure that the rules of natural justice and evidence are observed and adhered to by all parties.

13. The Chairperson may, in consultation with local leaders convene open forum meetings under section 27 of the Act, and shall publicise such meetings so as to reach as many constituents as possible.

Open forum
meetings.

14. (1) Subject to section 28 of the Act, a Constituency Committee shall ensure that approved projects proposals are submitted to the Board within the specified period.

Submission of
project proposals.

(2) If a Constituency Committee fails to submit the list of Constituency based projects proposals to the Board within the specified period the Chairperson of a Constituency Committee shall write to the Board, before the lapse of the stipulated time—

- (a) explaining the circumstances that may lead to delayed submission of projects proposals; and
- (b) indicating the time frame within which the list of Constituency based projects referred to under section 28(2) of the Act shall be submitted to the Board.

(3) If the Chairperson fails to notify the Board as required in paragraph (2), such failure shall amount to gross misconduct and section 43 (13) and (14) of the Act shall apply.

(4) A Constituency Committee whose projects have not been approved by the Board in accordance with section 31(3) of the Act may resubmit such projects for reconsideration by the Board, subject to fulfilling conditions that may be specified by the Board.

15. (1) There shall be appointed a project management committee for each project in a Constituency in accordance with section 36 of the Act which shall—

Project Management
Committees.

- (a) implement projects in consultation with the relevant departments of government;
- (b) maintain proper records of all minutes, accounting documents and other records in relation to projects being implemented;
- (c) open and maintain an independent bank account for each project;
- (d) prepare returns and file them with a Constituency Committee

on a timely basis;

- (e) account for funds to a Constituency Committee; and
- (f) undertake project closure, labelling and handover upon completion.

(2) A project management committee shall prepare and submit hand over reports to a Constituency Committee.

(3) The Board shall provide guidelines on the format in which records of the project management committee, withdrawals from project management committee accounts and handover reports shall be kept.

(4) A project management committee shall prepare—

- (a) the requisite budgets and bills of quantities, assisted by relevant government officers; and
- (b) work plans showing how it intends to utilize the funds given to it for implementing the project,

which shall be approved by a Constituency Committee before the funds are released.

(5) A project management committee shall account to a Constituency Committee for funds allocated to it.

(6) A Constituency Committee shall not convert itself into a project management committee.

(7) Despite paragraph (6), a Constituency Committee may implement a project where the project involves—

- (a) construction of a Constituency office; or
- (b) procurement of equipment, including motor vehicles, for the exclusive use of a Constituency Committee.

(8) Any payments due in the course of the implementation of the projects referred to in paragraph (7) shall be made through the Constituency account.

(9) A Constituency Committee shall maintain accurate records of every project being undertaken within a particular Constituency, whether such project is fully or partly funded.

(10) The Officer of the Board seconded to the Constituency shall—

- (a) keep a record of the bank accounts opened by a project management committee; and
- (a) table a quarterly report to a Constituency Committee on the status of the project management committee accounts.

16. (1) The management committees of institutions in which Constituency Development Fund funded projects are undertaken shall serve as the project management committees for such institutions, and shall open separate bank accounts for the said funds.

(2) A Constituency Committee shall, upon approval of a

Appointment of
members of project
management
committees.

proposed project by the Board, inform the relevant institution and community of the approval.

(3) Where a project was not managed by a project management committee, the Constituency Committee shall require the Community to form a project management committee, which shall—

- (a) consist of not more than five members;
- (b) have not more than two-thirds of the members being of the same gender; and
- (c) consist of members who meet the principles enshrined under Article 10 and Chapter Six of Constitution.

(4) Upon the formation of the management committee referred to in paragraph (2), the members of the management committee shall forward to a Constituency Committee, minutes documenting their election to the management committee, accompanied by copies of the registration certificate and the constitution of the management committee.

(5) The officer of the Board seconded to the Constituency shall after receiving the documents referred to in paragraph (3), in writing inform the members of their duties and obligations under these Regulations, and various statutes and guidelines issued by the Board.

(6) The project management committee shall, within seven days of receipt of the communication referred to in paragraph (4), convene a meeting at which a chairperson, secretary and treasurer shall be elected by the members of the management committee.

(6) The officials elected pursuant to paragraph (5) shall be the signatories to the project's bank account.

17. (1) A Constituency Committee may remove a member or members of a project management committee for—

- (a) failure to maintain proper records of minutes of meetings, accounting documents and other records of a project;
- (b) failure to prepare and file returns with a Constituency Committee as required;
- (c) failure to account for funds when required by a Constituency Committee;
- (d) causing disharmony within the project management committee;
- (e) misappropriation of funds;
- (f) gross misconduct;
- (g) promotion of unethical practices; or
- (h) any other justifiable cause.

(2) The removal of a member or members of a project management committee may be initiated by a Constituency Committee, the relevant Community or other stakeholders.

(3) If a majority of the members of a project management

Removal of
members of project
management
committees.

committee are removed in accordance with paragraph (2) and there exist management committees of institutions in which Constituency Development Fund funded projects are being undertaken, the Constituency Committee may immediately suspend funding to such projects.

(4) The officer of the Board seconded to Constituency shall report the suspension of funding under paragraph (3) to the authorities in charge of administering the institutions, and require the authorities to address the instances complained of before resumption of funding to the project.

(5) The removal of a member of a project management committee shall be based on evidence supporting the grounds specified in paragraph (1), and the accused member shall be afforded an opportunity for a fair hearing before removal.

(6) The removal of a member of a project management committee shall be subject to the approval of the Board.

18. (1) A Constituency Committee may engage staff in accordance with section 45 of the Act through a transparent and competitive process.

Constituency
Committee
employees.

(2) In the performance of their duties under the Act and these Regulations, the staff of a Constituency Committee shall be responsible to the Constituency Committee through the officer of the Board seconded to the Constituency.

(3) The officer of the Board seconded to the Constituency shall regularly update the records of the staff of a Constituency Committee, and shall, whenever required, make such records available to the Board.

(4) The officer of the Board seconded to the Constituency shall ensure that all employees are paid on time, and all statutory deductions are promptly remitted to the relevant authorities.

(5) A Constituency Committee shall observe the provisions of Article 27 (8) of the Constitution and section 45 of the Act when hiring staff.

(6) The Board may issue guidelines with regard to the hiring and retention of Constituency Committee staff to ensure the smooth operation of a Constituency Committee.

(7) A Constituency Committee shall ensure that its staff discharge their duties effectively and efficiently.

19. (1) Where an account is established for the purpose of a joint project or joint procurement, the mandatory signatories to the account shall be—

Disbursements from
the Fund.

- (a) the Officer of the Board seconded to the Constituency from the respective Constituencies;
- (b) the accountant in charge of the Fund, from each of the constituencies; and

(c) one signatory from each of a Constituency Committees undertaking the joint project.

(2) In the event of any dispute with regard to the signatories to the account, the Board shall specify the signatories and inform the Constituencies undertaking the joint project or joint procurement.

(3) The returns referred to in section 5(5) of the Act shall be made in the format prescribed by the Board.

20. (1) A Constituency Committee shall ensure that the emergency reserve is utilized in accordance with the provisions of sections 24, 25 and 48 of the Act.

Emergency reserve.

(2) The utilization of the emergency reserve shall be reported to the Board within thirty days of the occurrence of the emergency, in the format prescribed by the Board.

21. (1) A Constituency Committee may support social security programmes in accordance with the provisions section 48 of the Act.

Social security programmes under section 48 of the Act.

(2) The programmes referred to in paragraph (1) shall support constituents living within a Constituency but the support shall not include personal cash awards.

(3) A Constituency Committee shall vet all persons proposed to receive support in accordance with guidelines issued by the Board.

(4) A Constituency Committee shall, in supporting social security programmes under this regulation, consult with the relevant national government agencies.

(5) A Constituency Committee shall allocate not less than twenty five percent of the funds allocated to a constituency for bursaries.

22. The Board shall submit its annual budget to the Cabinet Secretary for approval as provided under section 23 (1) of the Act, and a copy thereof to the National Treasury.

Finances of the Board.

23. (1) In exercising administrative supervision over the Officer of the Board seconded to the Constituency under section 22 (2) of the Act, a Constituency Committee shall have due regard to the employment laws applicable to the contract of employment of the Officer of the Board.

Supervision of officer of the Board seconded to the Constituency

(2) Whenever the Officer of the Board seconded to the Constituency intends to be absent from the Constituency, the officer of the Board shall, in writing, inform the Chairperson of a Constituency Committee of such absence, and in the absence of the Chairperson shall, inform the Secretary.

(3) Whenever the Officer of the Board is absent from the Constituency, the Officer of the Board shall ensure that a copy of the written communication in paragraph (2) is forwarded to—

(a) the Board;

(b) the Regional Coordinator: and

- (c) the Officer of the Board responsible for the Officers of the Board seconded to constituencies.

24. (1) The Officer of the Board seconded to the Constituency shall preside over the handover from one Constituency Committee to another, and shall submit a report on the handover to the Board within fourteen days from the date of the hand over.

Handing over of Constituency Committees.

(2) The handover referred to in paragraph (1) shall be in accordance with guidelines issued by the Board.

25. (1) The Officer of the Board seconded to the Constituency shall prepare a detailed budget, procurement plan and work plan for the year, for the National Government Constituency Development Fund Committee Office, and shall, within the first quarter of a new financial year, present them to the Committee for approval.

Budgets, procurement plans and work plans of Constituency Committee.

(2) A Constituency Committee shall not incur expenditure unless such expenditure is supported by an approved work plan, a procurement plan and a budget.

(3) The approved work plan, procurement plan and budget referred to in paragraph (2) shall be separate documents and not components of each other, thereby forming attachments to the minutes of the meeting where deliberations were made.

(4) A Constituency Committee may, under special circumstances and after the second quarter of the financial year, revise the budget, procurement plan and work plan referred to in paragraph (1).

(5) The Officer of the Board seconded to the Constituency shall, at the end of every financial quarter, submit returns to the Board showing the utilization of funds referred to in paragraph (1), in a format prescribed by the Board.

26. (1) The Board shall issue guidelines for the monitoring and evaluation of projects pursuant to the provisions of the Act.

Monitoring and evaluation of projects.

(2) A Constituency Committee shall carry out monitoring and evaluation of projects at regular intervals and shall submit reports on the monitoring and evaluation exercise in accordance with the guidelines issued under paragraph (1).

(3) A Constituency Committee shall put in place measures to ensure sustainability of projects funded under the Act.

27. (1) The public procurement and disposal laws shall apply with respect to any procurement by a Constituency Committee or project management committee.

Procurement by Constituency Committees and project management committees.

(2) The membership of the Tender Committee of the Fund shall be in accordance with the provisions of the public procurement laws.

(3) A Constituency Committee shall, in undertaking procurement activities, ensure that the process is fair, equitable, transparent, competitive and cost effective.

28. (1) Any accruing revenues, interest and liabilities from any Constituency account realized pursuant to section 12(9) of the Act, shall be declared and deposited in the Constituency bank account.

Constituency
Committee accounts.

(2) A Constituency Committee shall, upon realization of the funds referred to in paragraph (1), seek approval from the Board to utilize of the funds in the manner prescribed in the Act.

29. (1) A project management committee shall only open a bank account in accordance with a resolution of a Constituency Committee and upon official introduction to the Bank by the Officer of the Board.

Opening of bank
accounts by project
management
committees.

(2) Any change of signatories of a bank account by the project management committee shall be recorded in the minutes with reasons thereof and forwarded to a Constituency Committee.

(3) A Constituency Committee shall ensure that the project management committee opens a bank account in an approved bank for each approved project.

(4) The project management committee shall, by a resolution recorded in the minutes of the committee, appoint signatories to its bank account.

(5) Every payment out of the project management committee accounts shall be—

- (a) on the basis of a resolution recorded in the minutes of a meeting of the project management committee; and
- (b) accompanied by a cheque or a payment confirmation schedule issued in accordance with the guidelines issued by the Board.

(6) Payment for all projects that are implemented directly by a Constituency Committee shall be made out of the Constituency Fund account opened in accordance with the provisions of the Act.

30. All communications of a Constituency Committee, other than the project submission forms, shall be originated by the Officer of the Board seconded to the Constituency or the secretary of the Committee.

Communication.

31. (1) A Constituency Committee shall establish and maintain a complaints register in respect of all complaints received with regard to the operations of the Fund in the Constituency, and shall forward a status report of the complaints to the Board at the end of each quarter in a financial year.

Complaint and
dispute resolution.

(2) A Constituency Committee shall address all complaints made to it before forwarding the complaints to the Board.

(3) A complainant shall, in forwarding a dispute to the Board for consideration, demonstrate efforts made to have the matter resolved at the Constituency level.

(4) A Constituency Committee shall, as much as possible, ensure and demonstrate the effort made towards resolving a complaint at the Constituency level.

(5) A Constituency Committee shall maintain a clearly marked and secured complaints submission box in accordance with guidelines issued by the Board.

(6) The Board shall issue guidelines to a Constituency Committee on mechanisms and procedures for handling complaints and litigation.

32. (1) A Constituency Committee shall have one designated office within the Constituency which shall be easily accessible to the public.

Constituency
Committee office.

(2) An Officer of the Board seconded to the Constituency shall be the custodian of a Constituency Committee Office.

33. The Cabinet Secretary shall, with the approval of the National Assembly Select Committee on National Government Constituencies Development Fund, issue guidelines on allowances payable to members of a constituency committee and other government officers involved in the management of the Fund.

Allowances.

34. (1) A Member of Parliament shall, upon appointing the members of the Constituency Oversight Committee, forward the particulars of the appointees to the Officer of the Board seconded to the Constituency for the purposes of recording the same.

Constituency
Oversight
Committees.

(2) A Constituency Oversight Committee established under section 53 of the Act shall perform its functions in the furtherance of community oversight over the Fund.

(3) A member of the Constituency Oversight Committee may attend meetings of a Constituency Committee and any views and recommendations expressed by such member shall be given due consideration by a Constituency Committee.

(4) The Constituency Oversight Committee shall be facilitated in performance of its activities by the funds allocated for Monitoring and Evaluation, provided that not more than one percent of the allocated funds shall be used for that purpose.

(5) The Constituency Oversight Committee may request for information from a Constituency Committee in writing, specifying the reasons for which such information is sought.

YUSUF MBUNO,
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National Government Constituencies Development Fund Board.

