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REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION – 2022  
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON-  
THE RECRUITMENT OF THE NATIONAL ASSEMBLY'S NOMINEE TO  
SERVE ON THE EQUALIZATION FUND ADVISORY BOARD

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 FEB 2022	
DAY: Wed	
TABLED BY:	Hon. David Mbow Member, Finance Committee
CLERK-AT THE-TABLE:	Samuel Kalama

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

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## LIST OF ABBREVIATIONS AND ACRONYMS

CS	-	Cabinet Secretary
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
KRA	-	Kenya Revenue Authority
ORPP	-	Office of the Registrar of Political Parties



## LIST OF ANNEXURES

1. Report Adoption Schedule
2. Minutes ( 1<sup>st</sup>, 2<sup>nd</sup> and 7<sup>th</sup> sittings)
3. Speaker's Communication on the request by the National Treasury for the National Assembly to nominate a person to serve as a member of the Equalization Fund Advisory Board
4. Letter from the Cabinet Secretary, National Treasury requesting the National Assembly to Nominate a person to the Equalization Fund Advisory Board
5. The Public Finance Management (Equalization Fund Administration) Regulations, 2021
6. Print media advertisement inviting applications from suitably qualified persons wishing to be nominated by the National Assembly to the membership of the Equalization Fund Advisory Board.
7. Print media publication of the shortlisted candidates for the position of National Assembly's nominee to the Equalization Fund Advisory Board.
8. Letters inviting the shortlisted candidates for interview
9. Letters to KRA, EACC, DCI, HELB and ORPP requesting for information on the shortlisted candidates
10. Clearance letters from KRA, EACC, DCI, HELB and ORPP
11. Curriculum Vitae, Academic Certificates and other testimonials of the recommended nominee

## CHAIRPERSON'S FOREWORD

This report details the process followed by the Departmental Committee on Finance and National Planning in interviewing and recommending for appointment the National Assembly's nominee to serve as a member of the Equalization Fund Advisory Board pursuant to Regulation 4(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

The Public Finance Management (Equalization Fund Administration) Regulations, 2021 were published by the Cabinet Secretary for the National Treasury and Planning on 29<sup>th</sup> April 2021 vide Legal Notice No. 54 of 2021, pursuant to section 205(1) of the Public Finance Management Act, 2012. The Regulations were approved by Parliament on 12<sup>th</sup> October 2021. The Regulations provide a framework for the administration and management of the Equalization Fund.

Paragraph 4 (1) of the regulations provide for the establishment of the Equalization Fund Advisory Board, whose membership among others comprises one person from pastoralist communities nominated by the National Assembly.

Through a letter dated 25<sup>th</sup> October 2021, the Cabinet Secretary for National Treasury and Planning asked the National Assembly to nominate a member to serve in the Equalization Fund Advisory Board for subsequent appointment in accordance with Regulation 4(1)(d) and Regulation 4 (2) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021. The Hon Speaker conveyed the message from the Cabinet Secretary to the House on Tuesday, 9<sup>th</sup> November 2021. Thereafter, the Speaker referred the matter to the Departmental Committee on Finance and National Planning to undertake the nomination process competitively and report to the House within set timelines for final determination and subsequent appointment of the nominee by the National Treasury, Cabinet Secretary. The Hon Speaker further advised the Committee to constitute a selection panel to undertake the nomination process.

While inviting applicants for the position, the Committee through Office of the Clerk of the National Assembly placed an advertisement in the print media of Thursday, 18<sup>th</sup> November 2021. The applications were to be received on or before Wednesday, 1<sup>st</sup> December 2021 at 5.00 p.m. (East African Time).

At the close of the application period, the Committee received applications from the following nine (9) applicants:

- i. Ms. Sophia Yusuf Gure;
- ii. Mr. Borniface Otieno;
- iii. Mr. Jarso Guyo Mokku;
- iv. Mr. Mohamed Ali Farah;
- v. Ms. Nancy Oundo Dalla;
- vi. Mr. Mohamed Juma Abdi;
- vii. Mr. Abdullahi Adan Khalif;
- viii. Ms. Fowzia Ibrahim Sheikh; and
- ix. Mr. Victor Poghisio Mengich

After long-listing of the applicants, the Committee undertook shortlisting where it took into account the following qualifications for application as set out in the advertisement:

- i. One must be from a pastoralist community;
- ii. be a Kenyan citizen;



- iii. hold a degree from a university recognised in Kenya;
- iv. have at least five years' professional experience in a relevant field; and
- v. meet the requirements of Chapter Six of the Constitution.

While shortlisting, the Committee scrutinized application documents and established that all applicants submitted their applications within set timelines and met the above requirements, except Mr. Boniface Otieno and Ms. Nancy Oundo Dalla, who did not meet the requirements within the definition of "*pastoralist community*".

Based on the criteria provided by the Public Finance Management (Equalization Fund Administration) Regulations, 2021, the following applicants were shortlisted for nomination for appointment to the position:

- i. Ms. Sophia Yusuf Gure;
- ii. Mr. Jarso Guyo Mokku;
- iii. Mr. Mohamed Ali Farah;
- iv. Mr. Mohamed Juma Abdi;
- v. Mr. Abdullahi Adan Khalif;
- vi. Ms. Fowzia Ibrahim Sheikh; and
- vii. Mr. Victor Poghio Mengich

The names of the shortlisted applicants were published in the print media on Monday, 17<sup>th</sup> January 2022. Through the advertisement, the public was invited to submit by way of memoranda on oath, any information on the suitability of any of the shortlisted applicants to serve as a member of the Equalization Fund Advisory Board.

The Committee also wrote to the Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the shortlisted candidates.

The Committee thereafter developed and adopted an interview tool for nomination of applicants for appointment to the position. In this regard, the Committee adopted an interview score sheet to assess applicants during the interview process. The candidates were interviewed on 26<sup>th</sup> January 2022.

### **Committee Recommendation**

Upon consideration and determination of the interview results, the Committee recommends that the House nominates **Mr. Abdullahi Adan Khalif** for appointment by the National Treasury Cabinet Secretary to serve on the Equalization Fund Advisory Board in accordance with Regulation 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

### **Acknowledgements**

The Committee thanks all the nine applicants who submitted their applications for expressing interest in serving as members of the Equalization Fund Advisory Board. The Committee also thanks KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the shortlisted candidates.

Further, the Committee thanks the Offices of the Speaker, the Clerk of the National Assembly and its Secretariat for the logistical and technical support accorded during the recruitment process. May I acknowledge and appreciate Committee Members for their patience, sacrifice and commitment which enabled the Committee to complete the task.

Finally, it is my pleasant duty and privilege on behalf of the Departmental Committee on Finance and National Planning to present to the House, the Committee's report on recruitment of the National Assembly's nominee to serve on the Equalization Fund Advisory Board.

**Hon. Gladys Wanga, CBS, MP**

**Chairperson, Departmental Committee on Finance and National Planning**

## CHAPTER ONE

### 1 PREFACE

#### 1.1 Establishment of the Committee

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. To study and review all the legislation referred to it;*
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
- vii. To examine treaties, agreements and conventions;*
- viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- x. To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.
3. In executing its mandate, the Committee oversees the following government Ministries and Departments:
  - i. National Treasury and Planning
  - ii. State Department for Devolution
  - iii. Commission on Revenue Allocation
  - iv. Office of the Controller of Budget
  - v. Salaries and Remuneration Commission



### 1.3 Committee Membership

4. The Departmental Committee on Finance and National Planning was reconstituted by the House in July 2020 and comprises of the following Members:

#### **Chairperson**

Hon. Gladys Wanga, CBS, MP  
Homabay County

#### **ODM Party**

#### **Vice-Chairperson**

Hon. Isaac W. Ndirangu, MP  
Roysambu Constituency

#### **Jubilee Party**

#### **Members**

Hon. Jimmy O. Angwenyi, MGH, MP  
Kitutu Chache North Constituency

#### **Jubilee Party**

Hon. Christopher Omulele, CBS, MP  
Luanda Constituency

#### **ODM Party**

Hon. Shakeel Shabbir Ahmed, CBS, MP  
Kisumu East Constituency

#### **Independent Member**

Hon. Daniel Nanok, MP  
Turkana West Constituency

#### **Jubilee Party**

Hon. (Dr.) Christine Ombaka, MP  
Siaya County

#### **ODM Party**

Hon. Andrew Okuome, MP  
Karachuonyo Constituency

#### **ODM Party**

Hon. David Mboni, MP  
Kitui Rural Constituency

#### **CCU Party**

Hon. Francis K. Kimani, MP  
Molo Constituency

#### **Jubilee Party**

Hon. Joseph Oyula, MP  
Butula Constituency

#### **ODM Party**

Hon. Joshua Kandie, MP  
Baringo Central Constituency

#### **MCC Party**

Hon. Stanley Muthama, MP  
Lamu West Constituency

#### **MCC Party**

Hon. Edith Nyenze, MP  
Kitui West Constituency

#### **WDM-K**

Hon. Catherine Waruguru, MP  
Laikipia County

#### **Jubilee Party**

Hon. James Gichuhi Mwangi, MP  
Tetu Constituency

#### **Jubilee Party**

Hon. (Prof.) Mohamud Muhamed, MP  
Wajir South Constituency

#### **Jubilee Party**

Hon. Peter Lochakapong, MP  
Sigor Constituency

#### **Jubilee Party**

Hon. Qalicha Gufu Wario, MP  
Moyale Constituency

#### **Jubilee Party**

#### **1.4 Committee Secretariat**

5. The Committee is facilitated by the following Secretariat:

Ms. Leah W. Mwaura  
**Senior Clerk Assistant/Head of Secretariat**

Ms. Jennifer Ndeto  
**Principal Legal Counsel 1**

Ms. Laureen O. Wesonga  
**Clerk Assistant II**

Mr. Josephat Motonu  
**Senior Fiscal Analyst**

Mr. Chelang'a Maiyo  
**Research Officer II**

Mr. Luka Mutua  
**Serjeant-At-Arms**

Ms. Christine Maeri  
**Audio Officer**

## CHAPTER TWO

### 2 BACKGROUND

#### 2.1 Public Finance Management (Equalization Fund Administration) Regulations, 2021

6. The Public Finance Management (Equalization Fund Administration) Regulations, 2021 were published by the Cabinet Secretary for the National Treasury and Planning on 29<sup>th</sup> April 2021 vide Legal Notice No. 54 of 2021, pursuant to section 205(1) of the Public Finance Management Act, 2012. The Regulations were subsequently approved by Parliament on 12<sup>th</sup> October 2021 pursuant to section 205(4) and (6) of the Public Finance Management Act.
7. The Regulations seek to provide a framework for the administration and management of the Equalization Fund.

##### 2.1.1 Establishment of the Equalization Fund Advisory Board

8. Paragraph 4 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021 provide for the establishment of the Equalization Fund Advisory Board as follows:

*"4(1) There is established an advisory board to be known as the Equalization Fund Advisory Board which shall comprise of:*

- a. Chairperson;*
- b. Principal Secretary for National Treasury or his/her representative designated in writing;*
- c. Principal Secretary responsible for matters relating to devolution or his/her representative designated in writing;*
- d. One person from the pastoralist community nominated by the National Assembly;*
- e. One person nominated by the Senate;*
- f. One person nominated by the Council of Governors drawn areas defined as marginalised;*
- g. The Chief Executive Officer; and*
- h. Three persons nominated from organisations working in Equalization Fund beneficiary counties and special interest groups appointed by the Cabinet Secretary.*

*(2) All persons nominated under sub-regulation (1), paragraphs (d), (e), (f) and (h) shall be appointed by the Cabinet Secretary".*

9. Paragraph 5 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, further provides as follows with respect to the qualifications of an appointee to the Equalization Fund Advisory Board:

*"5. a person is qualified for appointment under regulation 4(1) (a), (d), (e) (f) and (h) if that person:*

- a. is a citizen of Kenya;*
- b. holds a degree from a university recognised in Kenya;*
- c. has at least five years' professional experience in a relevant field; and*
- d. meets the requirements of Chapter Six of the Constitution".*



### **2.1.2 Functions of the Board**

10. The functions of the Equalization Fund Advisory Board are provided under paragraph 8 of the Regulations as to:

- a. Advise and make recommendations to the CS on the distribution of resources for the provision of the basic services to the marginalized areas under Article 204 of the Constitution;*
- b. Appraise and evaluate projects proposed under the workplans submitted by county technical committees to ensure compliance with the Constitution and the recommendations issued by the Commission on Revenue Allocation;*
- c. Make recommendations on the priority areas requiring financing and implementation in accordance with the workplans considered under paragraph (b);*
- d. Oversee, in consultation with the county governments, the implementation of the projects to ensure compliance with the Constitution;*
- e. Monitor and evaluate the projects implemented by county governments using equalization funds to determine their impact in addressing the factors contributing to the marginalization of the areas identified in the counties;*
- f. Put in place measures to ensure transparency and accountability in the implementation of equalization fund projects by county governments;*
- g. Establish a framework for collaboration between the national government and county governments in the implementation of projects in line with the Constitution;*
- h. Review the consolidated quarterly reports prepared by the Secretary on the implementation of the projects and make recommendations to the CS on performance improvement;*
- i. Review and propose the annual estimates of expenditure of the Fund for approval by the CS; and*
- j. Undertake project public participation in line with Article 201 of the Constitution.*

### **2.2 Communication from the Cabinet Secretary, National Treasury and Planning**

11. The Cabinet Secretary, National Treasury and Planning by letter reference IGFR/EF/01/VOL.1/(44) dated 25<sup>th</sup> October 2021 requested the National Assembly to nominate its member to serve on the Equalization Fund Advisory Board in accordance with Regulation 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

### **2.3 Communication from the Speaker**

12. Vide a communication on Tuesday, 9<sup>th</sup> November 2021, the Speaker informed the National Assembly of the request by the Cabinet Secretary for the National Assembly to nominate a member to serve on the Equalization Fund Advisory Board in accordance with Regulation 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

13. While referring the matter to the Departmental Committee on Finance and National Planning, the Speaker directed that the Committee converts itself into a selection panel and undertakes an exercise to competitively recruit and interview suitable candidates. The Speaker further directed the Committee to submit its report on the exercise to the House within set timelines for consideration and subsequent appointment by the Cabinet Secretary

## CHAPTER THREE

### 3 SHORTLISTING CRITERIA

14. Pursuant to Regulation 4(1) (d) of the Regulations, the Committee through the Office of the Clerk of the National Assembly placed an advertisement in the print media on 18<sup>th</sup> November 2021 calling for applications from qualified members of the public interested in filling the vacancy in the membership of the Equalization Fund Advisory Board.
15. At the close of the application period, a total of nine (9) applications were received from the following applicants:
  - a. Ms. Sophia Yusuf Gure;
  - b. Mr. Borniface Otieno;
  - c. Mr. Jarso Guyo Mokku;
  - d. Mr. Mohamed Ali Farah;
  - e. Ms. Nancy Oundo Dalla;
  - f. Mr. Mohamed Juma Abdi;
  - g. Mr. Abdullahi Adan Khalif;
  - h. Ms. Fowzia Ibrahim Sheikh; and
  - i. Mr. Victor Poghisio Mengich
16. While shortlisting applicants, the Committee took into account the application criteria set out in the advertisement as follows:
  - a. be from a pastoralist community;
  - b. be a Kenyan citizen;
  - c. hold a degree from a university recognised in Kenya;
  - d. have at least five years' professional experience in a relevant field; and
  - e. meet the requirements of Chapter Six of the Constitution.
17. To determine whether the applicants meet the requirements of Chapter Six of the Constitution on Leadership and Integrity, they were required to attach to their applications, copies of their academic and professional certificates, testimonials and current clearances from Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP).
18. The provisions of Chapter Six of the Constitution demand that those aspiring to hold public office must be beyond reproach in order to promote good governance and observance of the rule of law in public institutions. The Committee therefore unanimously agreed that the clearances were an illustration of an applicant's adherence to ethics and integrity. Further, they demonstrate if a person has regard for the values, principles and requirements of the Constitution.
19. After the shortlisting exercise, Mr. Borniface Otieno and Ms. Nancy Oundo Dalla were disqualified because they did not meet the requirement within the meaning of "*pastoralist community*". The following candidates were therefore shortlisted for the position:



Table 1: List of shortlisted candidates

S/NO.	NAME	GENDER	ID. NO	COUNTY
1.	Ms. Sophia Yusuf Gure	F	25859831	Garissa
2.	Mr. Jarso Guyo Mokku	M	0158061	Isiolo
3.	Mr. Mohamed Ali Farah	M	0012054	Mandera
4.	Mr. Mohamed Jama Abdi	M	22173216	Wajir
5.	Mr. Abdullahi Adan Khalif	M	30221219	Mandera
6.	Ms. Fowzia Ibrahim Sheikh	F	25100742	Mandera
7.	Mr. Victor Poghisio Mengich	M	14564525	Baringo

20. Names of the shortlisted applicants and their respective interview dates and times were published in the print media on Monday, 17<sup>th</sup> January 2022 and vide invitation letters to the candidates Ref: NA/DDC/F&NP/2022/02 dated 13<sup>th</sup> January 2022. Through the advertisement, members of the public were invited to submit, in writing by memoranda on oath, any information of interest concerning the suitability of any of the shortlisted applicants.
21. The candidates were invited for interviews on Wednesday, 26<sup>th</sup> January 2022 in the Mini Chambers, First Floor, County Hall, Parliament Buildings.
22. Upon shortlisting, the Committee, in exercising due diligence and pursuant to Chapter Six of the Constitution, wrote to the following agencies seeking references and background checks relating to the suitability of the shortlisted candidates:
  - a. Kenya Revenue Authority: to confirm that the candidates were in good standing with the Authority with regards to tax compliance;
  - b. Ethics and Anti-Corruption Commission: to get a report on the candidates' integrity;
  - c. Directorate of Criminal Investigations: for information on whether any of the candidates had a criminal record;
  - d. Higher Education Loans Board: to find out the candidates' loan status with the Board; and
  - e. Office of the Registrar of Political Parties: to find out if any of the candidates was a member of a political party.
23. The Committee received responses from the five (5) agencies which are attached to this report.

## CHAPTER FOUR

### 4 INTERVIEW PROCESS

#### 4.1 Considerations by the Committee

24. Interviews for the position of Member of the Equalization Fund Advisory Board nominated by the National Assembly were held on 26<sup>th</sup> January 2022. The Committee interviewed seven (7) candidates.
25. During its sitting on 26<sup>th</sup> January 2022, the Committee developed and adopted an Interview Score Sheet as its interview tool for the position of member of the Equalization Fund Advisory Board nominated by the National Assembly.
26. The candidates were assessed on the following thematic areas:
- a. Academic and professional qualifications;
  - b. Technical proficiency and competencies;
  - c. Leadership and integrity;
  - d. General knowledge; and
  - e. Presentation skills and demeanor.
27. The Committee also scrutinized each candidate's original documents and clearances to confirm the candidate's compliance with Chapter Six of the Constitution. The table below illustrates this.

*Table 2: Compliance with the Vetting Criteria by the Candidates*

S/NO.	NAME	ID. NO.	COUNTY	DEGREE	WORK EXPERIENCE	STATUTORY CLEARANCE
1.	Ms. Sophia Yusuf Gure	25859831	Garissa	Bachelor of Commerce (Supply Chain Management)	10 years	KRA – Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared
2.	Mr. Jarso Guyo Mokku	0158061	Isiolo	No Bachelor's Degree	36 years	KRA – Not Tax Compliant
						HELB – Not a

						beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared
3.	Mr. Mohamed Ali Farah	0012054	Mandera	No Bachelor's Degree	40 years	KRA – Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared
4.	Mr. Mohamed Jama Abdi	22173216	Wajir	Bachelor of Science (Applied Accounting)	21 years	KRA – Not Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared
5.	Mr. Abdullahi Adan Khalif	30221219	Mandera	Bachelor of Arts (Economics)	8 years	KRA – Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal



						record
						ORPP – Not a member of a political party
						EACC – Cleared
6.	Ms. Fowzia Ibrahim Sheikh	25100742	Mandera	Bachelor of Business Management (Finance & Banking)	12 years	KRA – Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared
7.	Mr. Victor Poghisio Mengich	14564525	Baringo	Bachelor of Arts (Education)	21 years	KRA – Not Tax Compliant
						HELB – Not a beneficiary
						DCI – No criminal record
						ORPP – Not a member of a political party
						EACC – Cleared

28. The Committee also established that membership of the Equalization Fund Advisory Board currently comprises the following:

*Table 3: Current Membership of the Equalization Fund Advisory Board*

S/NO.	NAME	GENDER	COUNTY
1.	Amb. (Eng.) Mahboub M. Maalim	Male	Garissa
2.	Mr. Abdirizack Golicha	Male	Isiolo
3.	Ms. Jane Bokaya Zora	Female	Marsabit
4.	Ms. Lemoosa Flavia Ralia	Female	Samburu

5.	Mr. Victor Ochieng' Odanga	Male	Nairobi
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29. Regional balance was therefore an issue of consideration during the interview process.

#### 4.2 Interview Results

30. Using the interview score sheet that had been adopted by the Committee, Members of the Committee scored each of the candidates. The results of the Interview are as follows:

*Table 4: Interview Results*

S/NO.	NAME	GENDER	ID. NO.	COUNTY	SCORE
1.	Mr. Abdullahi Adan Khalif	M	30221219	Mandera	75.5%
2.	Mr. Jarso Guyo Mokku	M	0158061	Isiolo	74%
3.	Mr. Mohamed Jama Abdi	M	22173216	Wajir	69.8%
4.	Ms. Fowzia Ibrahim Sheikh	F	25100742	Mandera	63.3%
5.	Mr. Mohamed Ali Farah	M	0012054	Wajir	59%
6.	Ms. Sophia Yusuf Gure	F	25859831	Garissa	57.63%
7.	Mr. Victor Poghio Mengich	M	14564525	Baringo	56.13%



## **CHAPTER FIVE**

### **5 ISSUES FOR DETERMINATION IN DECIDING ON THE MOST SUITABLE NOMINEE FOR RECOMMENDATION FOR APPOINTMENT**

The Committee identified the following issues for determination as key in enabling it to arrive at and recommending the nomination of the most suitable applicant for appointment to the position:

#### **Composition of the current Equalization Fund Advisory Board membership**

31. The Committee observed that the current Equalization Fund Advisory Board membership comprises five (5) persons drawn from Garissa, Isiolo, Marsabit, Samburu and Nairobi Counties. The Committee further observed that there was gender balance in the current composition of the Board membership as two of the members were female while three were male.

The Committee therefore held the view that appointment of a new member to the Board from counties whose members are already serving on the Board would disenfranchise other Counties.

#### **Minimum qualification for appointment to serve as Board members**

32. The Public Finance Management (Equalization Fund Administration) Regulations, 2021 require that Board members possess a minimum of bachelor's degrees. Based on the interview and documents presented, two of the candidates, Mr. Jarso Guyo Mokku and Mr. Mohamed Ali Farah did not have bachelor's degrees. In addition, from oral interviews, the Committee established that Mr. Jarso Mokku did not attend secondary school and therefore lacked secondary school qualification which is a mandatory requirement for admission to a bachelor's degree program.

Given the foregoing the Committee found the two (2) applicants unsuitable for appointment to the position.

#### **Leadership and integrity**

33. There is evidence on record that all the seven (7) applicants were cleared by the Office of the Registrar of Political Parties as none of them was a member of a political party. All the seven (7) applicants were also cleared by the Ethics and Anti-Corruption Commission (EACC) as none of them had been charged and prosecuted for ethics and corruption related offences.
34. Three (3) applicants, Mr. Jarso Guyo Mokku, Mr. Mohamed Jama Abdi and Mr. Victor Poghisio were not cleared by Kenya Revenue Authority due to outstanding tax obligations and therefore did not meet the threshold on requirements of Chapter Six of the Constitution and Public Officer Ethics Act. In the circumstances, the Committee found the three (3) applicants unsuitable for appointment.

#### **Definition of marginalized communities**

35. The Committee observed that all the seven (7) shortlisted candidates who were interviewed met the requirements of the pastoralist community. The Constitution of Kenya, 2010 defines pastoralist persons under the definition of marginalized communities as follows -

*“marginalised community” means—*

- (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;*
- (b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;*
- (c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or*
- (d) pastoral persons and communities, whether they are—*
  - (i) nomadic; or*
  - (ii) a settled community that, because of its relative geographic isolation, has experienced only minimal participation in the integrated social and economic life of Kenya as a whole;*

37. In view of the above definition, the Committee noted that the Public Finance Management (Equalization Fund Administration) Regulations, 2021, for the purposes of membership for appointment to the Equalization Fund Advisory Board, only recognized pastoralist communities as the marginalized whereas there were many other non-pastoralist communities which were marginalized.

In this regard, the Committee was of the view that the National Assembly should review the Public Finance Management (Equalization Fund Administration) Regulations, 2021 to make all marginalized communities eligible for appointment to the Board.

## PART SIX


### 6 COMMITTEE RECOMMENDATION

38. The Committee recommends that the National Assembly nominates Mr. Abdullahi Adan Khalif for appointment as a member of the Equalization Fund Advisory Board in accordance with Regulation 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

For

SIGNED..... DATE.....  
HON. GLADYS WANGA, CBS, MP  
CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

9<sup>th</sup> Feb 2022.

 <b>THE NATIONAL ASSEMBLY</b> PAPERS LAID	
DATE: 09 FEB 2022	
DAY: Wed	
TABLED BY:	Hon. Daud Mboni Member, Finance Committee
CLERK-AT THE-TABLE:	Samuel Kalamon







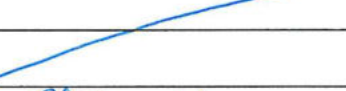


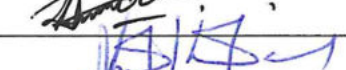
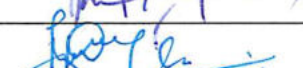

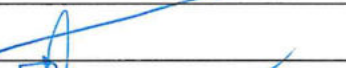








**REPUBLIC OF KENYA**



**NATIONAL ASSEMBLY  
DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING  
ADOPTION SCHEDULE**

***ADOPTION SCHEDULE FOR THE REPORT ON THE RECRUITMENT OF THE NATIONAL ASSEMBLY  
NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD***

**DATE: 8<sup>TH</sup> FEBRUARY 2022**

NAME	SIGNATURE
1. HON. GLADYS WANGA, CBS, MP – CHAIRPERSON	
2. HON. ISAAC W. NDIRANGU – VICE-CHAIRPERSON	
3. HON. JIMMY O. ANGWENYI, MGH, MP	
4. HON. CHRISTOPHER OMULELE, CBS, MP	
5. HON. SHAKEEL SHABBIR AHMED, CBS, MP	
6. HON. DANIEL E. NANOK, MP	
7. HON. (DR.) CHRISTINE OMBAKA, MP	
8. HON. ANDREW A. OKUOME, MP	
9. HON. DAVID M. MBONI, MP	
10. HON. FRANCIS KURIA KIMANI, MP	
11. HON. JOSEPH M. OYULA, MP	
12. HON. JOSHUA KANDIE, MP	
13. HON. STANLEY M. MUTHAMA, MP	
14. HON EDITH NYENZE, MP	
15. HON. CATHERINE WARUGURU, MP	
16. HON. JAMES GICHUHI MWANGI, MP	
17. HON. PROF. MOHAMUD SHEIKH MOHAMED, MP	
18. HON. PETER LOCHAKAPONG, MP	
19. HON. QALICHA GUFU WARIO, MP	





**MINUTES OF THE 7<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN THE BOARDROOM ON GROUND FLOOR, RED CROSS HOUSE, PARLIAMENT BUILDINGS AND VIRTUALLY ON TUESDAY, 8<sup>TH</sup> FEBRUARY 2022 AT 10:00 A.M.**

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**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP               | - | <b>Chairperson</b>      |
| 2. Hon. Isaac W. Ndirangu, MP               | - | <b>Vice-Chairperson</b> |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP          |   |                         |
| 4. Hon. Christopher Omulele, CBS, MP        |   |                         |
| 5. Hon. Daniel E. Nanok, MP                 |   |                         |
| 6. Hon. (Dr.) Christine Ombaka, MP          |   |                         |
| 7. Hon. David M. Mboni, MP                  |   |                         |
| 8. Hon. Francis K. Kimani, MP               |   |                         |
| 9. Hon. Joseph M. Oyula, MP                 |   |                         |
| 10. Hon. Joshua C. Kandie, MP               |   |                         |
| 11. Hon. Edith Nyenze, MP                   |   |                         |
| 12. Hon. Catherine Waruguru, MP             |   |                         |
| 13. Hon. (Prof.) Mohamud Sheikh Mohamed, MP |   |                         |

**ABSENT WITH APOLOGY**

1. Hon. Shakeel Shabbir Ahmed, CBS, MP
2. Hon. Andrew A. Okuome, MP
3. Hon. Stanley M. Muthama, MP
4. Hon. James Gichuhi Mwangi, MP
5. Hon. Peter Lochakapong, MP
6. Hon. Qalicha Gufu Wario, MP

**IN ATTENDANCE**

**SECRETARIAT**

- |                         |   |  |
|-------------------------|---|--|
| 1. Ms. Leah Mwaura      | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto   | - | Principal Legal Counsel I                  |
| 3. Ms. Laureen Wesonga  | - | Clerk Assistant II                         |
| 4. Mr. Thomas Ogwel     | - | Fiscal Analyst I                           |
| 5. Mr. Luka Mutua       | - | Serjeant-At-Arms                           |
| 6. Ms. Terry Ondiko     | - | Fiscal Analyst III                         |
| 7. Mr. George Ndenjeshe | - | Fiscal Analyst III                         |
| 8. Ms. Caroline Wanjiru | - | Hansard Officer III                        |
| 9. Ms. Christine Maeri  | - | Audio Officer                              |

**AGENDA**

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. Meeting to:
  - i. adopt the Report on the Recruitment of the National Assembly Nominee to the Equalization Fund Advisory Board;
  - ii. consider H.E. the President's Memorandum on the Kenya Deposit Insurance (Amendment) Bill, 2021; and
  - iii. be briefed on the Supplementary Estimates No. 1 for FY 2021/22
10. Any Other Business
11. Adjournment/Date of Next Meeting

**MIN.NO.NA/F&NP/2022/32: COMMUNICATION FROM THE CHAIRPERSON**

The meeting was called to order at 10.29 a.m. and a prayer was said. The chairperson called for introduction of those present before inviting the meeting to deliberate on the day's agenda.

**MIN.NO.NA/F&NP/2022/33: CONFIRMATION OF MINUTES**  
Agenda deferred.

**MIN.NO.NA/F&NP/2022/34: ADOPTION OF THE REPORT ON THE RECRUITMENT OF THE NATIONAL ASSEMBLY NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD**

The Chairperson invited the Committee Clerk to take the Committee through the draft report. After lengthy deliberations, the Committee recommended Mr. Abdullahi Adan Khalif for nomination as the National Assembly nominee to the Equalization Fund Advisory Board.

The report was adopted having been proposed by Hon. Francis Kimani, MP and seconded by Hon. Edith Nyenze, MP.

**MIN.NO.NA/F&NP/2022/35: CONSIDERATION OF H.E. THE PRESIDENT'S MEMORANDUM ON THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL, 2021**

The Chairperson invited the Legal Counsel to take the Committee through H.E. the President's Memorandum on the Kenya Deposit Insurance (Amendment) Bill, 2021. The Committee observed that the issues raised in the Memorandum were valid. Members therefore agreed with H.E. the President's recommendations.

The Report on the Consideration of H.E. the President's Memorandum on the Kenya Deposit Insurance (Amendment) Bill, 2021 was adopted having been proposed by Hon. Daniel Nanok, MP and seconded by Hon. Joshua Kandie, MP.

**MIN.NO.NA/F&NP/2022/36: BRIEFING ON THE SUPPLEMENTARY ESTIMATES NO. 1 FOR FY 2021/22**

The Chairperson welcomed officers from the Parliamentary Budget Office to brief the Committee on the Supplementary Estimates No. 1 for FY 2021/22. Mr. Thomas Ogwel submitted THAT:

The Supplementary Budget proposes an overall budget increase of KSh. 108.5 billion (3.3% increase) with an increase of KSh. 126.3 billion in Ministerial Expenditure and however, a decrease of KSh. 17.7 billion in the Consolidated Fund Services.

**Highlights of the Proposed changes in Expenditure Estimates for the Votes under the Committee's Purview**

The gross approved allocation for the state departments under the purview of the Committee was KSh. 208.8 billion where KSh. 64.6 billion for recurrent and KSh. 144.2 billion for development. The allocation is proposed to be increased by KSh. 14.3 billion to KSh. 223.1 billion.

**The National Treasury**

The National Treasury's approved allocation for FY 2021/22 was KSh. 157.7 billion. The allocation is proposed to have a net increase of KSh. 12.5 billion, an equivalent of 7.9% with an

increase in capital expenditure of KSh. 9.2 billion and recurrent expenditure of KSh. 3.3 billion. The proposed increases are due to increases in the allocation to the Public Financial Management Programme which is proposed to be increased by KSh. 26.6 billion (KSh. 20 billion which is capital injection to Kenya Airways and the Economic and Financial Policy Formulation and Management Programme which is proposed to increase by KSh. 675.6 million.

#### **State Department for Planning**

The State Department's approved allocation for FY 2021/22 was KSh. 45.99 billion. The allocation is proposed to increase by KSh. 740.9 million, an equivalent of 1.6% with an increase in development of KSh. 364.5 million and recurrent expenditure of KSh. 376.3 million.

#### **State Department for Devolution**

The overall budget for the Ministry of Devolution has increased by KSh. 1.2 billion. This brings the total allocation for the sector to KSh. 4.4 billion in FY 2021/22 comprising of KSh. 2.96 billion for recurrent and KSh. 1.43 billion for development.

#### **Commission on Revenue Allocation (CRA)**

The allocation for the Commission for FY 2021/22 was KSh. 485.6 million. The Supplementary Estimates propose a reduction of KSh. 20 million.

#### **Salaries and Remuneration Commission**

The allocation for SRC in FY 2021/22 was KSh. 621.4 million. The Supplementary Estimates have not altered the Commission's budget.

#### **Office of the Controller of Budget**

The allocation for the vote in FY 2021/22 was KSh. 689.1 million. The Supplementary Estimates have proposed a reduction of KSh. 33 million leading to a gross allocation of KSh. 465.6 million.

### **ISSUES OF CONCERN RAISED BY MEMBERS**

- I. The NG- CDF has not been allocated the outstanding balance estimated at KSh. 4.9 billion. Can the National Treasury apprise the Committee on how to have this settled so as to prevent accumulation of pending bills?
- II. **The project of water reticulation works at National Treasury, Bima and Herufi Houses:** a project whose total cost was estimated at KSh. 1.45 billion and was planned to be undertaken from January 2016 and be completed in June 2024 has been a subject of bidding for funds by the National Treasury within the Committee. In this Supplementary I, it proposed to have an additional allocation of KSh. 200 Million. As at June 2021, the sector report reveals that it was at a 40% completion level.
  - i. Can the National Treasury provide the up-to-date implementation status on the project?
  - ii. What is the justification for supplementary estimates for the project since it is not clear what necessitates its funding under supplementary budget as per the provisions of Article 223 of the Constitution. (How does the project become an emergency or unforeseen expenditure?)



- III. **The replacement of lifts at Treasury Building Project:** The sector reports reveal the project was estimated to cost KSh. 120 Million with implementation timelines from January 2021 to June 2026. As at 30<sup>th</sup> June 2021, the report reveals a 0% (zero percent) completion level despite the 2021/22 approved allocations at KSh. 50.8 Million and a proposal to increase the allocations by KSh. 44.2 Million to KSh. 95 Million.
- Can the National Treasury provide the up-to-date implementation status of the project, how many lifts have so far been replaced? And in total, how many lifts are targeted to be replaced? What is the estimated cost of replacing one lift?
  - What is the justification for supplementary estimates for the project since it is not clear what necessitates its funding under supplementary budget as per the provisions of Article 223 of the Constitution?
- IV. **New Project:** an assessment of the approved budget vis-à-vis the proposed supplementary estimates indicate that there is a new project that was not allocated funds in the initial current budget but is proposed to get allocations in the Supplementary as:
- Financial Sector Support Project (FSSP): proposed to get a supplementary budget amounting to KSh. 1.82 billion (GoK funded). Can the Committee be informed in details what the project entails? What is the prudence in having this in the Supplementary Estimates? How realistic is it that the huge proposed amount shall be absorbed within the four (4) months remaining to the end of the Financial Year 2021/2022?
- V. **Insurance costs for civil servants:** An allocation amounting to **KSh. 3.88 billion** has been proposed to cater for insurance costs for civil servants, a provision that was not in the approved estimates for FY 2021/22. What plan has been put in place to have this immediately rolled out and what necessitates the timing of the allocation? Why can't it wait till the next financial year which is only four months away?
- VI. **The program of Marine Transport is proposed to have a reduction of KSh. 15 Billion** on account of rationalization of slow moving donor funded projects as indicated by the National Treasury. What are the reasons that make it slow moving and are there feasible remedial actions that can be used to accelerate its implementation? (Is the slow pace based on expending or on the disbursement of the funds?)
- VII. The expenditure head of Infrastructure Finance and Public Private Partnership Project (IF PPP) is proposed to have an increase of KSh. 300 million (GoK funded), which represents a substantial increase of 87%. What does the project entail and what is the justification to incorporate it in supplementary estimates?
- VIII. **The proposal to reduce allocation of Commission on Revenue Allocation (CRA) by KSh 20 Million:** Given that the nature of the mandate of CRA makes its entire allocation recurrent and the reduction is largely on non-discretionary expenditure items such as Basic salaries (Permanent and temporary employees and personal allowances). Have there been retrenchments within CRA to warrant reductions on such? Was there

consultation between the National Treasury and CRA before these were proposed? To what extent would this impair the achievement of the mandate of CRA?

- IX. **The proposal to reduce the allocation of the Office of the Controller of Budget (OCoB) by KSh. 33 Million:** The proposed reductions are as a result of decreases in the following heads: Administrative support services that are to be reduced by KSh. 14.9 million, KSh. 3.25 million reduction in Research and Planning, KSh. 6.24 million reduction in Budget Review and Analysis and KSh. 8.6 million reduction in the County Services. Was there consultation between the National Treasury and CRA before these reductions were proposed? To what extent would this impair the achievement of the mandate of OCoB given that CoB has often times attributed the delay in publication of the constitutionally prescribed quarterly reports on budget implementation to budgetary constraints. Could there be a misunderstanding on budget issues between the National Treasury and the Office of the Controller of Budget?
- X. **0713000 The Special Initiatives Programme in Devolution:** The programme was allocated a total of KSh. 138 million, of which recurrent was KSh. 33 million and development was KSh. 105 million in the approved estimates of FY 2021/22. The supplementary estimates I for FY 2021/22 has provided an addition total allocation of KSh. 1.2 billion which is proposed to be given under Article 223. A concern has been raised that the approval of disbursements under Article 223 is not authorized by the Controller of Budget. Can the National Treasury inform the Committee on the up-to-date disbursements so far made under the Article?
- XI. **1071103000 The Construction of Data Recovery Centre project in the National Treasury:** The project had an allocation of KSh. 43.39 Million. What is the implementation status of this project?

MIN.NO.NA/F&NP/2022/37:                      ADJOURNMENT/DATE                      OF                      NEXT  
MEETING

There being no other business to deliberate on, the meeting was adjourned at 12.41 p.m. The next meeting will be held on Thursday, 10<sup>th</sup> February 2022 at 9.00 a.m.

*For.*  
HON. GLADYS WANGA, CBS, MP  
(CHAIRPERSON)

SIGNED.....*[Signature]*.....DATE.....*9th Feb 2022*.....





**MINUTES OF THE 2<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS ON WEDNESDAY, 26<sup>TH</sup> JANUARY 2022 AT 2:30 P.M.**

---

**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP               | - | <b>Chairperson</b>      |
| 2. Hon. Isaac W. Ndirangu, MP               | - | <b>Vice-Chairperson</b> |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP          |   |                         |
| 4. Hon. Christopher Omulele, CBS, MP        |   |                         |
| 5. Hon. Shakeel Shabbir Ahmed, CBS, MP      |   |                         |
| 6. Hon. Daniel E. Nanok, MP                 |   |                         |
| 7. Hon. Andrew A. Okuome, MP                |   |                         |
| 8. Hon. David M. Mboni, MP                  |   |                         |
| 9. Hon. Stanley M. Muthama, MP              |   |                         |
| 10. Hon. Edith Nyenze, MP                   |   |                         |
| 11. Hon. (Prof.) Mohamud Sheikh Mohamed, MP |   |                         |
| 12. Hon. Qalicha Gufu Wario, MP             |   |                         |

**ABSENT WITH APOLOGY**

1. Hon. (Dr.) Christine Ombaka, MP
2. Hon. Francis K. Kimani, MP
3. Hon. Joseph M. Oyula, MP
4. Hon. Joshua C. Kandie, MP
5. Hon. Catherine Waruguru, MP
6. Hon. James Gichuhi Mwangi, MP
7. Hon. Peter Lochakapong, MP

**IN ATTENDANCE**

**SECRETARIAT**

- |                        |   |  |
|------------------------|---|--|
| 1. Ms. Leah Mwaura     | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto  | - | Principal Legal Counsel I                  |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II                         |
| 4. Mr. Luka Mutua      | - | Serjeant-At-Arms                           |
| 5. Ms. Christine Maeri | - | Audio Officer                              |

**AGENDA**

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Meeting to Rank the Nominees According to Scores Awarded by Members**
5. Any Other Business
6. Adjournment/Date of Next Meeting

**MIN.NO.NA/F&NP/2022/06:**

**COMMUNICATION FROM THE CHAIRPERSON**

The meeting was called to order at 2:36 p.m. and a prayer was said. The chairperson then welcomed the meeting to deliberate on the day's agenda.

**MIN.NO.NA/F&NP/2022/07:**

**CONFIRMATION OF MINUTES**

Agenda deferred.

MIN.NO.NA/F&NP/2022/08:

**MEETING TO RANK THE NOMINEES  
ACCORDING TO SCORES AWARDED BY  
MEMBERS**

The Chairperson directed the Committee Secretariat to add the marks awarded by Members to each candidate and get the averages in order to get the scores of each candidate. At the end of the exercise, the candidates were ranked as follows:

- |                              |   |        |
|------------------------------|---|--------|
| 1. Mr. Abdullahi Adan Khalif | — | 75.5%  |
| 2. Mr. Jarso Guyo Mokku      | — | 74%    |
| 3. Mr. Mohamed Jama Abdi     | — | 69.8%  |
| 4. Ms. Fowzia Ibrahim Sheikh | — | 63.3%  |
| 5. Mr. Mohamed Ali Farah     | — | 59%    |
| 6. Ms. Sophia Yusuf Gure     | — | 57.63% |
| 7. Mr. Victor Poghio Mengich | — | 56.13% |

The meeting resolved that a decision on who among the seven nominees should be nominated will be made in the next meeting.

MIN.NO.NA/F&NP/2022/09:

**ADJOURNMENT/DATE OF NEXT  
MEETING**

There being no other business to deliberate on, the meeting was adjourned at 3.54 p.m. The next meeting will be held on 27<sup>th</sup> January 2022 at 10.00 a.m.

**HON. GLADYS WANGA, CBS, MP  
(CHAIRPERSON)**

*For*  
*[Signature]*  
SIGNED.....DATE *9<sup>th</sup> Feb 2022*.....

**MINUTES OF THE 1<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS ON WEDNESDAY, 26<sup>TH</sup> JANUARY 2022 AT 9:00 A.M.**

---

**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP               | - | <b>Chairperson</b>      |
| 2. Hon. Isaac W. Ndirangu, MP               | - | <b>Vice-Chairperson</b> |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP          |   |                         |
| 4. Hon. Christopher Omulele, CBS, MP        |   |                         |
| 5. Hon. Shakeel Shabbir Ahmed, CBS, MP      |   |                         |
| 6. Hon. Daniel E. Nanok, MP                 |   |                         |
| 7. Hon. Andrew A. Okuome, MP                |   |                         |
| 8. Hon. David M. Mboni, MP                  |   |                         |
| 9. Hon. Stanley M. Muthama, MP              |   |                         |
| 10. Hon. Edith Nyenze, MP                   |   |                         |
| 11. Hon. (Prof.) Mohamud Sheikh Mohamed, MP |   |                         |
| 12. Hon. Qalicha Gufu Wario, MP             |   |                         |

**ABSENT WITH APOLOGY**

1. Hon. (Dr.) Christine Ombaka, MP
2. Hon. Francis K. Kimani, MP
3. Hon. Joseph M. Oyula, MP
4. Hon. Joshua C. Kandie, MP
5. Hon. Catherine Waruguru, MP
6. Hon. James Gichuhi Mwangi, MP
7. Hon. Peter Lochakapong, MP

**IN ATTENDANCE**

**SECRETARIAT**

- |                        |   |  |
|------------------------|---|--|
| 1. Ms. Leah Mwaura     | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto  | - | Principal Legal Counsel I                  |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II                         |
| 4. Mr. Luka Mutua      | - | Serjeant-At-Arms                           |
| 5. Ms. Christine Maeri | - | Audio Officer                              |

**INTERVIEWEES**

1. Ms. Sophia Yusuf Gure
2. Mr. Jarso Guyo Mokku
3. Mr. Mohamed Ali Farah
4. Mr. Mohamed Jama Abdi
5. Mr. Abdullahi Adan Khalif
6. Ms. Fowzia Ibrahim Sheikh
7. Mr. Victor Poghio Mengich

**AGENDA**

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Briefing on the interview process and adoption of the interview score sheet**
5. **Interviews for candidates to be nominated to the Equalization Fund Advisory Board**



6. Any Other Business
7. Adjournment/Date of Next Meeting

**MIN.NO.NA/F&NP/2022/01: COMMUNICATION FROM THE CHAIRPERSON**

The meeting was called to order at 9:30 a.m. and a prayer was said. The chairperson welcomed Members to the Sixth and last Session of the 11<sup>th</sup> Parliament. She then invited the meeting to deliberate on the day's agenda.

**MIN.NO.NA/F&NP/2022/02: CONFIRMATION OF MINUTES**  
Agenda deferred.

**MIN.NO.NA/F&NP/2022/03: BRIEFING ON THE INTERVIEW PROCESS AND ADOPTION OF THE INTERVIEW SCORE SHEET**

The Committee Clerk briefed the meeting about candidates that were set to be interviewed by the Committee. She briefed them about their names, age, gender, county of origin, educational background, employment history and clearance from Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties.

Members were also taken through the Interview Score Sheet and guided on how to score the candidates. The Committee then adopted the Interview Score Sheet having been proposed by Hon. Shakeel Shabbir, CBS, MP and seconded by Hon. Edith Nyenze, MP.

The Committee then agreed on the questions to be asked by the Members present in the meeting.

*(Details of the candidates are annexed to the Report on the Nominee of the National Assembly to the Equalization Fund Advisory Board).*

**MIN.NO.NA/F&NP/2022/04: INTERVIEWS FOR CANDIDATES TO BE NOMINATED TO THE EQUALIZATION FUND ADVISORY BOARD**

The nominees were interviewed in the following order:

1. Ms. Sophia Yusuf Gure: She had all the requirements needed for the position. She was also cleared by KRA, HELB, DCI and ORPP.
2. Mr. Jarso Guyo Mokku: He did not have a degree and neither had he gone to secondary school. He was cleared by HELB, DCI and ORPP. He was however not cleared by KRA.
3. Mr. Mohamed Ali Farah: He did not have a degree. He was cleared by KRA, HELB, DCI and ORPP.
4. Mr. Mohamed Jama Abdi: He had all the requirements needed for the position. He was cleared by HELB, DCI and ORPP. He was however not cleared by KRA.
5. Mr. Abdullahi Adan Khalif: He had all the requirements needed for the position. He was cleared by HELB, DCI and ORPP. He was however not cleared by KRA.
6. Ms. Fowzia Ibrahim Sheikh: She had all the requirements needed for the position. She was also cleared by KRA, HELB, DCI and ORPP.

7. Mr. Victor Poghisio Mengich: He had all the requirements needed for the position. He was cleared by HELB and ORPP. He was however not cleared by KRA and DCI.

*(Details of the interviews are contained in Chapter Four of the Report on the Nominee of the National Assembly to the Equalization Fund Advisory Board).*

MIN.NO.NA/F&NP/2022/05:                      ADJOURNMENT/DATE                      OF                      NEXT  
MEETING

There being no other business to deliberate on, the meeting was adjourned at 1.27 p.m. The next meeting will be held at 2.30 p.m.

For.

HON. GLADYS WANGA, CBS, MP  
(CHAIRPERSON)

SIGNED..........DATE.....<sup>9<sup>th</sup></sup> Feb 2022.....







REPUBLIC OF KENYA

TWELFTH PARLIAMENT- FIFTH SESSION

THE NATIONAL ASSEMBLY

MESSAGES FROM THE NATIONAL EXECUTIVE

(No. 02 of 2021)

**ON REQUEST FOR NOMINATION OF A PERSON FOR APPOINTMENT  
TO THE EQUALIZATION FUND ADVISORY BOARD**

**Honourable Members,**

Pursuant to the provisions of Standing Order 42(4) relating to *Messages received from a Cabinet Secretary*, I wish to convey to the House that I have received a Message from the Cabinet Secretary for the National Treasury and Planning requesting for nomination of a person for appointment to the Equalization Fund Advisory Board. This is in accordance with the requirements of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

**Honourable Members,** Regulation 4(1) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021 provides as follows-

*"(4)(1) There is established an advisory board to be known as the Equalization Fund Advisory Board which shall comprise of —*

*(a) the Chairperson who shall be appointed by the Cabinet Secretary;*

- (b) the Principal Secretary to the National Treasury or his representative designated in writing;*
- (c) the Principal Secretary for matters relating to devolution or his or her representative designated in writing;*
- (d) one person from a pastoralist community nominated by the National Assembly;***
- (e) one person nominated by the Senate;*
- (f) one person nominated by the Council of Governors drawn from the areas defined as marginalised;*
- (g) the Chief Executive Officer who shall be the secretary to the Board; and*
- (h) three other persons nominated from organizations working in equalization fund beneficiary counties and special interest groups, appointed by the Cabinet Secretary.*

**Hon. Members,** Regulation 5 further provides for the qualifications of persons appointed under paragraphs (a), (d), (e), (f), and (h) as follows:

- a) a citizen of Kenya;*
- b) holds a degree from a university recognized in Kenya;*
- c) has at least five years' professional experience in a relevant field; and*
- d) meets the requirements of Chapter Six of the Constitution.*

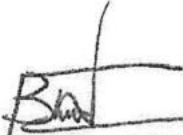
In this regard, **Honourable Members,** the Cabinet Secretary for the National Treasury and Planning is requesting the National Assembly to nominate a member for subsequent appointment in line with the Public Finance Management (Equalization Fund Administration) Regulations, 2021, to enable full operationalization of the Equalization Fund.

**Honourable Members,** this is a relatively new procedure, as the House is not typically involved in the nomination of persons to public offices.

As such, even as I refer this Message to the Departmental Committee on Finance and National Planning for consideration, I wish to give some further guidance. That the Committee will be required to convert itself into a Selection Panel, and undertake an exercise to competitively recruit and interview suitable candidates. The Committee will then be expected to submit its report on the successful nominee to the House within set timelines for consideration by the House.

The House is accordingly guided.

**I thank you!**



**THE HON. JUSTIN B. N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, 9<sup>th</sup> November, 2021



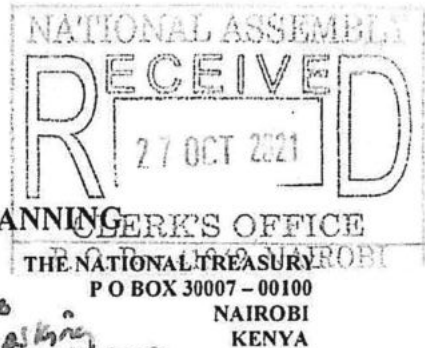
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REF: IGFR/EF/01/VOL.1/(45)

25<sup>th</sup> October, 2021

Mr. Michael R. Sialai, EBS  
Clerk of the National Assembly,  
Clerk's Chamber,  
Parliament Buildings,  
NAIROBI

Dear

**RE: REQUEST FOR NOMINATION OF MEMBERS OF THE  
EQUALIZATION FUND ADVISORY BOARD**

As you are aware, the Public Finance Management (Equalization Fund Administration) Regulations, 2021 were published under Legal Notice No. 54 dated 29<sup>th</sup> April, 2021 subsequently approved by the Parliament. The publication and approval of the Regulations paved the way for the full operationalization of the Equalization Fund Board.

Regulation 4 (1) of the PFM (Equalization Fund Administration) Regulations, 2021 established the Equalization Fund Advisory Board (EFAB) comprising:-

- (a) A chairperson who shall be appointed by the Cabinet Secretary;
- (b) The Principal Secretary to the National Treasury or his representative designated in writing;
- (c) The Principal Secretary for matters relating to devolution or his or her representative designated in writing;
- (d) One person from a pastoralist community nominated by the National Assembly;
- (e) One person nominated by the Senate;
- (f) One person nominated by the Council of Governors drawn from the areas defined as marginalized;

- (g) The Chief Executive Secretary who shall be the Secretary to the Board; and
- (h) Three other persons nominated from organizations working in equalization fund beneficiary counties and special interest group, appointed by the Cabinet Secretary.

Regulation 4(2) further provides that all persons nominated under paragraphs (d), (e), (f) and (h) above shall be appointed by the Cabinet Secretary.

Further, Regulation 5 provides that a person is qualified for appointment under paragraphs (a), (d), (e), (f) and (h) above, if that person:-

- (a) Is a citizen of Kenya;
- (b) Holds a degree from a university recognized in Kenya;
- (c) Has at least five years' professional experience in a relevant field; and
- (d) Meets the requirements of Chapter Six of the Constitution.

The purpose of this letter is to bring the matter of the Advisory Board to your attention and request that you facilitate the nomination of a member for subsequent appointment as per the Regulation 4(d) and Regulation 4(2) of PFM (Equalization Fund) Regulations 2021 as this will expedite the operationalization of the Fund.

Yours

  
Hon. (Amb.) Ukur Yatani, EGH

**CABINET SECRETARY/THE NATIONAL TREASURY & PLANNING**

Copy to: Hon. Justin Muturi, EGH,  
Speaker,  
National Assembly,  
Parliament Buildings,  
NAIROBI

**SPECIAL ISSUE**

Kenya Gazette Supplement No. 69

(Legislative Supplement No. 29)

529

29th April, 2021

**LEGAL NOTICE NO. 54**

**THE PUBLIC FINANCE MANAGEMENT ACT**

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 205 (1) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations—

**THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021**

1. These Regulations may be cited as the Public Finance Management (Equalization Fund Administration) Regulations, 2021. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Accounting Standards Board” has the meaning assigned to it under section 2 of the Act;

“administrator of the Fund” means the National Treasury as provided for under section 18(1) of the Act;

“Board” means the Equalization Fund Advisory Board established under regulation 4(1) of these Regulations;

“eligible county” means a county government identified as a beneficiary of the Fund by the Commission on Revenue in accordance with Article 216(4) of the Constitution;

“First Policy” means the First Policy determined by the Commission on Revenue Allocation under Article 216(4) of the Constitution in identifying marginalized areas for the purposes of Article 204(2) of the Constitution;

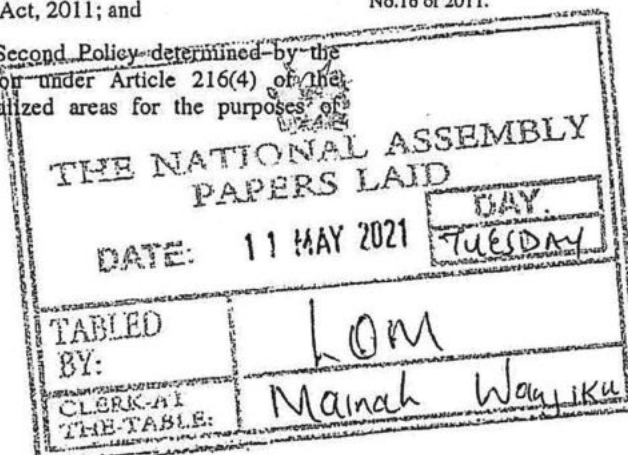
“Fund” means the Equalization Fund established under Article 204(1) of the Constitution;

“marginalized area” means an area identified under policy determined by the Commission on Revenue Allocation in accordance with Article 216 (4) of the Constitution;

“revenue” has the meaning assigned to it under section 2 of the Commission on Revenue Allocation Act, 2011; and

No.16 of 2011.

“Second Policy” means the Second Policy determined by the Commission on Revenue Allocation under Article 216(4) of the Constitution in identifying marginalized areas for the purposes of Article 204(2) of the Constitution;





"unutilized balance" means any —

- (a) amounts not withdrawn from the Fund at the end of financial year;
- (b) amount withdrawn from the Fund for purposes of provision of basic services under an Appropriations Act and not expended at the end of financial year;
- (c) amount earmarked for the First Policy with fourteen counties ongoing projects; or
- (d) amount earmarked for the Second Policy with thirty four counties new projects to be identified.

3. The purpose of these Regulations is to —

Purpose of these Regulations.

- (a) establish an unincorporated Board to advise the Cabinet Secretary on the proper and effective performance of the Fund;
- (b) provide guidance on the administration and management of the Fund;
- (c) provide for the withdrawals from the Fund;
- (d) provide for completion of ongoing projects under the first policy;
- (e) provide for implementation of new projects under all subsequent policies; and
- (f) provide for the procedures in relation to winding up of the Fund.

4. (1) There is established an advisory board to be known as the Equalization Fund Advisory Board which shall comprise of—

Establishment of the Board.

- (a) the Chairperson who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary to the National Treasury or his representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to devolution or his or her representative designated in writing;
- (d) one person from a pastoralist community nominated by the National Assembly;
- (e) one person nominated by the Senate;
- (f) one person nominated by the Council of Governors drawn from the areas defined as marginalised;
- (g) the Chief Executive Officer who shall be the secretary to the Board; and
- (h) three other persons nominated from organizations working in equalization fund beneficiary counties and special interest group, appointed by the Cabinet Secretary.

(2) All persons nominated under sub-regulation (1), paragraphs (d), (e), (f) and (h) shall be appointed by the Cabinet Secretary.

5. A person is qualified for appointment under regulation 4(1) (a), (d), (e), (f), and (h) if that person—

Qualification  
requirement of  
members.

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least five years' professional experience in a relevant field; and
- (d) meets the requirements of Chapter Six of the Constitution.

6. Members of the Board appointed under regulation 4(1) shall, subject to the provisions of these Regulations, hold office for a term of six years, non renewable, on such terms and conditions as may be specified in the instrument of appointment.

Tenure of office.

7. A member of the Board, other than *ex-officio* member, may—

Vacation of  
office.

- (a) at any time resign from office by notice in writing to the appointing authority;
- (b) be removed from office by the appointing authority, if the member—
  - (i) has been absent from three consecutive meetings of the Board without permission from the chairperson;
  - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
  - (iii) is convicted of an offense involving dishonesty or fraud;
  - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
  - (v) is incapacitated by prolonged physical or mental illness; or
  - (vi) is otherwise unable or unfit to discharge his functions.

8. The functions of the Board with regard to the Fund shall be to—

Functions of the  
Board.

- (a) advise and make recommendations to the Cabinet Secretary on the distribution of resources for the provision of the basic services to the marginalized areas under Article 204 of the Constitution;
- (b) appraise and evaluate projects proposed under the workplans submitted by county technical committees to ensure compliance with the Constitution and the recommendations issued by the Commission on Revenue Allocation;
- (c) make recommendations on the priority areas requiring financing and implementation in accordance with the workplans considered under paragraph (b);

- (d) oversee, in consultation with the county governments, the implementation of the projects to ensure compliance with the Constitution;
- (e) monitor and evaluate the projects implemented by county governments using equalization funds to determine their impact in addressing the factors contributing to the marginalization of the areas identified in the counties;
- (f) put in place measures to ensure transparency and accountability in the implementation of equalization fund projects by county governments;
- (g) establish a framework for collaboration between the national government and county governments in the implementation of projects in line with the Constitution;
- (h) review the consolidated quarterly reports prepared by the Secretary on the implementation of the projects and make recommendations to the Cabinet Secretary on performance improvement;
- (i) review and propose the annual estimates of expenditure of the Fund for approval by the Cabinet Secretary; and
- (j) undertake project public participation in line with Article 201 of the Constitution.

9. The Board may establish such committees as it may consider necessary for the better performance of its functions and the exercise of its powers under these Regulations.

Establishment of committees.

10. (1) There shall be paid out of the Fund, expenses of the Board and such other expenses incurred pursuant to the object and purpose for which the Fund is established.

Expenses of the Board.

(2) The expenditure incurred on the Fund shall be on the basis of and limited to annual work programmes and budget estimates prepared by the Secretary and approved by the Board at the beginning of the financial year to which they relate.

(3) Board expenses shall not be more than three percent of annual approved equalization fund allocation.

11. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the dates of the next meeting.

Meetings of the Board.

(2) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days written notice of every meeting of the Board shall be given to every member of the Board.

(3) The quorum for the conduct of the business of the Board shall be five members, of whom the majority of shall be from amongst the non *ex officio* members.

(4) The Chairperson shall preside at every meeting of the Board at which he or she is present but in his or her absence, the members

present shall elect one of their number who shall, with respect to that meeting and the business transacted, have all the powers of the Chairperson.

(5) Unless a unanimous decision is reached a decision on any matter before the Board shall be reached by voting.

(6) Subject to sub-regulation (3), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(7) Subject to the provisions of this regulation, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of any other persons at its meetings and may make standing orders in respect thereof.

12. The Board Secretary shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.

Minutes.

13. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he or she 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 with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Disclosure of interest.

Provided that if the majority of the members present are of the opinion that the experience or expertise of the member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose.

(2) A disclosure of interest made under sub-regulation (1) shall be recorded in the minutes of the meeting at which it is made.

14. Each County Commissioner of an eligible county shall establish and convene an all-inclusive committee to be known as county technical committee comprising of —

Establishment of county technical committee.

- (a) a chairperson who shall be the County Commissioner;
- (b) a County Executive Committee Member for Finance;
- (c) Constituency Development Fund managers;
- (d) a representative of County Assembly;
- (e) representatives of implementing sectors with prioritized projects; and
- (f) the chairperson of the Constituency Development Fund (CDF).

15. The County Technical Committee shall be responsible for approving all projects to be financed from the Fund.

Functions of the county technical committee.



16. Each County Commissioner of an eligible county shall establish a committee at the sub-county level to be known as sub-county technical committee comprising of—

Establishment of sub-county technical committee.

- (a) a chairperson who shall be the sub-county Commissioner;
- (b) a maximum of four technical officers from ministries relevant to funding priorities;
- (c) the chairpersons of Project Identification and Implementation Committees within the sub-county; and
- (d) the secretary of the Constituency Development Fund (CDF).

17. The functions of the sub-county technical committee shall be to—

Functions of the sub-county technical committee.

- (a) receive project funding proposals from respective Project Identification and Implementation committees;
- (b) evaluate and prioritize all development proposals from the Project Identification and Implementation Committees;
- (c) assess the feasibility and cost all project proposals received from the Project Identification and Implementation Committees;
- (d) submit project proposals and funding requests received from the Project Identification and Implementation Committees to the county government;
- (e) monitor all projects being undertaken and ensure they meet the objectives they are originally meant to achieve;
- (f) prepare quarterly reports on funds received and implementation status of all projects financed by the Fund to the county technical committee with a copy to the County Executive Committee Member responsible for matters relating to finance; and
- (g) prepare and submit annual reports on implementation of all projects financed by the Fund to the county technical committee with a copy to the County Executive Committee Member for Finance.

18. Each County Commissioner of an eligible county shall establish a committee at the ward level to be known as Project Identification and Implementation Committee comprising of —

Establishment of Project Identification and Implementation Committee.

- (a) a chairperson who shall be the Assistant Sub-County Commissioner;
- (b) the village administrators of areas defined by the Commission on Revenue Allocation as marginalized;

- (c) a representative of the women, youth, minorities and persons with disabilities from marginalized areas;
- (d) a representative of the Constituency Development Fund committee member at the sub-county level; and
- (e) a representative of religious group or local Non-Governmental Organisation (NGO) with office at ward level.

19. The functions of the Project Identification and Implementation Committee shall be to—

Functions of Project Identification and Implementation Committee.

- (a) undertake public participation, in beneficiary areas;
- (b) identify and prioritize project in beneficiary areas in line with guidelines issued by the administrator of the Fund;
- (c) prepare and submit project funding proposals to sub-county technical committee; and
- (d) provide oversight on project implementation.

20. The functions of the County Executive Committee Member responsible for matters relating to finance with respect to the Fund in each eligible county shall be to—

Functions of the County Executive Committee Member for finance.

- (a) consolidate all projects approved by the county technical committee and submit to the Secretary of the Board for funding with copy to the Commission on Revenue allocation;
- (b) prepare financial statements for the Fund for each financial year in a form prescribed by the Accounting Standards Board in accordance with the Act and submit to the Secretary of the Board;
- (c) prepare quarterly financial statements for the fund in a form prescribed by the Accounting Standards Board and submit to the Secretary of the Board;
- (d) prepare quarterly reports on funds received and implementation status of all projects financed by the Fund with a copy to the Secretary of the Board, Commission on Revenue Allocation and Controller of Budget; and
- (e) prepare annual report on implementation of all projects financed by the Fund with a copy to the Secretary, Commission on Revenue Allocation, Controller of Budget and Parliament.

21. (1) There shall be the Chief Executive Officer to the Board appointed by the Cabinet Secretary.

Chief Executive Officer

(2) The Chief Executive officer appointed under subparagraph (1) shall be the head of the Secretariat established under regulation 22.

22. There shall be a Secretariat constituted by the Chief Executive Officer and whose functions shall be to—

Establishment and functions of the Secretariat.

- (a) provide technical and administrative services to the Board;
- (b) implement the decisions, strategies and work plan of the Board;
- (c) make recommendations to the Board on the formulation and implementation of programmes for the achievement of the functions of the Board;
- (d) review and consolidate the work-plans received from counties for consideration by the Board;
- (e) identify any challenges in the implementation of projects and make recommendations to the Board on the remedial measures required to be undertaken;
- (f) maintain a data base setting out information on—
  - (i) projects, operations and programmes undertaken with respect to each county which has been identified by the Commission on Revenue Allocation as being marginalized;
  - (ii) monies appropriated from the Fund with respect to each project or programme; and
  - (iii) status of each project or programme undertake;
- (g) prepare and ensure timely submission of reports to the Board and the Cabinet Secretary regarding the implementation of projects and programmes under the Fund;
- (h) make arrangements for periodical monitoring, evaluation and reporting of the criteria, standards and programmes in relation to the objects and functions of the Board; and
- (i) perform such other functions as may be assigned to it by the Board.

23. The County Executive Committee Member responsible for matters relating to finance shall submit work plans through county technical committee to the Board for approval.

Approval of workplan.

24. (1) The funds shall be utilized as conditional grants to the affected counties in accordance with the Division of Revenue Act and the County Allocation Revenue Act for the respective financial year.

Utilisation of funds and preparation of workplans.

(2) The County Executive Committee Member responsible for matters relating to finance in each of the counties identified by the Commission on Revenue Allocation shall prepare a workplan setting out—

- (a) a schedule of projects and programmes proposed to be undertaken by the county government in the areas identified by Commission on Revenue Allocation;
- (b) a technical assessment of the viability of the schedule of projects and programmes;

- (c) public participation undertaken during the process of identification of programmes and projects;
- (d) an assessment of the manner in which the programmes or projects would be expected to address the shortcomings identified by the Commission on Revenue Allocation in the provision of the identified basic needs;
- (e) an assessment of how the programmes and projects identified impact on the County Integrated Development Plan; and
- (f) the approximate cost of the works to be undertaken in relation to a project or programme identified in the workplan.

(3) In identifying programmes and projects for inclusion in the workplan, the County Executive Committee Member responsible for matters relating to finance shall—

- (a) take into account—
  - (i) the criteria recommended by Commission on Revenue Allocation;
  - (ii) the costing of the project and the time required for the implementation of the project on a priority basis;
  - (iii) recommendations by the Commission on Revenue Allocation;
  - (iv) recommendations, standards and guidelines issued by the Board;
  - (v) the interventions required to be undertaken on a priority basis in order to address the needs identified by the Commission on Revenue Allocation for the provision of identified basic services; and
  - (vi) the recommendations of the respective Ministry or State Department at the counties; and
- (b) collaborate with the Board and the relevant Ministry or State Department.

(4) The County Executive Committee Member responsible for matters relating to finance shall ensure that a work plan prepared under sub-regulation (1) of this regulation is aligned to the annual development plan of the county prepared under the Act.

(5) The Board, relevant Ministry or State Department shall make its recommendations to the County Executive Committee Member for matters relating to finance on the proposed workplan within fourteen days of the receipt of a request under sub-regulation (3) (b) of this regulation.

25. In determining and identifying projects or programmes for the provision of basic services and financing under the Fund, the County Executive Committee Member responsible for matters relating

Criteria for  
identification of  
projects.



to finance shall take into account the input of the Board and the committees established under these Regulations.

26. (1) The County Executive Committee Member responsible for matters relating to finance shall, upon approval of a workplan, submit the workplan to the Board.

Submission of  
workplan to the  
Board.

(2) Upon receipt of the workplan, the Board shall—

- (a) appraise the workplan to ensure compliance with these Regulations and that it adequately addresses the needs identified by the Commission on Revenue Allocation;
- (b) identify the programmes or projects that require to be implemented on a priority basis, and make its recommendations to the Cabinet Secretary.

27. The Board shall, on a quarterly basis, submit a report to the Cabinet Secretary with a copy to the Commission on Revenue Allocation and Controller of Budget, detailing—

Quarterly reports  
on projects and  
disbursements.

- (a) a summary of the project and programmes approved for financing in the preceding year indicating the funding status of such projects, if any;
- (b) a summary of the status of disbursements of funds to the various projects and implementation progress;
- (c) a summary of the status of disbursements from the Fund to the respective county governments or any agency involved in implementation of any projects financed from the Fund; and
- (d) any restriction imposed on a county government or any agency involved in the implementation of the projects or programmes of the national government.

28. (1) The County Executive Committee Member responsible for matters relating to finance—

Report by the  
County Executive  
Committee  
Member for  
finance.

- (a) shall prepare and submit to the Board quarterly reports on the implementation of the projects or programs under the workplan in the format prescribed by the Board; and with a copy to the Commission on Revenue allocation;
- (b) shall ensure that any projects undertaken under the workplan are carried out in accordance with the Public Procurement and Asset Disposal Act, 2015, and any other law.

No. 33 of 2015.

(2) A report prepared under sub-regulation (1) shall be submitted to the Secretary of the Board and shall include—

- (a) information relating to the procurement of services and works in relation to the projects and programmes under the workplan;

- (b) a schedule of the works required to be undertaken and status of the implementation of projects and programmes;
- (c) the timelines for completion of specific phases of projects and programmes;
- (d) the manner in which the funds received from the Fund have been utilized in relation to any project or programme;
- (e) the monies disbursed and any balance of unspent funds; and such other information as the Board may require.

(3) The Secretary to the Board shall consolidate the reports submitted for consideration by the Board.

29. (1) The County Executive Committee Member responsible for matters relating to finance shall, upon approval of a workplan, submit the workplan to the Board.

Submission of  
workplan to the  
Board.

(2) Upon receipt of the workplan, the Board—

- (a) shall appraise the workplan to ensure compliance with these Regulations and that it adequately addresses the needs identified by the Commission on Revenue Allocation;
- (b) shall identify the programmes or projects that require to be implemented on a priority basis, and make its recommendations to the Cabinet Secretary.

30. (1) The administrator of the Fund shall open a designated Equalisation Fund account at Central Bank of Kenya.

Withdrawals from  
the Fund.

(2) Where a withdrawal from the Fund is authorized under an Act of Parliament that approves the appropriation of money, the Secretary of the Board through the National Treasury shall make a requisition for the withdrawal and submit it to the Controller of Budget for authorization.

(3) The authorization by the Controller of Budget of a withdrawal from the Fund, together with written instructions from the National Treasury requesting for withdrawal, shall be sufficient authority for the Central Bank of Kenya to pay amounts from the Equalization Fund account in accordance with the authorization and instructions given.

(4) All withdrawals made from the Fund under sub-regulation (1) shall be deposited into the respective spending counties account.

(5) Any unutilised balances in the Equalisation Fund shall not lapse at the end of the Financial year, but shall be retained for use for the purposes for which the Equalisation Fund was established.

31. (1) At least eighteen months before the expiry of the term specified under Article 204(6) of the Constitution or in legislation enacted by Parliament pursuant to Article 204(7) of the Constitution—

Winding up of the  
Fund.

- (a) the Board shall prepare a status report on all existing pending projects and their funding requirements in line with the submitted work plans; and
- (b) the Cabinet Secretary shall—
  - (i) make the necessary requisition for the transfer of monies to the county governments for the completion of the projects; and
  - (ii) ensure that monies required for the completion of the projects has been transferred to the respective county governments.

(2) At least twelve months before the expiry of the period specified under Article 204(6) of the Constitution or in legislation enacted by Parliament pursuant to Article 204(7) of the Constitution the county executive committee members in charge of finance in the respective county governments shall submit to the Board, with copy to the Commission on Revenue allocation—

- (a) a schedule of the programmes and projects implemented pursuant to Article 204 of the Constitution and the expected completion date;
- (b) an assessment report of the impact of the programmes and projects that have been implemented pursuant to Article 204 of the Constitution;
- (c) a financial report on the projects and programmes; and
- (d) a terminal monitoring and evaluation report.

(3) The Board shall prepare the final winding up report of the Fund not later than three months from the period specified under Article 204(6) of the Constitution or in legislation enacted by Parliament pursuant to Article 204(7) of the Constitution for approval by the Cabinet Secretary.

(4) The Cabinet Secretary shall, submit the final report to the National Assembly and the Senate, with copy to the Commission on Revenue Allocation and Controller of Budget, within fourteen days of the receipt of the initial report under sub-regulation (3).

Dated the 23rd April, 2021.

UKUR YATANI,  
*Cabinet Secretary,  
The National Treasury.*

## **EXPLANATORY MEMORANDUM**

### **EXPLANATORY MEMORANDUM TO THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND) REGULATIONS, 2021**

#### **PART 1**

**Name of the Statutory Instrument;** Public Finance Management (Equalization Fund Administration) Regulations 2021.

**Name of the Parent Act:** Public Finance Management Act, 2012.

**Enacted Pursuant to;** Section 205 of the Public Finance Management Act, 2012.

**Name of the Ministry/Department:** The National Treasury and Planning.

**Gazetted on;**

#### **PART II**

### **1. THE PURPOSE OF THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND) REGULATION, 2021**

The purpose of these regulations is to:

- (i) to specify the sources, object and purpose of the Fund;
- (ii) to provide guidance on the administration and management of the Fund;
- (iii) to establish an Equalization Fund Board to advise the Cabinet Secretary on the proper and effective performance of the Fund;
- (iv) to provide for the withdrawals from the Fund; and
- (v) Provide for completion of ongoing projects under the first policy
- (vi) Provide for implementation of new projects under the second policy
- (vii) Provide for extension of Equalisation Fund period
- (viii) provide for winding up of the Fund

### **2. THE LEGISLATIVE CONTEXT**

#### **a. The Constitution**

Article 204 of the Constitution establishes the Equalization Fund whose resources shall be applied to marginalized areas as identified through the Marginalization Policy determined by the Commission on Revenue Allocation in accordance with Article 216(4) of the Constitution.



The Constitution under Article 204 has stated that the source of the capital for the Fund shall be half per cent of all revenue collected by the National Government each year calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly. In addition, the Constitution provides that the National Government shall use the Equalization Fund only to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.

#### **b. Public Finance Management Act, 2012**

The provisions of the Constitution are further expounded in the Public Finance Management Act, 2012, herein referred to as the Act. Section 18 of the Public Finance Management Act, 2012 has provided that the National Treasury shall administer the Equalisation Fund in accordance with Article 204 of the Constitution.

The Act has also given powers to the Cabinet Secretary responsible for matters relating to finance to make further regulations on any matter therein. It is in this context that the "The Public Finance Management (Equalization Fund) Regulations, 2021 are made to operationalize the Equalization Fund established under Article 204 of the Constitution by providing mechanism for use of this Fund directly by the national government or indirectly through conditional or unconditional transfers to marginalized counties as identified by the Marginalization Policy determined by the Commission on Revenue Allocation in accordance with Article 216(4) of the Constitution.

In addition, the Regulations are made to provide the management structure of the Fund which is clearly linked with Ministries, State Departments and Agencies as well as marginalized counties.

### **3. POLICY BACKGROUND**

The Constitution assigned the duty to decide on the policy for implementation of the Equalization Fund to the National Government under Article 204 of the Constitution. Further, the Constitution provides that the national government may use the Fund either directly or indirectly through conditional or unconditional grants to marginalized counties. In addition, the Public Finance Management Act, 2012 has assigned the duty to administer the Equalization Fund to the Cabinet Secretary responsible for matters relating to finance.

Accordingly, the National Government decided that the Equalization Fund shall need a robust management structure to ensure the Fund's objectives are achieved through a transparent and accountable mechanism.

In this regard, the National Treasury prepared the Equalization Fund Guidelines on Management of the Equalization Fund established under Article 204 of the Constitution vide Gazette Notice No. 1711 of 13<sup>th</sup> March, 2015. These Guidelines established the management structure for the Equalization Fund; were prepared in strict adherence to provisions of the Statutory Instruments Act, 2013; and were approved by Parliament in December, 2015.

The first marginalization policy determined by the Commission on Revenue Allocation in line with Article 216(4) of the Constitution, identified fourteen counties to benefit from the Fund namely: Turkana; Mandera; Wajir; Marsabit; Samburu; West Pokot; Tana River; Narok; Kwale; Garissa; Kilifi; Taita Taveta; Isiolo; and Lamu.

Towards this end, the Equalization Fund Advisory Board, established under the guidelines, chose to apply the Equalization Fund directly using National Government structures to finance and implement projects identified in the 14 marginalized counties.

However, during the implementation of the Equalization Fund under the first policy on identification of Marginalized areas, the Council of Governors petitioned the High Court vide Petition No. 272 of 2016 listing the Hon. Attorney General, the Cabinet Secretary to the National Treasury and the Controller of Budget as the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents', respectively with the Commission on Revenue Allocation and the 14 counties identified as marginalized areas being listed as interested parties. The three-judge bench in its ruling of the High Court Petition No. 272 of 2016 granted the following sought prayers as sought by the petitioner: -

- (i) A declaration be and is hereby issued that equalization Fund being for the benefit of Marginalized Counties can only be disbursed by the national Government through the respective and affected County Governments and in accordance with recommendations made by the Commission on Revenue Allocation as approved by Parliament.*
- (ii) A declaration be and is hereby issued that the Guidelines on administration of Equalisation Fund published on 13<sup>th</sup> March 2015 in the Kenya Gazette Vol CXVII- No. 26 as gazette Notice No 1711 are accordingly unconstitutional, null and void for violating Articles 1 (4), 2(1), 6, 10, 174, 201, 204 and 216 of the Constitution and section 12 and 18 of the Public Finance Management Act.*
- (iii) An order of certiorari be and is hereby issued to remove and quash the guidelines on administration of equalization fund published on 13<sup>th</sup> March 2015 in gazette notice no. 1711.*
- (iv) The 2nd respondent shall within six (6) months of the date of this judgment, and in consultation with all relevant stakeholders, prepare an appropriate policy and/or statutory instrument on the administration of the equalization fund that is compliant with the recommendation made by the Commission on Revenue Allocation as approved by Parliament, and the objectives of the Equalisation Fund and devolution as set out in the Constitution and enunciated in the judgment.*

In its ruling, the Hon Court gave among others, the following reasons for granting the above prayers: - that the Equalization Fund Advisory Board had ignored recommendation of CRA on:- i) Composition on the advisory board; ii) Failure to make provisions for representation of counties; iii) Appropriation of funds as conditional grants to marginalized counties; iv) Funds to be spent when County Governments are in place; and v) Management of the Fund to be supported by an Inter-governmental relations department.

Consequently, and in adherence to the directive of the High Court, the National Treasury constituted an Inter-Agency Taskforce comprised of Officers from the National Treasury, the Office of the Attorney General, The National Assembly, the Senate, Parliamentary Budget Office,

Office of the Controller of Budget, the Commission on Revenue Allocation and the Council of Governors to initiate a draft policy and or Statutory Instrument on administration of the Equalization Fund.

The Taskforce has since then come up with the Public Finance Management (Equalization Fund), Regulations 2021 which are in line with directives of the High Court in its ruling.

#### **4. PUBLIC CONSULTATIONS**

The National Treasury did not carry out public consultations through public meetings at the counties while preparing these Regulations due to the extra-ordinary nature of Covid-19 pandemic and its enormous local effects, including the directives on social distancing.

However, in finalizing the Public Finance Management (Equalization Fund) Regulations, 2020, and in fulfillment of the Statutory Instruments Act, 2013, the National Treasury sought written comments from key stakeholders by writing letters to target institutions and placement of Public Notices in the mainstream print media as well as the National Treasury Website calling for comments and their input taken into account before finalization of the Regulations. Some of the key stakeholders that comments were sought in writing and through the Public Notices included, the Commission on Revenue Allocation, Controller of Budget, the National Assembly, the Senate, the Council of Governors, Accounting Officers of national and county governments, and the general public.

Different stakeholders had different views especially on the mode of implementation of the Equalization Fund, composition of the Board of the Equalization Fund, Administration and structure of the Secretariat of the Equalisation Fund, Disbursement modalities and expenditure from the Equalisation Fund e.g. as conditional grants and Creation and constitution of oversight committees at the county level. Some held the view that the Fund should be implemented directly by the national government through State Departments while others proposed that it should be implemented indirectly through the conditional grants to marginalized counties, others proposed a three -tier administrative structure that includes a national level Board or Committee, County Technical Committees and Sub County Technical Committees; all comprised of the National and county government representatives. The regulations have incorporated most of these proposals on constitutions of national and county committees with clear and distinct mandate whilst making a deliberate choice to stick to the Constitutional provisions that the Fund can either be used directly by the National Government or as a conditional allocation to the marginalized counties. This will give flexibility to the Fund to ensure maximum impact in terms of bringing the services of the marginalized counties closer to those enjoyed by other areas. The proposal to have CRA and COB sit in the Equalization Fund Board was dropped on grounds of conflict of interest.

#### **5. GUIDANCE**

The National Treasury will sensitize stakeholders including Parliament, accounting officers of national and county governments and the general public, on the process of accessing the Equalization Fund resources, the accountability mechanism, the monitoring and evaluation

mechanism and the need to ensure regular reporting to both the Parliament and relevant County Assemblies.

## 6. IMPACT ASSESSMENT

An impact assessment has not been prepared for this statutory instrument. (Expected impact is, however implied in the Marginalization Policy determined by the Commission on Revenue Allocation).

## 7. REVIEW OF THE MARGINALIZED COUNTIES.

As you are aware, that the first marginalization policy determined by the Commission on Revenue Allocation and approved by parliament shall was in force for a maximum period of three years, CRA has since then reviewed that policy and come up with a second-generation policy for identification of marginalized areas. This second-generation policy, and which awaits approval of Parliament, has pursuant to Article 216(4) of the Constitution identified 1,424 sub locations in 360 wards and 34 counties as marginalized areas. The policy will be in force for seven years from the operationalization of these Regulations and in this respect, a review thereof will be done by the Commission on Revenue Allocation for in line with Article 216(4) of the Constitution.

The National Treasury and planning on its part shall monitor the application of the Equalization Fund resource through Equalization Fund Advisory Board this will be done through quarterly reports sent by Equalization Fund secretariat. In addition, Fund Secretariat at the National Level will also carry out regular monitoring and evaluation of the specific projects funded through the Equalization Fund.

## 8. NATIONAL TREASURY CONTACT PERSON

The contact person at the National Treasury is the Head of Equalization Fund.

Made on..... *6th May* ..... 2021



HON. (AMB.) UKUR YATANI, EGH

CABINET SECRETARY/NATIONAL TREASURY AND PLANNING





In the Matter of Consideration by the National Assembly of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021 (National Assembly Bill No. 39 of 2021)

**INVITATION FOR PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)**

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly now invites members of the public and relevant stakeholders to submit memoranda on the **Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021 (National Assembly Bill No. 39 of 2021)**.

The Bill seeks to remove the position of a Deputy Director at the Financial Reporting Centre. This proposal is consistent with the current practice of not providing for positions of Deputy Chief Executives of State Corporations in law.

Further, the Bill proposes to designate advocates, notaries and other independent legal professionals who are sole practitioners, partners or employees within professional firms as reporting persons for purposes of the Proceeds of Crime and Anti-Money Laundering Act, 2009.

In addition, the Bill seeks to introduce a new section 44A requiring the Financial Reporting Centre to intervene where the Centre has reasonable grounds to suspect that a transaction may be suspicious. This will ensure timely access to information on assets held by suspected criminals as a preventive and measure and, ultimately, stem criminal networks and unlawful activities.

Finally, the Bill proposes to amend section 54C (5) of the Act by substituting the word "Agency" with the words "Oversight Board" in relation to the approval of the Agency's annual budget. This is consistent with the proposed functions of the Oversight Board under the proposed section 55B.

In addition, the Bill proposes to insert new sections for the establishment, membership, functions, committees and procedures of the Asset Recovery Oversight Board.

The Bill was read for a First Time on Wednesday, 6<sup>th</sup> October, 2021 and committed to the Departmental Committee on Finance and National Planning for consideration and reporting back to the House.

Now Therefore, in compliance with Article 118 (1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the Bill.

Copy of the Bill is available at the National Assembly Table Office, or on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Tuesday, 30<sup>th</sup> November, 2021 at 5.00 p.m.

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

18<sup>th</sup> November, 2021



**REPUBLIC OF KENYA  
NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - FIFTH SESSION**

**DECLARATION OF VACANCY IN THE POSITION OF MEMBER, EQUALIZATION FUND ADVISORY BOARD AND INVITATION FOR APPLICATIONS FOR NOMINATION BY THE NATIONAL ASSEMBLY TO THE MEMBERSHIP OF THE EQUALIZATION FUND ADVISORY BOARD**

The Equalization Fund Advisory Board was established by the Public Finance Management (Equalization Fund Administration) Regulations, 2021. The Board consists of the following persons appointed by the Cabinet Secretary -

- the Chairperson who shall be appointed by the Cabinet Secretary.
- the Principal Secretary to the National Treasury or his representative designated in writing.
- the Principal Secretary responsible for matters relating to devolution or his or her representative designated in writing.
- one person from a pastoralist community nominated by the National Assembly.
- one person nominated by the Senate.
- one person nominated by the Council of Governors drawn from the areas defined as marginalized.
- the Chief Executive Officer who shall be the secretary to the Board; and
- three other persons nominated from organizations working in equalization fund beneficiary counties and special interest groups, appointed by the Cabinet Secretary

The General Public is **HEREBY NOTIFIED** that a position of member of the Equalization Fund Advisory Board under paragraph 4(1) (d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021 is vacant.

In this regard, the Cabinet Secretary for the National Treasury and Planning has requested the National Assembly to nominate a member for subsequent appointment in line with the Public Finance Management (Equalization Fund Administration) Regulations, 2021 to enable full operationalization of the Equalization Fund.

PURSUANT to paragraph 4(1) (d) of the Regulations, the National Assembly hereby invites applications from qualified persons for nomination to the membership of the Equalization Fund Advisory Board.

For appointment, the applicant must meet the following requirements as provided for in Paragraph 5 of the Regulations:-

- be a citizen of Kenya.
- hold a degree from a university recognized in Kenya.
- have at least 5 years' professional experience in a relevant field; and
- meet the requirements of Chapter Six of the Constitution.

**APPLICATION PROCESS**

- All applicants are required to fill the **Job Application Form for Appointment of a Member of the Equalization Fund Advisory Board (2021) (Form EF1)** which may be downloaded from [www.parliament.go.ke](http://www.parliament.go.ke).
- Applicants should attach, to their applications, copies of their academic and professional certificates, testimonials and current clearances from DCI, HELB, KRA, EACC, and relevant professional bodies.
- Applications should be addressed to:-

The Clerk of the National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100,  
**NAIROBI**

- Applications and supporting documentation may be:-
  - hand-delivered in a sealed envelope during office hours to the **Office of the Clerk of the National Assembly, Clerk's Chamber, Main Parliament Buildings, Parliament Road, Nairobi**; or
  - Submitted online as a PDF file format attached by emailing to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)
- Applications should be delivered on or before **Wednesday, 1<sup>st</sup> December 2021 at 5:00 p.m. (East African Time)**.

Dated the 18<sup>th</sup> day of November 2021

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

**ORDINARY BUSINESS**

- To read the notice convening the meeting.
- To confirm the minutes of the Ninety Third (93rd) Annual General Meeting
- To receive the Chairman's report.
- To receive and adopt the Consolidated Audited Financial Statements for the the Auditors thereon.
- To note that the Directors did not recommend a dividend for the year ended
- Election of Directors:-
  - In accordance with the provisions of Article 67J of the Company's Art's
    - Mrs Isabella Ochola-Wilson retires by rotation and being eligible
    - Mr Vitalis Ojode retires by rotation and being eligible, offers h
    - Mr Alan McKittrick retires by rotation and being eligible, offers h
  - In accordance to the provisions of Section 769 of the Companies Act 2 elected to continue to serve as members of the said committee:-
    - Ms Shilpa Haria
    - Mr Andrew Ndegwa
    - Mr Vitalis Ojode
    - Ms Ciru Miring'u
    - Ms Wangari Murugu

- Directors' Remuneration:-
  - To approve the Directors' Remuneration Policy as shown in the audite
  - To approve the Directors' Remuneration Report as shown in the audite
- To appoint Messrs PricewaterhouseCoopers (PwC) as Auditors of the Comp and to authorize the Directors to fix their remuneration for the ensuing finan 2015.

**SPECIAL BUSINESS**

**Establishment of joint venture companies**

Following the completion of the conditional investment agreements that of Unga Farm Care (E.A.) Limited (Unga Farm Care) and Unga Millers (U) Li

- Nutreco and Unga Farm Care shall invest in and establish a 50:50 joint (which in respect of Unga Farm Care represents a small part only of assets to the Kenya joint venture company; and
- Nutreco and Unga Millers shall invest in and establish a 50:50 of their respective Uganda animal feed and nutrition busine (together, the Transactions). The shareholders are requested to ratify the following resolution as an "That the establishment and incorporation of the joint venture comp (Nutreco) and each of Unga Farm Care (E.A.) Limited and Unga Millers (ratified and confirmed and the directors be and are hereby empowered respect of the same undertaken before the date of this resolution be a

- To consider any other business of which notice will have been duly received

**BY ORDER OF THE BOARD**

WINNIFRED JUMBA (MS)  
COMPANY SECRETARY  
Date: 18 November 2021

**NOTES:**

- In view of the ongoing Coronavirus 2019 (COVID-19) pandemic and the rel the Board has determined that the 2021 Annual General Meeting of the Com Articles of Association.
- Shareholders wishing to participate in the meeting should register for th candrgroup.co.ke/ or by dialling \*384\*043# and follow the various registe to have their ID/Passport Numbers which were used to purchase their share should dial the following helpline number: (+254 20 7608216 from 9:00 a.r digital@candrgroup.co.ke to be assisted to register.
- Registration for the AGM opens on 29th November 2021 at 09:00 am and w
- In accordance with Article 180 of the Companies Act and the Article 37.3 of f Company's website (<https://unga-group.com/>) (i) a copy of this Notice and 30th June 2021.
- Shareholders wishing to raise any questions or clarifications regarding the a
  - Sending their written questions by email to [digital@candrgroup.co.ke](mailto:digital@candrgroup.co.ke)
  - Accessing Virtual AGM via a link to the AGM Platform (or via  [- Accessing Virtual AGM via a link to the AGM platform \(or via \[th Ngong Avenue, Nairobi.\]\(https:// profile account; Select Voting Matters option tab at the top of the</a></li>
<li>Accessing Virtual AGM via USSD platform via \*384\*043#: Select process.</li>
</ol>
</li>
</ol>
</li>
<li>In accordance with Section 298\(1\) of the Companies Act, shareholders ent behalf.
            <ul>
<li>A proxy need not be a member of the Company. If the proxy appointed telephone.</li>
<li>A proxy form is available on the Company's website via this link: \(<a href=\)
  - A proxy must be signed by the appointer or his attorney duly authorised shall be given under its common seal or under the hand of an officer or c
  - A completed form of proxy should be emailed to \[Custody & Registrars Services Ltd IKM Place, Tower B, 1st Floor,  
5th Ngong Avenue, Nairobi  
Tel: Mobile: +254 20 7608216,  
Email: \\[info@candrgroup.co.ke\\]\\(mailto:info@candrgroup.co.ke\\)\]\(mailto:proxy@candrgroup.co. Avenue so as to be received not later than 48 hours before the time of h proxy should submit his/her mobile telephone number and email addre</li>
<li>Any proxy registration that is rejected will be communicated to the shs issues.</li>
</ul>
</li>
<li>The AGM will be streamed live via a link which shall be provided to all shareh shareholders and proxies will receive a short message service \(SMS/USSD\) reminder of the AGM. A second SMS/USSD prompt shall be sent two hours a will begin in two hours' time and providing a link to the live stream.</li>
<li>Duly registered shareholders and proxies may follow the proceedings of th shareholders and proxies may vote \(when prompted by the Chairman\) via tl</li>
<li>A poll shall be conducted for all the resolutions put forward in the notice.</li>
<li>Results of the poll shall be published within 48 hours following conclusion</li>
<li>The preferred method of paying dividends which are below KShs 140,000 M-PESA and who have not registered for this mode of payment can opt to n Registrar, Custody & Registrars Services Limited.</li>
<li>All present and former shareholders of the Company are hereby notified th Parts II and III, dividends and shares which have not been claimed for a peri Assets Authority \('the Authority'\) as abandoned assets on the appointed da Therefore, all present and former shareholders with unpaid dividends are Limited at the address indicated below to claim any unpaid dividends to av</li>
</ol>
</div>
<div data-bbox=\)](https://d questions in text box provided</a></li>
<li>Shareholders who will have registered to participate in the meeting sh via SMS by dialling the USSD code above and selecting the option (ask</li>
<li>To the extent possible, physically delivering their written questions Company's Offices, Ngano House, Commercial Street, Industrial Area physical address or email address by registered post to the Company R Avenue. Shareholders wishing to vote may do so prior to the AGM durir
                    <ol type=)





# **NOMINATION BY THE NATIONAL ASSEMBLY TO THE MEMBERSHIP OF THE EQUALIZATION FUND ADVISORY BOARD**

IN THE MATTER OF PUBLICATION OF NAMES OF APPLICANTS SHORTLISTED FOR  
THE POSITION OF MEMBER OF THE EQUALIZATION FUND ADVISORY BOARD AND  
NOTIFICATION OF INTERVIEWS FOR THE SHORTLISTED APPLICANTS BY  
THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

**PURSUANT** to paragraph 4(1) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, on 18<sup>th</sup> November, 2021 through an advert carried in two newspapers of nationwide circulation and on the website of the Parliamentary Service Commission, the Clerk of the National Assembly declared one vacancy in the position of Member of the Equalization Fund Advisory Board and invited applications from qualified persons who satisfy the requirements of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

**NOW THEREFORE**, the Clerk of the National Assembly hereby publishes the names of applicants shortlisted for the position of Member of the Equalization Fund Advisory Board, as well as the date and time of interview of the respective applicants as follows:

S/ NO.	NAME	GENDER	ID. NO	COUNTY	DATE	TIME
1.	Ms. Sophia Yusuf Gure	F	25859831	Nakuru	Wednesday, 26 <sup>th</sup> January 2022	9.00 a.m.
2.	Mr. Jarso Guyo Mokku	M	0158061	Isiolo	Wednesday, 26 <sup>th</sup> January 2022	9.30 a.m.
	Mr. Mohamed Ali Farah	M	0012054	Mandera	Wednesday, 26 <sup>th</sup> January 2022	10.00 a.m.
4.	Mr. Mohamed Jama Abdi	M	22173216	Wajir	Wednesday, 26 <sup>th</sup> January 2022	10.30 a.m.
5.	Mr. Abdullahi Adan Khalif	M	30221219	Mandera	Wednesday, 26 <sup>th</sup> January 2022	11.00 a.m.
6.	Ms. Fowzia Ibrahim Sheikh	F	25100742	Mandera	Wednesday, 26 <sup>th</sup> January 2022	11.30 a.m.
7.	Mr. Victor Poghisio Mengich	M	14564525	Baringo	Wednesday, 26 <sup>th</sup> January 2022	12.00 noon

## **IMPORTANT NOTICE**

- The interviews shall be conducted in public at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi.
  - Shortlisted applicants are required to bring with them their original national identity card and the originals of their testimonials and/or certificates.
  - Shortlisted applicants should also bring with them current clearances from the Directorate of Criminal Investigations, the Higher Education Loans Board, the Kenya Revenue Authority and the Ethics and Anti-Corruption Commission.
- Members of the public are invited to avail, in writing, by memoranda on oath, any information of interest with respect to the suitability of any of the shortlisted applicants to serve as a member of the Equalization Fund Advisory Board.
- Memoranda may be forwarded to the Office of the Clerk of the National Assembly using the contacts below:

The Clerk of the National Assembly  
P.O. Box 41842-00100, Nairobi  
OR

Email: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
OR

Hand delivered during office hours to the Office of the Clerk of National Assembly, First Floor, Main Parliament Buildings, Parliament Road, Nairobi

The memoranda should be received on or before Friday, 21<sup>st</sup> January, 2022 at 5.00 p.m. (East African Time).

It is notified that the Departmental Committee on Finance and National Planning may interview any member of the public who submits a memorandum on any of the shortlisted applicant.

**MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY**

14<sup>th</sup> January 2022

TWELFTH PARLIAM

In the Matter of Approval Hearing  
nominated for appointment to the  
the Kenya National Comm

## **Notification to the Ger Submission**

### **Notification of nomination**

His Excellency the President through a notified the National Assembly of the M  
**Odede** for appointment as Chairperson  
**Sang Nyeris, Ms. Sarah Talaso Bonaya and**  
as members of the Kenya National Comm  
was done in exercise of the powers conf  
250 (2) (b) of the Constitution as read with  
Human Rights Act, No. 14 of 2011.

### **Committal**

The Hon. Speaker committed the matter to  
Legal Affairs during a special sitting of the  
to conduct approval hearings of the nom  
Public Appointments (Parliamentary Appr  
Standing Order No.45.

### **Notification of Approval Hearings**

Pursuant to provisions of Article 118 of th  
Appointments ((Parliamentary Approval) A  
notified that the Departmental Committee  
approval hearings (vetting) of the nominees  
of the Kenya Nation Commission on Huma  
**2022** in the Mini-Chamber, County Hall, Pa  
follows;

	NOMINEE
1.	Ms. Roseline Doreen Adhiambo - Ode
2.	Prof. Marion Mutugi Wanjiku
3.	Dr. Raymond Plal Sang Nyeris
4.	Ms. Sarah Talaso Bonaya
5.	Dr. Dennis Nyongesa Wamalwa

The nominees should bring the originals of th  
certificates, and other relevant testimonials. In  
letters/certificates of compliance from the fol

1. Ethics and Anti- corruption Commiss
2. Kenya Revenue Authority;
3. Higher Education Loans Board;
4. Directorate of Criminal Investigations
5. Office of the Registrar of political Par

### **Public Participation and Submission of Memo**

The Committee is required under Article 118  
public in the approval hearings of the nomine  
Appointments (Parliamentary Approval) Act (N  
*prior to the approval hearing and by written  
evidence contesting the suitability of a candid  
has been nominated."*

Now, therefore, in compliance with Article 118 (C  
of the Public Appointments (Parliamentary Ap  
invites interested members of the Public to si  
by written statements on oath (affidavits) with  
otherwise of the nominees for appointment to t

The representations may be forwarded to the  
**41842-00100, Nairobi;** hand-delivered to the Offi  
**Nairobi;** or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke);  
January, 2022 at 5.00 pm.

**MICHAEL R. SIA  
CLERK OF THE NATIO**

17<sup>th</sup> January,







REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-2848000  
Fax: +254-020-2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Ms. Fowzia Ibrahim Sheikh  
P.O Box 29232-00100  
**NAIROBI**  
Email: [fauzrin09@gmail.com](mailto:fauzrin09@gmail.com)

Dear *Madam,*

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

Pursuant to paragraph 4(1) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, on 18<sup>th</sup> November 2021 through an advert carried in two newspapers of nationwide circulation and on the website of the Parliamentary Service Commission, the Clerk of the National Assembly declared one vacancy in the position of Member of the Equalization Fund Advisory Board and invited applications from suitably qualified persons who satisfy the requirements of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

This is therefore to inform you that your application was successful, and you are among the candidates that have been shortlisted for the position. The Committee hereby invites you for an interview which shall be held on **Wednesday, 26<sup>th</sup> January 2022 in the Mini Chamber, First Floor, County Hall, Parliament Buildings at 11.30 a.m.** You will be required to come with the following documents: -

1. Originals of your identity card, academic and professional certificates and any other supporting documents and testimonials.
2. Letter of Clearance from the Ethics and Anti-Corruption Commission.
3. Kenya Revenue Authority Tax Compliance Certificate.
4. Certificate of Clearance from the Higher Education Loans Board.
5. Certificate of Good Conduct from the Criminal Investigations Department; and
6. Letter from the Office of Registrar of Political Parties

The Liaison Officers for this matter are **Ms. Leah W. Mwaura, Committee Clerk**, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and **Ms. Laureen Wesonga**, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

Yours *sincerely,*

SERAH KIOKO, MBS  
**FOR: CLERK OF THE NATIONAL ASSEMBLY**



REPUBLIC OF KENYA



Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-2848000  
Fax: +254-020-2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

19<sup>th</sup> January 2022

Mr. Abdullahi Adan Khalif  
P.O Box 6779-00610  
NAIROBI  
Email: [akabdul100@gmail.com](mailto:akabdul100@gmail.com)

Dear Sir,

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**


The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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1. Originals of your identity card, academic and professional certificates and any other supporting documents and testimonials;
2. Letter of Clearance from the Ethics and Anti-Corruption Commission;
3. Kenya Revenue Authority Tax Compliance Certificate;
4. Certificate of Clearance from the Higher Education Loans Board;
5. Certificate of Good Conduct from the Criminal Investigations Department; and
6. Letter from the Office of Registrar of Political Parties

The Liaison Officers for this matter are **Ms. Leah W. Mwaura, Committee Clerk**, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and **Ms. Laureen Wesonga**, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

Yours *Sincerely,*  
  
SERAH KIOKO, MBS

**FOR: CLERK OF THE NATIONAL ASSEMBLY**





Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-2848000  
Fax: +254-020-2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
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P.O. Box 41842 -00100  
NAIROBI, Kenya

REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Mr. Mohamed Ali Farah

P.O Box 639-00600

NAIROBI

Email: [farahaliben@gmail.com](mailto:farahaliben@gmail.com) or [farah\\_aliben@yahoo.com](mailto:farah_aliben@yahoo.com)

Dear Sir,

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**

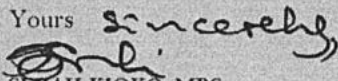
The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

Pursuant to paragraph 4(1) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, on 18<sup>th</sup> November, 2021, through an advert carried in two newspapers of nationwide circulation and on the website of the Parliamentary Service Commission, the Clerk of the National Assembly declared one vacancy in the position of Member of the Equalization Fund Advisory Board and invited applications from suitably qualified persons who satisfy the requirements of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

This is therefore to inform you that your application was successful and you are among the candidates that have been shortlisted for the position. The Committee hereby invites you for an interview which shall be held on **Wednesday, 26<sup>th</sup> January, 2022, in the Mini Chamber, First Floor, County Hall, Parliament Buildings at 10.00 a.m.** You will be required to come with the following documents:

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Yours sincerely,  
  
SERAH KIOKO, MBS  
FOR: CLERK OF THE NATIONAL ASSEMBLY





REPUBLIC OF KENYA

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THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Ms. Sophia Yusuf Gure  
P.O Box 957-70100

**GARISSA**

Email: [sophie.gure@yahoo.com](mailto:sophie.gure@yahoo.com)

Dear Sir,

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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Yours *Sincerely,*  
*Serah M. Kioko*

SERAH M. KIOKO, MBS  
**CLERK OF THE NATIONAL ASSEMBLY**



## REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Telephone 2848000/221291  
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### NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Mr. Mohamed Jama Abdi

P.O Box 80535-80100

**MOMBASA**

Email: [emjey6@gmail.com](mailto:emjey6@gmail.com)

Dear *Sir,*

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE ON  
FINANCE AND NATIONAL PLANNING**

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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Yours *sincerely,*

*Serah Kioko*  
SERAH KIOKO, MBS

**FOR: CLERK OF THE NATIONAL ASSEMBLY**





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THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Mr. Victor Poghisio Mengich  
P.O Box 65-30404  
**NGINYANG**  
Email: [mengich76@gmail.com](mailto:mengich76@gmail.com)

Dear Sir,

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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Yours sincerely,

SERAH KIOKO, MBS

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THE NATIONAL ASSEMBLY

REF: NA/DDC/F&NP/2022/02

13<sup>th</sup> January 2022

Mr. Jarso Guyo Mokku  
P.O Box 279-60300  
**ISILO**  
Email: [jarsomokku@gmail.com](mailto:jarsomokku@gmail.com)

Dear Sir,

**RE: INVITATION FOR INTERVIEWS BY THE DEPARTMENTAL COMMITTEE  
ON FINANCE AND NATIONAL PLANNING**

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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Yours sincerely,  
  
SERAH KIOKO, MBS  
FOR: CLERK OF THE NATIONAL ASSEMBLY





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NAIROBI, Kenya

14<sup>th</sup> January 2022

REF: NA/DDC/F&NP/2022/01

Mr. James Mburu  
Commissioner General  
Kenya Revenue Authority  
P O Box 62345 - 00200  
NAIROBI

Dear Mr. Mburu,

RE: REQUEST FOR INFORMATION RELATING TO TAX COMPLIANCE FOR  
THE CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION  
ADVISORY BOARD

Article 124(4) of the Constitution provides that, 'when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.'

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

The Committee will on Wednesday, 26<sup>th</sup> January 2022 conduct interviews of the following shortlisted persons for appointment of a member of the Equalization Fund Advisory Board in line with the Public Finance Management (Equalization Administration) Regulations, 2021:

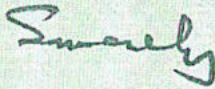
	NOMINEE	ID NUMBER	KRA PIN
1.	Ms. Sophia Yusuf Gure	25859831	A004784071C
2.	Mr. Jarso Guyo Mokku	0158061	A002986298X
3.	Mr. Mohamed Ali Farah	0012054	A001627624W
4.	Mr. Mohamed Jama Abdi	22173216	A003722724P
5.	Mr. abdullahi Adan Khalif	30221219	A009128959H
6.	Ms. Fowzia Ibrahim Sheikh	25100742	A007262801F
7.	Mr. Victor Poghisio Mengich	14564525	A003094613D



This is therefore to request you to provide the Committee with a report on the candidates' tax compliance status with the Kenya Revenue Authority for purposes of the interviews. We will appreciate if the information is received by Friday, 21<sup>st</sup> January 2022.

The Liaison Officers for this matter are Ms. Leah W. Mwaura, Committee Clerk, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and Ms. Laureen Wesonga, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

Yours



MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY



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NAIROBI, Kenya

14<sup>th</sup> January 2022

REF: NA/DDC/F&NP/2022/01

Mr. Twalib Mbarak, CBS  
Secretary/Chief Executive  
Ethics and Anti-Corruption Commission  
Integrity Centre  
Milimani/Valley Road Junction  
**NAIROBI**

Dear

*Mr. Mbarak,*

RE: REQUEST FOR INFORMATION RELATING TO INTEGRITY OF  
CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION ADVISORY  
BOARD

Article 124(4) of the Constitution provides that, 'when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.'

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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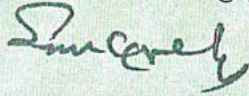
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4.	Mr. Mohamed Jama Abdi	22173216
5.	Mr. abdullahi Adan Khalif	30221219
6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525



This is therefore to request you to provide the Committee with any report that may be in the possession of the Commission touching on the candidates' integrity for purposes of the interviews. We will appreciate if the information is received by Friday, 21<sup>st</sup> January 2022.

The Liaison Officers for this matter are Ms. Leah W. Mwaura, Committee Clerk, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and Ms. Laureen Wesonga, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

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NAIROBI, Kenya

14<sup>th</sup> January 2022

REF: NA/DDC/F&NP/2022/01

Mr. George Kinoti  
Director Criminal Investigation Department  
Mazigira Complex  
Kiambu Road Opp. Forestry Department  
Headquarters, Karura  
**NAIROBI**

Dear *Mr. Kinoti,*

RE: REQUEST FOR INFORMATION RELATING TO THE CONDUCT OF  
CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION FUND  
ADVISORY BOARD

Article 124(4) of the Constitution provides that, 'when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.'

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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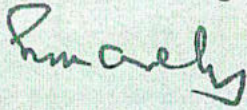
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6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525



This is therefore to request you to provide the Committee with a report on the candidates' criminal record for purposes of the interviews. We will appreciate if the information is received by Friday, 21<sup>st</sup> January 2022.

The Liaison Officers for this matter are Ms. Leah W. Mwaura, Committee Clerk, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and Ms. Laureen Wesonga, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

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14<sup>th</sup> January 2022

REF: NA/DDC/F&NP/2022/01

Mr. Charles Ringera  
Chief Executive  
Higher Education Loans Board  
Anniversary Towers, 18th Floor  
University way  
NAIROBI

Dear *Mr. Ringera,*

RE: REQUEST FOR INFORMATION RELATING TO THE CANDIDATES FOR  
APPOINTMENT TO THE EQUALIZATION FUND ADVISORY BOARD

Article 124(4) of the Constitution provides that, 'when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.'

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

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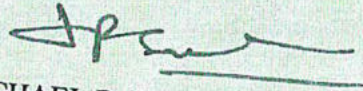
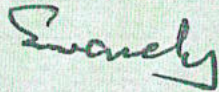
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6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525



This is therefore to request you to provide the Committee with a report on the candidates' loan status with the Board for purposes of the interviews. We will appreciate if the information is received by Friday, 21<sup>st</sup> January 2022.

The Liaison Officers for this matter are Ms. Leah W. Mwaura, Committee Clerk, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and Ms. Laureen Wesonga, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

Yours



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14<sup>th</sup> January 2022

REF: NA/DDC/F&NP/2022/01

Ms. Ann Nderitu  
Registrar  
Office of Registrar of Political Parties (ORPP)  
Lion Place, Parklands, Karuna Close  
**NAIROBI**

Dear *Ann*

RE: VERIFICATION OF PERSONS REGARDING MEMBERSHIP TO POLITICAL  
PARTIES

Article 124(4) of the Constitution provides that, 'when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.'

The Departmental Committee on Finance and National Planning of the National Assembly is established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments).

The Committee will on **Wednesday, 26<sup>th</sup> January 2022** conduct interviews of the following shortlisted persons for appointment of a member of the Equalization Fund Advisory Board in line with the Public Finance Management (Equalization Administration) Regulations, 2021:

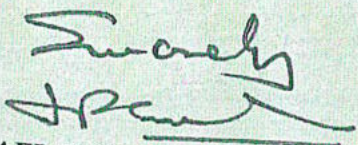
	NOMINEE	ID NUMBER
1.	Ms. Sophia Yusuf Gure	25859831
2.	Mr. Jarso Guyo Mokku	0158061
3.	Mr. Mohamed Ali Farah	0012054
4.	Mr. Mohamed Jama Abdi	22173216
5.	Mr. abdullahi Adan Khalif	30221219
6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525



This is therefore to request you to provide the Committee with a report on the candidates' affiliation to political parties, if any for the purposes of the interviews. We will appreciate if the information is received by Friday, 21<sup>st</sup> January 2022.

The Liaison Officers for this matter are Ms. Leah W. Mwaura, Committee Clerk, who may be contacted on Tel. No. 0724-232-353 or email address: [leahwanjiru4@gmail.com](mailto:leahwanjiru4@gmail.com) and Ms. Laureen Wesonga, 0710820442 or [laureenwesonga21@gmail.com](mailto:laureenwesonga21@gmail.com)

Yours



MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY





# KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

## Office of the Commissioner General

KRA/5/1002/5(7174)

21<sup>st</sup> January 2022

Mr. Michael Sialai, EBS  
Clerk of the National Assembly  
P. O. Box 41842 - 00100  
Parliament Buildings  
Nairobi

Dear

*Michael,*

### REQUEST FOR INFORMATION RELATING TO TAX COMPLIANCE FOR THE CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION ADVISORY BOARD

Reference is made to your letter Ref: NA/DCC/F&NP/2022/01 dated 14<sup>th</sup> January 2022 seeking for the tax compliance status of the nominee for the appointment to Equalization Advisory Board.

Below is the tax compliance status of the nominees:

No.	Name	ID No.	KRA PIN	Compliance Status
1.	Ms. Sofia Yusuf Gure	25859831	A004784071C	Compliant
2.	Mr. Jarso Guyo Mokku	0158061	A002986298X	Not Compliant
3.	Mr. Mohamed Ali Farah	0012054	A001627624W	Compliant
4.	Mr. Mohamed Jama Abdi	22173216	A003722724P	Not Compliant
5.	Mr. Abdullahi Adan Khalif	30221219	A009128959H	Not Compliant
6.	Mr. Fowzia Ibrahim Sheikh	25100742	A007262801F	Not Compliant
7.	Mr. Victor Poghio Mengich	14564525	A003094613D	Not Compliant

Yours sincerely,

**FCPA Githii Mburu, MGH, CBS**  
**COMMISSIONER GENERAL**

*Tulipe Ushuru Tujitegemee!*







**KENYA REVENUE  
AUTHORITY**

ISO 9001:2015 CERTIFIED

**Office of the Commissioner General**

**KRA/5/1002/5(7192)**

**26<sup>th</sup> January 2022**

Mr. Michael Sialai, EBS  
Clerk of the National Assembly  
P. O. Box 41842 - 00100  
Parliament Buildings  
**Nairobi**

Dear

*Michael*

**REQUEST FOR INFORMATION RELATING TO TAX COMPLIANCE FOR THE  
CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION ADVISORY BOARD**

We refer to our letter Ref: KRA/5/1002/5(174) dated 21<sup>st</sup> January 2021 forwarding the tax compliance status of the nominees for appointment to the Equalization Advisory Board.

We confirm that Ms. Fowzia Ibrahim Sheikh of ID No.25100742 and PIN A007262801F has visited our offices and settled the tax matters that were outstanding.

In this regard, we wish to advise the Committee on Finance and National Planning that Ms. Fowzia Ibrahim Sheikh is now tax compliant.

Yours sincerely,

**CS P. M. Matuku, EBS**  
**FOR: COMMISSIONER GENERAL**

***Tulipe Ushuru Tujitegemee!***





# KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

KRA/5/1002/5(7213)

2<sup>nd</sup> February 2022

Mr. Michael Sialai, EBS  
Clerk of the National Assembly  
P. O. Box 41842 - 00100  
Parliament Buildings  
Nairobi

Dear

*Michael,*

**REQUEST FOR INFORMATION RELATING TO THE TAX COMPLIANCE FOR THE  
CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION ADVISORY BOARD**

We refer to our letter Ref: KRA/5/1002/5(7174) dated 21<sup>st</sup> January 2022 forwarding the tax compliance status for the candidates for appointment to the Equalization Advisory Board.

We confirm that Mr. Abdullahi Adan Khalif of ID No.30221219 and PIN A009128959H has visited our offices and settled the tax matters that were outstanding.

In this regard, we wish to advise the Departmental Committee on Finance and National Planning Affairs that Mr. Abdullahi Adan Khalif is now tax compliant.

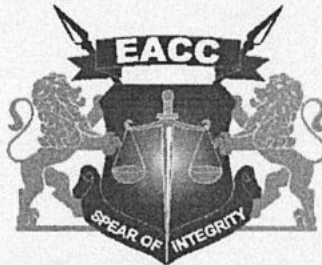
Yours sincerely,

**FCPA Githii Mburu, MGH, CBS  
COMMISSIONER GENERAL**

***Tuliye Ushuru Tujitegemee!***







## **ETHICS AND ANTI-CORRUPTION COMMISSION**

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya

TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000

FAX: 254 (020) 2240954 EMAIL: [eacc@integrity.go.ke](mailto:eacc@integrity.go.ke) WEBSITE: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:

**Our Ref: EACC.7/10/5 VOL XIX (101)**

**3<sup>rd</sup> February 2022**

**The Clerk of the National Assembly**

Clerk Chambers, Parliament Buildings

P O Box 41842 - 00100

**NAIROBI**

**RE: INTEGRITY VERIFICATION AND CLEARANCE OF NOMINEES FOR  
APPOINTMENT TO EQUALIZATION ADVISORY BOARD**

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Your letter referenced NA/DDC/F&NP/2022/01 dated 14<sup>th</sup> January 2022, on the above subject matter refers.

Please note that from our records, the Commission has not undertaken any investigations pursuant to its mandate against the under listed nor has it recommended prosecution of any of them.

<b>S/No</b>	<b>Name</b>	<b>ID Number</b>
1.	Ms. Sophia Yusuf Gure	25859831
2.	Mr. Jarso Guyo Mokku	0158061
3.	Mr. Mohamed Ali Farah	0012054
4.	Mr. Mohamed Jama Abdi	22173216
5.	Mr. Abdullahi Adan Khalif	30221219
6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525

The information provided herein is based on records available as of **2<sup>nd</sup> February 2022**.

**CPA John Lolkoloi, OGW**

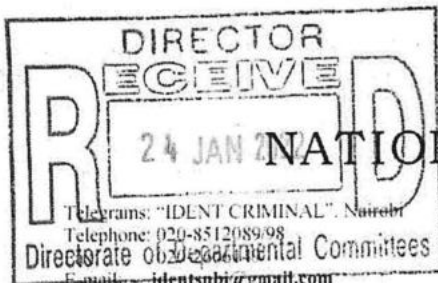
**FOR: SECRETARY/CHIEF EXECUTIVE OFFICER**

*MKK/IK*

*Tuagamize Ufisadi, Tuijenge Kenya*







Criminal records office  
P O Box 30460 - 00100 GPO  
NAIROBI

## DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.X/110

20<sup>TH</sup> JANUARY, 2022

**Clerk of the National Assembly**

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P O Box 41842-00100

**NAIROBI**

**Attn: Michael R. Sialai, CBS**

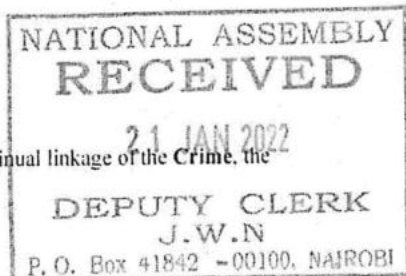
**RE: REQUEST FOR INFORMATION RELATING TO THE CONDUCT OF  
CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION FUND  
ADVISORY BOARD**

Your correspondence **Ref. NA/DDC/F&NP/2022/01** dated **14<sup>th</sup> January, 2021** refers.

The below mentioned candidates applied for police clearance and were **genuinely** issued with certificate by this office.

S/No.	Name	ID/No.	DCI Ref. No.	Date of Issue
1.	MS. SOPHIA YUSUF GURE	25859831	PCC-8JTD7BYM	6-12-21
2.	MR. JARSO GUYO MOKKU	0158061	PCC-PPTJ9A7K	20-1-22
3.	MR. MOHAMED ALI FARAH	0012054	PCC-V5TD7KE5	12-10-21
4.	MR. MOHAMED JAMA ABDI	22173216	PCC-R7TJ026Z	31-12-21
5.	MR. ABDULLAHI ADAN KHALIF	30221219	PCC-67T25BWP	19-7-21
6.	MS FOWZIA IBRAHIM SHEIKH	25100742	PCC-J5TPPLZ7	16-12-21

OUR VISION: To be the best forensic fingerprint science laboratory with emphasis on continual linkage of the Crime, the  
Crime-Scene and the Criminal  
FACES CAN LIE. FINGERPRINTS NEVER.

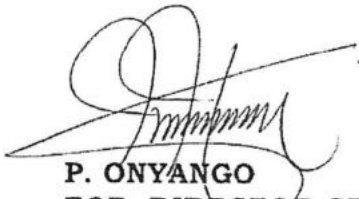


The below named candidate applied for police clearance but has not presented himself to DCI for fingerprinting.

S/NO.	NAME	ID/NO.	DCI REF. NO.
1.	MR. VICTOR PHOGHISO MENGICH	14564525	PCC-ZLT7W5E8

It is deemed that as at the date of issuance of the Police Clearance Certificate to the applicant, there **were negative results** from both our nominal index and criminal database.

Thank you for your continued cooperation.



**P. ONYANGO**  
**FOR: DIRECTOR CRIMINAL INVESTIGATIONS**

**Copy to: DCI – For information**

## NATIONAL POLICE SERVICE



## DIRECTORATE OF CRIMINAL INVESTIGATIONS

## DIRECTORATE OF CRIMINAL INVESTIGATIONS HEADQUARTERS

P.O.Box 30036-00100 GPO  
NAIROBI, KENYA

Ref. No: PCC-ZLT7W5E8

Date 27 January 2022

## POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

**VICTOR POGHISIO MENGICH**

holder of ID No. **14564525** have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

## REMARKS IN CASE OF PREVIOUS RECORD

OFFENCE(S): NIL

RESULTS OF TRIAL: NIL

DATE: NIL

This Certificate has been issued without any alteration or any erasure

  
(P.M. Onyango)

For: Director, Directorate of Criminal Investigations

(P.T.O)

**NOTE:** This is a computer generated certificate, to verify the authenticity of this document, send DCI to 21546  
Then Dial \*512# and select "Police Clearance"



**REMARKS**

2. OFFENCE(S): **NIL**  
.....  
RESULTS OF TRIAL: **NIL**  
.....  
DATE: **NIL**  
.....
3. OFFENCE(S): **NIL**  
.....  
RESULTS OF TRIAL: **NIL**  
.....  
DATE: **NIL**  
.....
4. OFFENCE(S): **NIL**  
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RESULTS OF TRIAL: **NIL**  
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DATE: **NIL**  
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5. OFFENCE(S): **NIL**  
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RESULTS OF TRIAL: **NIL**  
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DATE: **NIL**  
.....  
OFFENCE(S): **NIL**  
.....  
RESULTS OF TRIAL: **NIL**  
.....  
DATE: **NIL**  
.....
7. OFFENCE(S): **NIL**  
.....  
RESULTS OF TRIAL: **NIL**  
.....  
DATE: **NIL**  
.....



## HIGHER EDUCATION LOANS BOARD

Tel: 0711052000  
E-mail: contactcentre@helb.co.ke  
Website: www.helb.co.ke

Anniversary Towers  
University Way  
P.O Box 69489-00400  
Nairobi, Kenya

HELB/RR/112009/146

Mr. Michael R. Sialai, CBS  
Clerk of the National Assembly  
Parliament Buildings  
P.O Box 41842-00100  
**NAIROBI**

Dear

Michael,

DDC-112  
2011/22

18th January 2022

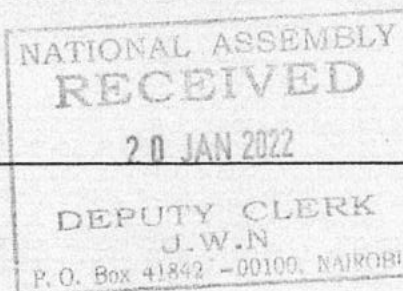
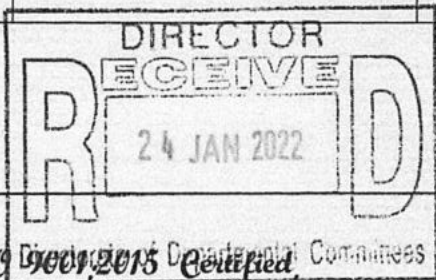
Leah Mwaiva  
to facilitate Consideration  
24/1/22

### VETTING OF THE SHORTLISTED CANDIDATES FOR APPOINTMENT TO THE EQUALIZATION FUND ADVISORY BOARD

We acknowledge with thanks receipt of your letter REF: No. **NA/DDC/F&NP/2022/01** dated 14th January 2022 requesting the Higher Education Loans Board to provide a report on repayment of HELB loans that may have been advanced to the following candidates for the purpose of vetting.

Please find a list confirming their loan status with HELB.

S.No.	Name	ID No.	Status
1.	Ms. Sophia Yusuf Gure	25859831	Not a Beneficiary
2.	Mr. Jarso Guyo Mokku	0158061	Not a Beneficiary
3.	Mr. Mohamed Ali Farah	0012054	Not a Beneficiary
4.	Mr. Mohamed Jama Abdi	22173216	Not a Beneficiary
5.	Mr. Abdullahi Adan Khalif	30221219	Not a Beneficiary
6.	Ms. Fowzia Ibrahim Sheikh	25100742	Not a Beneficiary
7.	Mr. Victor Phoghisio Mengich	14564525	Not a Beneficiary




ISO 9001:2015 Certified



We kindly urge you to continue encouraging applicants to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter Six of the Constitution of Kenya.

We wish to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB finance needy Kenyans pursuing higher education now and in the future.

Yours

*Sincerely*  
  
**CHARLES M. RINGERA**  
**CHIEF EXECUTIVE OFFICER**





REPUBLIC OF KENYA

Telephone: +254(0)204022000  
Mobile: 0772281357  
Email: [info@orpp.or.ke](mailto:info@orpp.or.ke)  
Website: [www.orpp.or.ke](http://www.orpp.or.ke)  
When replying please quote



Lion Place, 1<sup>st</sup> & 4<sup>th</sup> Floor  
Off Waiyaki Way  
P.O. Box 1131-00606  
Sarit Centre, Nairobi.

Ref: RPP/ORG/34 Vol. V (35)

Date: 17<sup>th</sup> January, 2022

Clerk of the National Assembly  
Clerks Chambers, National Assembly  
Parliament Buildings  
P.O. Box 41842 - 00100  
NAIROBI

Dear Sir,

**RE: VERIFICATION OF PERSONS REGARDING MEMBERSHIP TO POLITICAL PARTIES**

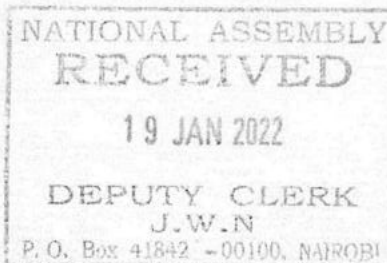
Reference is made to letter Ref. NA/DDC/F&NP/2022/01 dated 14<sup>th</sup> January, 2022 on the above subject matter.

According to the records held by this Office as at 17<sup>th</sup> January 2022, the list of the nominees tabulated herein are not members nor officials of any registered political party.

S/No.	Shortlisted Candidates	National ID No.
1.	Ms. Sophia Yusuf Gure	25859831
2.	Mr. Jarso Guyo Mokku	0158061
3.	Mr. Mohamed Ali Farah	0012054
4.	Mr. Mohamed Jama Abdi	22173216
5.	Mr. Abdullahi Adan Khalif	30221219
6.	Ms. Fowzia Ibrahim Sheikh	25100742
7.	Mr. Victor Phoghisio Mengich	14564525

Yours faithfully,

Ann N. Nderitu, MBS  
Registrar of Political Parties



@ORPPKenya



ORPPKenya

RW/LA



# UNIVERSITY OF NAIROBI



This is to certify that

*Adan Khalif Abdullahi*

having satisfied the requirements  
for the award of the degree of the

**BACHELOR OF ECONOMICS**

*Second Class Honours (Upper Division)*

was admitted to the degree  
at a Congregation held at  
this University on the

Second Day of December in the Year  
2016

INNOCENT MUGANDA  
ADVOCATE &  
COMMISSIONER FOR OATHS  
P. O. Box 51100-00100,

*[Signature]*

VICE-CHANCELLOR

*[Signature]*

*[Signature]*

DEPUTY VICE-CHANCELLOR (ACADEMIC AFFAIRS)

5706



