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SCHEDULES

FIRST SCHEDULE: Conduct of Business and Affairs of the Committee

THE MAKUENI COUNTY ULTRA- POOR GRADUATION BILL, 2025

A Bill for—

AN ACT of the County Assembly of Makueni to provide a legal and regulatory framework for Ultra-Poor Graduation in the County; to provide socio-economic interventions for graduating the Ultra-Poor to better standards of living; to provide for the institutionalization, coordination, financing, and implementation of the Ultra-Poor Graduation (UPG) Program to alleviate extreme poverty, enhance socio-economic empowerment, and promote sustainable livelihoods; and for connected purposes.

ENACTED by the County Assembly of Makueni, as follows—

PART I— PRELIMINARY

- Short title** 1. This Act may be cited as the Makueni County Ultra-Poor Graduation Act, 2025.
2. In this Act unless the context otherwise requires —
- Interpretation** “**Beneficiary**” means an individual who is identified as ultra-poor or vulnerable based on economic and social indicators that are selected to participate in the Ultra-Poor Graduation Program aimed at improving their livelihoods;
- “**Committee**” means the Makueni County Ultra-Poor Graduation Committee established under section 12 of this Act;
- “**Consumption support**” means the provision of direct assistance such as cash transfers to meet the basic needs of the ultra-poor, including food and other essential goods and services such as healthcare and social support;
- “**County**” means Makueni County;
- “**County Executive Committee Member**” means the County Executive Committee

Member for the department responsible for Social Services;

“County Government” means the County Government of Makueni;

“Department” means the County department responsible for social services which shall be in charge of Ultra- Poor Graduation;

“Exit strategy” means a planned approach for transitioning program beneficiaries from direct support to self-sufficiency while ensuring they do not fall back into ultra-poverty. The exit strategy includes clearly defined indicators for self-sufficiency including stable income, increased savings, improved food security, and access to financial services; post-graduation support; tracking and follow-up of graduated households to assess resilience and prevent relapse into poverty; and linking beneficiaries to savings groups, cooperatives, and credit facilities to maintain financial independence;

“Group” means a number of persons who have formed a common business venture under the Ultra-Poor Graduation Program;

“Grant” means a non-repayable financial or in kind transfer provided to Ultra- Poor persons to help them establish sustainable livelihoods;

“Household” means a group of people, often a family, sharing a residence and resources;

“Marginalized groups” means communities or individuals disadvantaged due to economic, social or geographical factors, including indigenous communities, persons with disabilities and those living in extreme poverty;

“Technical assistance” means specialized training, market linkages and digital solutions to enhance enterprise growth;

“Ultra-Poor” means the poorest of the poor, typically living on less than Ksh.108 per day in rural areas and Ksh.200 in urban areas (*Kenya Poverty Report 2022 KNBS*, and its subsequent versions);

“Ultra-Poor Graduation” means a holistic approach that combines proper targeting of the ultra-poor, group formation, capacity building (training and mentorship), financial support, asset transfers and market access to empower households to graduate from extreme poverty and achieve sustainable livelihoods;

“UPG” means Ultra- Poor Graduation;

“Ultra-Poor Graduation Program” means the Program established under section 5 of this Act;

“Ultra-Poor Parameters” means indicators of severe deprivation and vulnerability within society and include persistent food insecurity, lacking access to essential services, lack of assets and basic needs; and social exclusion;

“Post-Graduation Support” means providing continued access to mentorship, business coaching, financial literacy training and referrals to market opportunities, financial institutions, and other social protection programs to provide ongoing stability.

**Objects of
the Act**

3. The objects of this Act are to provide for —

- (a) A legal and regulatory framework for Ultra-Poor Graduation in the County;
- (b) Socio-economic interventions for graduating the ultra- poor to better standards of living; and
- (c) The institutionalization, coordination, financing, and implementation of the Ultra-Poor Graduation (UPG) Program to alleviate extreme poverty, enhance socio-economic empowerment, and promote sustainable livelihoods.

**Guiding
Principles**

4. The implementation of this Act shall be guided by the following guiding principles —

- (a) The realization of the economic and socio rights under **Article 43** of the Constitution and the national values and principles of governance set out under **Article 10** of the Constitution;
- (b) **Inclusivity** to address the needs of the most disadvantaged and marginalized groups in Makueni County;
- (c) **Empowerment** to equip ultra-poor persons with mind-set change tools, resources, linkages, trainings and knowledge to achieve sustainable livelihoods;
- (d) **Sustainability** to promote interventions that foster long-term resilience and socio-economic independence among beneficiaries;

- (e) **Partnerships** through collaborating with stakeholders and development partners for resource mobilization, research, expertise, technical input and capacity building for greater impact; and
- (f) **Equity** to ensure there is fairness in the implementation of the Program in all parts of the County.

PART II: THE MAKUENI COUNTY ULTRA-POOR GRADUATION PROGRAM

The Ultra-Poor Graduation Program

- 5. (1) There is established the Makueni County Ultra-Poor Graduation Program.
- (2) The primary goal of the Program shall be to empower extremely poor individuals and households to achieve sustainable and resilient livelihoods.

Eligibility Criteria

- 6. (1) A Beneficiary who qualifies for the Ultra-Poor Graduation Program shall be —
 - a) A Kenyan citizen;
 - b) A resident of Makueni County for the last 3 years; and
 - c) A person who meets the key parameters of an Ultra Poor.
- (2) The key parameters for an Ultra –poor person shall include-
 - (a) Persistent food insecurity;
 - (b) Lacking access to essential services;
 - (c) Lack of assets and basic needs; and
 - (d) Social exclusion.

UPG Interventions

- 7. The Program shall be structured to involve multi-faceted interventions that may include —
 - (a) Consumption support;
 - (b) Health and social support;

- (c) Knowledge acquisition and skills development;
- (d) Coaching and Mentorship;
- (e) Asset transfer;
- (f) Assistance in transfer of existing asset;
- (g) Grants;
- (h) Financial and entrepreneurial literacy;
- (i) Linkage and referrals to relevant agencies and markets; and
- (j) Any other intervention that may be necessary.

**The Graduation
Process**

8. (1) The Ultra- Poor Graduation process shall have a clear and sustainable graduation pathway for targeted beneficiaries.

(2) The graduation process shall provide for —

- (a) Identification and mapping of the ultra-poor;
- (b) Targeting and registration;
- (c) Formation of common interest groups;
- (d) Mentorships, Coaching and training programs;
- (e) Provision of consumption support and grants;
- (f) A structured exit strategy for the beneficiaries; and
- (g) Post-graduation support.

**Management
Information System**

9. The County Government may establish a management information system to facilitate the implementation of the Ultra-Poor Graduation Program including monitoring and evaluation.

PART III- INSTITUTIONAL FRAMEWORK

County Department responsible for Ultra- Poor Graduation

10. (1) The department responsible for social services in the County shall be in charge of Ultra-Poor Graduation.

(2) Without prejudice to the generality of sub section (1) above, the Department shall serve as the lead agency for the implementation of this Act and shall —

- (a) Formulate policies and legislative frameworks for effective UPG delivery;
- (b) Establish a Unit for the day-to- day administration of the UPG Program;
- (c) Conduct identification, mapping, and registration of ultra-poor households through evidence-based targeting mechanisms;
- (d) Establish a grievance redress mechanism to address disputes related to UPG implementation;
- (e) Mobilize resources through partnerships and collaborations;
- (f) Facilitate linkages and referrals of UPG beneficiaries to relevant agencies, markets and other social protection interventions;
- (g) Develop strategies for post-program support; and
- (h) Maintain and operate a Management Information System for real-time tracking of program beneficiaries, progress, and outcomes.

Stakeholder Collaboration

11. The Department shall coordinate with other county departments, development partners, financial institutions, state and non-state actors to ensure a multi-sectoral approach to Ultra-Poor Graduation.

The Makueni County Ultra-Poor Graduation Committee

12. (1) There is established the Makueni County Ultra-Poor Graduation Committee which shall coordinate the implementation of the UPG Program in the County.

(2) The Committee members shall be appointed on such terms as maybe prescribed by the Executive Committee Member.

**Membership of the
Committee**

13. (1) The Committee shall comprise of —
- (a) The Chief Officer for the department responsible for social services who shall be the Chairperson;
 - (b) The Chief Officer for the department responsible for Trade or their representative duly nominated in writing;
 - (c) The Chief Officer for the department responsible for Agriculture or their duly nominated representative in writing;
 - (d) The Chief Officer for the department responsible for Health or their representative duly nominated in writing;
 - (e) The Chief Officer for the department responsible for County Administration or their representative duly nominated representative in writing;
 - (f) The Director for the department responsible for Ultra-Poor Graduation who shall be the secretary;
 - (g) One person representing the Youth;
 - (h) One person representing Persons with Disabilities; and
 - (i) One person representing Women.

(2) The Committee may co-opt for a specific purpose and duration, such number of persons the Committee members may consider necessary, for the effective performance of its functions.

(3) A person co-opted under sub-section (2) shall not be entitled to a vote in the meeting of the Committee.

**Functions of the
committee**

14. The functions of the Committee shall be to —
- (a) Provide strategic direction for the implementation of the Ultra -Poor Graduation Program in the county;
 - (b) Mobilize resources for the Ultra-Poor Graduation Program;
 - (c) Coordinate a multi-sectoral approach in planning and budgeting of the UPG Program;
 - (d) Prepare and submit to the Executive Committee Member the annual budget estimates for approval;
 - (e) Advise the County Government on strategies for sustainable poverty alleviation; and
 - (f) Perform any other function that may be assigned by the Executive Committee Member.

Eligibility criteria

15. (1) A person shall be qualified as a member under section 13(1) (g), (h) and (i) if the person;
- (a) Has successfully completed an Ultra-Poor Graduation Program or any other socio-economic inclusion program in the County;
 - (b) Has knowledge or skills of at least 2 years' experience in their respective field; and
 - (c) Meets the requirements of chapter 6 of the Constitution.

Tenure of the Committee

16. (1) The members of the Committee appointed under sub-section 13(1) (g), (h) and (i) shall serve for a term of three years from the date of appointment and may be eligible for appointment for a final term.

Vacancy of the Committee

17. (1) The office of a member of the Committee appointed under sub-section 13 (1) (g), (h) and (i) shall fall vacant -
- (a) If the member resigns from their office in writing to the appointing authority;
 - (b) If the member is, by reason of physical or mental infirmity, unable to execute the functions of their office;
 - (c) Upon their death;
 - (d) If the appointment of the member is revoked by the appointing authority in writing;
 - (e) If the member has been absent without apology for three consecutive meetings of the Committee;
 - (f) If the member has been found guilty of a criminal offence and sentenced to serve a term of more than six months; and
 - (g) Upon the expiry of three years from the date of appointment.

- (2) Where the office of a member of the Committee falls

vacant under section 20(1) the Secretary shall notify the Executive Committee Member within 14 days of the occurrence and shall request for the appointment of a replacement.

**Conduct of affairs and
business of the
Committee**

18. (1) The Conduct and regulation of the business and affairs of the Committee shall be set out in the First Schedule of this Act.

(2) Except as provided in the First Schedule, the Committee may regulate its own procedure.

Remuneration

19. The remuneration of the Committee members shall be on such terms and conditions as determined by the Salaries and Remuneration Commission.

Reporting

20. (1) A person or an entity undertaking UPG Program activities in the County shall submit quarterly reports to the UPG Committee.

(2) The Committee shall at the end of each financial year cause an annual report to be prepared and submitted to the Executive Committee Member.

(3) The annual report shall contain —

(a) a description of UPG Program activities implemented in the County;

(b) an assessment of the progress of the Program implemented in the County;

(c) recommendations on measures to be undertaken to enhance the effectiveness of Ultra-Poor Graduation in the county; and

(d) Any other information related to the Program that the Committee considers necessary.

(4) The Chief Officer for the Department shall transmit the annual report to the County Executive Committee Member responsible for Finance through the Executive Committee Member for onward transmission to the County Assembly.

PART IV — FINANCIAL PROVISIONS

Sources of funds

21. (1) The sources of funds for the implementation of this Act shall consist of —
- (a) Funds appropriated by the County Assembly for the purposes of the Program;
 - (b) Any other grants, gifts, donations or other endowments given to the Program; and
 - (c) Such funds as may vest or accrue to the Program in the performance of its functions under this Act or any other written law.

Special purpose account

22. (1) There shall be opened a special purpose account known as Makueni County Ultra- Poor Graduation Account to be kept at a Commercial Bank.
- (2) The purpose of the Account shall be to —
- (a) receive funds in accordance with section 20(1);
 - (b) disburse funds according to the approved schedules of payment; and
 - (c) disburse any other approved expenditure incurred in pursuance of the objects and purpose under this Act.
- (3) The County Executive Committee Member for Finance and the County Treasury cause to be deposited sufficient funds into the account to fulfil all scheduled payment obligations, administrative costs, and other eligible expenditure.

Resource mobilization strategy

23. (1) The Executive Committee Member in consultation with the Committee shall, within six months of the Act coming into force, develop a resource mobilization strategy to identify sources of support, material or financial, to facilitate the realization of the objects of this Act.
- (2) The strategy in sub-section (1) may be reviewed after every three years or as maybe necessary.

Financial year

24. The financial year of the Program shall be a period of 12 months beginning from the first of July and ending on the thirtieth June of each year.

**Adherence to approved
Budgetary estimates**

25. No expenditure shall be incurred for the purpose of the Committee except in accordance with the annual estimates approved under section 22.

PART VI — MISCELLANEOUS PROVISIONS

**Duty of
Confidentiality**

26. (1) A Person who possesses confidential information by virtue of this Act shall not disclose such information which has come to their knowledge in the course of their duties or in the implementation of the Program under this Act.

(2) The limitation on disclosure referred to in sub-section (1) shall not be construed to prevent the disclosure of criminal activity or as otherwise authorized by law.

**Protection from
personal liability**

27. A person shall not be personally liable for any action done in good faith while performing any duty or in exercising any power conferred under this Act.

Offences

28. (1) A person who fails to give proper information or gives inaccurate or misleading information or falsifies information or misrepresents information, or falsifies a document required under this Act to obtain a benefit, commits an offence.

(2) A public officer who —

- (a) Takes possession of the funds or assets of the Committee without lawful authority;
- (b) Causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act; and
- (c) Engages in a corrupt act; that public officer commits an offence

Penalties

29. A person who contravenes the provisions of section 28 commits an offence and is liable to conviction in the penalty prescribed under the Public Finance Management, Act 2012, including a

fine not exceeding two hundred thousand shillings (Ksh. 200,000) or imprisonment for a term not less six months or both.

Regulations

30. (1) The Executive Committee Member may, make such regulations as are necessary or expedient to give full effect to or for the carrying out of the provisions of this Act.
- (2) The regulations made under this Act may provide for —
- (a) The criteria for identification, mapping, targeting and registration of the ultra-poor;
 - (b) The post-graduation strategy for the beneficiaries;
 - (c) Stakeholder engagement strategy;
 - (d) Appointment and revocation process of Committee members in sub-section 13 (1) (g), (h) and (i);
 - (e) UPG Program guidelines, tools and training materials;
 - (f) Operational procedures of the Management Information System;
 - (g) Grievance and redress mechanism to address disputes related UPG implementation; and
 - (h) Any other matter necessary for the proper implementation of this Act.

FIRST SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE MAKUENI COUNTY ULTRA-POOR GRADUATION COMMITTEE

1. Quorum of meetings

- (1) The quorum for the conduct of business at any meeting of the Committee shall be at least half of the total number of members.
- (2) Subject to the provisions of sub-section (1) above, no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

2. Frequency of meetings

- (1) The Committee shall meet at least once every quarter;
- (2) Every meeting of the Committee shall be convened by the Chairperson in consultation with the Secretary to the Committee.
- (3) The notice for meetings shall be given at least fourteen days before the date of the meeting.
- (4) Notwithstanding the provisions under sub-section (1) above, any stakeholder, programme or project at the County may request the Chairperson to convene a special Committee meeting and the stakeholder, programme or project may meet the expenses of convening such a meeting.

3. Sub-Committees

- (1) The Committee may establish such sub-committees as it may deem appropriate to perform such functions and discharge such responsibilities as the Committee may delegate.
- (2) The sub-committees so established shall make reports to the Committee as appropriate.

4. Chairperson to preside over Committee meetings

- (1) The Chairperson shall preside over every meeting of the Committee at which the Chairperson is present.
- (2) The members shall elect a vice chairperson from amongst its members.
- (3) In the absence of the Chairperson, the meeting shall be presided over by the Vice-chairperson.
- (4) In circumstances where both the Chairperson and the Vice-chairperson are absent, then the members present shall elect one amongst themselves to preside over the meeting.

5. Conflict of interest

- (1) If a Committee member has a personal or fiduciary interest in a project, proposed contract or any matter before the Committee and is present at a meeting of the Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.
- (2) A disclosure of interest made under subsection (1) above shall be recorded in writing in the minutes of the meeting at which it is made and shall form part of the records maintained under this Act.
- (3) Notwithstanding the provision above, no member of the Committee will be allowed to transact business with the Committee which leads to the member's personal gain.

6. Decision of the Committee

- (1) A decision of the Committee on any matter before the Committee shall be arrived at either unanimously or by a majority of the votes cast by the eligible members present.

- (2) Notwithstanding the provisions of sub-section (1) above, there shall be a minimum of five eligible voters present and voting.
- (3) In the event of a tie in voting, the chairperson shall have a casting vote.

THE MAKUENI COUNTY ULTRA-POOR GRADUATION, BILL 2025

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to provide for a legal and regulatory framework for Ultra-Poor Graduation in Makueni County; to provide socio-economic interventions for graduating the Ultra-Poor to better standards of living; and to provide for the institutionalization, coordination, financing, and implementation of the Ultra-Poor Graduation (UPG) Program.

Makueni County has a significant population experiencing extreme poverty, requiring structured, long-term interventions beyond short-term relief efforts. While various programs exist to support economic empowerment, the lack of a legal framework has led to challenges in sustainability, coordination, and financing. The Bill seeks to ensure that ultra-poor households are supported to achieve sustainable livelihoods and economic resilience.

The Bill is divided into several parts, each addressing critical aspects of the UPG Program.

Part I of the Bill (Sections 1-4) Provides for the preliminary provisions. This part provides for the short title of the Act and defines key terms used in the Bill. It also sets out the purpose of the Bill and its guiding principles.

Part II of the Bill (Sections 5-9) establishes the Ultra-Poor Graduation Program, its interventions and the graduation process which includes beneficiary eligibility criteria, identification, financial support mechanisms, mentorship and other graduation pathways. It also provides for the Management Information System (MIS) to track program impact and ensure data-driven decision-making.

Part III of the Bill (Sections 10-20) establishes County department responsible for Ultra-poor Graduation implementation and its functions. It also provides for the establishment of the Makueni County Ultra-Poor Graduation Committee responsible for coordinating the Program's implementation, its membership and functions; as well as reporting procedures of the Committee.

Part IV of the Bill (Sections 21-25) outlines the financial provisions for the implementation of the Act in order to provide sustainable financial resources for UPG initiatives. This includes sources of funds, the opening of a special purpose account and strategies for resource mobilization.

Part V of the Bill (Sections 26-30) provides for the General Provisions which include the duty of confidentiality, protection from personal liability, offences, penalties as well as the powers of the Executive Committee Member to make regulations for the better carrying out of the provisions of this Act

Statement on whether the Bill is a money Bill, within the meaning of Article 114 of the Constitution:

The enactment of this Bill will result in additional expenditure of public funds to be provided for through the annual budget estimates.

Dated on 12TH MAY 2025.

ENG, SEBASTIAN KYONI,
County Executive Committee Member
Department of Gender, Children, Youth, Sports and Social Services.

FOR YOUR FEEDBACK USE EMAIL; cogender@makueni.go.ke

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