

**SPECIAL ISSUE**

335

*Kenya Gazette Supplement No. 83*

*13th June, 2019*

*(Legislative Supplement No. 26)*

LEGAL NOTICE NO. 79

**THE PUBLIC FINANCE MANAGEMENT ACT**

*(No. 18 of 2012)*

IN EXERCISE of the powers conferred by section 24(8) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations—

**THE PUBLIC FINANCE MANAGEMENT (UWEZO FUND) (REVOCATION) REGULATIONS, 2019**

1. These Regulations may be cited as the Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2019.

Citation.

2. The Uwezo Fund established under the Public Finance Management (Uwezo Fund) Regulations, 2014 is wound up.

Winding up.  
LN 21 of 2014

3. (1) Any amounts remaining in the Uwezo Fund shall be paid into the National Exchequer Account for the credit of the national government.

Transfer of outstanding amounts.

(2) The Cabinet Secretary shall, with the approval of the National Assembly, pay any deficit in the Fund from funds of the national government in the National Exchequer Account.

(3) Any outstanding loan between the Uwezo Fund and a beneficiary shall on the commencement of these Regulations, become a loan between the Biashara Kenya Fund established under regulation 3 of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 and the same beneficiary, with the same rights and subject to the same obligations and the loan shall be deemed to be a single continuing loan.

4. (1) In this regulation, unless the context otherwise requires—

Transition of staff.


“Administrator” means the Principal Secretary of the State Department for the time being responsible for gender affairs or any other person designated by the Cabinet Secretary, in writing for that purpose;

“Biashara Kenya Fund” means the Biashara Kenya Fund established under regulation 3 of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019.


(2) Subject to paragraph (4), a person who, immediately before the commencement of these Regulations, was an employee of the Government serving in the Uwezo Fund shall serve in the Biashara Kenya Fund.

(3) Despite Regulation (2), employees of the Government serving in the Uwezo Fund immediately before the commencement of these Regulations shall, upon the commencement of these Regulations, be given an option to serve in the Biashara Kenya Fund and if not appointed be redeployed in the public service.



  
**THE NATIONAL ASSEMBLY PAPERS LAID**

**DATE:** 02 JUL 2019 DAY  
TUESDAY

<b>TABLED BY:</b>	MAJORITY WHIP
<b>CLERK AT THE TABLE:</b>	

(4) Before appointing a person to whom paragraph (2) applies, the Administrator, in consultation with the Public Service Commission, shall—

- (a) require such person to make an application for employment or appointment to the Fund; and
- (b) using the criteria determined by the Public Service Commission, vet such a person to ensure that he or she is fit and proper to serve in the position applied for in the Biashara Kenya Fund.

(5) A person who, immediately before the commencement of these Regulations, was an employee of the Government serving in the Uwezo Fund immediately before the commencement of these Regulations, who fails to meet the vetting criteria set under paragraph (4), may be deployed in the public service.

(6) Notwithstanding the provisions of this regulation, and for as long as the Administrator has not appointed staff to serve in the Biashara Kenya Fund, the staff of the Uwezo Fund shall continue to perform those functions and their acts shall be deemed to be those of the Biashara Kenya Fund.

5. The Government Financial Management (Uwezo Fund) Regulations, 2014 are revoked.

Revocation.  
LN 21 of 2014

Dated the 31st May, 2019.

HENRY ROTICH,  
*Cabinet Secretary for the National Treasury and Planning.*

LEGAL NOTICE NO. 80

**THE PUBLIC FINANCE MANAGEMENT ACT**

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 24(8) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations—

**THE PUBLIC FINANCE MANAGEMENT (WOMEN ENTERPRISE FUND) (REVOCATION) REGULATIONS, 2019**

1. These Regulations may be cited as the Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019.



Citation.

2. The Women Enterprise Fund established under the Government Financial Management (Women Enterprise Fund) Regulations, 2007 is wound up.

Winding up.  
LN 147 of 2007

3. (1) Any amounts remaining in the Women Enterprise Fund shall be paid into the National Exchequer Account for the credit of the national government.

(2) The Cabinet Secretary shall, with the approval of the National Assembly, pay any deficit in the Fund from funds of the national government in the National Exchequer Account.

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>			
<b>DATE: 02 JUL 2019</b>			
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 2px;">DAY</td> </tr> <tr> <td style="padding: 2px;">TUESDAY</td> </tr> </table>		DAY	TUESDAY
DAY			
TUESDAY			
<b>TABLED BY:</b>	<b>MAJORITY WHIP</b>		
<b>CLERK-AT THE TABLE:</b>			



(3) Any outstanding loan between the Women Enterprise Fund and a beneficiary shall on the commencement of these Regulations, become a loan between the Biashara Kenya Fund established under regulation 3 of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 and the same beneficiary, with the same rights and subject to the same obligations and the loan shall be deemed to be a single continuing loan.

4. (1) In this Regulation, unless the context otherwise requires—

Transition of staff.

“Administrator” means the Principal Secretary of the State Department for the time being responsible for gender affairs or any other person designated by the Cabinet Secretary, in writing for that purpose;

“Biashara Kenya Fund” means the Biashara Kenya Fund established under regulation 3 of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019.

(2) Subject to paragraph (5), a person who, immediately before the commencement of these Regulations, was serving on contract in the Women Enterprise Fund shall, at the commencement of these Regulations, serve in the Biashara Kenya Fund for the unexpired period, if any, of the term.

(3) Subject to paragraph (5), every person who, immediately before the commencement of these Regulations, was an employee of the Government serving in the Women Enterprise Fund shall serve in the Biashara Kenya Fund.

(4) Despite paragraph (5), employees of the Government in the Women Enterprise Fund immediately before the commencement of these Regulations shall, upon the commencement of these Regulations, be given an option to in serve the Biashara Kenya Fund and if not appointed by the Administrator be redeployed in the public service.

(5) Before appointing a person to whom paragraph (2) or (3) apply, the Administrator, in consultation with the Public Service Commission, shall—

- (a) require such person to make an application for employment or appointment to the Biashara Kenya Fund; and
- (b) using the criteria determined by the Public Service Commission, vet such a person to ensure that he or she is fit and proper to serve in the position applied for in the Biashara Kenya Fund.

(6) An applicant who was serving on contract under paragraph (2) who fails to meet the vetting criteria set under paragraph (5), shall be allowed to serve for the remaining period of the contract or his or her services terminated in accordance with the terms and conditions of his contract.

(7) A person who, immediately before the commencement of this Regulations, was an employee of the of the Government serving in the Women Enterprise Fund immediately before the commencement of these Regulations who fails to meet the vetting criteria set under paragraph (5), may deployed in the public service.

(8) Notwithstanding the provisions of this regulation, and for as long as the Administrator has not appointed staff to serve in the Biashara Kenya Fund, the staff of the Women Enterprise Fund shall continue to perform those functions and their acts shall be deemed to be those of the Biashara Kenya Fund.

5. The Government Financial Management (Women Enterprise Fund) Regulations, 2007 are revoked.

Revocation.  
LN 147 of 2007

Dated the 31st May, 2019.

HENRY ROTICH,  
*Cabinet Secretary for the National Treasury and Planning.*

LEGAL NOTICE NO. 81

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 24(8) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (YOUTH ENTERPRISE DEVELOPMENT FUND) (REVOCAION) REGULATIONS, 2019

1. These Regulations may be cited as the Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations, 2019.

Citation.

2. The Youth Enterprise Fund established under the Government Financial Management (Youth Enterprise Development Fund) Regulations, 2007 is wound up.

Winding up.

LN 167 of 2006

3. (1) Any amounts remaining in the Youth Enterprise Development Fund shall be paid into the National Exchequer Account for the credit of the national government.

Transfer of  
outstanding  
amounts.

(2) The Cabinet Secretary shall, with the approval of the National Assembly, pay any deficit in the Fund from funds of the national government in the National Exchequer Account.

(3) Any outstanding loan between the Youth Enterprise Development Fund and a beneficiary shall on the commencement of these Regulations, become a loan between the Biashara Kenya Fund established under regulation 3 of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 and the same beneficiary, with the same rights and subject to the same obligations and the loan shall be deemed to be a single continuing loan.

4. The Government Financial Management (Youth Enterprise Development Fund) Regulations, 2006 are revoked.



Revocation.

LN 167 of 2006

Dated the 31st May, 2019.

HENRY ROTICH,

*Cabinet Secretary for the National Treasury and Planning.*

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
<b>DATE:</b> 02 JUL 2019	
<b>DAY:</b> TUESDAY	
<b>TABLED BY:</b>	MAJORITY WHIP
<b>CLERK AT THE TABLE:</b>	

**BACKGROUND AND EXPLANATORY MEMORANDUM FOR THE PUBLIC FINANCE MANAGEMENT (BIASHARA KENYA FUND) REGULATIONS, 2018 AND THE LEGAL NOTICES ON THE REVOCATION**

.....

**A. The Purpose of Public Finance Management (Biashara Kenya Fund) Regulations, 2018.**

1. The purpose of these Regulations is to provide a one-stop shop for targeted groups looking for business loans from Government, to improve effectiveness and to eliminate overlaps. The overarching goal is to enhance economic participation of youth, women, people living with disabilities, and Micro, Small and medium enterprises in creation of jobs and general economic development. The Fund is envisaged to take advantage of economies of scale, leverage on the branch networks and other products that were provided by the targeted Funds for merger, while avoiding duplication of functions and efforts.
2. Biashara Kenya Fund’s mandate will be to provide affordable financing, business support services, affordable commercial infrastructure, and market linkages to enterprises owned by Youth, Women, people living with disabilities and micro, small, and medium enterprises.
3. The Fund’s intervention in supporting SMEs is expected to achieve the following outcomes:
  - a. improved household income of the targeted groups;
  - b. expanded access to affordable credit;
  - c. increased capacity building and skills development;
  - d. formalized and mature SMEs in retail trade;
  - e. strengthened SMEs industry;
  - f. improved ICT infrastructure, facilities and services;
  - g. expanded market linkages; and

h. increased uptake of Access to Government Procurement Opportunities (AGPO).

4. To achieve this purpose , the Regulations in particular:

- i. specify the sources, expenditure, capital, object and purpose of the Fund;
- j. provide guidance on the administration and management of the Fund;
- k. establish the Biashara Kenya Fund Board to oversee the Fund and advise the Cabinet Secretary on the proper and effective performance of the Fund;
- l. provide for the withdrawals from the Fund,
- m. specify the loan eligibility criteria, application procedures, conditions for disbursement, interests and loan repayments
- n. provide for investments of the Fund
- o. provides for retention of receipts and earnings of the Fund
- p. provides for offences and penalties
- q. provide for the winding up of the Fund.

**B. The Legislative Context:**

- 5. The National Assembly delegated the duty to establish national public funds to the Cabinet Secretary responsible for finance with the approval of the National Assembly. This is provided for under Section 24 (4) of the Public Finance Management Act, 2012. Towards this end, this Fund is proposed for establishment under this section.
- 6. In addition, these Regulations are intended to operationalize Articles 27, 55(b)(c) and 56(b)(c) which provides for affirmative action programmes and other resources in respect to disadvantaged groups and youth aimed at ensuring equitable development of the State.
- 7. Towards this end, the following affirmative action Funds are proposed for merging into Biashara Kenya Fund:



- a. **Uwezo Fund** established under the legal Notice No 21 of 21st February 2014 pursuant to the Public Finance Management Act (No 18 of 2012);
  - b. **Youth Enterprise Development Fund** established under Legal Notice No. 167 pursuant to the Government Financial Management Act (No. 5 of 2004). The Fund was then transformed into a State Corporation under the Ministry of Public Service, Youth and Gender Affairs in 2007 and hence operates under two legal regimes.
  - c. **Women Enterprise Fund** established under legal Notice No. 147 of 3rd August 2007 pursuant to the government Financial Management Act (No.5 of 2004).
8. Therefore, the establishment of Biashara Kenya Fund through the proposed Regulations to merge these Funds will also require revocation of the following legal instruments:
- a. Legal Notice No. 147 under the Government Financial Management Act, 2012;
  - b. Legal Notice No. 167 under the Government Financial Management Act, 2012 and the Executive Order Legal Notice No. 63 of 2007; and
  - c. Legal Notice No 21 under the Public Finance Management Act, 2012.
9. The National Treasury also complied with the provisions of the Statutory Instruments Act while preparing these Regulations.

### **C. Policy Background**

10. The policy foundation for creating Biashara Kenya Fund as the Government's principal Fund for developing SMEs, especially those owned by Youth, Women and persons living with disabilities, is the Vision 2030. Further, there is a critical link between the Fund, the SMEs and the socio-economic empowerment agenda of the Government that feeds into the four broad areas: increasing manufacturing share of Gross Domestic Product from 9.2 percent to 15 percent through

promoting businesses and enterprises; ensuring food security in the country; building one (1) million housing units; and ensuring 100% health coverage over the next five years.

11. The Presidential Taskforce on Parastatal Reforms, 2013, recommended the merger of all Funds and initiatives for supporting, financing and developing SMEs, including the Micro and Small Enterprises Authority, Youth Enterprise Development Fund (YEDF), Women Enterprise Fund (WEF) and the Uwezo Fund to form Biashara Kenya Fund. All these Funds have the same objective of developing Micro, Small and Medium Scale Enterprises, with a greater emphasis to those owned by youth, women and persons living with disabilities. Therefore, the Regulations are intended to operationalize the Presidential Taskforce on Parastatals Reform Report, which was adopted by Government in 2014.
12. The critical role that youth, women, persons with disabilities enterprises and micro, small, and medium Enterprises (SME's) play in the nation's economic development and employment creation is well recognized in Kenya's economic blueprint, the Vision 2030, and the Big Four agenda. The socio-economic empowerment of the marginalized groups is an important agenda of the Government. Over the past ten years, the Government has been supporting expansion of financial access and inclusion of women, youth, people living with disabilities and other groups through affirmative action Funds.
13. While these initiatives have recorded significant socio-economic impact, their fragmented approach to supporting, financing and developing SMEs, have hindered the incubation and take off of enterprises, particularly those owned and managed by youth, women, persons living with disabilities and other minorities. In addition, the segmented approach has resulted into duplication of roles and challenges in governance among the Funds that have resulted to high repayment defaults.
14. Therefore, the Government intends to merge the affirmative action Funds into one Fund (Biashara Kenya Fund) in order to provide a one-stop shop for targeted



groups looking for business loans from Government, to improve effectiveness and to eliminate overlaps. The overarching goal is to enhance economic participation of youth, women, people living with disabilities, and micro, small and medium enterprise in creation of jobs and general economic development. The Fund is envisaged to take advantage of economies of scale, leverage on the branch networks and other products that were established by the proposed Funds for merger, while avoiding duplication of functions and efforts.

15. The services offered by the UWEZO Fund, Youth Enterprise Development Fund and Women Enterprise Fund will be accessible to the beneficiaries through the Biashara Kenya Fund once they are wound-up. Biashara Kenya Fund will be larger and will prioritize enterprises owned by the youth, women and persons living with disabilities. This is important, especially to the youth who are largely not organized into 'groups' (as is the case for women), as they can access the Fund as sole proprietors.

#### **D. Public Consultations**

16. While preparing the Public Finance Management (Biashara Kenya Fund) Regulations, 2019, consultations were done with key stakeholders and their input taken into account in finalization of these Regulations. Some of the key stakeholders' consulted included: are Chairpersons and Chief Executive Officers of the Funds being merged; Ministry officials responsible for policy in Ministry of Industry, Trade and Cooperatives and Ministry of Youth and Gender Affairs. In addition, consultations were also held with the National Assembly's Committee on Delegated Legislation. The Task Force members were also drawn from the different relevant institutions in order to enhance consultations during development of the Regulations.
17. It is important to appreciate different stakeholders had different views especially on the mode of implementation of the Biashara Kenya Fund, but largely agreed on the need to provide a one stop shop.

#### **E. Guidance**

18. The National Treasury and the Administrator of the Fund (Principal Secretary/ Gender Affairs) will sensitize stakeholders including Parliament, accounting officers of National and County governments and the general public, on the process of accessing the Biashara Kenya Fund, the accountability mechanism, the monitoring and evaluation mechanism and the need to ensure regular reporting to both Houses of Parliament.

**F. Performance Monitoring and Evaluation of the Biashara Kenya Fund**

19. The National Treasury shall monitor the application of the Biashara Kenya Fund resources. This will be done through quarterly reports submitted by the Administrator of the Fund. In addition, the Fund Secretariat shall be responsible for implementing the Fund and will also carry out regular monitoring and evaluation of the specific programmes, projects and initiatives funded through the Fund.

**G. National Treasury Contact Person.**

20. The contact person at the National Treasury is the Cabinet Secretary, Mr. Henry Rotich, EGH or the Principal Secretary, Dr. Kamau Thugge, CBS

**HENRY ROTICH, EGH**  
**CABINET SECRETARY TO THE NATIONAL TREASURY**

Date.....

**BACKGROUND AND EXPLANATORY MEMORANDUM FOR THE PUBLIC FINANCE MANAGEMENT (BIASHARA KENYA FUND) REGULATIONS, 2018 AND THE LEGAL NOTICES ON THE REVOCATION**

.....

**A. The Purpose of Public Finance Management (Biashara Kenya Fund) Regulations, 2018.**

1. The purpose of these Regulations is to provide a one-stop shop for targeted groups looking for business loans from Government, to improve effectiveness and to eliminate overlaps. The overarching goal is to enhance economic participation of youth, women, people living with disabilities, and Micro, Small and medium enterprises in creation of jobs and general economic development. The Fund is envisaged to take advantage of economies of scale, leverage on the branch networks and other products that were provided by the targeted Funds for merger, while avoiding duplication of functions and efforts.
2. Biashara Kenya Fund's mandate will be to provide affordable financing, business support services, affordable commercial infrastructure, and market linkages to enterprises owned by Youth, Women, people living with disabilities and micro, small, and medium enterprises.
3. The Fund's intervention in supporting SMEs is expected to achieve the following outcomes:
  - a. improved household income of the targeted groups;
  - b. expanded access to affordable credit;
  - c. increased capacity building and skills development;
  - d. formalized and mature SMEs in retail trade;
  - e. strengthened SMEs industry;
  - f. improved ICT infrastructure, facilities and services;
  - g. expanded market linkages; and



h. increased uptake of Access to Government Procurement Opportunities (AGPO).

4. To achieve this purpose, the Regulations in particular:

- i. specify the sources, expenditure, capital, object and purpose of the Fund;
- j. provide guidance on the administration and management of the Fund;
- k. establish the Biashara Kenya Fund Board to oversee the Fund and advise the Cabinet Secretary on the proper and effective performance of the Fund;
- l. provide for the withdrawals from the Fund,
- m. specify the loan eligibility criteria, application procedures, conditions for disbursement, interests and loan repayments
- n. provide for investments of the Fund
- o. provides for retention of receipts and earnings of the Fund
- p. provides for offences and penalties
- q. provide for the winding up of the Fund.

**B. The Legislative Context:**

- 5. The National Assembly delegated the duty to establish national public funds to the Cabinet Secretary responsible for finance with the approval of the National Assembly. This is provided for under Section 24 (4) of the Public Finance Management Act, 2012. Towards this end, this Fund is proposed for establishment under this section.
- 6. In addition, these Regulations are intended to operationalize Articles 27, 55(b)(c) and 56(b)(c) which provides for affirmative action programmes and other resources in respect to disadvantaged groups and youth aimed at ensuring equitable development of the State.
- 7. Towards this end, the following affirmative action Funds are proposed for merging into Biashara Kenya Fund:



- a. **Uwezo Fund** established under the legal Notice No 21 of 21st February 2014 pursuant to the Public Finance Management Act (No 18 of 2012);
  - b. **Youth Enterprise Development Fund** established under Legal Notice No. 167 pursuant to the Government Financial Management Act (No. 5 of 2004). The Fund was then transformed into a State Corporation under the Ministry of Public Service, Youth and Gender Affairs in 2007 and hence operates under two legal regimes.
  - c. **Women Enterprise Fund** established under legal Notice No. 147 of 3rd August 2007 pursuant to the government Financial Management Act (No.5 of 2004).
8. Therefore, the establishment of Biashara Kenya Fund through the proposed Regulations to merge these Funds will also require revocation of the following legal instruments:
- a. Legal Notice No. 147 under the Government Financial Management Act, 2012;
  - b. Legal Notice No. 167 under the Government Financial Management Act, 2012 and the Executive Order Legal Notice No. 63 of 2007; and
  - c. Legal Notice No 21 under the Public Finance Management Act, 2012.
9. The National Treasury also complied with the provisions of the Statutory Instruments Act while preparing these Regulations.

### **C. Policy Background**

10. The policy foundation for creating Biashara Kenya Fund as the Government's principal Fund for developing SMEs, especially those owned by Youth, Women and persons living with disabilities, is the Vision 2030. Further, there is a critical link between the Fund, the SMEs and the socio-economic empowerment agenda of the Government that feeds into the four broad areas: increasing manufacturing share of Gross Domestic Product from 9.2 percent to 15 percent through



promoting businesses and enterprises; ensuring food security in the country; building one (1) million housing units; and ensuring 100% health coverage over the next five years.

11. The Presidential Taskforce on Parastatal Reforms, 2013, recommended the merger of all Funds and initiatives for supporting, financing and developing SMEs, including the Micro and Small Enterprises Authority, Youth Enterprise Development Fund (YEDF), Women Enterprise Fund (WEF) and the Uwezo Fund to form Biashara Kenya Fund. All these Funds have the same objective of developing Micro, Small and Medium Scale Enterprises, with a greater emphasis to those owned by youth, women and persons living with disabilities. Therefore, the Regulations are intended to operationalize the Presidential Taskforce on Parastatals Reform Report, which was adopted by Government in 2014.
12. The critical role that youth, women, persons with disabilities enterprises and micro, small, and medium Enterprises (SME's) play in the nation's economic development and employment creation is well recognized in Kenya's economic blueprint, the Vision 2030, and the Big Four agenda. The socio-economic empowerment of the marginalized groups is an important agenda of the Government. Over the past ten years, the Government has been supporting expansion of financial access and inclusion of women, youth, people living with disabilities and other groups through affirmative action Funds.
13. While these initiatives have recorded significant socio-economic impact, their fragmented approach to supporting, financing and developing SMEs, have hindered the incubation and take off of enterprises, particularly those owned and managed by youth, women, persons living with disabilities and other minorities. In addition, the segmented approach has resulted into duplication of roles and challenges in governance among the Funds that have resulted to high repayment defaults.
14. Therefore, the Government intends to merge the affirmative action Funds into one Fund (Biashara Kenya Fund) in order to provide a one-stop shop for targeted



groups looking for business loans from Government, to improve effectiveness and to eliminate overlaps. The overarching goal is to enhance economic participation of youth, women, people living with disabilities, and micro, small and medium enterprise in creation of jobs and general economic development. The Fund is envisaged to take advantage of economies of scale, leverage on the branch networks and other products that were established by the proposed Funds for merger, while avoiding duplication of functions and efforts.

15. The services offered by the UWEZO Fund, Youth Enterprise Development Fund and Women Enterprise Fund will be accessible to the beneficiaries through the Biashara Kenya Fund once they are wound-up. Biashara Kenya Fund will be larger and will prioritize enterprises owned by the youth, women and persons living with disabilities. This is important, especially to the youth who are largely not organized into 'groups' (as is the case for women), as they can access the Fund as sole proprietors.

#### **D. Public Consultations**

16. While preparing the Public Finance Management (Biashara Kenya Fund) Regulations, 2019, consultations were done with key stakeholders and their input taken into account in finalization of these Regulations. Some of the key stakeholders' consulted included: are Chairpersons and Chief Executive Officers of the Funds being merged; Ministry officials responsible for policy in Ministry of Industry, Trade and Cooperatives and Ministry of Youth and Gender Affairs. In addition, consultations were also held with the National Assembly's Committee on Delegated Legislation. The Task Force members were also drawn from the different relevant institutions in order to enhance consultations during development of the Regulations.
17. It is important to appreciate different stakeholders had different views especially on the mode of implementation of the Biashara Kenya Fund, but largely agreed on the need to provide a one stop shop.

#### **E. Guidance**



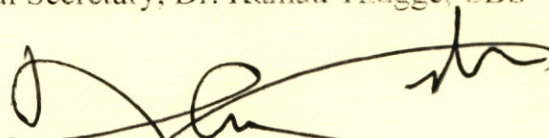
18. The National Treasury and the Administrator of the Fund (Principal Secretary/ Gender Affairs) will sensitize stakeholders including Parliament, accounting officers, of National and County governments and the general public, on the process of accessing the Biashara Kenya Fund, the accountability mechanism, the monitoring and evaluation mechanism and the need to ensure regular reporting to both Houses of Parliament.

**F. Performance Monitoring and Evaluation of the Biashara Kenya Fund**

19. The National Treasury shall monitor the application of the Biashara Kenya Fund resources. This will be done through quarterly reports submitted by the Administrator of the Fund. In addition, the Fund Secretariat shall be responsible for implementing the Fund and will also carry out regular monitoring and evaluation of the specific programmes, projects and initiatives funded through the Fund.

**G. National Treasury Contact Person.**

20. The contact person at the National Treasury is the Cabinet Secretary, Mr. Henry Rotich, EGH or the Principal Secretary, Dr. Kamau Thugge, CBS



**HENRY ROTICH, EGH**  
**CABINET SECRETARY TO THE NATIONAL TREASURY & PLANNING**

Date..... 25<sup>th</sup> June 2019.