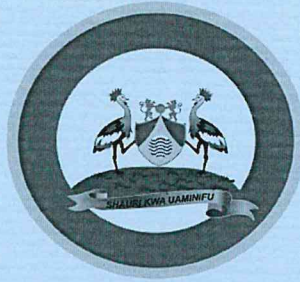


GOVERNMENT OF NAIROBI CITY COUNTY



Paper laid by the
Majority leader
Hon Peter Immwax
18/11/2025
[Signature]

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

NCCA/TJ/PL/2025(70)

11TH NOVEMBER 2025

PAPER LAID

SUBJECT: SCHOOL FEEDING REGULATIONS 2025

Pursuant to Section 11 of Statutory Instruments Act, 2013, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 12th November 2025

— **THE PUBLIC FINANCE MANAGEMENT ACT, 2012 (THE NAIROBI CITY COUNTY SCHOOL FEEDING PROGRAM FUND) REGULATIONS, 2025.**

(Chairperson, Sectoral Committee on Early Childhood Education and Vocational Training)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

NCCA/TJ/PL/2025(70)

[Handwritten signature]
[Blue stamp: NCCA APPROVED 29 OCT 2025]
[Blue stamp: Sign: HON. SPEAKER]

15TH OCTOBER 2025

PAPER LAID

SUBJECT: SCHOOL FEEDING REGULATIONS 2025

Pursuant to Section 11 of Statutory Instruments Act, 2013, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 15th October 2025.

— THE PUBLIC FINANCE MANAGEMENT ACT, 2012 (THE NAIROBI CITY COUNTY SCHOOL FEEDING PROGRAM FUND) REGULATIONS, 2025.

(Chairperson, Sectoral Committee on Early Childhood Education and Vocational Training)

Copies to:
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The Press



NAIROBI CITY COUNTY

www.nairobi.go.ke

OFFICE OF THE COUNTY ATTORNEY

Ref: NCC/CA/CI/368/E/2024

Date: 8th September, 2025

The Clerk

Nairobi City County Assembly
Clerk's Chambers
P O Box 45844-0010
NAIROBI.



Dear Sirs,

RE: THE PUBLIC FINANCE MANAGEMENT STATUTORY INSTRUMENTS ACT (NAIROBI CITY COUNTY SCHOOL FEEDING PROGRAM FUND) REGULATIONS, 2025

The above subject refers.

Forwarded herewith are Twenty (20 No.) copies of the (Nairobi City County School Feeding Program Fund) The Public Finance Management Statutory Instruments Act 2025 for tabling in the Assembly

Yours faithfully,

CS. CHRISTINE IRERI, MCI Arb, CP³ P - F
Ag. COUNTY ATTORNEY

CC: - H. E. The Governor (10No. copies)
Nairobi City County

H. E. The Deputy Governor (5No. copies)
Nairobi City County

CECM, Health (30No. copies)
Nairobi City County

County Secretary (1No. of copy)
Nairobi City County

Director legislative Affairs (25 No. Copies)
Nairobi City County

① DLS
Kindly Process for Tabling
by the Chair pursuant to s10 208 (2) and
Subsequent referral to the
Committee on Delegated
Legislation.

ADNY
DCL
11/09/2025

① P call EP
Take note
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LET'S MAKE **NAIROBI** WORK

SPECIAL ISSUE

Kenya Gazette Supplement No. 9

29th August, 2025

(Nairobi County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

THE PUBLIC FINANCE MANAGEMENT ACT

(Cap. 412A)

THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY SCHOOL
FEEDING PROGRAM FUND) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation

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PART II—ESTABLISHMENT OF THE FUND

3—Establishment of the Fund.

4—Object and Purpose of the Fund.

5—Sources and use of the Fund.

6—Retention of Receipts and Earnings.

7—Parental Cost Share.

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11—Functions of the Board.

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PART VIII—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

21—Transition.

22—Review.

23—Savings and Transitional Provisions.

THE PUBLIC FINANCE MANAGEMENT ACT

(Cap. 412A)

IN EXERCISE of the powers conferred by section 116 of the Public Finance Management Act, the County Executive Committee member for Finance and Economic Planning makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT ACT (NAIROBI CITY COUNTY SCHOOL FEEDING PROGRAM FUND) REGULATIONS, 2025

PART 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management (Nairobi City County School Feeding Program Fund) Regulations, 2025 and shall come into operation on the date of gazettelement.

Interpretation

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

“Act” means the Public Finance Management Act, 2012;

“Administrator of the Fund” means a person designated as such under regulation 9 (2);

“Beneficiaries” means learners in Public Early Childhood Development Education Centres and Primary schools;

“board” means the County School Feeding Fund Board established under regulation 9;

“County” means the Nairobi City County;

“Development Partners” means organizations or entities providing support to the School Feeding Program;

“County Executive Committee Member” means the county executive committee member for the time being responsible for matters relating to school feeding;

“Financial year” means the period of twelve months ending on the 30th June each year;

“Fund” means the Nairobi City County School Feeding Program Fund established under Part II of these regulations;

“Contractor” means entities contracted to provide the school feeding services for the Program;

“Ministry” means the relevant government ministry responsible for education;

“Parental cost share” means the contribution made by Parents or guardians of the School Feeding Program beneficiaries;

“Program” means the Nairobi City County School Feeding Program.

PART II—ESTABLISHMENT OF THE FUND

Establishment of the Fund

3. There shall be established a Fund known as the Nairobi City County School Feeding Program Fund.

Object and Purpose of the Fund

4. The object and purpose of the Fund shall be to—

- (a) finance the provision of nutritious meals to learners in the County, to improve education and health indicators;
- (b) finance the costs incurred for food procurement, meal preparation and distribution, kitchen operations, staff salaries, and other relevant expenses; and,
- (c) improve the necessary school infrastructure to aid in the facilitation of the school feeding programme.

Sources and use of the fund

5. (1) The Fund shall consist of—

- (a) monies appropriated by Parliament and the County Assembly for the purposes of the Fund;
- (b) income generated from the parental cost share under Regulation 7;
- (c) income generated from the proceeds of the Fund in the form of interest;
- (d) grants, donations, bequests, or other gifts made to the Fund; and
- (e) monies from any other source approved by the County Executive Committee Member for the time being responsible for finance.

(2) The Fund shall be used to implement the school feeding Program in respect of any expenses incurred in pursuance of the object and purpose for which the Fund is established.

(3) Any revision of the approved budget estimates shall be in line with the Public Finance Management Act, 2012.

Retention of receipts and earnings

6. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year as stated in 5 (1) (b), (c), (d) and (e) shall be retained in the Fund Account.

Parental Cost Share

7. (1) The board shall determine the proportion of the parental cost share to the total cost of the meal.

(2) The parental cost share shall be paid to the Fund Account or contractor providing school feeding services through the approved technology.

(3) The Administrator of the Fund shall ensure transparency in the collection, management, and utilization of the parental cost share funds, maintaining proper records and accounting for the contributions received.

(4) The Board in consultation with the County Executive Committee Member may establish mechanisms to support parents or guardians facing financial constraints in meeting the parental cost share, taking into consideration the welfare and equal participation of all eligible learners in the Program.

(5) The Board shall periodically assess the effectiveness and impact of the parental cost share mechanism, considering feedback from parents or guardians, beneficiary schools, and other relevant stakeholders, to ensure its fairness and sustainability in supporting the Program.

Beneficiaries of the Fund

8. (1) The beneficiaries of the Fund shall be the learners enrolled in public Early Childhood Education (ECD) centers and primary schools within Nairobi City County; and

(2) Learners eligible for or receiving social support as may be determined by the board.

PART III—ADMINISTRATION OF THE FUND

Establishment of the County School Feeding Fund Board

9. (1) This Regulation shall establish the Nairobi City County School Feeding Fund Board.

(2) The Board shall consist of nine members as follows—

- (a) a chairperson who shall be appointed by the Governor;
- (b) the County Executive Committee Member;
- (c) the County Chief Officer responsible for Finance;
- (d) the County Chief Officer for the time being responsible for matters related to Nutrition and the school feeding program;
- (e) four (4) other members appointed by the County Executive Committee Member;
- (f) a representative from the National Treasury nominated by the Cabinet Secretary, National Treasury and Economic Planning; and
- (g) a representative from the Ministry.

(3) An officer administering the Fund shall be the designated Accounting Officer responsible for the School Feeding program appointed by the County Executive Committee Member responsible for Finance and Economic Planning, who shall be an Ex-Officio member to the committee and the Secretary to the Board.

(4) Qualifications of the Chairperson to include—

- (a) holds a degree in the relevant field from a university recognized in Kenya;
- (b) has proven experience in Health and Nutrition, Strategic Leadership, Business Management and Finance or other relevant professional experience;
- (c) has served in a position of senior management for a period of at least six years;
- (d) has not served as an employee of the County in the preceding five years; and
- (e) meets the requirements of Chapter Six of the Constitution.

(5) Qualifications of the Board Members under Regulation 9 (2) (e)—

- (a) holds a degree in the relevant field from a university recognized in Kenya;
- (b) has proven Business Management or other relevant professional experience;
- (c) has served in a position of senior management for a period of at least six (6) years;
- (d) has not served in the same entity as an employee in the preceding five (5) years;
- (e) meets the requirements of chapter six of the Constitution; and
- (f) duly registered by the professional body to which they belong.

(6) The members of the Board shall at their meeting elect a Vice-chairperson from amongst the members.

(7) The person appointed under section 9 (2) (a) (e) shall hold office for a period of three years and may be eligible for reappointment for one further term.

(8) The Board may co-opt any person or public officer whose knowledge or experience is necessary for the issue under discussion.

(9) A person appointed in (9) (8) shall not vote at a meeting and shall only be a member of the board for a period not exceeding one year.

(10) The members of the Board shall attend the Board's meetings in person and may designate in writing an officer to represent them in sub-committees of the Board.

Fund Secretariat

10. (1) A Secretariat shall be established to perform the operational functions of the Board.

(2) The Secretariat shall be composed of officers working in the department responsible for the School Feeding program appointed by the officer administering the Fund; and

(3) Other seconded staff who shall be employees of the county appointed by the board chairperson.

(4) The secretariat shall be responsible for—

- (a) co-ordination of Board meetings;
- (b) preparation of Board reports; and
- (c) follow-up and communication of Board resolutions.

Functions of the Board

11. (1) The Board shall be responsible for—

- (a) reviewing and approving the estimates of annual revenue and expenditure;
- (b) monitoring and evaluating the implementation and performance of the Fund;
- (c) reviewing and approving the financial statements of the Fund before submission to the Auditor-General;

- (d) reviewing and approving operational policy on the management of assets, equipment, and all properties under the Fund;
 - (e) implementing measures to mobilize resources for the Fund; and
 - (f) undertake any other activity which will promote and facilitate realization of the objects and purpose of the Fund.
- (2) The meetings of the board shall be convened by the Chairperson and in their absence by the Vice-chairperson elected from amongst the members of the Board.
- (3) The Board shall have at least one meeting and not more than three meetings in every quarter of the year;
- (4) The quorum for a meeting of this Board shall be the Chairperson or Vice-chairperson and any other four members.
- (5) The decisions of the Board shall be by a simple majority of the members present and voting and in case of a tie the chairperson shall have a casting vote.
- (6) Except as provided in this Regulation, the Board may regulate its own procedure.
- (7) The Board shall maintain a proper record of its meetings including minutes, in such manner as it may determine.

Fund Allocation

12. (1) The allocation of funds from the Fund shall be determined by the administrator of the fund in consultation with the Board and the County Executive Member for that time being responsible for Finance and Economic Planning.
- (2) Subject to sub-regulation (1), funds shall be allocated based on the approved budget, taking into consideration the number of eligible schools and learners.
- (3) In determining the allocation methodology, and to ensure equitable distribution of funds, the Board shall consider factors including —
- (a) the school's enrollment;
 - (b) poverty levels; and
 - (c) geographic distribution.
- (4) Notwithstanding sub-regulation (3), the Board may consider additional criteria, such as schools in marginalized areas or those with a high proportion of vulnerable learners, to allocate supplementary funds for targeted support.
- (5) The contractor(s) shall report to the Board Quarterly on the actual costs incurred for meal preparation and distribution, providing detailed records of expenditures related to food procurement, kitchen operations, staff, and other relevant expenses. The contractor(s) shall report the actual costs incurred for meal preparation and distribution to the Secretariat, who will then report to the Board. Detailed records of expenditures— including food procurement, kitchen operations, staff, and other relevant expenses
- (6) The Board shall review the reported costs and compare them to the estimated cost per meal to ensure financial accountability and adherence to program guidelines.

(7) The contractor in consultation with the Board shall prioritize and explore cost-containment measures, such as bulk purchasing, efficient meal planning, and waste reduction strategies, without compromising the nutritional quality of the meals.

(8) The Board may provide guidance and resources to support schools in achieving cost-effectiveness while maintaining the program's objectives and nutritional standards.

Administration of the Fund

13. (1) The County shall establish a School Feeding Program Fund Account.

(2) There shall be paid into the Fund account—

- (a) monies appropriated by Parliament and County Assembly for the purposes of the Fund;
- (b) income generated from the parental cost share under Regulation 7;
- (c) income generated from the proceeds of the Fund in form of interest;
- (d) grants, donations, bequests, or other gifts made to the Fund; and
- (e) monies from any other source approved by the County Executive Committee Member for the time being responsible for Finance.

(3) (a) there shall be five (5) signatories to the Fund Account; and

(b) the Chief Officer for the time being in charge of matters related to Finance and the Officer Administering the Fund who shall be the mandatory signatories of the Fund account and any other one out of three alternate members of the Board.

(4) The Board shall retain 3% of the allocation of the Fund for administration expenses.

(5) The Officer Administering the Fund shall be under the general direction of the Board and shall—

- (a) supervise and control the administration of the Fund;
- (b) utilize the interest accruing thereof, defray operating expenses and may impose any reasonable restriction or other requirements concerning such use;
- (c) cause to be kept books of accounts and other books and records in relation to the Fund and for all activities financed from the Fund;
- (d) ensure that the Fund is not overdrawn at any particular time;
- (e) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Board may from time to time direct in accordance with the Public Finance Management Act, 2012;
- (f) present the financial statement to the County Assembly in accordance with the Public Management Act 2012;
- (g) furnish such additional information as may be required for the purposes of examination and audit by the Auditor-General; and
- (h) be the liaison point between the Board and third parties.

PART IV—MONITORING AND EVALUATION

Monitoring and Evaluation Framework

14. (1) The Board shall establish a comprehensive monitoring and evaluation framework to assess the Fund's implementation and effectiveness.

(2) The framework under sub-regulation 14 (1) shall include clear objectives, indicators, data collection methods, and reporting mechanisms.

(3) The monitoring and evaluation framework shall be periodically reviewed to ensure its relevance and effectiveness.

(4) The Board shall maintain documentation of monitoring and evaluation findings, recommendations, and actions taken for future reference.

(5) The monitoring and evaluation results, including key findings and recommendations, shall be shared with relevant stakeholders.

Reporting

15. (1) The Administrator of the Fund shall submit monthly reports on the implementation of the program to the Board.

The reports shall include, amongst other things, relevant data on—

- (a) program implementation, including the number of learners served and meals provided; and
- (b) the achievements and challenges encountered.

PART V—PARTNERSHIPS AND COLLABORATION

Collaboration with Government and Non-Government Entities

16. (1) The Board shall encourage partnerships and collaboration with relevant government agencies, non-governmental organizations (NGOs), community-based organizations, and other stakeholders to support the implementation of the Program.

Partnerships

17. (1) The Board may explore partnerships to supplement resources for the Program.

(2) Partnerships may involve private entities, corporations, foundations, or philanthropic organizations that are committed to supporting the goals and objectives of the Program.

(3) The Board may explore opportunities for private sector participation, including corporate sponsorships and partnerships, to support the Program.

(4) The Board, in consultation with the County Executive Committee Member for the time being responsible for school feeding, may establish partnership agreements, clearly defining roles, responsibilities, and expected contributions of each party.

PART VI—OFFENSES AND PENALTIES

Misappropriation of Funds

18. A person who—

- (a) takes possession of the funds or assets of the Fund without lawful authority;

- (b) misappropriates Funds or assets of the Fund;
- (c) causes any person to misappropriate or apply the funds otherwise than in the manner provided in these Regulations;
- (d) conceals information on finances of the Fund to obtain a financial benefit either for the officer or another person;
- (e) engages in a corrupt act; and
- (f) commits an offense and shall be liable to the penalty provided for under section 199 of the Act.

General Penalty

19. Any person found guilty of contravening these Regulations, including violation of food safety standards, and procurement laws, shall be liable to the penalties provided for under the relevant laws and regulations.

PART VII—GENERAL PROVISION

Winding up of the Fund

20. In the event of winding up of the Fund—
- (a) the Administrator of the fund shall pay any amount remaining in the fund into the County Exchequer Account; and
 - (b) the County Executive Member for Finance shall, with the approval of the County Assembly, pay any deficit in the fund from the County Exchequer Account.

PART VIII—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Transition

21. These regulations shall come into effect immediately upon publication and shall apply to all schools participating in the Program within the County.

Review

22. The Board may from time to time recommend to the Executive Committee Member responsible for Finance and Economic Planning of any review to these Regulations.

Savings and Transitional Provisions

23. Any existing contracts, or other administrative acts made, given, issued or undertaken before the commencement of these Regulations, under any of the Regulations revoked by these Regulations or any other law, shall continue in force and shall be construed with alterations, adaptations, qualifications and exceptions necessary to bring them into conformity with these Regulations.

Made on the 20th August, 2025.

CHARLES KERICH,
County Executive Committee, Member for Finance and Economic Planning.

