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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON THE CONSIDERATION OF THE KENYA ROADS
BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024)

| | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------|
|  | |
| THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 05 NOV 2024 | DAY: Tuesday |
| TABLED BY: | Hon. T. J. Kajwang MP Member, Transport & Infrastructure |
| CLERK-AT THE-TABLE: | Moses Lomale |

Published by:-

The Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

NOVEMBER, 2024

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CHAIRPERSON'S FOREWORD

The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) was read a First Time on 19th June, 2024 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to National Assembly Standing Order 127.

The Bill seeks to amend section 7(1) and the First Schedule to the Kenya Roads Board Act, 1999, to reduce the membership of the Board and the institutions from which the membership may be nominated. The Bill also seeks to align the definition of Minister with the Constitution of Kenya, 2010 which replaced it with Cabinet Secretary.

To conduct public participation, the Committee placed advertisements in the print media of 16th July, 2024, seeking comments from the public on the Bill pursuant to the provisions of Article 118 of the Constitution and Standing Order 127(3).

The Committee also vide a letter Ref: NA/DDC/TI/2024/053 dated 12th September, 2024, invited the Ministry of Roads and Transport for a sitting to submit their views on the Bill. The Committee received submissions from the Kenya Roads Board and the Kenya Urban Roads Authority, which are Road Agencies in the Ministry.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to the Committee Members and the Committee Secretariat for their resilience and devotion to duty which made the consideration of the Bill successful. Finally, I wish to express gratitude to Members of the public who submitted their views and comments on the Bill in the course of public participation. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Committee and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of The Kenya Roads Board (Amendment) Bill, 2024.

Hon. GK George Kariuki, MP.

Chairperson, Departmental Committee on Transport and Infrastructure

1.0 PREFACE

1.1 Introduction and Committee Mandate

1. The Departmental Committee on Transport and Infrastructure is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee as per Standing Orders, No. 216(5) include: -
 - a) 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;
 - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - c) To study and review all the legislation referred to it;
 - d) 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;
 - e) 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;
 - f) 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);
 - g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i) To examine any questions raised by Members on a matter within its mandate.
 - j) To examine treaties, agreements and conventions;
2. The subject matter of the Departmental Committee on Transport and Infrastructure are stated in the Second Schedule of the National Assembly Standing Orders as follows: Transport, including non- motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

1.2 Committee Subjects and Oversight

3. The Committee is mandated to consider the following subjects as per the second schedule of the Standing Orders:
 - (i) Transport, including non-motorized transport;
 - (ii) Construction and maintenance of roads;

- (iii) Rails, air and marine transport; Seaports and national integrated infrastructure
 - (iv) policies and
 - (v) programmes; and
 - (vi) Transport safety.
4. The Committee oversees the Ministry of Roads and Transport which has two (2) state departments namely:
- i. State department for Roads
 - ii. State department for Transport
5. Further, Committee oversees the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

1.3 Committee Membership

6. The Committee comprises the following Members:

The Hon. G.K George Kariuki, M.P - **Chairperson**
Ndia Constituency
United Democratic Alliance Party

The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
Kimilili Constituency
United Democratic Alliance Party

The Hon. Arama Samuel. M.P
Nakuru Town West Constituency
Jubilee Party

The Hon. Kiunjuri Festus Mwangi, M.P.
Laikipia East Constituency
The Service Party

The Hon. Abdul Rahim Dawood, M.P.
North Imenti Constituency
Independent

The Hon. Bady, Bady Twalib, M.P.
Jomvu Constituency
Orange Democratic Movement Party

The Hon. Naicca, Johnson Many, M.P
Mumias East Constituency
Orange Democratic Movement Party

The Hon. Abdirahman, Husseinweytan
Mohamed, M.P.
Mandera East Constituency
Orange Democratic Movement Party

The Hon. Elsie Muhanda, M.P.
Kakamega County
Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, M.P.
Bureti Constituency
United Democratic Alliance Party

The Hon. Francis, Kajwang' Tom Joseph,
Ruaraka Constituency
Orange Democratic Movement Party

The Hon. Saney Ibrahim Abdi, M.P
Wajir North Constituency
United Democratic Alliance Party

The Hon. Chege John Kiragu, M.P.
Limuru Constituency
United Democratic Alliance Party

The Hon. Jhanda Zaheer, M.P
Nyaribari Chache Constituency
United Democratic Alliance

The Hon. Kiaraho, David Njuguna, M.P.
Ol Kalao Constituency
Jubilee Party

1.4 Secretariat

7. The Committee is serviced by the following Members of Staff:

Ms. Tracy Chebet Koskei
Senior Clerk Assistant
Head of Secretariat

Mr. Mohamednur Mohamud Abdullahi
Clerk Assistant III

Mr. Abdinasir Moge
Fiscal Analyst

Mr. Eric Kariuki
Research Officer

Mr. Clinton Sindiga
Legal Counsel II

Ms. Clare Choper Doye
Clerk Assistant III

Ms. Rinha Saineye
Media Relation Officer

Mr. Danton Kimutai
Audio Officer

Ms. Faith Makena
Serjeant at-Arms

CHAPTER TWO:

2.0 BACKGROUND INFORMATION

2.1 Performance of Boards in the Public Sector

8. The public sector has over the recent years been implementing measures geared towards running of state corporations. Among the changes implemented to enhance efficiency, the then Head of Public Service through a Circular dated 29th June 2011 provided guidance for performance evaluation for Boards of Directors, Chairpersons, Board Members and Chief Executive Officers.
9. The annual Evaluation tools provided for the Board self-evaluation; modalities for the Board Members to evaluate the Chairperson of the Board; modalities for the individual Director to be evaluated by the Chairperson of the Board and for the Chief Executive Performance Evaluation.
10. The tools were revised on 9th May, 2022 to incorporate some of the latest development in corporate governance.
11. Additionally, '*Mwongozo -the code of Governance for State Corporations*' in the governance principles for Board of Directors, provides that the composition of the Board should provide for the diversity of gender, competencies and skills required for effective leadership of the organization. It also provides that the membership of the Board should be between seven to nine members.

2.2 Situational Analysis

12. The Kenya Roads Board is established under the Kenya Roads Board Act, 2007. The Mandate of the Board is to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the Kenya Roads Board Fund and to advise the Minister on all matters related thereto.
13. According to the Act, The Board shall consist of the following members-
 - a) a non-executive Chairperson to be appointed by the President from among the members appointed under paragraph (h);
 - b) the Director-General whose position shall be filled through public advertisement;
 - c) the Principal Secretary in the Ministry for the time being responsible for matters relating to roads or his designated alternate, not being below the level of Deputy Secretary;
 - d) the Principal Secretary of the Ministry for the time being responsible for matters relating to finance or his designated alternate, not being below the level of Deputy Secretary;

- e) the Principal Secretary in the Ministry for the time being responsible for local authorities or his designated alternate not below the level of Deputy Secretary;
 - f) the Principal Secretary in the Ministry for the time being responsible for matters relating to regional co-operation or his designated alternate, not being below the level of Deputy Secretary;
 - g) the Principal Secretary in the Ministry for the time being responsible for matters relating to transport and communications or his designated alternate, not being below the level of Deputy Secretary;
 - h) eight other members comprising, representatives of each of the organizations specified in the First Schedule and appointed by the Cabinet Secretary from amongst three persons nominated by each of the organizations.
14. The First Schedule of the Act provides that the following organizations which may nominate representatives to be appointed members of the Board by the Cabinet Secretary
- (i) The Institution of Engineers of Kenya;
 - (ii) The Automobile Association of Kenya;
 - (iii) The Kenya Association of Manufacturers;
 - (iv) The Institute of Surveyors of Kenya;
 - (v) The League of Kenyan Women Voters;
 - (vi) The Kenya Association of Tour Operators;
 - (vii) The Institute of Certified Public Accountants of Kenya; and
 - (viii) The Kenya Transport Association.
15. The proposal to reduce the Board membership in in compliance to *Mwongozo code of Governance for State Corporations*.

CHAPTER THREE

3.0 OVERVIEW OF THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024)

3.1 Introduction

16. The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) is sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, M.P.
17. The Bill was read a First Time on 19th June, 2024 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to National Assembly Standing Order 127.
18. The Principal object of the Bill is to amend Section 7(1) and the First Schedule to the Kenya Roads Board Act, 1999 to reduce the membership of the Board and the institutions from which the membership may be nominated.
19. Secondly, the Bill seeks to delete the word "*Minister*" and substitute it with "*Cabinet Secretary*" to align with the Constitution.

3.2 Review of the Bill

20. The Bill contains four (4) clauses for consideration.

Part I: Preliminary

21. *Clause 1* of the Bill provides for the short title.
22. *Clause 2* of the Bill provides for the amendment of section 2 of the Act on **interpretations** to provide that the word '*minister*' be substituted with the word '*Cabinet Secretary*'.

Part II – Establishment, Powers and Functions of the Kenya Roads Board

23. *Clause 3* of the Bill provides for the amendment of section 7(1) on **membership of the Board** by deleting paragraph (g) and deleting the word "eight" and substituting it with "five" in paragraph (h). This amendment reduces the number of persons that are to be nominated by representative organizations for appointment to the Board, from eight (8) to five (5).

First Schedule

24. *Clause 4* of the Bill provides for amendment of the First Schedule by deleting paragraph 4, 5 and 6. This Amendment deletes the following institutions from the schedule of organizations which may nominate representatives to be appointed members of the Board by the Cabinet Secretary

- a) The Institute of Surveyors of Kenya;
- b) The League of Kenyan Women Voters, and
- c) The Kenya Association of Tour Operators

CHAPTER FOUR

4.0 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

25. The National Assembly is required to carry out Public Participation in the its legislative and other business including that of its committees (Art. 118). In particular, Standing Order 127(3) and (3A) requires Departmental Committees to which Bills have been committed to facilitate public participation through inter-alia Inviting submission of memoranda; holding public hearings, consulting relevant stakeholders in a sector; and consulting experts on technical subjects.
26. In compliance with constitutional, and procedural requirements, the Departmental Committee on Transport and Infrastructure published an advertisement in two daily newspapers with the widest circulation on 16th July, 2024 requesting for memoranda from the pubic on the Bill.
27. As at the close of business on 31st July, 2024 which was the last day to submit Memoranda, the Committee had not received any memoranda from the public and neither did it receive by the time of writing this report.
28. In addition, the Committee invited the Ministry of Roads and Transport to make submissions on the Bill vide a letter Ref: NA/DDC/TI/2024/052 dated 12th September, 2024. The Ministry 14th October, 2024, forwarded the submissions of its two Road Agencies; the Kenya Roads Board and the Kenya Urban Roads Authority.
29. As at the close of business on 31st July, 2024 which was the last day to submit Memoranda, the Committee had not received any memoranda from the public and neither did it receive by the time of writing this report.

CHAPTER FIVE

5.0 SUBMISSIONS FROM STAKEHOLDERS

5.1 Submission by the Kenya Roads Board

30. The Kenya Roads Board made its submissions on 14th October 2024 as follows:

Clauses 3 and 4

31. The Board supported the proposed amendments in Clause 3 to reduce the number of organizations which may nominate representatives to be appointed members of the Board by the Cabinet Secretary from eight to five thereby reducing the Board membership.
32. The Board also supported Clause 4 amending the First Schedule of the Act by removing three institutions as part of the organizations which may nominate representatives to be appointed members of the Board by the Cabinet Secretary, thereby reducing the Board membership.

Justification

33. The Board submitted that the purpose of these amendments is to align the Kenya Roads Board Act, 1999 with best practices provided for under Mwongozo Code of Governance for State corporations which are anchored on our constitutional values and principles as well as global best practices.
34. The Board further submit that the proposed amendments will not occasion any harm in the implementation of the mandate of the Kenya Roads Board as set out in the Kenya Roads Act, 2007.

5.2 Submission by the Kenya Urban Roads Authority (KURA)

35. The Kenya Urban Roads Authority made its submissions on 14th October as follows:

Clause 2

36. The Authority supported the amendment to provide that the word '*minister*' be substituted with the word '*Cabinet Secretary*'.

Justification

37. To align the Kenya Roads Board Act, 1999 with the terms in the Constitution.

Clause 3

38. The Authority supported the proposed amendments in Clause 3 to reduce the number of organizations which may nominate representatives to be appointed members of the Board by the Cabinet Secretary from eight to five thereby reducing the Board membership.

CHAPTER SIX

6.0 OBSERVATIONS

42. The Committee having reviewed the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) observed that:

- 1) Reducing the membership of the Board of the Kenya Roads Board is a good governance practice geared towards efficiency of the Board; and
- 2) The Supreme Court of Kenya decision of 29th October 2024, setting aside the Court of Appeal's decision that the entire Finance Bill 2023 was unconstitutional, upheld the Court of Appeal's findings that sections 76 and 78 amending the Kenya Roads Board Act, 1999 were unconstitutional, as they were not directly connected to a money bill. This Bill has therefore dealt with the matter through a standalone legislation.

CHAPTER SEVEN

7.0 RECOMMENDATION


43. The Committee having reviewed the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) recommends that the House **approves** the Bill.

SIGNED.......... DATE..... 05/11/2024.....

HON. GK GEORGE KARIUKI, M.P

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

| | |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
|  THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 05 NOV 2024 | DAY: Tuesday |
| TABLED BY: | Hon. T. J. Kajwang, MP Member, Transport & Infrastructure |
| CLERK-AT THE-TABLE: | Moses Lomale |

REFERENCES

1. **Mwongozo Code of Governance for State Corporations, January 2015**
2. **<https://www.headofpublicservice.go.ke/sites/default/files/2023>**

Annexure I: Signed list of Members who attended the sitting that considered and adopted the report.



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT - THIRD SESSION - 2024
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE
MEMBERS ADOPTION SCHEDULE

DATE: 05-11-2024 START: 10:20 am END:

VENUE: Committee Room 21, 5th Floor, Bunge Tower

AGENDA: Adoption of the Report on the Kenya Roads Board (Amendment) Bill
No. 18 of 2024

| NO. | NAME | SIGNATURE |
|-----|----------------------------------------------|-----------|
| 1. | The Hon. GK George Kariuki, MP - Chairperson | |
| 2. | The Hon. Didmus Barasa, MP- Vice Chairperson | |
| 3. | The Hon. Kiunjuri, Festus Mwangi, MP | |
| 4. | The Hon. Abdul Rahim Dawood, MP | |
| 5. | The Hon. Arama Samuel, MP | |
| 6. | The Hon. Bady, Bady Twalib, MP | |
| 7. | The Hon. Francis, Kajwang' Tom Joseph, MP | |
| 8. | The Hon. Kiaraho, David Njuguna, MP | |
| 9. | The Hon. Naicca, Johnson Manya, MP | |
| 10. | The Hon. Chege, John Kiragu, MP | |
| 11. | The Hon. Elsie Muhanda, MP | |
| 12. | The Hon. Saney, Ibrahim Abdi, MP | |
| 13. | The Hon. Hussein Weytan Mohamed, MP | |
| 14. | The Hon. Jhanda Zaheer, MP | |
| 15. | The Hon. Komingoi, Kibet Kirui, MP | |

Annexure II: Minutes of the Committee on sittings considering the Bill and adoption of the report



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE THIRTY FIFTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY, 5TH
NOVEMBER 2024 IN COMMITTEE ROOM 21 ON 2ND FLOOR, BUNGE TOWER,
PARLIAMENT BUILDINGS AT 10:00 A.M**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, M.P. – **Chairperson**
2. The Hon. Abdul Rahim Dawood, M.P
3. The Hon. Kiunjuri Festus Mwangi, M.P
4. The Hon. Samuel Arama, M.P
5. The Hon. Francis, Kajwang' Tom Joseph, M.P
6. The Hon. Kiaraho, David Njuguna, MP
7. The Hon. Chege John Kiragu, M.P
8. The Hon. Saney Ibrahim Abdi, M.P
9. The Hon. Muhanda Elsie, M.P
10. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Didmus Wekesa Barasa, M.P. – Vice-Chairperson
2. The Hon. Bady, Bady Twalib, M.P.
3. The Hon. Naicca, Johnson Many, MP
4. The Hon. Jhanda Zaheer, M.P
5. The Hon. Hussein Weytan Mohamed, MP

SECRETARIAT

- | | |
|--------------------------------|--------------------------|
| 1. Ms. Tracy Chebet Koskei | - Senior Clerk Assistant |
| 2. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 3. Ms. Clare Choper Doye | - Clerk Assistant III |
| 4. Mr. Eric Kariuki | - Research Officer |

- | | |
|------------------------|---------------------------|
| 5. Mr. Clinton Sindiga | - Legal Counsel |
| 6. Mr. Abdinasir Moge | - Fiscal Analyst |
| 7. Mr. Aaron Wafula | - Hansard Officer |
| 8. Ms. Rinha Saineye | - Media Relations Officer |

MIN./NO.155/NA/T&I/2024: PRELIMINARIES

The meeting was called to order at Twenty five minutes past Ten (10:25am) with a word of prayer said by the Chairperson.

The Agenda of the meeting was adopted having been proposed by the Hon. Saney Abdi, M.P, seconded by the Hon. Tom Joseph Kajwang, M.P.

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Consideration and Adoption of the Kenya Roads Board(Amendment) Bill, 2024**
5. Pending Business
6. Any Other Business
7. Adjournment

MIN./NO.160/NA/T&I/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the previous sitting was deferred.

MIN./NO.161/NA/T&I/2024: CONSIDERATION AND ADOPTION OF THE KENYA ROADS BOARD (AMENDMENT) BILL, 2024

The Committee considered and adopted the report on its consideration of the Kenya Roads Board (Amendment Bill) National Assembly Bill No. 18 of 2024), after being proposed and seconded by Hon. Francis, Kajwang' Tom Joseph, M.P and the Hon. Samuel Arama, M.P, respectively. The Committee made the following observations and recommendations:

Committee observations

The Committee having reviewed the Kenya Roads Board Amendment Bill (National Assembly Bill No. 18 of 2024) observed that:

- i. Reducing the membership of the Board is a good governance practice geared towards efficiency of the Kenya Roads Board; and
- ii. The Supreme Court of Kenya decision of 29th October 2024, setting aside the Court of Appeal's decision that the entire Finance Bill 2023 was unconstitutional, upheld the Court of Appeal's findings that sections 76 and 78 amending the Kenya Roads Board Act, 1999 were unconstitutional, as they were not directly connected to a money bill. This Bill has therefore dealt with the matter through a standalone legislation.

Committee Recommendation

The Committee having reviewed the Kenya Roads Board Amendment Bill (National Assembly Bill No. 18 of 2024) recommends that the House **approves** the Bill.

MIN./NO.164/NA/T&I/2024: CONSIDERATION AND ADOPTION OF THE KENYA ROADS (AMENDMENT) BILL, 2023

The Committee considered and adopted the report on its consideration of the Kenya Roads (Amendment Bill) National Assembly Bill No. 34 of 2023), after being proposed and seconded by Hon. Kiunjuri Festus Mwangi, M.P and the Hon. David Kiaraho, M.P, respectively. The Committee made the following observations and recommendations:

Committee Observations

The Committee having reviewed the Kenya Roads (Amendment Bill) (National Assembly Bill No. 34 of 2023), makes the following observations:-

- i. The amendments proposed by the Bill are in good faith as they seek to ensure is to ensure there is equitable distribution of the resources across the country for the development of roads. However, the Committee notes that section 6 (d) (i) of the Kenya Roads Board Act, 1999, provides that "twenty two percent, of financial resources required by road agencies for the maintenance, rehabilitation and development of the road network, shall be deposited into a special bank account to be called Constituency Roads Fund Account to be maintained by every constituency and to be allocated equally to all constituencies in the country".
- ii. The Committee thus rejects the Bill as there is already a law addressing equitable development, rehabilitation and maintenance of roads in each constituency.

Committee Recommendation

Having reviewed the Kenya Roads (Amendment Bill) (National Assembly Bill No. 34 of 2023) and analyzed documents presented, recommends that the House rejects the Bill in its entirety.

MIN./NO.164/NA/T&I/2024: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at Five minutes to Eleven (10:55 am).
The next meeting will be on notice

Signed..........Date.....05/11/2024.....

HON. GK GEORGE KARIUKI, MP – CHAIRPERSON

Annexure III: Copy of The Kenya Roads Board (Amendment) (National Assembly Bill No. 18 of 2024)

SPECIAL ISSUE

Kenya Gazette Supplement No. 65 (National Assembly Bills No. 18)



REPUBLIC OF KENYA

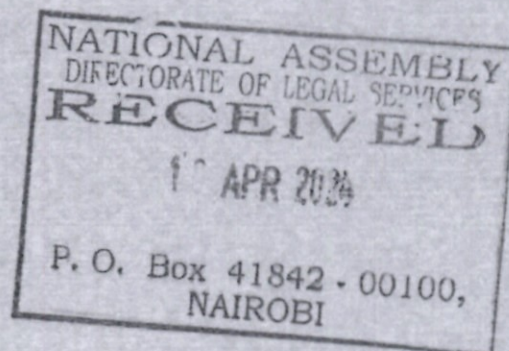
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 8th March, 2024

CONTENT

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RECEIVED
NATIONAL ARSENAL
PITTSBURGH, PA.
MAY 19 1960

**THE KENYA ROADS BOARD (AMENDMENT) BILL,
2024**

A Bill for

AN ACT of Parliament to amend the Kenya Roads Board Act, 1999

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya Roads Board (Amendment) Act, 2024.

Short title.

2. The Kenya Roads Board Act, 1999 (hereinafter referred to as “the principal Act”) is amended in section 2 by deleting the definition of “Minister” and substituting therefor the following new definition—

Amendment of section 2 of No. 7 of 1999.

“Cabinet Secretary” means Cabinet Secretary for the time being responsible for matters relating to roads;

3. Section 7 of the principal Act is amended in subsection (1) by—

Amendment of section 7 of No. 7 of 1999.

(a) deleting paragraph (g); and

(b) deleting the word “eight” appearing at the beginning of paragraph (h) and substituting therefor the word “five”.

4. The First Schedule to the principal Act is amended by—

Amendment of First Schedule of No. 7 of 1999.

(a) deleting paragraph 4;

(b) deleting paragraph 5; and

(c) deleting paragraph 6.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend section 7(1) and the First Schedule to the Kenya Roads Board Act, 1999, to reduce the membership of the Board and the institutions from which the membership may be nominated.

The Bill also seeks to align the definition of Minister with the Constitution of Kenya, 2010 which replaced it with Cabinet Secretary.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers to the Cabinet Secretary and does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

Pursuant to paragraph 5 of Part 2 of the Fourth Schedule to the Constitution, county transport, which includes county roads, is a shared function between the national and county governments. Consequently, the Bill contains provisions that affect the functions and powers of the county governments in terms of Article 110 (1)(a) of the Constitution.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 8th February, 2024.

KIMANI ICHUNG'WAH,
Leader of Majority Party.

Section 2 of the Kenya Roads Board Act which it is proposed to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

"**Board**" means the Kenya Roads Board established by section 4;

"**District Roads Committee**" means a District Roads Committee established under section 17;

"**fuel levy**" means the road maintenance fuel levy imposed under section 3 of the Road Maintenance Levy Fund Act, 1993 (No. 9 of 1993);

"**Fund**" means the Kenya Roads Board Fund established by section 31;

"**Highways Authority**" means the Kenya National Highways Authority established under the Kenya Roads Act, 2007;

"**Minister**" means the Minister for the time being responsible for matters relating to roads;

"**road agency**" means any organization or body specified in the Third Schedule, with responsibility for defined categories of roads;

"**Road maintenance Levy Fund**" means the Fund established by section 7 of the Road Maintenance Levy Fund Act, 1993;

"**road network**" means the entire road network in Kenya, whether classified or unclassified, of regional or local importance, public or private, adopted or unadopted, or otherwise howsoever described;

"**Rural Roads Authority**" means the Kenya Rural Roads Authority established under the Kenya Roads Act, 2007;

"**Urban Roads Authority**" means the Kenya Urban Roads Authority established under the Kenya Roads Act, 2007.

Section 7 of the Kenya Roads Board Act which it is proposed to amend—

7. Membership of the Board

(1) The Board shall consist of—

- (a) a non-executive chairman to be appointed by the President from among the members appointed under paragraph (h);
- (b) the Director General whose position shall be filled through public advertisement;

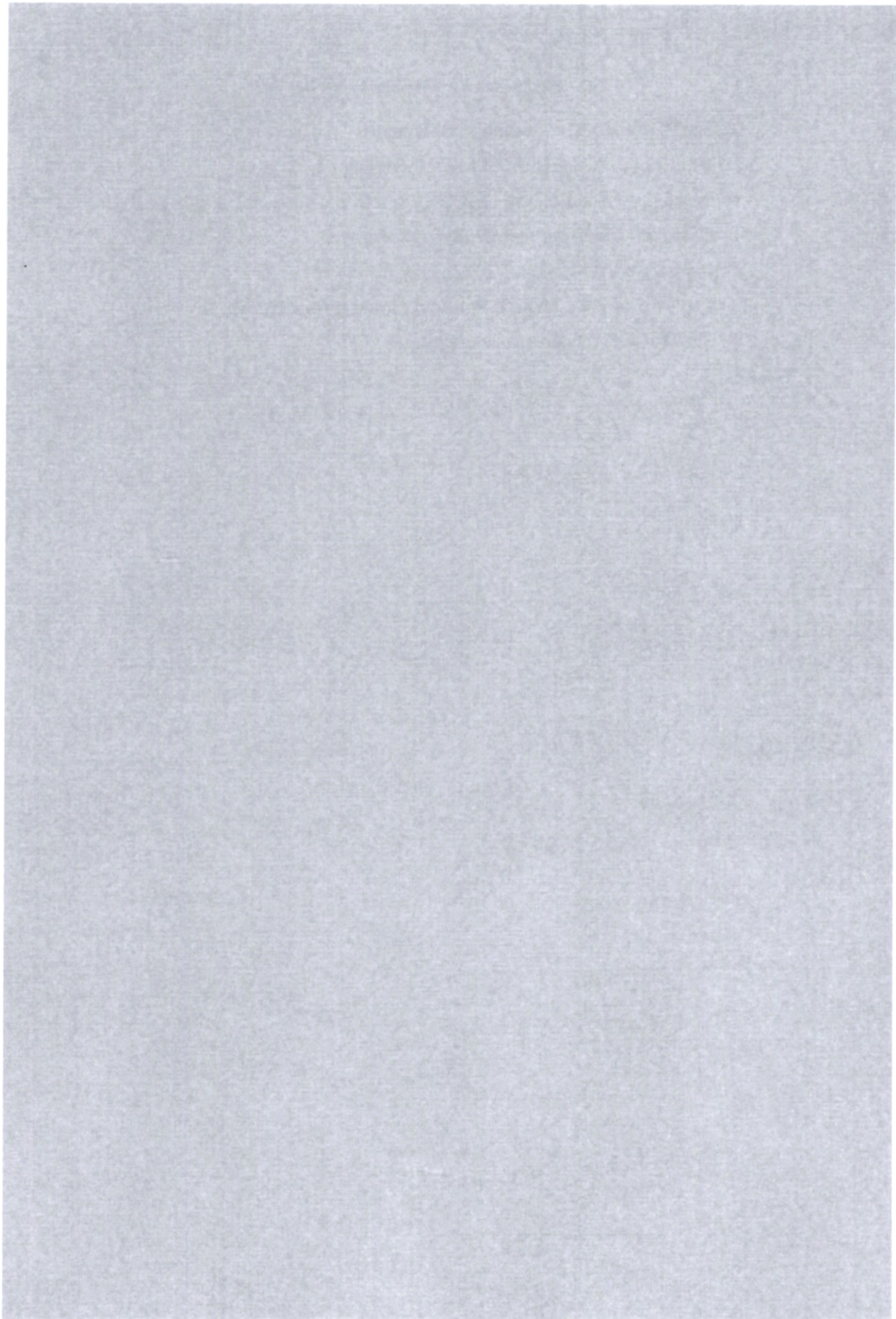
- (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to roads or his designated alternate, not being below the level of Deputy Secretary;
 - (d) the Permanent Secretary of the Ministry for the time being responsible for matters relating to finance or his designated alternate, not being below the level of Deputy Secretary;
 - (e) the Permanent Secretary in the Ministry for the time being responsible for local authorities or his designated alternate not below the level of Deputy Secretary;
 - (f) the Permanent Secretary in the Ministry for the time being responsible for matters relating to regional co-operation or his designated alternate, not being below the level of Deputy Secretary;
 - (g) deleted by Act No. 4 of 2023, s. 76(a);
 - (h) five other members comprising, representatives of each of the organisations specified in the First Schedule and appointed by the Minister from amongst three persons nominated by each of the organisations.
- (2) The Minister may, by notice in the Gazette amend the First Schedule.
- (3) No person shall qualify for appointment as a member of the Board under paragraph (h) of subsection (1) unless such person is the holder of the Kenya Certificate of Secondary Education or an equivalent qualification and has had at least ten years practical experience.
- (4) The chairman and members of the Board, other than the ex-officio members shall hold office for a period of three years from the date of appointment, but shall be eligible for re-appointment for one further term of a period not exceeding three years.
- (5) The names of all members of the Board as first constituted and at every change in membership thereafter shall be published in the Kenya Gazette.

The First Schedule of the Kenya Roads Board Act which it is proposed to amend—

**ORGANISATIONS WHICH MAY NOMINATE
REPRESENTATIVES TO BE APPOINTED MEMBERS OF THE
BOARD BY THE MINISTER**

1. The Institution of Engineers of Kenya.

2. The Automobile Association of Kenya.
3. The Kenya Association of Manufacturers.
4. Deleted by Act No. 4 of 2023, s. 78.
5. Deleted by Act No. 4 of 2023, s. 78.
6. Deleted by Act No. 4 of 2023, s. 78.
7. The Institute of Certified Public Accountants of Kenya.
8. The Kenya Transport Association.



Annexure IV: Correspondence to stakeholders requesting for submission of Comments



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&I/2024/053

12th September, 2024

Eng. Joseph M. Mungai, CBS
Principal Secretary
State Department for Roads
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Dear *Sig*

**RE: REQUEST FOR SUBMISSIONS ON BILLS BEFORE THE DEPARTMENTAL
COMMITTEE ON TRANSPORT AND INFRASTRUCTURE**

The Departmental Committee on Transport and Infrastructure is established pursuant to National Assembly Standing Order No. 216 which mandates Departmental Committees of the House to, among others, "*study and review all legislation referred to it*".

The following Bills were read a First Time and committed to the Committee for consideration and reporting to the House:

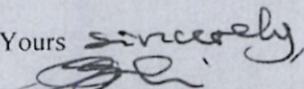
1. **The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)** sponsored by Hon. Kimani Ichung'wah, EGH, MP, Leader of the Majority Party;
2. **The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 20 of 2024)** sponsored by Hon. Charles Gimose, MP; and
3. **The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024)** sponsored by Hon. Naisula Lesuuda, MP

The purpose of this letter is to invite the Cabinet Secretary for Roads and Transport, a key stakeholder, to a meeting with the Committee to make submissions on the Bills. The meeting is scheduled for **Thursday, 26th September 2024 10.00 am in Committee Room 20, 5th Floor, Bunge Tower, Parliament Buildings**. By a copy of this letter, the Bills' sponsors are invited to attend the meeting.

We request that you provide twenty (20) hard copies of the Cabinet Secretary's submissions to the Committee through the Office of the Clerk of the National Assembly, Main Parliament Buildings. Electronic copies may be emailed via cna@parliament.go.ke and copied to the under-mentioned Liaison Officers by **Monday, 23rd September 2024**.

Our contact persons on this subject are **Ms. Tracy Chebet Koskei**, who may be contacted on tel. no. **0726416794** or email: tracy.koskei@parliament.go.ke and **Mr. Mohamednur M. Abdullahi** on tel. **0720928507** or email: mohamednur.abdullahi@parliament.go.ke.

Yours


SERAH M. KIOKO, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Hon. Kimani Ichung'wah, EGH, MP
Member of Parliament, Kikuyu Constituency/
Leader of the Majority Party
Parliament Buildings
NAIROBI

Hon. Charles Gimose, MP
Hamisi Constituency
Parliament Buildings
NAIROBI

Hon. Naisula Lesuuda, MP
Samburu West Constituency
Parliament Buildings
NAIROBI

Annexure V: Newspaper advertisement inviting the public to submit memoranda on the Bill.

Dialogue fails to start as leaders divided

On Sunday, Azimio leader retracted support for talks.

A meeting of Azimio principals to take a common stand failed to take off yesterday.

EDWIN NYARANGI, NAIROBI

President William Ruto's planned multi-sectoral forum dialogue failed to kick off yesterday with leaders appearing to read from different scripts.

Opposition leader Raila Odinga who last week joined Ruto in support of dialogue appears to have backpedalled with Azimio principals Kalonzo Musyoka, Eugene Wamalwa and Martha Karua vehemently opposed to the talk.

A meeting of Azimio principals to take a common stand failed to take off yesterday with Raila said to have spent the better day of Monday at his private offices in Nairobi attending to personal issues.

The opposition leader who led the Azimio brigade to Mukuru Kwa Njenga slums on Sunday made it clear that dialogue with the government was not possible after bodies were found

dumped in Kware.

"There is no dialogue, we want action. Kenya has to move forward, we cannot dialogue with an administration that is involved in such heinous acts like this killings of innocent Kenyans at Mukuru kwa Njenga, we are not going to talk with people whose hands are full of blood," he said.

Raila demanded for the prosecution of former Inspector General of Police Japheth Koome and Nairobi Police Commander Adamson Bungei over the manner in which they have handled Gen Z protests leaving dozens dead and scores injured.

The former Prime Minister called for dissolution of Parliament and elections to ensure Kenyans vote for leaders who have the best interests of the country at heart.

Wiper leader Kalonzo Musyoka said that with the current happenings it was clear that Kenyans did not have a good government in place and there was no way they are going to dialogue with the administration after the killing of innocent Kenyans.

"I am very certain that Kenyans do not want us to dialogue with this administration that has been oppressive to them in the last 20 months it has been in power with killings of innocent youths who were only agitating



Azimio leader Raila Odinga and former Kakamega Governor Wycliffe Oparanya during the burial of Henry Oparanya at Emabole Primary School in Kakamega on Saturday. [Benjamin Sakwa, Standard]

for good governance worsening the situation," he said.

DAP-K leader Eugene Wamalwa said that it was clear Kenyans were not interested in dialogue and wanted the President to resign since he had failed the country and presided over an incompetent administration.

Nairobi Senator Edwin Sifuna argued that Koome's resignation was not enough since Bungei was still the police commander who has presided over the killings and maiming of youthful protesters who were only armed with water bottles phones.

Ruto had called for six days multi sectoral forum dialogue bringing together 150 representatives from various sectors focusing on issues affecting the country including bad governance, youth unemployment, ballooning public debt, corruption and tribalism.

"We have agreed that we have to bring the country together, that is why we will be having a multi sectoral forum dialogue bringing together 150 participants with 50 of them being youths while 100 of them will come from the religious community, civil society, political parties and professional groups," said Ruto.

eryarangi@standardmedia.co.ke

Republic of Kenya
THE KISUMU NATIONAL POLYTECHNIC (TKNP)
REQUEST FOR PROPOSAL (RFP)

Project title: Consulting Services for Architectural design and Works Supervision
Project Name: BLUE SKILLS TRAINING FOR EMPLOYMENT PROJECT (B-STEP)
Ref: AUDA-NEPAD/KFW 201568 DS2/FW/KEN/005
Program - Skills Initiative for Africa » SIFA - Financing window 1

- The Kisumu National Polytechnic (TKNP) has received funding from AUDA NEPAD through the SIFA FW 1 program in the form of a financial contribution (hereinafter referred to as "Grant") towards the cost of Consulting Services for Architectural, Engineering, Technical Studies, Environment and Social Impact Assessment and Supervision of Construction Works for the Proposed Blue Skills Training for Employment Centre. TKNP acting as the beneficiary of the project and referred to as the "Beneficiary", intends to apply a portion of the proceeds of this grant to eligible payments under the Contract for which this Request for Proposals (RFP) is issued.
- Applications by AUDA-NEPAD will be made only at the request of the TKNP and upon approval by AUDA-NEPAD, and will be subject, in all respects, to the terms and conditions of the financing agreement. No party other than the TKNP shall have any rights from the financing agreement or have any claims to the proceeds of the grant.

In this context, the Kisumu National Polytechnic now issues this National open competition Request for Proposals (RFP), for the selection of a duly qualified and eligible Consultant to provide Consulting Services for Architectural, Engineering, Technical Studies, Environment and Social Impact Assessment and Supervision of Construction Works.

- The Consulting Services covered by this notice, as described in detail in the RFP document, include the following:
 - Phase 1 - Architectural, Engineering, Technical Studies
 - Phase 2 - Environment and Social Impact Assessment
 - Phase 3 - Supervision of Construction Works.

Candidates must present a proposal for all three phases mentioned above. Partial proposals shall be rejected.

- A firm will be selected in accordance with National open competition, Quality and Cost Based Selection (QCBS) procedures, described in the SIFA FC Procurement Guide at www.skillsafrica.org website and in the present document.
- Further information may be obtained by applying to Supply Chain Manager Email procurement@kisumupoly.ac.ke. The Request for Proposals document may be consulted free of charge or obtained by consultants, following registration on the following website, www.kisumupoly.ac.ke, www.tenders.go.ke
- Proposals must be submitted to the tender box located at: The Kisumu National Polytechnic, Administration Block, Technology Road, Kisumu, Kenya.
- The deadline for submission of Proposals is **3/09/2024 at 11:00 Hours, local time**. The opening of the technical proposal will be conducted **3/09/2024 at 11:00 Hours, local time**, immediately following the proposal submission.

A Site Visit and Pre-Proposal Conference shall be conducted, at the following address:
The Kisumu National Polytechnic, Technology Road, Kisumu Kenya.

The Site Visit shall commence **25th July 2024 09:00 hours local time** and be followed immediately, by the Pre-Proposal Conference. Consultants will remain bound by the validity of their proposals for a minimum One hundred and twenty (120) days from the day following the deadline for receipt of offers.

CHIEF PRINCIPAL/COUNCIL SECRETARY
THE KISUMU NATIONAL POLYTECHNIC
P.O. BOX 143-40100
KISUMU, KENYA
Email: info@kisumupoly.ac.ke

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024);
- THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024);
- THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2024); AND
- THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 25 OF 2023).

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024), the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024), the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) and the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

- The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) sponsored by the Leader of the Majority Party, seeks to amend the Kenya Roads Board Act, 1999 to reduce the membership of the Board and the institutions from which the membership may be nominated and to align references to the term "Minister" in the Act with the provisions of the Constitution;
- The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) sponsored by Hon. Eldred Barasa, MP seeks to amend the Salaries and Remuneration Commission Act to provide that the Chairperson and Members of the Commission shall serve on a part-time basis;
- The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) sponsored by Hon. Helmut Luswala, MP, seeks to amend the Kenya Roads Act of 2007 to provide for the design and construction of dedicated lanes for non-motorized transport; and
- The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) sponsored by Sen. Samson Cherarary, MP seeks to enhance the voting threshold for the removal of a member of a County Executive Committee by a County Assembly.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

| S/N | BILL | COMMITTEE |
|-----|---------------------------------------------------------------------------------------------------|--------------------------------------|
| 1. | The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) | Transport and Infrastructure |
| 2. | The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) | Labour |
| 3. | The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) | Transport and Infrastructure |
| 4. | The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) | Administration and Internal Security |

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda 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 csa@parliament.go.ke to be received on or before Wednesday, 31st July 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

16th July, 2024

For the Welfare of Society and the just Government of the People

Politics Raila became the face of the establishment and inherited everything that was seen as wrong with that regime

Kalonzo keen to avoid Raila mistake in 'handshake' saga

His advisers view the Uhuru-Raila pact in 2018 as the error that cost Raila the seat

BY JUSTUS WANGA

Wiper Democratic Movement party leader Kalonzo Musyoka, keen to avoid the curse of incumbency in 2027 when he's expected to make a second bid for the highest office in the land, has decided to reject President William Ruto's call for national dialogue.

His advisers are convinced that the rapprochement between Orange Democratic Movement (ODM) leader Raila Odinga, who was Azimio la Umoja One Kenya Coalition Party presidential candidate in the 2022 presidential race, and President Uhuru Kenyatta in 2018, known as the handshake, cost the former prime minister the seat.

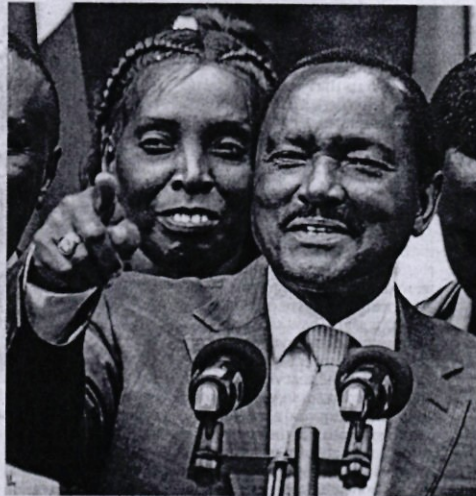
Backed by Mr Kenyatta, Mr Odinga became the face of the establishment and inherit-

ed everything that was seen as wrong with that regime. Mr Ruto, an insider who'd been Mr Kenyatta's deputy for 10 years, turned Mr Odinga's plight to his advantage and rode to victory.

In a bid to quell the tide of discontent among Generation Zoomer youths who are demanding far-reaching reforms in governance, President Ruto is holding out an olive branch to opposition politicians and stakeholders from other sectors of society for dialogue before naming his new Cabinet.

The curse of incumbency is when a candidate currently holding office, or those supported by the incumbent, are rejected by the electorate for the failures of that regime.

"The party has been unequivocal on the issue of dialogue with President Ruto. Calls for dialogue



Wiper Democratic Movement leader Kalonzo Musyoka addresses journalists at the party's headquarters in Karen, Nairobi, on Wednesday last week. FILE IN NATION

are unwise, ill-timed and in bad faith. This is the party's stated position and it has not been vacated," close Musyoka ally and Kitui Senator Enoch Wambua told the Nation yesterday.

Feeling pressure from the Gen Z protesters, the President sent his ministers packing last week and is expected to appoint new ones any time from this week.

"We advised Kalonzo to stay away from Ruto. Working with him is bad for his future politics. The President must be left alone to face the consequences of his mistakes, that's why we are not boarding the Government of National Unity train," said Makuoni Senator Daniel Maanzo, a senior lawyer in Mr Musyoka's inner circle. This position has since been ratified by Wiper's National Executive Council, one of the party's highest decision-making bodies.

Mr Maanzo said the essence of a political party is to form the government, not to help other people run their government.

"Joining President Ruto defies logic. He is facing a lot of challenges. He has had differences with his deputy and now Generation Z wants nothing to do with him. How do you heal such a government? We cannot join such a government," he adds.

Wiper's position is also bolstered by quiet sentiments within in Azimio that Mr Odinga may not run for President in the next

General Election because of his advanced age. In that case, he has nothing to lose by hobnobbing with the Ruto administration. For Mr Musyoka, they say, the price would be too high. The President is also expected to defend his seat for a second and final term in the next election.

The dialogue, which is expected to pave the way for the formation of a Government of National Unity, would mean that players from across the political divide would nominate representatives to the Cabinet and other positions in the executive arm of government.

And should Wiper or other opposition parties choose this route, they will automatically cede the moral high ground to criticise that government, and also bear responsibility for any failures associated with it. Irrespective of this, Nation has also established that the fear may not be so much of the incumbency curse as of the immediate situation that Mr Musyoka alluded to; the fear of an immediate public backlash. Other Azimio leaders, Eugene Wamalwa, Martha Karua and Jeremiah Kioni are also opposed to any form of dialogue with Dr Ruto.

"Dialogue can only be meaningful if the players have good faith and are guided by the best interests of the people. This is a trap, period," Ms Karua said last week.

kwanga@ke.nationmedia.com



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024);
2. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2024);
3. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2024); AND
4. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 25 OF 2023).

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House Committees considering Bills to facilitate participation;

AND WHEREAS, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024), the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024), the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) and the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

1. The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) sponsored by the Leader of the Majority Party, seeks to amend the Kenya Roads Board Act, 1999 to reduce the membership of the Board and the institutions from which the membership may be nominated and to align references to the term "Minister" in the Act with the provisions of the Constitution;
2. The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) sponsored by Hon. Didman Barasa, MP seeks to amend the Salaries and Remuneration Commission Act to provide that the Chairperson and Members of the Commission shall serve on a part-time basis;
3. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) sponsored by Hon. Naisula Lesauwa, MP, seeks to amend the Kenya Roads Act of 2007 to provide for the design and construction of dedicated lanes for non-motorized transport; and
4. The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) sponsored by Sen. Samson Cherarbay, MP seeks to enhance the voting threshold for the removal of a member of a County Executive Committee by a County Assembly.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:-

| S/No. | BILL | COMMITTEE |
|-------|---------------------------------------------------------------------------------------------------|--------------------------------------|
| 1. | The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024) | Transport and Infrastructure |
| 2. | The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024) | Labour |
| 3. | The Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) | Transport and Infrastructure |
| 4. | The County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) | Administration and Internal Security |

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda 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 cn@parliament.go.ke to be received on or before Wednesday, 31st July 2024 at 5.00 p.m.

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
16th July, 2024

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www.amedokenya.com

Annexure VI: Written submissions from Stakeholders.



**MINISTRY OF ROADS AND TRANSPORT
STATE DEPARTMENT OF ROADS
Office of the Principal Secretary**

① DDC
8
14/10/24

Telephone: (020) 2723232
Email: ps@roads.go.ke
Website: www.roads.go.ke

WORKS BUILDING
NGONG ROAD
P.O. Box 30260-00100
NAIROBI

Ref. No. MOR&T/R/A24.04 Vol.2(104)

14th October, 2024

Mr. Samuel Njoroge, CBS
Clerk of The National Assembly
Main Parliament Buildings
NAIROBI

② Ms. Tracy Chebet
Pls deal. on 15/10/24

Dear

Clerk,

**RE: SUBMISSIONS ON BILLS BEFORE THE DEPARTMENTAL COMMITTEE
ON TRANSPORT AND INFRASTRUCTURE**

Reference is made to your letter Ref. NA/DDC/T&I/2024/052 dated 12th September, 2024 on the above subject matter.

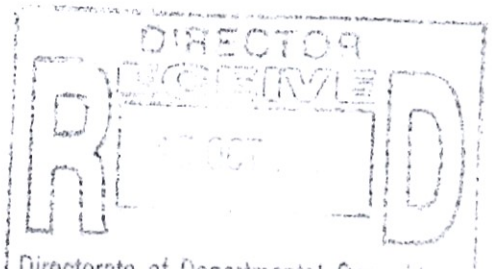
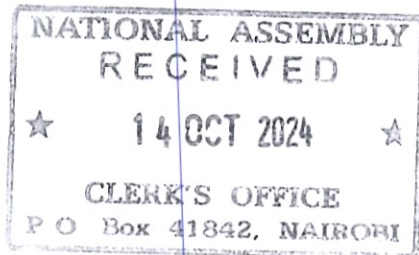
The purpose of this letter is to submit our memoranda on the Bills before the Departmental Committee on Transport and Infrastructure.

Yours

Sincerely,
[Signature]

Eng. Joseph M. Mbugua, CBS
PRINCIPAL SECRETARY

Encls.





**PROPOSED AMENDMENTS TO SECTION 7 OF THE KENYA ROADS BOARD ACT, 1999
(Bill No. 18 of 2024)**

| Section | Specific Clause | Proposed Amendment | Justification |
|-----------|-----------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 7 | 7(1)(g) | Delete | <ul style="list-style-type: none"> Section 7 of the KRB Act, 1999 provides for Membership of the Board. Further, Section 7(1)(h) provides for eight (8) other members from the private sector as outlined under the First Schedule. This brings the total number of members to the Board to 13No. The object and purpose of these amendments is to align the Kenya Roads Board Act, 1999 with best practices provided for under Mwongozo Code of Governance for State Corporations which anchored on our Constitutional values and principles as well as global best practices. Proposed amendments will not occasion any harm in the implementation of the mandate of the Kenya Roads Board as set out in the Kenya Roads Board Act. |
| | 7(1)(h) | Delete the word 'eight' and substitute therefore with the word 'five' | |

**PROPOSED AMENDMENTS TO Section 17 OF THE KENYA ROADS BOARD
ACT, 1999
Bill No. 20 of 2024**

| Section | Specific Clause | Proposed Amendment | Justification |
|------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 17 | Section 17(2)(a) The Constituency Roads Committee shall | <p><i>Insert the words "National Government" immediately before the word "Constituency".</i></p> <p>The National Government Constituency Roads</p> | This will provide for inclusion of the members of the National Government Constituency Development Fund into the Constituency Roads Committee. |



| | | | |
|--|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | comprise of— (a) four members from the respective Constituency Development Fund Committee; | Committee shall comprise of— (a) four members from the respective Constituency Development Fund Committee; | |
| | Proposed Section 17(4A) | <i>The Constituency Road Committee shall provide mechanism for consultation between the National Government Constituency Development Committee and the Kenya Roads Board in all matters relating to the roads in the respective Constituencies under this Act"</i> | <ul style="list-style-type: none"> • This will ensure that the proposed road works programmes are aligned with the Annual Public Roads Programmes compiled by the Kenya Roads Board pursuant to Section 19 of the Act. • Also, this will provide for a mandatory consultative mechanism between the National Government Constituency Committee and the Kenya Roads Board. |

KENYA ROADS ACT, 2007

| PROPOSED AMENDMENTS TO KENYA ROADS ACT, 2007 | | |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Objective of the proposed amendments | | |
| | Proposal | Objective |
| 1 | (a) All public roads to have lanes and/or track reserved for exclusive use by pedestrians and non-motorised vehicle; and (b) All urban areas to have support facilities such as bicycle parking. | This will enhance road safety |



| | | | |
|-----------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Comments | | <p><i>The Board has reviewed the Bill and noted that the provisions are adequate and submits as follows;</i></p> <p>1. <i>Due to the high cost of road development and preservation of assets through maintenance, the amendments should have a scientific approach of determining the optimal allocation of road investments such as facilities for non-motorised transport;</i></p> <p>2. <i>The investments should target priority sections of the road network that would give maximum economic and social benefits to the society at large.</i></p> | |
| | | Recommendations | Objective |
| 1 | Clause 7 | <p>The Board seeks to recommend the following with regards to the proposals made under Section 46A;</p> <p>(a) All non-motorised transport facilities to be incorporated the same into the road register;</p> <p>(b) Budgets for non-motorised transport facilities be included in the Road Sector Investment Programme and funding thereof be factored in the exchequer development budget from the National Treasury.</p> | <p>This will provide for budgeting and inclusion of the non-motorised transport facilities into the road register.</p> |



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ANALYSIS OF VARIOUS ROADS SUB-SECTOR BILLS – OCTOBER 2024

Name of Bill: **THE KENYA ROADS BOARD (AMENDMENT) BILL NO. 18 OF 2024**

| KENYA ROADS BOARD (AMENDMENT) BILL NO. 18 OF 2024 | | A Bill for AN ACT of Parliament to amend the Kenya Roads Board Act, 1999 (Rev. 2023) | | |
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| No. | Amended Provision in Principal Act | Current Provision | Proposed Amendment | Remarks & Implications |
| 1 | Section 2 - Interpretation | 2. "Minister" means the Minister for the time being responsible for matters relating to roads; | Amend by deleting the definition of "Minister" and substituting therefore the following new definition – <i>"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to roads;</i> | To align with terms in the Constitution of Kenya, 2010. This is in order. |
| 2 | Section 7 – Membership of the Board | Membership of the Board (1) The Board shall consist of— (g) deleted by Act No. 4 of 2023, s. 76(a); (h) five other members comprising, representatives of each of the | Amend by -a) deleting paragraph (g); and b) deleting the word "eight" appearing at the beginning of paragraph (h) and substituting therefor the word "five". | NOTE – These amendments were already implemented vide the Finance Act of 2023. It is not clear why the same are indicated as |

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| | | organisations specified in the First Schedule and appointed by the Minister from amongst three persons nominated by each of the organisations. | | <p>having been read the first time.</p> <p>Note that in spite of the Court of Appeal decision that had invalidated the Finance Act, 2023, the Supreme Court gave a Ruling that temporarily suspended the Appellate Court's decision pending the hearing and conclusion of the current Appeal. Therefore, the current Finance Act 2023 legally remains in force in the current FY 2024/2025, after collapse of the Finance Bill 2024.</p> <p>The amendment was to reduce the membership of the Board to align with <i>Mwongozo</i> and the institutions from which the membership may be nominated.</p> |
| 3 | The First Schedule | <p>4. Deleted by Act No. 4 of 2023, s. 78.</p> <p>5. Deleted by Act No. 4 of 2023, s. 78.</p> <p>6. Deleted by Act No. 4 of 2023, s. 78</p> | Amend by – <ul style="list-style-type: none"> a) deleting paragraph 4; b) deleting paragraph 5; and c) deleting paragraph 6. | <p><u>Same as above.</u> Already amended vide Finance Act, 2023</p> |