

**REPUBLIC OF KENYA**



PARLIAMENT  
OF KENYA  
LIBRARY

**NATIONAL ASSEMBLY OF KENYA**

**NINTH PARLIAMENT, SIXTH SESSION**

**THE DEPARTMENTAL COMMITTEE ON  
FINANCE, PLANNING AND TRADE**

**REPORT ON THE CONSTITUENCIES  
DEVELOPMENT FUND (AMENDMENT) BILL,  
2007**

CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER 2007

## **1.0 PREFACE**

**Mr. Speaker Sir,**

The Departmental Committee on Finance, Planning and Trade was constituted at the commencement of the Ninth Parliament pursuant to the provisions of Standing Order No. 151 and has executed its mandate in accordance with the provisions of the said Standing Order, 151(1) 4 which mandates the Committee to;

- (a) 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) Study the programme and policy objectives of the Ministries and departments and the effectiveness for the implementation;***
- (c) Study and review all legislation after First Reading subject to the exemptions under Standing Order 101A (4);***
- (d) Study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with its stated objectives;***
- (e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they deem necessary and as may be referred to them by the House or a Minister; and***
- (f) Make reports and recommendations to the House as often as possible including recommendation of proposed legislation.***

The Committee oversees the following Ministries:

- i. Ministry of Finance***
- ii. Ministry of Planning***
- iii. Ministry of Trade and Industry***

*iv. Ministry of Tourism and Wildlife*

**2.0 MEMBERSHIP**

The Committee comprises of the following Members:-

*The Hon. Dr.Oburu Oginga, MP - Chairman*

*The Hon. Martin Nyaga Wambora, MP*

*The Hon. Wycliffe Oparanya, MP*

*The Hon. Chrysanthus Okemo, MP*

*The Hon. Dr Adhu Awiti, MP*

*The Hon. John Mutinda Mutiso, MP*

*The Hon. Simon K.Kanyingi, MP*

*The Hon. Washington Jakoyo Midiwo, MP*

*The Hon. William Gitau Kabogo, MP*

*The Hon. Lukas Chepkitony, MP*

**3.0 SUMMARY**

**Mr. Speaker Sir,**

On behalf of the Members of the Departmental Committee on Finance, Planning and Trade and pursuant to Standing Order No.162 (2), I am pleased to present to the House the Report of the Constituencies Development Fund (Amendment) Bill, 2007.

The Constituencies Development Fund (Amendment) Bill, 2007 was referred to the Committee on July 12, 2007 upon a motion moved by Hon. (Eng) Muriuki Karue, MP pursuant to the provisions of Standing Order 101A (1).This report contains deliberations of the Committee on the proposed amendments and the rationale behind the proposed amendments.

The Committee held three sittings to consider the Bill.

I take this opportunity to thank all members of the Committee and the secretariat for their input and valuable contributions during the deliberations on the Bill.

#### **4.0 BACKGROUND**

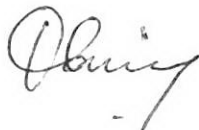
**Mr. Speaker Sir,**

The Constituencies Development Fund (Amendment) Bill, 2007 seeks to amend the Constituencies Development Fund Act, 2003 to provide for improved systems of implementing Constituencies based development projects under the Act taking into account the experience gained since the Act came into operation.

**Mr. Speaker Sir,**

The Committee recommends enactment of this Bill into Law but with the attached proposed amendments.

**SIGNED**



**HON.DR.OBURU OGINGA, MP  
CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING  
AND TRADE.**

Date.....18/09/07.....

**PROPOSED AMENDMENTS TO THE CONSTITUENCIES DEVELOPMENT (AMENDMENT) BILL, 2007**

**Clause 2:** That Clause 2 be amended as follows:

- i. by re-numbering Clause 2 in proper alphabetical sequence
- ii. by inserting the following new definitions in proper alphabetical sequence-  
  
    **“Board”** means the Constituencies Development Fund Board  
  
    **“Secretariat”** means the Constituencies Development Fund Secretariat
- iii. in sub-clause 2(a) by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**;
- iv. by deleting sub-clause 2 (b)
- v. by deleting sub-clause 2(b)

**Rationale**

The proposal is intended to establish a Constituency Development Fund Board, a body corporate capable of owning movable or immovable property.

**Clause 3:** That Clause 3 be amended as follows:

- i. by renumbering Clause 3 in proper alphabetical sequence
- ii. in sub-clause 3(a) by deleting the word **“Authority”** and substituting therefor the word **“Board”**

## **Rationale**

To harmonize with Clause 1

**Clause 4:** That Clause 4 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**;

**Clause 5:** That Clause 5 be amended as follows:

- i. in sub-clause 5 a (i) by deleting the word **“Authority”** and substituting therefor the word **“Board”**
- ii. in sub-clause 5(2) by deleting the word **“Authority”** and substituting therefor the word **“Board”**

## **Rationale**

To harmonize the Bill

**Clause 7:** That Clause 7 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 8:** That Clause 8 be amended by

- i. deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**
- ii. deleting sub-clause (e)

## **Rationale**

To harmonize the Bill.

**Clause 9:** That Clause 9 be amended as follows:-

- i. in sub-clause (b) deleting the word **“Authority”** and substituting therefor the word **“Secretariat”**

- ii. in sub-clause d by deleting the phrase **“Authority detailing how they intend to re-allocate the unspent funds”** and substituting therefor the words **“Secretariat for approval”**

**Clause 12:** That Clause 12 be deleted and replaced with the following new clause-

(1) There shall be a Constituency Development Fund Secretariat comprising:-

- i. A Constituency Development Fund officer appointed by the Clerk from among the officers of Parliament not below the level of Principal Clerk who will be in charge of the secretariat
  - ii. The officer who at any one time is designated Clerk Assistant to the Constituencies Fund Committee
  - iii. Such other officers as the Clerk may appoint in order to ensure efficient and timely operations of the secretariat
- (2) The Constituency Development Fund officer shall receive the proposals from the constituencies on behalf of the Clerk in accordance with the Act
- (3) The Secretariat shall scrutinize the proposals for compliance with the Act and with the rules and regulations and if they are compliant approve them and submit them to the Clerk for onward transmission to the CDF National Management Committee for funding
- (4) Any matters of policy that may arise shall be referred to the Constituencies Fund Committee whose decision will be final
- (5) A proposal that is not compliant shall be returned to the Constituencies Development

Committee through the respective Member of Parliament for the necessary adjustments

- (6) Forwarding of any proposals by the Clerk to the Constituencies Development Fund Board shall not signify final approval of that submission and it shall be subjected to further approval procedures
- (7) The secretariat shall compile a monthly report showing all the submissions and approvals ,or otherwise ,from around the constituencies including any supplementary ,subsidiary or any other submissions ,and the report shall be submitted to the Constituencies Fund Committee at least once a month.

### **Rationale**

The Secretariat is intended to scrutinize and approve proposals from the Constituencies

**Clause 16:** That Clause 16 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“secretariat”**

**Clause 18:** That Clause 18 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Secretariat”**

**Clause 21:** That Clause 21 be amended

- i. in sub-clause (j) by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**
- ii. in sub-clause (9) by deleting the word **“Authority”** and substituting therefor the word **“Board”**

**Clause 22:** That Clause 22 be amended by deleting the word



**“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 23:** That section 25, sub-section (2) be amended by inserting the words **“mocks and continuous assessment tests** “immediately after the word **“scheme”**

**Clause 24:** That Clause 24 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 26:** That Clause 26 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Secretariat”**

**Clause 27:** That Clause 27 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Secretariat”**

**Clause 28:** That Clause 28 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 30:** That Clause 30 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 35:** That Clause 35 be amended by deleting the word **“Authority”** whenever it appears and substituting therefor the word **“Board”**

**Clause 36:** That section 45 be amended in subsection (1) by inserting the words **“ and Registered Financial Institutions”** after the words **“ commercial bank”**

**Clause 38:** That Clause 38 be amended in sub-clause (a) by deleting the word "**Authority**" and substituting therefor the word "**Secretariat**"

**Clause 39:** That Clause 39 be amended by:

- i. deleting the word "**Authority**" whenever it appears and substituting therefor the word "**Board**"
- ii. in sub-clause 4 by inserting the words "**and the Constituency Development Committee**" immediately after the words "**District Projects Committee**" appearing on line two(2).
- iii. in sub-clause 4 by deleting the word "**Minister**" appearing on line **three (3)** and substituting therefor the word "**Board**"

**Clause 40:** That Clause 40 be amended by

- i. deleting the word "**Authority**" whenever it appears and substituting therefor for the word "**Board**"
- ii. in sub-clause 7 by deleting the words "**one year**" and substituting therefor the words "**six months**"

## **Schedules**

First Schedule be amended by deleting the word "**Authority**" and substituting therefore the word "**Board**"

XX