

Approved for tabling. *Bat*  
NA  
30/8/16

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

PARLIAMENT  
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ELEVENTH PARLIAMENT – FOURTH SESSION

REPORT ON CONSIDERATION OF THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016

CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI-KENYA

AUGUST, 2016

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## 2.0 MANDATE OF THE COMMITTEE

Section 50 of the Constituencies Development Fund Act, 2015, expounds on the mandate of the Committee, and states that:-

- (5) The functions of the National Assembly Select Committee are —
- a) to oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
  - b) to oversee the policy framework and legislative matters that may arise in relation to the Fund;
  - c) to continually review the framework set out for the efficient delivery of development programmes financed through the Fund;
  - d) to consider and recommend to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this Act, and;
  - e) to carry out any other functions relevant to the work of the Fund.
- (6) The National Assembly Committee may make reports other than the statutory report stated in sub section 5(b) to appraise the National Assembly on various matters relating to the Fund and to seek various approvals as required by the Act.

### 3.0 THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016

#### a) Background

The Principal object of this Bill is to amend the National Government Constituencies Development Fund Act, No.30 of 2015 in order to change the formula for the determination of budget ceiling for the constituencies by providing that the budget ceiling for each constituency shall be the amount specified in the section 4(1) of the Act divided equally among all the constituencies. The other objects of the Bill are aimed at streamlining the implementation of the Act by introducing practical deadlines for submission of returns and reports and correcting typographical errors in the published version of the Act.

**Clause 1** of the Bill provides for the short title

**Clause 2** of the Bill seeks to amend section 3 of the Act so as to align the amendment in Clause 6 with the objects of the Act.

**Clause 3** seeks to amend section 5 of the principal Act to provide that any reasonable restrictions or requirement imposed on a particular constituency shall be reported together with the quarterly returns to be submitted to the Cabinet Secretary and the National Assembly. Currently, the restrictions or requirement are to be submitted on a monthly basis.

**Clause 4** of the Bill seeks to amend section 15 of the principal Act to correct error in cross-referencing.

**Clause 5** of the Bill seeks to amend section 28 of the principal Act by providing that the list of the proposed constituency projects shall be submitted to the Board within three months of the official release of the allocation table by the Cabinet Secretary as opposed to the end of February each year.

**Clause 6** of the Bill seeks to amend section 34 of the Act to change the formula for the determination of budget ceilings for the constituencies by providing that the budget ceiling for each constituency shall be the amount specified in section (4) 1 of the Act divided equally among all constituencies.

making special provisions for marginalized groups and areas pursuant to Article 201 (b) (iii) of the Constitution;

- i) Authorize withdrawal of money from the Consolidated Fund as provide under Article 201(2) (c) of the Constitution;
- j) Provide for mechanism for supplementing infrastructure development at the constituency level in matters falling within the functions of the national government at that level in accordance with the Constitution;
- k) Provide framework for citizens led development to assist the national government in planning and prioritizing the use of its resources;
- l) Create harmonious relationship between citizens and the national government and its officers in local development;
- m) Provide platform for citizens participation in service delivery; and
- n) Build local accountability and transparency in the use of resources.

**b) Brief from the Parliamentary Legal Counsel**

A representative of the Director of legal services, Mr. Wilson Dima- Senior Legal Counsel, took the committee through the proposed amendments contained in the NG-CDF (Amendment) Bill, 2016. He pointed out that the Bill contains seven amendments as follows:

1. **Clause 2** is seeking to amend **section 3** of the NG-CDF Act by-
  - a) Proposing to delete the word “equity” in paragraph (e), the reason being that section 34 had proposed that the money would be divided equally among all constituencies. This will necessitate the deletion of the word “equity” so as to align the amendment in clause 6 with the objects of the Act that provides for equal sharing and not equitable sharing of funds.
  - b) Proposing to delete paragraph (i) because the whole paragraph is talking about equitable yet the Bill is equality in the sharing of the Fund.
2. **Clause 3** is seeking to amend **section 5 (7)** by
  - a) Proposing to delete the word “monthly” and substituting therefor the word “quarterly”. This was a correction because the Board under section 51 of the Principal Act submits its returns quarterly and not monthly.
  - b) Adding the word “National Assembly” after the words “Cabinet Secretary” because the returns are submitted to both the Cabinet Secretary and National Assembly as outlined in the Section.
3. **Clause 4** is seeking to amend **section 15 (3)** to correct an error in cross-referencing by-
  - a) Deleting the word “five” and substituting therefor the word “seven” so as to correct an error because in section 15 of the principal Act, the members who are supposed to be appointed are seven and not five
  - b) Deleting the words “paragraph (c)” and substituting therefor the words “paragraph (e)” so as to correct to conform to section 15 of the principal Act.
4. **Clause 5** is seeking to amend **section 28** of the principal Act by deleting subsection (1) and substituting therefor with the new subsection (1) - “The list of the proposed constituency projects shall be submitted to the Board within three months of the

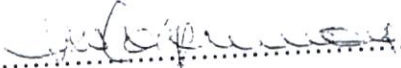
*Section 34 of the Principal Act, by deleting subsection (1) and substituting therefor the following new subsection (1): –*

*“(1) the budget ceiling for each constituency shall be the amount specified in section 4(1) divided equally among all constituencies subject to the provision in section 23(1) and 8(1).”*

Further, the Board wished to propose an additional amendment to section 48 of the Principal Act by inserting the words “Notwithstanding this provision, a constituency may request for authority of the board to allocate more than the stated percentage” at the end of the section.

The board observed that the amendment will enable constituencies that are very needy in terms of bursary and related issues, for example those in urban and marginal areas to allocate more money for the purpose with concurrence of the Board.

This would enable the board and not the Cabinet Secretary to officially release the allocation table before the Select Committee on National Government Constituencies Development Fund

SIGNED.....

HON. MOSES LESSONET, MP  
CHAIRMAN, SELECT COMMITTEE ON NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND



# ANNEX I - MINUTES

Members considered and unanimously adopted the Report on the National Government Constituencies Development Fund (Amendment) Bill, 2016.

MINUTE NO.100/2016      ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at Twelve o'clock.

SIGNATURE..........  
CHAIRPERSON

DATE.....

REPUBLIC OF KENYA



NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT – FOURTH SESSION

In Matter of consideration by the National Assembly of the National  
Government Constituencies Development Fund (Amendment) Bill, 2016

**SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, Standing Order 127(3) states that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The National Government Constituencies Development Fund (Amendment) Bill, 2016 underwent First Reading on 17<sup>th</sup> August, 2016 and stands committed to the Select Committee on National Government Constituencies Development Fund for consideration and thereafter to submit a report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites interested members of the public to submit any representations they may have on the said Bill. The representations 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 [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Wednesday 24<sup>th</sup> August, 2016 at 5.00 pm.

JUSTIN BUNDI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

DAILY

Dear ,

**RE: SUBMISSION OF COMMENTS ON THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016**

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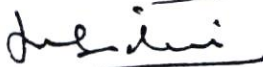
The National Assembly Select Committee on National Government Constituencies Development Fund (N.G.C.D.F) is established pursuant to Section 50 of the NGCDF Act 2015 and the Standing Orders of the National Assembly. The Mandate of the Committee is to oversee the implementation of the Fund, consider and recommended to the House any matter requiring action by the National Assembly pursuant to the Act and perform any other duties as may be assigned to it by the Committee from time to time.

The National Government Constituencies Development Fund (Amendment) Bill, 2016 (copy attached) underwent First Reading on **17<sup>th</sup> August, 2016** and committed to the Select Committee on National Government Constituencies Development Fund for consideration and thereafter make a report to the House.

Pursuant to the provisions of Standing Order 120, the House resolved to reduce the publication period of the said amendment Bill from fourteen (14) to six (6) days.

Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Committee invites you to submit your comments on the said Bill to reach the office of the Clerk of the National Assembly **on or before Friday 26<sup>th</sup> August, 2016**

Yours 



**MICHAEL R. SIALAI, EBS**  
**FOR: CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA

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'Bunge', Nairobi  
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Fax: +254-020-2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

NATIONAL ASSEMBLY

KNA/CDF/CORRE/2016/021

22<sup>nd</sup> August, 2016

Prof Githu Muigai, EGH, FCI Arb., SC  
Attorney General &  
Department of Justice  
NAIROBI

Dr. Kamau Thugge, CBS  
Principal Secretary  
The National Treasury  
NAIROBI

Saitoti Torome  
Principal Secretary  
State Department for Planning & Statistics  
Ministry of Devolution & Planning  
NAIROBI

Yusuf Mbuno  
Ag. Chief Executive Officer  
Constituencies Development Fund Board  
Harambee Plaza  
NAIROBI

Wanjiru Gikonyo  
National Coordinator  
The Institute for Social Accountability  
Number 1, Wendy Court  
David Osieli Road, off Waiyaki Way  
P O Box 48353 – 00100  
NAIROBI

✓ Joash Dache, MBS  
Secretary/CEO  
Kenya Law Reform Commission  
3<sup>rd</sup> Floor, Reinsurance Plaza  
Taifa Road  
NAIROBI

350



National Government Constituencies Development Fund Board  
Harambee Plaza, 10<sup>th</sup> Floor  
Junction. of Haile Selassie Avenue & Uhuru Highway  
P.O Box 46682-00100  
Nairobi, Kenya  
Tel: 020-2230015/9, 2230027, 2230032 | Cell: 0709894000  
Email: [info@cdf.go.ke](mailto:info@cdf.go.ke) | Website: [www.cdf.go.ke](http://www.cdf.go.ke)

# NG-CDF BOARD

August 19, 2016

OUR REF: NG-CDFB-CEO/KNA/VOL.003(49)

Mr. Justin N. Bundi, CBS  
Clerk of the National Assembly,  
The National Assembly of Kenya,  
Parliament Road,  
P O Box 41842-00200,  
NAIROBI

*(Handwritten signature)*  
23/8

Dear Sir,

RE: SUBMISSION OF COMMENTS ON THE PROPOSED NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016 -2<sup>ND</sup> READING

Reference is made to the above matter.

Having perused through the proposed Amendment Bill, the Board proposes further additional amendments to Section 6 of the Bill by inserting "and subject to the provision in section 23(1) and 8 (1)" after the phrase "section 4 (1)". With the proposed insertion, Section 6 of the Bill will therefore read: -

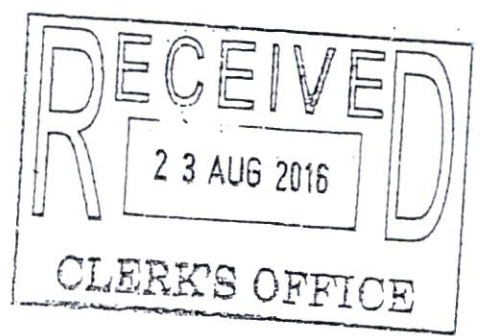
*Section 34 of the Principal Act is amended by deleting sub-section (1) and substituting therefor the following new subsection (1): -*

*"(1) The budget ceiling for each constituency shall be the amount specified in section 4(1) divided equally among all constituencies subject to the provisions of section 23(1) and 8 (1)"*

Further, the Board wishes to propose additional amendments as follows: -

*Section 48 of the Act is amended by inserting the words "Notwithstanding this provision, a constituency may request for the authority of the Board to allocate more than the stated percentage" at the end of the section.*

*(Handwritten notes)*  
② KADH  
pls deaf  
FA  
23/8





SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND

MEMEBERS ATTENDANCE SCHEDULE

DATE 25/08/2016 Time 10:00 Am VENUE HARAMBEE PLAZA.

AGENDA ADOPTION OF THE REPORT ON THE NG-CDF  
(Amendment) Bill, 2016

	NAME	SIGNATURE
1	Hon Lessauy Masedi	
2	Hon Mohamed Abasi	
3	<b>KAMATI MWAMKALE</b>	
4	HON MASONI E. MOINBI	
5	Hon David Wafura	
6	HON KYENGO KATAJIA MUKADI	
7	Hon Silas K. Tiper	
8	Hon Raphael Letimbe	
9	Hon. JOSEPH O. NDIEGE	
10	Hon Benson Mbiti	
11	Hon Yusuf Chanzu	
12		
13		
14		
15		
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18		
19		

AHMAD KADHI

FOR -CLERK OF THE NATIONAL ASSEMBLY

Approved for tabling. *BA*  
NA  
30/8/16

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – FOURTH SESSION

REPORT ON CONSIDERATION OF THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016

CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI-KENYA

AUGUST, 2016



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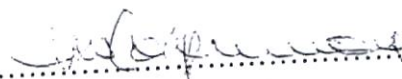
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SIGNED.....

HON. MOSES LESSONET, MP  
CHAIRMAN, SELECT COMMITTEE ON NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND

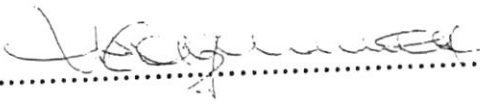
# ANNEX I - MINUTES



Members considered and unanimously adopted the Report on the National Government Constituencies Development Fund (Amendment) Bill, 2016.

MINUTE NO.100/2016     ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at Twelve o'clock.

SIGNATURE.....

CHAIRPERSON

DATE.....

REPUBLIC OF KENYA



NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT – FOURTH SESSION

In Matter of consideration by the National Assembly of the National  
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JUSTIN BUNDI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

DAILY

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CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016**

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Yours 



**MICHAEL R. SIALAI, EBS  
FOR: CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



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NAIROBI, Kenya

NATIONAL ASSEMBLY

KNA/CDF/CORRE/2016/021

22<sup>nd</sup> August, 2016

Prof Githu Muigai, EGH, FCI Arb., SC  
Attorney General &  
Department of Justice  
NAIROBI

Dr. Kamau Thugge, CBS  
Principal Secretary  
The National Treasury  
NAIROBI

Saitoti Torome  
Principal Secretary  
State Department for Planning & Statistics  
Ministry of Devolution & Planning  
NAIROBI

Yusuf Mbuno  
Ag. Chief Executive Officer  
Constituencies Development Fund Board  
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Wanjiru Gikonyo  
National Coordinator  
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✓ Joash Dache, MBS  
Secretary/CEO  
Kenya Law Reform Commission  
3<sup>rd</sup> Floor, Reinsurance Plaza  
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350



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Junction of Haile Selassie Avenue & Uhuru Highway  
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Nairobi, Kenya  
Tel: 020-2230015/9, 2230027, 2230032 | Cell: 0709894000  
Email: [info@cdf.go.ke](mailto:info@cdf.go.ke) | Website: [www.cdf.go.ke](http://www.cdf.go.ke)

# NG-CDF BOARD

August 19, 2016

OUR REF: NG-CDFB-CEO/KNA/VOL.003(49)

Mr. Justin N. Bundi, CBS  
Clerk of the National Assembly,  
The National Assembly of Kenya,  
Parliament Road,  
P O Box 41842-00200,  
NAIROBI

*(Handwritten signature)*  
23/8

Dear Sir,

RE: SUBMISSION OF COMMENTS ON THE PROPOSED NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL, 2016 -2<sup>ND</sup> READING

Reference is made to the above matter.

Having perused through the proposed Amendment Bill, the Board proposes further additional amendments to Section 6 of the Bill by inserting "and subject to the provision in section 23(1) and 8 (1)" after the phrase "section 4 (1)". With the proposed insertion, Section 6 of the Bill will therefore read: -

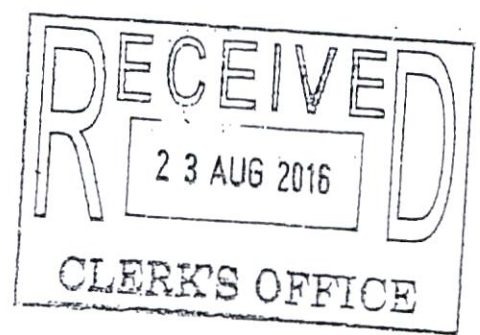
*Section 34 of the Principal Act is amended by deleting sub-section (1) and substituting therefor the following new subsection (1): -*

*"(1) The budget ceiling for each constituency shall be the amount specified in section 4(1) divided equally among all constituencies subject to the provisions of section 23(1) and 8 (1)"*

Further, the Board wishes to propose additional amendments as follows: -

*Section 48 of the Act is amended by inserting the words "Notwithstanding this provision, a constituency may request for the authority of the Board to allocate more than the stated percentage" at the end of the section.*

*(2) KADH  
pls deaf  
FA  
23/8*





SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND

MEMEBERS ATTENDANCE SCHEDULE

DATE 25/08/2016 Time 10:00 Am VENUE HARAMBEE PLAZA.

AGENDA ADOPTION OF THE REPORT ON THE N.G-CDF  
(Amendment) Bill, 2016

	NAME	SIGNATURE
1	Hon Hassan Mada E.	
2	Hon Mohamed Abasi	
3	<b>KAMATI MWAMKALE</b>	
4	HON MARI E. MOINBI	
5	Hon David Wajulu	
6	HON KYENGO KATASHA MWAJIBU	
7	Hon Silas K. Twar	
8	Hon Raphael Litemba	
9	HON. JESSE O. NDIEGE	
10	Hon Benson Muli	
11	Hon Yusuf Chanzu	
12		
13		
14		
15		
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17		
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19		

AHMAD KADHI

FOR -CLERK OF THE NATIONAL ASSEMBLY