

PARLIAMENT
OF KENYA
LIBRARY




Approved
D. S. DS/NA
5th Nov. 2024

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 (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 34 OF 2023)

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

Published by:-

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

TABLE OF CONTENTS

LIST OF ANNEXURES	2
CHAIRPERSON'S FOREWORD	3
CHAPTER ONE	4
1.0 PREFACE	4
1.1 Introduction and Committee Mandate.....	4
1.2 Committee Subjects and Oversight.....	4
1.3 Committee Membership.....	6
1.4 Committee Secretariat.....	7
CHAPTER TWO.....	8
2.0 BACKGROUND INFORMATION.....	8
2.1 Establishment of Road Authorities.....	8
2.2 Situational Analysis.....	8
CHAPTER THREE.....	11
3.0 OVERVIEW OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2023).....	11
CHAPTER FOUR.....	12
4.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT.....	12
4.1 Legal Framework on Public Participation.....	12
CHAPTER FOUR.....	13
4.0 COMMITTEE OBSERVATIONS	13
CHAPTER FIVE.....	14
5.0 RECOMMENDATION.....	14

LIST OF ANNEXURES

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

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

Annexure III: Copy of The Kenya Roads (Amendment) Bill, 2023

Annexure IV: Correspondence to stakeholders requesting for submission of Comments

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

CHAIRPERSON'S FOREWORD

The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023) is sponsored by Hon. Daniel Manduku. M.P. The Bill was read a First Time on 27th September, 2023 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 the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority (KeRRA) shall be to plan the equitable development, rehabilitation and maintenance of rural roads in each constituency. The Bill also provides that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Cabinet Secretary for Finance shall be used for the development of roads in each constituency. Lastly, the Bill provides that the road investment programme prepared by the minister shall outline the development and maintenance priorities in each county.

While conducting public participation, the Committee placed advertisements in the print media of 2nd October, 2023, 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/2023/093 dated 16th October, 2023, requested relevant stakeholders including the Ministry of Roads and Transport and the Council of Governors to submit their views on the Bill. The Committee did not receive any submissions from the stakeholders.

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 commends 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 (Amendment) Bill, 2023.

Hon. GK George Kariuki, MP.

Chairperson, Departmental Committee on Transport and Infrastructure

CHAPTER ONE

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.

Oversight

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

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

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

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

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

Jubilee Party

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

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

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

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

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

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

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

1.4 Committee Secretariat

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

Ms. Tracy Chebet Koskei
Senior Clerk Assistant

Head of the 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. Rihna Saineye
Media Relation Officer

Mr. Danton Kimutai
Audio Officer

Ms. Faith Makena
Serjeant at-Arms

CHAPTER TWO

2.0 BACKGROUND INFORMATION

2.1 Establishment of Road Authorities

8. The establishment of Road Authorities; the Kenya National Highways Authority, the Kenya Urban Roads Authority and the Kenya Rural Roads Authority; is provided for in the Kenya Roads Act, 2007.
9. The Kenya National Highways Authority is responsible for the management, development, rehabilitation and maintenance of national roads, the Kenya Rural Roads Authority shall have responsibility for the management, development, rehabilitation and maintenance of rural roads while the Kenya Urban Roads Authority is responsible for the management, development, rehabilitation and maintenance of all public roads in the cities and municipalities in Kenya except where those roads are national roads.
10. The funding of the Authorities consists of monies paid to it from the Road Fund and any other money appropriated by Parliament for the purposes of the respective Authority.
11. In the case of the Rural Roads Authority and the Urban Roads Authority taken together, thirty per cent of the funds from the Local Authorities Transfer Fund or such higher portion of such funds as the Cabinet Secretary for Finance may direct and funds accruing from investments made by the Authority.

2.2 Situational Analysis

12. According to the Integrated National Transport Policy, Kenya has about 162,600 km of roads of which 45,532 km is managed by the National Government, and 117,068 is managed by the County Governments. National trunk roads are under four institutions: Kenya National Highways Authority (KeNHA); Kenya Urban Roads Authority (KURA); Kenya Rural Roads Authority (KeRRA). The Kenya Wildlife Services (KWS) manages all National Trunk Roads and County Roads within the national parks and game reserves.
13. These institutions are responsible for the planning, development, and maintenance of roads for motorized, intermediate and non-motorized transport under their jurisdictions.
14. The funding of these institutions is coordinated by the Kenya Roads Board which 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 Cabinet Secretary on all matters related thereto.

15. The source of the KRB Fund shall be all proceeds from the Road Maintenance Levy Fund; such moneys or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law and any such monies as may be appropriated by the National Assembly for the development, maintenance and rehabilitation of roads.
16. Section 6 of the Roads Board Act, 1999 provides for the allocation of the Roads Boards Fund as follows:
- (i) **twenty-two percent (22%)**, which shall be deposited into a special bank account to be called **Constituency Roads Fund Account** to be maintained by every Constituency of the allocated funds **is allocated equally to all constituencies** in the country to be administered by the Rural Roads Authority;
 - (ii) **ten percent (10%)** of the allocated funds is allocated for the maintenance or development of link roads **between constituencies** and to serve as Government counterpart funds in funding works on rural roads, to be administered by the Kenya Rural Roads Authority and that the said percentum shall **be equally distributed** to the Constituencies where Kenya Rural Roads Authority has the mandate;
 - (iii) **forty percent (40%)** of the allocated funds is allocated in respect of the national roads to be administered by the National Highways Authority;
 - (iv) **fifteen percent (15%)** of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority; and
 - (v) **one percent (1%)** of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service; and
 - (vi) **a maximum of two (2%)** percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5);
 - (vii) ensure that the remainder of the monies from the Fund described in paragraph (d) shall be allocated annually by the Board with the approval of the Minister to road authorities based on an annual work programme derived from the five-year road investment programme approved by the Cabinet Secretary responsible for Roads and the Cabinet Secretary for Finance;

Table 1: Tabular format on the allocations of the Kenya Roads Board Fund

Kenya Roads Act 2007	Institution	Before FY 2021/22	After FY 2021/22
	KeNHA	40%	40%
	KeRRA	21.8%	32%

50% allocation according to Section 6 (2) (d)	KURA	10.2%	15%
	Cabinet Secretary	10% (Emergency)	10% (Emergency)
	KRB	2%	2%
	KWS	1%	1%
	Counties	15%	Nil
50% allocation according to Section 32A (2)	Has not been implemented		

NB: 50% allocation according to Section 32A (2) has not been implemented, therefore this implies that the entire 100% of the fund has been distributed within the 50% allocation according to Section 6.

CHAPTER THREE

3.0 OVERVIEW OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2023)

17. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023) is sponsored by Hon. Daniel Manduku, M.P. The Bill was read a First Time on 27th September, 2023 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 Bill seeks to amend the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority (KeRRA) shall be to plan for the equitable development, rehabilitation and maintenance of rural roads in each constituency.
19. The Bill also provides that the monies allocated to KeRRA and the Kenya Urban Roads Authority (KURA) by the Cabinet Secretary for finance shall be used for the development of roads in each constituency. Lastly, the Bill provides that the road investment programme prepared by the Minister shall outline the development and maintenance priorities in each county.
20. The object of these amendments is to ensure that there is equitable distribution of the resources across the country for the development of roads. This is because although the burden of taxation is shared equally across the country, the same cannot be said of the distribution of tarmacked roads. It is therefore important, in line with the principle of public finance that expenditure shall promote the equitable development of the country, to allocate resources for the development of roads equitably among the constituencies in the country.
21. The Bill contains four (4) clauses for consideration, *Clause 1* of the Bill provides for the short title.
22. *Clause 2* of the Bill provides for the amendment of section 7 of the Act to provide that one of the functions of the Rural Roads Authority shall be to plan the equitable development, rehabilitation and maintenance of rural roads in each constituency.
23. *Clause 3* of the Bill provides for the amendment of section 31 of the Act to provide that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Minister for Finance shall be used for the development of roads in each constituency.
24. *Clause 4* of the Bill provides for the amendment of section 34 of the Act to provide that the road investment programme prepared by the Minister shall outline the development and maintenance priorities in each county.

CHAPTER FOUR

4.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT

4.1 Legal Framework on Public Participation

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.

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 2nd October, 2023 requesting for memoranda from the pubic on the Bill.

In addition, the committee invited the Ministry of Roads and Transport and the Council of Governors, to make submissions on the Bill vide a letter Ref: NA/DDC/TI/2023/093 dated 16th October, 2023. The Committee did not receive any submissions from the Stakeholders.

As at the close of business on 13th October, 2023 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 FOUR

4.0 COMMITTEE OBSERVATIONS

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

- 1) The amendments proposed by the Bill are in good faith as they seek 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”*.
- 2) The Committee thus **rejects** the Bill as there is already a law addressing equitable development, rehabilitation and maintenance of roads in each constituency.

CHAPTER FIVE


5.0 RECOMMENDATION

26. 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.

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. Kyung'u M.P. Member, Transport & Infrastructure
CLERK-AT THE-TABLE:	Moses homale

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 (Amendment) Bill
NO. 34 of 2023

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 Many, 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:-

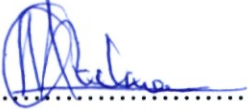
- i. The amendments proposed by the Bill are in good faith as they seek to ensure is to ensure there is equitable distribution of the resources across the country for the development of roads. However, the Committee notes that section 6 (d) (i) of the Kenya Roads Board Act, 1999, provides that "twenty 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 (Amendment) Bill, 2023

SPECIAL ISSUE

Kenya Gazette Supplement No. 109 (National Assembly Bills No. 34)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

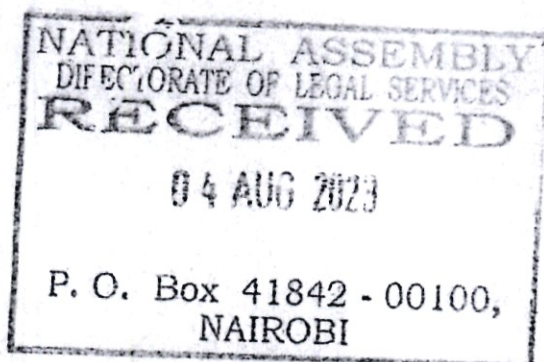
NAIROBI, 6th July, 2023

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Kenya Roads (Amendment) Bill, 2023 1061



THE KENYA ROADS (AMENDMENT) BILL, 2023**A Bill for****AN ACT of Parliament to amend the Kenya Roads Act****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya Roads (Amendment) Act, 2023.

Short title.

2. Section 7 of the Kenya Roads Act (hereinafter referred to as “the principal Act”) is amended in subsection (2) by deleting paragraph (i) and substituting therefor the following new paragraph—

Amendment of section 7 of No. 2 of 2007.

“(i) planning the equitable development, rehabilitation and maintenance of rural roads in each constituency”.

3. Section 31 of the principal Act is amended in paragraph (c) by inserting the words “which shall be used for the development of roads in each constituency immediately after the word “direct”.

Amendment of section 31 of No. 2 of 2007.

4. Section 34 of the principal Act is amended in subsection (2) by inserting the words “in each county” immediately after the word “priorities”.

Amendment of section 34 of No. 2 of 2007.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Kenya Roads Act to provide that one of the functions of the Rural Roads Authority shall be to plan the equitable development, rehabilitation and maintenance of rural roads in each constituency. The Bill also provides that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Minister for Finance shall be used for the development of roads in each constituency. Lastly, the Bill provides that the road investment programme prepared by the Minister shall outline the development and maintenance priorities in each county.

The object of these amendments is to ensure that there is equitable distribution of the resources across the country for the development of roads. This is because although the burden of taxation is shared equally across the country, the same cannot be said of the distribution of tarmacked roads. It is therefore important, in line with the principle of public finance that expenditure shall promote the equitable development of the country, to allocate resources for the development of roads equitably among the constituencies in the country.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides for the amendment of section 7 of the Act to provide that one of the functions of the Rural Roads Authority shall be to plan the equitable development, rehabilitation and maintenance of rural roads in each constituency.

Clause 3 of the Bill provides for the amendment of section 31 of the Act to provide that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Minister for Finance shall be used for the development of roads in each constituency.

Clause 4 of the Bill provides for the amendment of section 34 of the Act to provide that the road investment programme prepared by the Minister shall outline the development and maintenance priorities in each county.

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. It does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders.

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

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 6th March, 2023.

DANIEL MANDUKU,
Member of Parliament.

Section 7 of the Kenya Roads Act which it is proposed to amend-**7. Functions of the Authority**

(1) The Rural Roads Authority shall have responsibility for the management, development, rehabilitation and maintenance of rural roads.

(2) For the purpose of discharging the responsibility described in subsection (1) above the Rural Roads Authority shall have the following functions and duties—

- (a) constructing, upgrading, rehabilitating and maintaining roads under its control;
- (b) controlling reserves for rural roads and access to roadside developments;
- (c) implementing road policies in relation to rural roads;
- (d) ensuring adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic Act (Cap. 403) or any regulations under this Act;
- (e) ensuring that the quality of road works is in accordance with such standards as may be defined by the Minister;
- (f) in collaboration with the Ministry responsible for Transport and the Police Department, overseeing the management of traffic on rural roads and issues related to road safety;
- (g) collecting and collating all such data related to the use of rural roads as may be necessary for efficient forward planning under this Act;
- (h) monitoring and evaluating the use of rural roads;
- (i) planning the development and maintenance of rural roads;
- (j) liaising and co-ordinating with other authorities in planning and operations in respect of roads;
- (k) preparing the road work programmes for all rural roads;
- (l) advising the Minister on all issues relating to rural roads; and
- (m) performing such other functions related to the implementation of this Act as may be directed by the Minister.

Section 31 of the Kenya Roads Act which it is proposed to amend-**31. Funds and resources of the Authority**

The funds and resources of each Authority shall consist of—

- (a) monies paid to it from the Road Fund;
- (b) any other money appropriated by Parliament for the purposes of the respective Authority;
- (c) in the case of the Rural Roads Authority and the Urban Roads Authority taken together, thirty per cent of the funds from the Local Authorities Transfer Fund or such higher portion of such funds as the Minister for Finance may direct;
- (d) funds accruing from investments made by the Authority;
- (e) grants, loans, gifts or donations from the Government or any other source, made with the approval of the Minister and the Minister responsible for Finance;
- (f) revenue earned from the activities of the Authority under this Act; and
- (g) any other funds received by the Authority in the performance of its functions under this Act.

Section 34 of the Kenya Roads Act which it is proposed to amend-

34. Authority to prepare a roads investment programme

(1) The Minister shall, once in every five years, in consultation with the authorities and the Kenya Roads Board, cause to be prepared a road investment program for approval by the Minister responsible for Finance.

(2) The road investment programme prepared under subsection (1) shall outline development and maintenance priorities costed with respect to stated sections of road, and also aggregated by class, traffic loading or such other detail as may be specified.

(3) All annual work programmes prepared or implemented by an Authority shall be based on the approved five-year road investment programme.

SPECIAL ISSUE

Kenya Gazette Supplement No. 115 (National Assembly Bills No. 36)



REPUBLIC OF KENYA

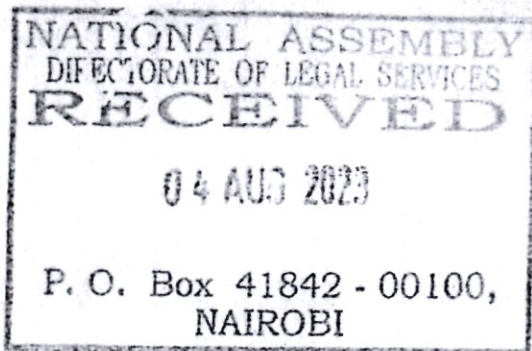
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 21st July, 2023

CONTENT

	PAGE
Introduction into the National Assembly—	
1 National Transport and Safety Authority (Amendment) Bill, 2023	1203



**THE NATIONAL TRANSPORT AND SAFETY
AUTHORITY (AMENDMENT) BILL, 2023**

A Bill for

**ACT of Parliament to amend the National
Transport and Safety Authority Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Transport and Safety Authority (Amendment) Act, 2023.

Short title.

2. The National Transport and Safety Authority Act (this Act referred to as the “principal Act”) is amended—

Insertion of a new subsection in Act No.33 of 2012.

(a) by renumbering the existing provision as subsection (1); and

(b) by inserting the following new subsection immediately after subsection (1) —

“(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may in consultations with the Authority make regulations prescribing—

- (a) the maximum and minimum fares payable by the passengers in the public service vehicles within the country;
- (b) the mechanisms of reviewing fares in the public service motor vehicles;
- (c) the measures for ensuring that fares imposed are fair and reasonable;
- (d) the modalities by which public service vehicles retain copies of timetables and fare tables to be displayed for all passengers to see; and
- (e) the means of ensuring that safety of the passengers in the public service vehicles is guaranteed.”

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the National Transport and Safety Authority Act No. 33 of 2012. The amendments seek to introduce a new section which provides for the development of policy guidelines to regulate the fares payable by passengers in the public service vehicles within the country.

The new section will ensure that the relevant stakeholders are involved in the process of developing such policy guidelines so as to ensure that there are maximum fares payable by passengers in the public vehicles from one point to another to avoid being subjected to abuse.

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

This Bill delegates legislative powers but does it limit fundamental rights and freedoms.

Statement of how the Bill concerns County Governments

The Bill concerns County Governments as per Article 110(1)(a) of the Constitution as it contains provisions that affect the functions and powers of the County Governments as set out in the Fourth Schedule to the Constitution.

Paragraph 5 of Part 2 of the Fourth Schedule to the Constitution provides that the county transport including county roads is a function of the County Governments.

Statement as to whether 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 20th June, 2023.

DIDMUS WEKESA BARASA,
Member of Parliament.

Section 54 of No. 33 of 2012 which it is proposed to amend—

Section 54 of the National Transport and Safety Authority Act

54. Regulations

The Cabinet Secretary may, in consultation with the Board, make regulations for the better carrying into effect of the provisions of this Act.

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/TI/2023/093

16th October, 2023

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

Mr. Mohamed Daghar
Principal Secretary
State Department for Transport
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Dear *Eng Mungai*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT
AND INFRASTRUCTURE REGARDING VARIOUS MATTERS UNDER
CONSIDERATION BY THE COMMITTEE**

We make reference to your letter Ref. MOR & T/R/A24.04 (20) dated 9th October, 2023 requesting for rescheduling of the meeting with the Departmental Committee on Transport & Infrastructure that was to be on Thursday, 12th October 2023.

The Committee has acceded to your request and has subsequently rescheduled the meeting to Thursday, 26th October 2023.

In addition to the issues raised in our letters, Ref. NA/DDC/TI/2023/083 dated 28th September, 2023 and Ref. NA/DDC/TI/2023/093 dated 5th October, 2023, the Committee is requesting for the Ministry's submission on the following Bills:-

1. The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023), sponsored by Hon. Daniel Manduku, MP which was read a First Time on 27th September, 2023. The Bill seeks to amend the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority shall be to plan the equitable

development, rehabilitation and maintenance of rural roads in each constituency. The Bill also provides that the monies allocated to the Rural Roads Authority and Urban Roads Authority by the Cabinet Secretary for Finance shall be used for development of roads in each constituency.

2. The National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No. 36 of 2023), sponsored by Hon. Didmus Wekesa Barasa, MP which was read a First Time on 4th October, 2023. The Bill seeks to amend the National Transport and Safety Authority Act No. 33 of 2012 to provide for development of policy guidelines to regulate fares payable by passengers in the public service vehicles within the Country and for the involvement of relevant stakeholders in the development of such policy guidelines.

The purpose of this letter is to request you to invite the Cabinet Secretary to attend a Sitting of the Committee scheduled for **Thursday, 26th October, 2023 at 10.00 a.m.** in a venue to be confirmed at a later date.

Kindly provide twenty (20) copies of the Cabinet Secretary's submissions during the meeting and send a soft copy to the office of the Clerk via email: cna@parliament.go.ke by **Wednesday, 25th October, 2023.**

Our contact persons on this subject are **Ms. Tracy Chebet Koskei** who may be contacted on **0726416794** or email: tracy.koskei@parliament.go.ke and **Mr. Mohamednur M. Abdullahi** on **0720928507** or email: mohamednur.abdullahi@parliament.go.ke.

Yours



JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Kichumba Murkomen, EGH**
Cabinet Secretary
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI



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/2024/035

4th June, 2024

Hon. Manduku, Daniel Ogwoka, MP
Nyaribari Masaba Constituency
Parliament Buildings
NAIROBI

Dear *Hon Manduku*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT
AND INFRASTRUCTURE TO CONSIDER THE KENYA ROADS
(AMMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 34 OF
2023)**

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 other things, "*study and review all legislation referred to it*".

Pursuant to the provisions of Standing Order No. 127, the Kenya Roads (Amendment) Bill, 2023 sponsored by yourself, was referred to the Committee for consideration and reporting to the House.

While conducting public participation, the Committee placed advertisements in the print media on 2nd October, 2023, 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 received memoranda from the Council of Governors. The Committee also invited the Ministry of Roads and Transport to a meeting to submit their views on the Bill.

The purpose of this letter is to invite you to a meeting with the Committee to deliberate on the Bill in light of the comments by the Council of Governors. The meeting will be held on **Tuesday, 11th June 2024 in the Committee Room on 2nd Floor, Continental House, Parliament Buildings at 10:00 am.**

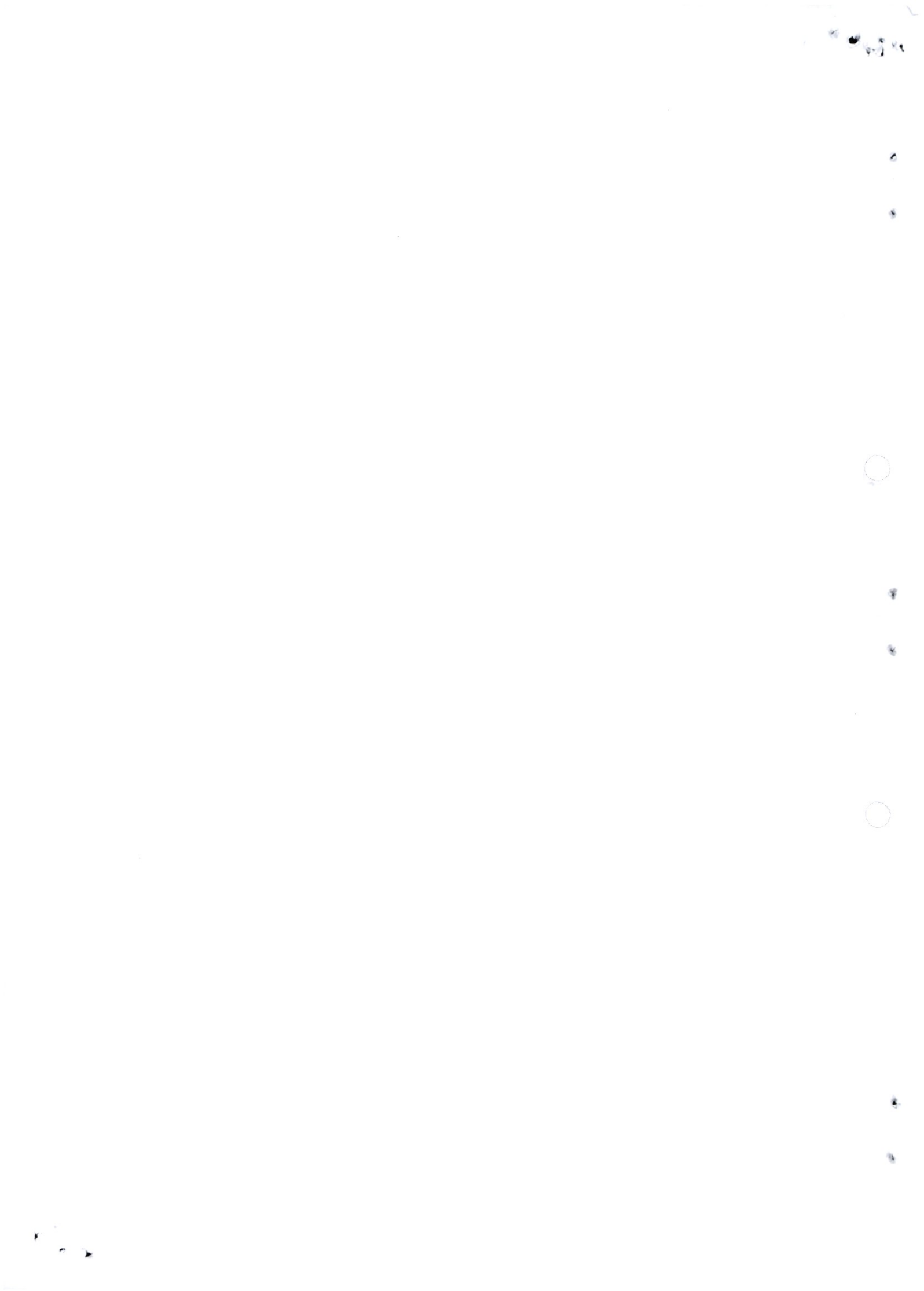
Our Contact persons on this subject are **Ms. Tracy Chebet Koskei**, Tel No. **0726416794** or email: tracy.koskei@parliament.go.ke and **Mr. Mohamednur M. Abdullahi**, Tel No. **0720928507** or email: mohamednur.abdullahi@parliament.go.ke.

Yours

JEREMIAH NDOMBI, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

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





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION (2023)

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

1. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2022);
2. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023);
3. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2023); AND
4. THE NATIONAL LAND COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Bills listed below were read a First Time on Wednesday, 27th September 2023 and pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to respective Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:-

1. **The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022)** sponsored by Hon. Abdul Rahim Dawood, MP, seeks to amend the Parliamentary Pensions Act, Cap. 196 to bring it into conformity with the provisions of the Constitution of Kenya, 2010 and to provide for the Act to apply to Members of both Houses of Parliament. The Bill further seeks to bring Cap 196 into conformity with the directions of the Salaries and Remuneration Commission as regards the retirement benefits due to Members of Parliament.
2. **The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)** sponsored by Hon. Joshua Kimilu, MP, seeks to establish the Institute of Social Work Professionals and to regulate training, registration and licensing of registered social work professionals.
3. **The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023)** sponsored by Hon. Daniel Manduku, MP, seeks to amend the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority shall be to plan for the equitable development, rehabilitation, and maintenance of rural roads in each constituency. The Bill further proposes that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Cabinet Secretary responsible for Finance be used for the development of roads in each constituency. Additionally, the Bill proposes that the road investment programme prepared by the Cabinet Secretary responsible for roads should outline the development and maintenance priorities for each county.
4. **The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)** sponsored by Hon. Owen Baya, MP, seeks to amend the National Land Commission Act, 2012, to empower the National Land Commission to continue reviewing and establishing the propriety or legality of all grants and dispositions of public land. The Bill further seeks to empower the National Land Commission to continue admitting and processing claims of historical land injustices.

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

S/No.	BILL	COMMITTEE
1.	The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022)	Finance and National Planning
2.	The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)	Social Protection
3.	The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023)	Transport and Infrastructure
4.	The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)	Lands

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 should be addressed 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 Friday, 13th October 2023 at 5.00 p.m.

S. NJOROGE

CLERK OF THE NATIONAL ASSEMBLY

2nd October 2023

"For the Welfare of Society and the Just Government of the People"



MEFMI
Macroeconomic and Financial Management
Institute of Eastern and Southern Africa

VACANCY: PROGRAM MANAGER - FINANCIAL
INSTITUTIONS REGULATION AND SUPERVISION

The Macroeconomic and Financial Management Institute of Eastern and Southern Africa (MEFMI) is a regionally owned institute with 14 member countries, currently: Angola, Botswana, Burundi, Eswatini, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe. Established in 1997, MEFMI was founded with the view to building sustainable capacity in identified key areas in ministries of finance, planning commissions and central banks, or equivalent institutions. MEFMI strives to improve sustainable human and institutional capacity in the critical areas of macroeconomic and financial management, foster best practices in related institutions, and bring emerging risks and opportunities to the fore among executive level officials. MEFMI seeks to achieve, within its member countries, prudent macroeconomic management, competent and efficient management of public finances, sound, efficient and stable financial sectors and stable economies with strong and sustained growth. The MEFMI Secretariat is based in Harare, Zimbabwe.

Applications are invited from suitably qualified nationals of MEFMI member countries to fill the position of Program Manager - Financial Institutions Regulation and Supervision.

Job Summary

Reporting to the Director, Financial Sector Management Program, the Program Manager - Financial Institutions Regulation and Supervision is responsible for designing, developing, and coordinating capacity building activities with focus on the regulation and supervision of banks and non-bank financial institutions including insurance, capital markets, pensions, forex bureaus, microfinance institutions in the MEFMI member states.

Key Performance Areas

- Identify needs/skills gaps in supervision and design workshops that address these needs;
- Plan and coordinate country specific technical assistance missions;
- Prepare and conduct MEFMI workshops/seminars including those delivered on MEFMI E-learning management systems;
- Coordinate and conduct joint workshops or technical assistance missions with technical cooperating partners;
- Prepare an annual work program on financial sector regulation for inclusion in the MEFMI prospectus;
- Assist in the selection of candidate Fellows, develop a customized training plan (CTP) for Fellows, and ensure effective utilization of the graduated and accredited fellows in capacity building activities in regulation and supervision of banks and non-bank financial institutions.

Qualifications and Experience

- At least a Master's Degree in Finance, Banking, Economics or other related field (Commerce, Business Administration, Business Analytics, International Business, Risk Management, Insurance);
- At least 5-10 years progressive experience in regulation of banks, capital markets, pensions or insurance;
- Demonstrable understanding of the Macro economic environment as it relates to financial regulation; and
- Experience of working in a multicultural professional environment will be an added advantage.

Desirable skills and attributes

The following will be added advantages:

- Being a MEFMI Fellow;
- Specialised financial sector professional qualifications like CFA, FRM, CB, IFOA, CI;
- Prior research experience;
- Computer literacy and a working knowledge of technology platforms used in financial sector regulation;
- Demonstrable knowledge of cyber security, fintech issues as threats to financial stability, Financial Sector development and innovations, financial inclusion, financial literacy, Central Bank Digital Currencies, Central bank communication;
- Knowledge in the use of technology in financial institutions regulation, monitoring, reporting and compliance (RegTech)

Competencies

- Strong qualitative, quantitative and analytical skills;
- Ability to work long hours and under pressure including travel;
- Excellent written (report writing) and verbal skills;
- Leadership skills and ability to operate at both strategic and operational levels;
- Cooperation and Team Spirit;
- Strong interpersonal skills;
- Experience of working in a multicultural professional environment will be an added advantage.

Benefits

The successful candidate will be appointed on a fixed term contract of three (3) years, renewable subject to performance. On offer is an attractive remuneration package which includes a tax-free salary paid in US dollars which is competitive with other similar organisations.

Location and Language

The position is located at the Institute's Secretariat in Harare, Zimbabwe and the official language of the Institute is English. A working knowledge of Portuguese would be an added advantage.

Application Procedure

Applications should be submitted by 24 October 2023.

MEFMI is an equal opportunity employer and both male and female candidates are encouraged to apply.

Please send your applications to recruitment@mefmi.org. At this stage, applicants are requested to only email their updated CV and cover letter (no certificates). No hard copy applications will be entertained. Please indicate the position you are applying for.

Only short-listed applicants will be contacted.

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

Anti-graft agency recovers Sh345m asset from ex-MP

► The property belonged to the Ministry of Housing but was grabbed.

► Court nullified transactions that led to the illegal transfer of the land.

DANIEL CHEGE, NAKURU

The Ethics and Anti-Corruption Commission (EACC) has recovered a five-acre government land worth Sh345 million that had been grabbed by a former MP.

The land located in the Central Business District (CBD) in Nakuru also had houses.

According to the anti-graft agency, the property belonged to the Ministry of Housing and Urban Development but was grabbed by individuals through companies and proxies.

EACC's South Rift Regional Manager Godfrey Oyugi said the land had been reserved and also used for government housing.

"The government residential quarters are popularly known as St Xavier Estate, located off Oginga Odinga Avenue, along Gusi Road," he said.

Oyugi said the commission won a case it filed against former Commissioner of Lands Wilson Gachanja and two private entities: Pembeni Limited and Liberty Assurance Limited, linked to a former Aldai MP.

"The commission also sued Saleh Chepkole and Titus Kipkemboi who were also involved in the land transfer fraud with Gachanja," said Oyugi.

According to Oyugi, Gachanja fraudulently allocated the land to Chepkole and Kipkemboi who subsequently transferred it to Pembeni and Liberty Assurance.

Oyugi added that in its ruling, the Lands Court nullified all the transactions that led to the illegal transfer of the land.

"The court ordered the land to be registered in the name of the Principal Secretary (PS) Treasury, in trust, on behalf of the Ministry of Housing and Urban Development," said Oyugi.

According to Oyugi, civil servants occupy the property



EACC South Rift Regional Manager Godfrey Oyugi. (Nipsang Joseph/Standard)

and have been paying rent to the government.

He insisted that the issue was that the land was registered under the names of the company instead of the government.

"Since the civil servants have not bought the land but only occupy the houses as tenants, they will not be evicted. The only process will be rectification of the titles for the land," said Oyugi.

He warned all government officials involved in land frauds that the commission was watching and that it would take action against any of them without fear or favour.

Oyugi advised those occupying government land illegally and holding titles to surrender them to the government instead of wasting time on lengthy and costly court processes which they will eventually lose.

"Do not fight a losing battle in court. Surrender the land. EACC has the mandate to negotiate with those who surrender the land under the Alternative Dispute Resolution (ADR) framework," he said.

The commission, expounded Oyugi, will pursue the rectification of the Nakuru Land Register, to have a new title issued in the name of the government as ordered by the Court.

He further stated that once

the rectification process is concluded, EACC will hand over the title to the government.

Oyugi said, in Nakuru alone, the commission is pursuing other grabbed public property in court.

He said the targeted land constitutes agricultural land, road reserves, land reserved for expansion of state agencies and Government houses for civil servants.

Justice Mwangi Njoroge ruled in favour of EACC on September 22 this year.

In the judgement, Mr Njoroge upheld EACC's submissions that at the time of the allocation, the land was government property and was not available for allocation.

Njoroge ruled that all transactions concerning the land were fraudulent.

He cancelled the registration entries on the lease of the parcel registered in favour of Chepkole and Kipkemboi.

"A permanent injunction is issued restraining the Liberty Assurance Company or any other person from charging, transferring, leasing, developing or occupying the land," ruled Njoroge.

EACC filed the case on June 29, 2018, and submitted that despite sending several demands, the individuals and the companies refused to voluntarily surrender the property.



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT - SECOND SESSION (2023)

IN THE MATTER OF ARTICLE 116(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2022);
2. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023);
3. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2023); AND
4. THE NATIONAL LAND COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 116(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Bills listed below were read a First Time on Wednesday, 27th September 2023 and pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to respective Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that-

1. **The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022)** sponsored by **Hon. Abdul Rahim Dawood, MP**, seeks to amend the Parliamentary Pensions Act, Cap. 196 to bring it into conformity with the provisions of the Constitution of Kenya, 2010 and to provide for the Act to apply to Members of both Houses of Parliament. The Bill further seeks to bring Cap 196 into conformity with the directions of the Salaries and Remuneration Commission as regards the retirement benefits due to Members of Parliament.
2. **The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)** sponsored by **Hon. Joshua Kimili, MP**, seeks to establish the Institute of Social Work Professionals and to regulate the training registration and licensing of registered social work professionals.
3. **The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023)** sponsored by **Hon. Daniel Manduku, MP**, seeks to amend the Kenya Roads Act, 2007 to provide that one of the functions of the Rural Roads Authority shall be to plan for the equitable development, rehabilitation, and maintenance of rural roads in each constituency. The Bill further proposes that the monies allocated to the Rural Roads Authority and the Urban Roads Authority by the Cabinet Secretary responsible for finance be used for the development of roads in each constituency. Additionally, the Bill proposes that the road investment programme prepared by the Cabinet Secretary responsible for roads should outline the development and maintenance priorities for each county.
4. **The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)** sponsored by **Hon. Owen Barya, MP**, seeks to amend the National Land Commission Act, 2012 to empower the National Land Commission to continue reviewing and establishing the propriety or legality of all grants and dispositions of public land. The Bill further seeks to empower the National Land Commission to continue admitting and processing claims of historical land injustices.

NOW THEREFORE, in compliance with Article 116(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

S/N	BILL	COMMITTEE
1.	The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 48 of 2022)	Finance and National Planning
2.	The Institute of Social Work Professionals Bill (National Assembly Bill No. 17 of 2023)	Social Protection
3.	The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2023)	Transport and Infrastructure
4.	The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)	Lands

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 should be addressed 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 crn@parliament.go.ke to be received on or before Friday, 13th October 2023 at 5.00 p.m.

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY

2nd October 2023

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

