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THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FOURTH SESSION- 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

THE CONSIDERATION OF THE KENYA ROADS (AMENDMENT) (NO. 2) BILL,
(NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

Clerk's Chambers
Directorate of Departmental Committees
Parliament Buildings
NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 JUL	DAY.
TABLED BY:	CHAIRPERSON, DEPT COMMITTEE ON TRANSPORT & INFRASTRUCTURE
CLERK-AT THE TABLE:	NILICK OBIERO

June, 2025

NATIONAL ASSEMBLY
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ABBREVIATIONS

- CEO – Chief Executive Officer
- CPSEs – Central Public Sector Enterprises (India)
- DPE – Department of Public Enterprises (India)
- PSC – Public Service Commission
- SCAC – State Corporations Advisory Committee
- SOEs – State-Owned Enterprises

LIST OF ANNEXURES

Annexure 1: Signed list of Members who attended the sitting that considered and adopted the report.

Annexure 2: Minutes of the Committee on sittings considering the Bill and adoption of the report

Annexure 3: Copy of the Kenya Roads (Amendment) (No.2) Bill, 2025.

Annexure 4: Correspondence to stakeholders requesting for submission of Comments.

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.

Annexure 6: Written submissions from Stakeholders.

CHAIRPERSON'S FOREWORD

The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) was read a First Time on 16th April, 2025 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.

While conducting public participation, the Committee placed advertisements in the print media of 18th April, 2025, 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 invited relevant stakeholders, namely the Ministry of Roads and Transport, the State Corporation Advisory Committee (SCAC), the Engineers Board of Kenya and the Public Service Commission, to submit comments on the Bills. Their submissions are included in this report.

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 the Members of the public who submitted their views and comments on the Bill in the course of public participation. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Committee and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025).

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON

CHAPTER ONE

I.0 PREFACE

I.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 analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
 - g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i) To examine any questions raised by Members on a matter within its mandate.
 - j) To examine treaties, agreements and conventions;
2. The subject matter of the Departmental Committee on Transport and Infrastructure are stated in the Second Schedule of the National Assembly Standing Orders as follows: Transport, including non- motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

1.2 Committee Subjects and Oversight

3. The Committee is mandated to consider the following subjects as per the second schedule of the Standing Orders:
 - (i) Transport, including non-motorized transport;
 - (ii) Construction and maintenance of roads;
 - (iii) Rails, air and marine transport; Seaports and national integrated infrastructure
 - (iv) policies and
 - (v) programmes; and
 - (vi) Transport safety.

4. The Committee oversees the Ministry of Roads and Transport which has three (3) state departments namely:
 - i) The State Department for Roads;
 - ii) The State Department for Transport; and
 - iii) The State Department for Aviation and Aerospace Development.

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, CBS, 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, CBS, M.P

Mumias West Constituency

Orange Democratic Movement Party

The Hon. Elsie Muhanda, M.P.

Kakamega County

Orange Democratic Movement Party

The Hon. Francis, Kajwang' Tom Joseph,
CBS, MP

Ruaraka Constituency

Orange Democratic Movement Party

The Hon. Chege John Kiragu, M.P.

Limuru Constituency

United Democratic Alliance Party

The Hon. Kiaraho, David Njuguna, M.P. OI

Kalao Constituency

Jubilee Party

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 Chache Constituency

United Democratic Alliance

1.4 Secretariat

7. The following Members of Staff service the Committee:

Head of Secretariat
Ms. Tracy Chebet Koskei
Principal Clerk Assistant II

Mr. Mohamednur M. Abdullahi
Clerk Assistant

Ms. Clare Chopper Doye
Clerk Assistant

Mr. Abdinasir Y. Moge
Fiscal Analyst

Mr. Erick Kariuki
Research Officer

Ms. Faith Makena
Serjeant-at-Arms II

Mr. Clinton Sindiga
Legal Counsel

Ms. Rinha Saineye
Media Relations Officer

Mr. Danton Kimutai
Audio Officer

CHAPTER TWO

2.0 BACKGROUND

2.1 Introduction

8. The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) is sponsored by Hon. Kimani Ichung'wah, EGH, M.P, the Leader of the Majority Party. The Principal object of the Bill is to amend Section 13 of the Kenya Roads Act, Cap 408, to align the Act with the *Mwongozo* Code of Governance for State Corporations.
9. The Code of Governance provides that Chief Executive Officers or equivalent positions of State Corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding the office.

2.2 Overview of the Bill

10. The Bill contains three (3) clauses for consideration:
 - 1) *Clause 1* of the Bill provides for the short title.
 - 2) *Clause 2* of the Bill provides that section 13 of the Act be amended by deleting the word "five" and substituting therefor the word "three".
 - 3) *Clause 3* of the Bill is a transitional clause. It provides that "A person who immediately before the commencement of this Act held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible for a person serving the first term, for appointment for one further term of one year."

2.3 Mwongozo Code of Governance

11. A State Corporation is a body corporate established under section 3 of the State Corporations Act, Cap 446, or by an act of Parliament, or under the Companies Act, Cap 486, where the Government controls majority or all the shares¹.
12. The Code of Governance for State Corporations, "MWONGOZO," was issued jointly in 2015 by the Public Service Commission (PSC) and State Corporations Advisory Committee (SCAC). The President issued Executive Order No 7 to implement the Code.
13. Mwongozo addresses matters of effectiveness of Boards, transparency and disclosure, accountability, risk management, internal controls, ethical leadership and good corporate citizenship. It seeks to ensure that sustainability, performance and excellence become the hallmark of management of state corporations.
14. On term limits for Board members, the code provides that:
15. The tenure of Board member shall not exceed a cumulative term of six years or two terms of

three years each.

16. The renewal of Board Member's tenure for a second term should be subject to a favourable evaluation.
17. On appointment, composition and size of the Board, the Code among others provides that the Chief Executive Officer shall be a Board member with no voting rights and Board Membership of all state corporations shall be between seven and nine members.
18. The Departmental Committee on Transport, Public Works and Housing in the 12th Parliament considered and recommended amendment to the Kenya Roads Act, 2007 to enhance the term of office and the qualifications for appointment as Director-General under the Act, through the Kenya Roads (Amendment) (No 13) Bill, 2021. The proposal amended section 13 by deleting the word "three" appearing immediately after the words "term of" and substituting therefor the word "five". It was assented on 24th February 2022 and commenced on 21st March, 2022.
19. The Committee in its Report observed that the term of office of the Director-General from three years to five-years had been contained in the Kenya Roads Bill, 2017 which was lost at mediation².
20. In a court case regarding the appointment of the chief executive officer (CEO) of the Export Processing Zones Authority "Okoti v The Board, Export Processing Zones Authority & 3 others; Otieno (Interested Party) (Petition E133 of 2021) [2022] KEELRC 3771 (KLR) (29 July 2022) (Judgment), The Employment and Labour Relations Court in its ruling among others observed that:
 - 1) The primary Act, on establishment and governance of State corporations, is the State Corporations Act. The primary instrument on governance of State corporations was the Code of Governance for State Corporations (*Mwongozo Code*) which aligned the governance of State corporations to the Constitution.
 - 2) The *Mwongozo Code* had been found to apply in State Corporations governance and had gained the force of law. Its application had been upheld in decisions of the courts. The President issued Executive Order No 7 for implementation of the Code. Although not a piece of legislation, the court stated that the Code had gained acceptance through the decisions of the courts, as a legally binding instrument in State corporations governance. It had been argued that the Code had a statutory underpinning in section 3 of the State Corporations Act, which mandated the President to formulate regulations to streamline governance in State corporations
21. Section 5(3) of State Corporations Act, CAP 446, stipulates that "A state Corporation may engage and employ such number of staffs, including the Chief Executive on such terms and conditions of service as the Cabinet Secretary may, in consultation with the Committee, approve". Further, Section 6(2) of the Act provides that the Chief Executive Officer shall be appointed for a renewable period of five (5) years or shorter period as may be specified in the notice of appointment.
22. Table I below portrays the tenure of service for some of the state corporations in the energy

sector-

Agency	Position	Tenure
Kenya Airports Authority	Managing Director	Not Specified conditions of service shall be determined by the Cabinet Secretary
Kenya Ports Authority	Managing Director	Not Specified The Cabinet Secretary shall determine conditions of service; however, the current Managing Director is serving a three -year term.
Kenya Civil Aviation Authority	Director General	term of four years, eligible for re-appointment for one further term of four years.
Kenya Railways Corporation	Managing Director	Not Specified The Cabinet Secretary shall determine conditions of service; however, the current Managing Director is serving a three -year term.
Communications Authority	Director General	Not Specified The board shall determine the terms and conditions of service
National Construction Authority	Executive Director	Not Specified The board shall determine the terms and conditions of service
National Social Security Fund	Managing Trustee	term of three years and shall be eligible for re-appointment for one further term
Kenya Medical Supplies Authority	Chief Executive Officer	Term of four years, eligible for re-appointment by the Cabinet Secretary for one further term
Kenya Revenue Authority	Commissioner-	Not Specified The board shall determine the terms and

Agency	Position	Tenure
	General	conditions of service
Kenya Nuclear Regulatory Authority	Director General	Not Specified The board shall determine the terms and conditions of service
Kenya Maritime Authority	Director General	Three years, eligible for reappointment
Energy and Petroleum Regulatory Authority	Director General	Three years, eligible for reappointment for one further term
Rural Electrification and Renewable Energy Corporation	Chief Executive Officer	Three years, eligible for reappointment for one further term
Nuclear Power and Energy Agency	Chief Executive Officer	Three years, eligible for reappointment for one further term
Kenya Pipeline Company	Chief Executive Officer	Three years, eligible for reappointment for one further term

2.4 Comparative Analysis

23. In India, the Department of Public Enterprises (DPE) under the Ministry of Heavy Industries and Public Enterprises has established the DPE Guidelines on Corporate Governance (“DPE Guidelines”) which aims at helping the Central Public Sector Enterprises (CPSEs) with embracing global business standards and improving their performance in a transparent and ethical way. There are about 250 Central Public Sector Enterprises (CPSEs). Indian companies, including state owned enterprises, are required to have a minimum of 3 directors if they are a public company, and a maximum of 15 directors.
24. There is no specific law or rule that dictates the tenure of a CEO in PSUs. The Public Enterprises Selection Board (PESB) is responsible for appointing CEOs and MDs, and the tenure is usually determined during the appointment process. There is no rule preventing the extension of a CEO's term if deemed necessary.
25. In Sweden, the framework for state owned enterprises board governance is clearly set out in the Companies Act, supported by the State's ownership policy and the expectation that SOEs are governed by the Swedish Code of Corporate Governance for listed companies.

26. To ensure efficiency, the boards of directors should consist of six to eight directors. The target for gender balance of state-owned enterprises (fully and partially owned) is a minimum of 40 per cent board representation for both women and men. In Swedish state-owned companies, Chief Executive Officers (CEOs) typically serve for an average tenure of around 6 years. Swedish company law does not specify mandatory term limits for CEOs, allowing for longer periods of service if the board of directors deems it appropriate.
27. In Morocco, individual and collective responsibilities of board members are stipulated by Law on the State governance and Financial control of Public Enterprises and Establishments . In addition, there is a Code of Good Governance Practices of the Public Enterprises and Establishments, which is based on the principle of comply or explain basis. The Ministry of Finance owns 241 state-owned enterprises and has direct interests in forty-four (44) additional companies.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT

28. To undertake public participation in the Constitution and Standard Orders, an Advertisement inviting the public to submit memoranda on the Bill was published in the newspaper on 16th April, 2025. The Committee also invited comments on the Bill from relevant stakeholders namely; the Ministry of Roads and Transport, the State Corporation Advisory Committee (SCAC), the Public Service Commission, the Kenya Law Reform Commission vide a letter Ref: NA/DDC/T&I/2025/049 dated 2nd May 2025; the Engineers Board of Kenya vide a letter Ref: NA/DDC/T&I/2025/044 dated 10th June 2025 and the Attorney General vide a letter Ref: NA/DDC/T&I/2025/047 dated 13th June, 2025.
29. The Committee received submissions from the following stakeholders:
1. The Ministry of Roads and Transport;
 2. The State Corporation Advisory Committee (SCAC);
 3. The Public Service Commission, the Kenya Law Reform Commission; and
 4. The Engineers Board of Kenya.
30. The submissions of the stakeholders are outlined below:

3.1 Submission by the Ministry of Roads and Transport

31. The Ministry of Roads and Transport in a letter Ref: MOR&T/R/A29.02 Vol 42 dated 14th May, 2025, submitted their support for the amendment as it brings the Kenya Roads Act into conformity with the Mwongozo Code of Governance for State Corporations, which prescribes a three-year term (renewable once) for Chief Executive Officers of state corporations.

3.2 Submission by the State Corporation Advisory Committee

32. The State Corporation Advisory Committee appeared before the Committee on Thursday, 12th June 2025 and submitted as follows: -
33. SCAC submitted that according to the memorandum and reasons of the Bill, the reduction of the term of service is intended to align the Act with Mwongozo; The Code of Governance for State Corporations (hereinafter referred to as “Mwongozo” or “the Code”) and further promote good governance and performance in the day-to-day management of state corporations in the roads sector.
34. SCAC submitted that having comprehensively analysed and considered the Bill alongside the State Corporations Act, Cap. 446, Mwongozo and several judicial pronouncements, the Corporation made the following observations, namely;

- 1) The primary legislation governing establishing, controlling and regulating state corporations in Kenya is the State Corporations Act, Cap. 446. This was affirmed by the Employment and Labour Relations Court in the case of *Okiya Omtatah Okotii V Attorney-General & 2 Others; Francis K. Muthaura (AMB) & 5 Others (Interested Parties)* (2019) eKLR in which the High Court held that, the State Corporations Act is the primary Act on the establishment and governance of state corporations. Consequently, the provisions of any statute establishing a state corporation must be aligned to Cap. 446.
 - 2) In addition to Cap. 446, SCAC brought to the attention of the Committee that the Government enacted *Mwongozo*, which came into force in January 2015 with the sole aim of increasing efficiency and accountability in state Corporations. The High Court has affirmed that, the Code has the force of law in the case of *Okotii versus The Board, Export Processing Zone Authority and three others* (2022) KEELRC 3771 (KLR). At paragraphs 31 and 32 of the said judgement, the court pronounced itself as follows:
 - a) The primary Act, on establishment and governance of State Corporations, is the State Corporations Act. The primary instrument on governance of State Corporations, is the Code, which aligns the governance of State Corporations to the Constitution of Kenya.
 - b) The Code has been found to apply in state corporations governance, and has gained the force of law. Its application has been upheld in decisions of the courts, among them, Court of Appeal in *Ben Chikamai & another v Peter Macithi Mulgai & 2 others* [2020] eKLR and more recently, E&LRC decision in *David Kipchumba Kimosop v Kerio Valley Development Authority* [2022] eKLR. The President issued Executive Order No. 7 for the implementation of the Code. Although not a piece of legislation, the Code has gained acceptance through the decisions of the courts, as a legally binding instrument in state corporations governance. It has been argued that the Code has a statutory underpinning in section 3 of the State Corporations Act, which mandates the President to formulate regulations to streamline governance in State Corporations.”
35. SCAC submitted that the Committee therefore reiterated that any law pertaining to state corporations must be in sync with both the State Corporations Act and *Mwongozo*. This applies to the Roads Act.
36. SCAC submitted that as regards the term of service of the Director-General of the state corporations established under Cap. 408, by dint of being a board member, albeit with no voting rights, the term of service under governance parameter 1.5 of *Mwongozo* is a cumulative term of six years or two terms of three years each. Further, the renewal of the tenure for a second term is subject to a favorable performance evaluation. As a consequence of the foregoing, SCAC would have no objection to the proposed reduction of the term of service of

the Director-General of the three state corporations established under Cap. 408 from five to three years.

37. SCAC brought to the attention of the Committee that in addition to the proposed amendment to section 13 (1) of Cap. 408, SCAC brought to the attention of the Committee the following provisions of the said Act which they proposed that they should be reviewed;

- a) Cap. 408 does not make provision for the position of a Secretary to the Boards an office referred under Mwongozo as Corporation Secretary which is mandatory under governance parameter 1.20 of Mwongozo and section 244 of the Companies Act, No. 17 of 2015. SCAC therefore proposes that, Cap. 408 should be amended to provide for the position of a Corporation Secretary with clear roles as set out under governance parameter 1.21 of Mwongozo.
- b) As regards the qualifications for appointment as a member to the Boards of the state corporations under Cap. 408, section 12 (3) of the Act provides that one should be a holder of the Kenya Certificate of Secondary Education or an equivalent. This qualification is too low and in contravention of governance parameter 1.1 (5), (6), (9), (10) and (14) of Mwongozo, which sets the minimum qualification as “a degree in the relevant field from a university recognised in Kenya”. (See Attachment I to Mwongozo).
- c) Regarding the qualifications for the position of Director-General, section 14 (a) of the Cap. 408 provides that, for appointment to such a position, one should be a member of the Institution of Engineers of Kenya. SCAC noted that the regulatory body for engineering in Kenya is the Engineers Registration Board of Kenya, established under section 3 of the Engineers Act, Cap . 530 of the laws of Kenya. The Board is responsible for the registration of engineers and firms, the regulation of engineering professional services, the setting of standards, the development, and the general practice of engineering. On the other hand, the Institution of Engineers of Kenya is a professional association of peers and not established under any law in Kenya. Its functions are not set out under any Act of Parliament. They therefore proposed that the Act be amended by deleting the requirement of membership to the said institute for appointment to the position of Director-General.
- d) On the remuneration of Board Members, section 17 of Cap. 408 provides that, “each Board shall pay its members such remuneration, fees or allowances for expenses as it may determine after consultation with the Cabinet Secretary of the parent ministry and the Cabinet Secretary responsible for Finance.” This provision gives the Boards a carte blanche to determine the remuneration of Board members which is in contravention of section 10 of the State Corporations Act, which stipulates:
 - 1) *The Chairperson and members of a Board, other than the chief executive, shall be paid out of the funds of the state corporation such sitting allowances or other remuneration as the Board may, within the scales of remuneration specified from time to time by the Committee, approve.*

2) A Board may, within the scales specified by the Committee, refund travelling and other expenses incurred by the chairperson or members of the Board in the performance of their duties.”

38. SCAC noted that the status is what obtains in all state corporations currently, and the proposed provision could set a dangerous precedent in the remuneration structure of Boards of State Corporations.

39. SCAC therefore proposed that section 17 of Cap. 408 should be amended to align with section 10 of Cap. 446.

3.2 Submission by the Kenya Law Reforms Commission

40. The Kenya Law Reforms Commission in a letter Ref: KLRC/8/64 (40) dated 9th May 2025 submitted that the proposed amendment is aimed at entrenching good governance principles in the road agencies by ensuring that the code of governance for state corporations is followed, by not only having defined terms, but also ensuring that there are clear procedures for reappointment based on performance. They further submitted that the amendment ensures that short but renewable terms help to align leadership with evolving strategy and stakeholder expectations. It reinforces accountability and ensures that terms are not extended arbitrarily.

3.3 Submission by the Public Service Commission

41. The Public Service Commission in a letter Ref: PSC/LEG/019/25/158 VOL. I(TY) dated 11th June 2025 noted that the Bill proposes to amend Section 13(3) of the Roads Act, specifically on the term of the Chief Executive Officer/Director General of the Authorities established under his Act, by deleting the word of ‘five’ years and substituting with the word ‘three’, to align the Act with the provisions of the Mwongozo Code of Governance for Staff Corporations.

42. The Commission submitted that it supports the Amendment as it is in accordance with the provisions of the Mwongozo Code of Conduct for State Corporations. This will be in accordance with the tenure of CEOs of other state corporations.

3.3 Submission by the Engineers Board of Kenya

43. The Engineers Board of Kenya, through its Registrar and Chief Executive Officer, Eng. Margaret N. Ogai, submitted its comments on the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No. 16 of 2025) via a letter dated 17th June 2025.

44. In the submission, the Board made the following observations and recommendations:

- i. The Board noted the proposed amendment to Section 13(3) of the Kenya Roads Act 2007 (Cap. 408), which seeks to reduce the term of the Director General from five years to three years. It supported this proposal, citing alignment with the Mwongozo Code of Governance for State Corporations.

ii. The Board objected to the proposed transition clause which states:

“A person who, immediately before the commencement of this Act, held office as a Director General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.”

iii. The Board recommended replacing “further term of one year” with “further full term of three years,” to ensure alignment with the standard term applicable to the office.

Committee observation

45. The Committee rejected this proposal, as it does not align with the object of the Bill. Further, it does not align with the Mwongozo Code of Governance for State Corporations, which mandates a three-year renewable term for Chief Executive Officers/ Director Generals of state corporations.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

46. The Committee, having had engagements with stakeholders and considered submissions received, made the following observations;

- 1) **Lack of uniformity in tenure provisions-** The Committee noted the absence of standardized terms of service for Chief Executive Officers and Director Generals across government parastatals. This lack of uniformity creates inconsistencies in governance structures and operational frameworks. The Committee therefore noted that there was a need for an Omnibus Bill to amend various statutes to cure the discrepancies in different terms of tenure for the Director Generals and Chief Executive officers in the various parastatals, state departments and agencies.
- 2) **Position of Secretary to the Board.-**That there is a need for amendments to the Kenya Roads Act to provide for a Secretary to the Board, a function currently done by the Director Generals, who may not be qualified Company Secretaries; and
- 3) **Proposed Committee Amendments by the Departmental Committee on Transport and Infrastructure-** The Committee identified the need to sponsor amendments to the following legislations;
 - a) The State Corporations Act, Cap. 446- to provide clarity on the term of service for all Director Generals and Chief Executive officers in the various parastatals, state departments and agencies to cap it to a three (3) year term, renewable once;
 - b) Kenya Roads Board Act, 1999 (align the term of service for the Director General as provided for in the Act with the Mwongozo Code of Governance.


CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

47. The Committee, having had engagements with stakeholders and considered submissions received, recommends that the House **approves** the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No. 16 of 2025) without amendments.

SIGNED  DATE 24/06/2025

HON. GK GEORGE KARIUKI, CBS, M.P.
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE**

 THE NATIONAL ASSEMBLY PAPERS LAID	
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DAY: <input type="text"/>	
TABLED BY:	<input type="text"/>
CLERK OF THE TABLE:	<input type="text"/>



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT- FOURTH SESSION- 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT & INFRASTRUCTURE

MEMBERS ADOPTION SCHEDULE

DATE: 24-06-2025 START: 11:40 am END: 1:20 pm
VENUE: Room 26, 5th Floor, Bunge Tower
AGENDA: Adoption of the Report on the Kenya Roads (Amendment) Bill (No.2) Bill (National Assembly No. 16 of 2025)

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

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

Annexure 2: Minutes of the Committee on sittings considering the Bill and adoption of the report



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE TWENTY-FIFTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY,
24TH JUNE 2025 AT COMMITTEE ROOM 26, 5TH FLOOR, BUNGE TOWER AT 11:30
AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
3. The Hon. Abdul Rahim Dawood, M.P
4. The Hon. Arama Samuel, M.P
5. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
6. The Hon. Kiaraho, David Njuguna, MP.
7. The Hon. Chege John Kiragu, M.P
8. The Hon. Hussein Weytan Mohamed, MP
9. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Kiunjuri Festus Mwangi, M.P.
2. The Hon. Bady, Bady Twalib, M.P.
3. The Hon. Naicca, Johnson Many, CBS, MP
4. The Hon. Muhanda Elsie, M.P
5. The Hon. Saney Ibrahim Abdi, M.P.
6. The Hon. Jhanda Zaheer, M.P

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Ms. Chebet Koskei | - Principal Clerk Assistant II |
| 2. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 3. Ms. Clare Choper Doye | - Clerk Assistant III |
| 4. Mr. Erick Kariuki | - Research Officer |
| 5. Mr. Clinton Sindiga | - Legal Counsel |
| 6. Mr. Danton Kimutai | - Audio Officer |
| 7. Mr. George Maina | - Intern |

MIN./NO.123/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at Forty minutes past Eleven O'clock (11:40 am) with a word of prayer from the Hon. Chairperson. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Komingoi Kibet Kirui, M.P, and seconded by the Hon. Chege John Kiragu, M.P as follows:

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 (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025)**
5. **Consideration and adoption of the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024)**
6. Pending Business
7. Any Other Business
8. Adjournment

MIN./NO.124/NA/T&I/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the Twenty-Third Sitting of the Committee held on Thursday 17th June 2025 were confirmed as true record of the proceedings after being proposed and seconded by the Hon. Hon. Francis, Kajwang' Tom Joseph, CBS, M.P, and the Hon. Komingoi Kibet Kirui, M.P, respectively

MIN./NO.125/NA/T&I/2025: CONSIDERATION AND ADOPTION OF THE KENYA ROADS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

The Committee considered and adopted its report on The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 Of 2025) after being proposed and seconded by the Hon. Komingoi Kibet Kirui, M.P and the Hon. Hussein Weytan Mohamed, MP respectively.

The Committee, having had engagements with stakeholders and considered submissions received, made the following observations;

- 1) **Lack of uniformity in tenure provisions-** The Committee noted the absence of standardized terms of service for Chief Executive Officers and Director Generals across

government parastatals. This lack of uniformity creates inconsistencies in governance structures and operational frameworks. The Committee therefore noted that there was a need for an Omnibus Bill to amend various statutes to cure the discrepancies in different terms of tenure for the Director Generals and Chief Executive officers in the various parastatals, state departments and agencies.

- 2) **Position of Secretary to the Board.**-That there is a need for amendments to the Kenya Roads Act to provide for a Secretary to the Board, a function currently done by the Director Generals, who may not be qualified Company Secretaries; and
- 3) **Proposed Committee Amendments by the Departmental Committee on Transport and Infrastructure-** The Committee identified the need to sponsor amendments to the following legislations;
 - a) The State Corporations Act, Cap. 446- to provide clarity on the term of service for all Director Generals and Chief Executive officers in the various parastatals, state departments and agencies to cap it to a three (3) year term, renewable once;
 - b) Kenya Roads Board Act, 1999 (align the term of service for the Director General as provided for in the Act with the Mwongozo Code of Governance

The Committee, having had engagements with stakeholders and considered submissions received, recommends that the House **approves** the Kenya Roads (Amendment) (No.2) Bill (National Assembly Bill No. 16 of 2025) without amendments.

9. **MIN./NO.126/NA/T&I/2025: CONSIDERATION AND ADOPTION OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2024)**

The Committee considered and adopted its report on **the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024)** after being proposed and seconded by the Hon. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P. and the Hon. Komingoi Kibet Kirui, M.P, respectively.

The Committee, having considered submissions received and analysed documents presented on the Bill, made the following observations:

- 1) The amendments proposed in the Bill are very progressive whose time has come as it seeks to enhance the safety of all road users and to promote sustainable road development;

- 2) The most vulnerable road users in Kenya, consisting of pedestrians, cyclists, motorcyclists and pillion passengers, have faced a rising and acute risk of death on the roads. According to the Economic Survey 2024 by the Kenya National Bureau of Statistics (KNBS), there were 9,960 reported traffic accidents, 4,324 people lost their lives, 76.1% of the people who lost their lives being the vulnerable road users. Additionally, according to a report by the National Transport and Safety Authority (NTSA) on fatalities from road accidents in 2025, as at 18th June, 2025, there were 2177 road crash fatalities reported; vulnerable road users account for 1990 (73%) of the road crash fatalities;
- 3) With the growth in population and the increased rate of urbanization, planning for non-motorised transport is essential during designing and construction of roads to provide cycling lanes and pedestrian walkways; and
- 4) The Bill is laudable as it provides for penalties for motorists and other road users who fail to use the roads as designed, which will help to enhance compliance.

COMMITTEE RECOMMENDATION

Having considered the submissions, and analyzed documents presented, the Committee recommends that the House **approves** the Kenya Roads (Amendment) Bill (National Assembly Bill No. 31 of 2024) with amendments as per the schedule of amendments forming Chapter 7 of this report.

SCHEDULE OF AMENDMENTS

CLAUSE 2

- (a) **THAT**, Clause 2 of the Bill be amended by—

inserting the following new definitions in their proper alphabetical order

“disability” has the same meaning assigned to it under section 2 of the Persons with Disabilities Act, No. 4 of 2025

“mobility assistance devices” means technological mechanical devices that help individuals with mobility impairments to walk or improve their overall mobility;

“pedestrian” means a person travelling on foot, by wheelchair or other mobility aids; and

Justification

To provide new definitions relevant to the Bill-

- (b) in the definition of “non-motorized vehicle” by inserting the word “tri-cycle” immediately after the word bicycle

Justification

To include tri-cycle as a non-motorized vehicle.

CLAUSE 3

THAT, Clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph(aa)—

- (ab) designing and constructing designated tracks for persons living with disability.

Justification

To ensure that people living with disability are provided for.

CLAUSE 4

THAT, Clause 4 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (aa)—

- (ab) designing and constructing designated tracks for persons living with disability.

Justification

To ensure that people living with disability are provided for.

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new clause:

I. Section 10 of the principal Act is amended in— (1) subsection (2) by inserting the following new paragraph immediately after paragraph (a)—	Amendment of section 10 of Cap.408.
(aa) designing and constructing designated tracks for non-motorized transport for existing roads and new roads under its control, including cycling lanes and pedestrian walkways which	

shall be separated from tracks for motorized transport.	
(ab)designing and constructing designated tracks for people living with disability	

Justification

To ensure that people living with disability are provided for.

NEW CLAUSE 5A

THAT the principal Act is amended by inserting a new section immediately after Section 11:

11A. (1)The County governments shall be responsible for:

(a)the design, construction, and maintenance of non-motorized transport infrastructure, including cycling lanes and pedestrian walkways, on all existing and new roads under their control;and

(b) The non-motorized transport infrastructure shall be separated from motorized transport tracks to ensure user safety.

Justification

For clarity on the role of County governments in the management of roads under their jurisdiction.

CLAUSE 6

THAT the Bill be amended by

(a)deleting (aa) and substituting therefor the following new clause—

(aa) consult county governments on matters relating to non-motorized transport infrastructure on designated roads.

(b) by inserting the words "cycling track" immediately after "cycling lane"

THAT CLAUSE 7 of the Bill be amended by:

(a) deleting the words "relating to" appearing in the proposed new section 46A and substituting therefor the words "including but not limited to—

Justification

To maintain consistency of language used in the Bill

(b) by inserting the following new paragraphs immediately after paragraph (d)

(e) sustainable road principles and environmental considerations.

(f) promotion of technological innovation and advancements.

Justification

To integrate environmental and social principles in road development

CLAUSE 9

THAT, the Bill be amended by deleting clause 9

Justification

That the law come into action soon after its assented to.

MIN./NO.127/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at Twenty minutes past One O'clock (1:20 pm). The Next meeting will be held on notice

SIGNED.....DATE.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE TWENTY-SECOND SITTING OF THE DEPARTMENTAL
COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON THURSDAY,
12TH JUNE 2025 AT COMMITTEE ROOM 17, 3RD FLOOR, BUNGE TOWER AT 10:00
AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
3. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
4. The Hon. Kiunjuri Festus Mwangi, M.P.
5. The Hon. Muhanda Elsie, M.P
6. The Hon. Chege John Kiragu, M.P
7. The Hon. Bady, Bady Twalib, M.P.
8. The Hon. Kiaraho, David Njuguna, MP.
9. The Hon. Arama Samuel, M.P
10. The Hon. Naicca, Johnson Many, CBS, MP
11. The Hon. Saney Ibrahim Abdi, M.P.
12. The Hon. Hussein Weytan Mohamed, MP
13. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Abdul Rahim Dawood, M.P
2. The Hon. Jhanda Zaheer, M.P

STATE CORPORATION ADVISORY COMMITTEE

1. Mr. Simon Indimuli – Chief Executive Officer
2. Ms. Lilian Obulo – Deputy Director-Legal, Regulatory and Investigations
3. Mr. Victor Mule – Director-Legal, Regulatory and Investigations
4. Mr. Mutinda Muema- Director, Technical support
5. Ms. Cecilia Mbothu – Head, Capacity Building

SECRETARIAT

1. Ms. Chebet Koskei - Principal Clerk Assistant II
2. Ms. Clare Choper Doye - Clerk Assistant III
3. Mr. Mohamednur Abdullahi - Clerk Assistant III
4. Mr. Erick Kariuki - Research Officer
5. Mr. Clinton Sindiga - Legal Counsel
6. Mr. Danton Kimutai - Audio Officer
7. Ms. Rinha Saineye - Media Relations Officer
8. Ms. Faith Makena - Serjeant-at -Arms

MIN./NO.107/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at twenty minutes past Ten O'clock (10:20 am) with a word of prayer from the Hon. Naicca Johnson Many, MP. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Samuel Arama, M.P, and seconded by the Hon. Tom Joseph Kajwang', M.P as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Meeting with the Commission Secretary, Public Service Commission and the Secretary for the State Corporation Advisory Committee Regarding the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) Sponsored by the Leader of the Majority Party**
5. Pending Business
6. Any Other Business
7. Adjournment

MIN./NO.108/NA/T&I/2025:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Confirmation of Minutes of the previous meeting was deferred.

MIN./NO.109/NA/T&I/2025:

BRIEF BY THE LEGAL COUNSEL

The Legal counsel took the Committee through the legal brief stating that, The Principal object of the Bill is to amend section 13 of the Kenya Roads Act, Cap 408, to align the Act with the Mwongozo Code of Governance for state Corporations.

The Mwongozo Code of Governance provides that Chief Executive Officers or equivalent positions of state corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding office.

He also informed the Committee that the Bill provides that the term of office is intended to ensure performance and promote good governance in the management of state corporations and their boards which is the practice for all state corporations. However, in the case of state corporations in the roads sector, these being the Kenya Rural Roads Authority (KeRRA); Kenya Urban Roads Authority (KURA); and Kenya National Highways Authority (KENHA), section 13 of the Act provides that the Director-General of each Authority shall serve for a term of office of five years.

He further elaborated the definition of State Corporation as a body corporate established under section 3 of State Corporations Act, cap 446, or by an act of Parliament, or under the Companies Act, Cap 486 where the Government controls majority or all the shares.

Subsequently, The Code of Governance for State Corporations "MWONGOZO" was issued jointly in 2015 by the Public Service Commission (PSC) and State Corporations Advisory Committee (SCAC). The President issued Executive Order No 7 for implementation of the Code.

He stated that the Mwongozo addresses matters of effectiveness of Boards, transparency and disclosure, accountability, risk management, internal controls, ethical leadership and good corporate citizenship. It seeks to ensure that sustainability, performance and excellence become the hallmark of management of state corporations.

He mentioned that, on term limits for Board Members the code provides that:

- i) The tenure of Board member shall not exceed a cumulative term of six years or two terms of three years each.
- ii) The renewal of Board Member's tenure for a second term should be subject to a favourable evaluation.

MIN./NO.110/NA/T&I/2025: SUBMISSIONS BY THE STATE CORPORATION ADVISORY COMMITTEE REGARDING THE KENYA ROADS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025) SPONSORED BY THE LEADER OF THE MAJORITY PARTY

The State Corporation Advisory Committee appeared before the Committee and submitted that, their definition on the objective of the Bill is to amend Section 13(3) of the Roads Act by reducing the term of service for Director-Generals of the three state corporations under the Act from **five years to three years**, aligning with **Mwongozo – The Code of Governance for State Corporations**.

The State Corporations Advisory Committee (SCAC) reviewed the proposed amendment to Section 13(3) of the Roads Act (Cap. 408), which seeks to reduce the term of service for Director-Generals of the three state corporations under the Act from five years to three years.

In their Submission, SCAC informed the Committee their support to this amendment noting that it aligns with *Mwongozo* (the Code of Governance for State Corporations). They added that, the *Mwongozo* code limits board membership, including non-voting members like Director-Generals, to two terms of three years each, subject to performance evaluation.

SCAC also emphasized that the Roads Act must be consistent with the State Corporations Act (Cap. 446) and *Mwongozo*, both of which have been affirmed by courts as central to the governance of state corporations. Additionally, SCAC recommended several other amendments to Cap. 408 to improve alignment with governance standards.

These include;

- a) Introducing the role of Corporation Secretary as required by *Mwongozo* and the Companies Act;
- b) Raising the minimum qualifications for board members from a KCSE certificate to a university degree;
- c) Replacing the requirement of membership in the Institution of Engineers of Kenya for Director-General appointments with registration by the Engineers Registration Board;
- d) Revising Section 17 to align board remuneration provisions with Cap. 446, which mandates adherence to SCAC-approved remuneration scales. SCAC reiterated its availability to provide further guidance on the matter.

They concluded by pledging their support to the Bill's main intent but recommends broader amendments to Cap. 408 for full alignment with Cap. 446, *Mwongozo*, and relevant legal standards to ensure good governance and legal consistency.

Members concerns

The Members raised the following concerns:

- i) The members proposed that the Advisory Committee should come up with a law that brings uniformity across all agencies in line with the *Mwongozo* code to help decide the tenure service.

- ii) The Committee observed that there was need for the National Assembly to work with the State Corporation Advisory Committee to help make an informed decision on tracking the tenure of service as stipulated in the Mwongozo.

Committee Recommendations

The Committee directed the Secretariat to invite the following stakeholders to submit their comments on the Bill;

- i. Invite the Office of the Attorney General to share views on their understanding of the Mwongozo code and to also provide the relevant document in guiding the Committee in considering this amendment
- ii. Invite the Principal Secretary for Roads and it's agencies to submit their views to help harmonize the tenure service across all agencies

MIN./NO.111/NA/TI/2025: ANY OTHER BUSINESS (AOB)

The Committee Clerk informed the Committee that the planned retreat with the Ministry of Roads and Transport had been rescheduled to the first week of August due to unavailability of funds.

MIN./NO.000/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at a half past Noon (12:30 pm). The Next meeting will be on notice.

SIGNED..........DATE.....19/6/2025.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE NINETEENTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON TRANSPORT AND INFRASTRUCTURE HELD ON THURSDAY,
29TH MAY 2025 AT COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER AT 10:00
AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P.
3. The Hon. Abdul Rahim Dawood, M.P
4. The Hon. Arama Samuel, M.P
5. The Hon. Chege John Kiragu, M.P
6. The Hon. Bady, Bady Twalib, M.P.
7. The Hon. Kiaraho, David Njuguna, MP.
8. The Hon. Naicca, Johnson Many, CBS, MP
9. The Hon. Saney Ibrahim Abdi, M.P.
10. The Hon. Hussein Weytan Mohamed, MP

APOLOGIES

1. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
2. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
3. The Hon. Muhanda Eisie, M.P
4. The Hon. Jhanda Zaheer, M.P
5. The Hon. Komingoi Kibet Kirui, M.P

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Ms. Chebet Koskei | - Principal Clerk Assistant II |
| 2. Mr. Mohamednur M. Abdullahi | - Clerk Assistant |
| 3. Mr. Erick Kariuki | - Research Officer |
| 4. Mr. Clinton Sindiga | - Legal Counsel |
| 5. Mr. Danton Kimutai | - Audio Officer |
| 6. Ms. Rinha Saneye | - Media Relations Officer |
| 7. Ms. Faith Makena | - Sergeant at arms |

MIN./NO.092/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at twenty minutes past Ten O'clock (10:20 am) with a word of prayer from the Chairperson. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Komingoi Kibet Kirui, M.P, and seconded by the Hon. Johnson Naica Many, M.P as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Consideration of the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) Sponsored by the Leader of the Majority Party**
5. Pending Business
6. Any Other Business
7. Adjournment

MIN./NO.093/NA/T&I/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The Minutes of the Eighteenth Sitting held on 20th May 2025 were confirmed as true record of the proceedings after being proposed and seconded by the Hon. Komingoi Kibet Kirui, MP and the Hon. Hussein Weytan, MP, respectively.

MIN./NO.094/NA/T&I/2025: BRIEF BY THE RESEARCHER ON THE KENYA ROADS (AMENDMENT) BILL (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

The Committee Research Officer in his Policy Brief, informed Members that the Kenya Roads (Amendment) (No. 2) Bill, 2025, sponsored by Hon. Kimani Ichung'wah, EGH, MP, the Leader of the Majority Party, seeks to amend section 13 of the Kenya Roads Act, Cap. 408, to align the Act with the *Mwongozo* Code of Governance for State Corporations. The Bill was published on 31st March 2025 and read for the first time on 16th April 2025.

The Researcher explained that the *Mwongozo* Code stipulates that Chief Executive Officers or their equivalents in state corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance. This is intended to promote performance and good governance. However, the current provision in the Kenya Roads Act allows Directors-General of the Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA), and Kenya

National Highways Authority (KeNHA) to serve for five years, which is inconsistent with the Code.

The Committee was informed that the Bill seeks to ensure consistency in governance standards across all state corporations, particularly by aligning the roads sector with other sectors already governed by the Mwongozo Code.

The Researcher briefed Members that a State Corporation is defined under Section 3 of the State Corporations Act, Cap. 446. The Mwongozo Code, issued jointly by the Public Service Commission and the State Corporations Advisory Committee in 2015 and implemented via Executive Order No. 7, addresses key issues such as board effectiveness, accountability, risk management, ethical leadership, and corporate governance.

Members were informed that, under the Code, board members shall not serve more than six cumulative years (two terms of three years), and that Chief Executive Officers shall sit on boards without voting rights. Board membership should consist of between seven and nine members.

The Researcher brought to the attention of the Committee that the 12th Parliament had previously amended section 13 of the Kenya Roads Act through the Kenya Roads (Amendment) (No. 13) Bill, 2021, increasing the term from three to five years. The amendment was assented to on 24th February 2022 and commenced on 21st March 2022.

It was explained that the earlier proposal had been part of the Kenya Roads Bill, 2017, which failed at mediation. Despite this, the term extension was later passed in 2022.

Members were further informed of a significant court decision: in *Okoti v The Board, Export Processing Zones Authority & 3 others* (Petition E133 of 2021), the Employment and Labour Relations Court affirmed the applicability of the Mwongozo Code, stating that it had gained legal force and was binding on all state corporations, even though it was not enacted as a statute. The Court acknowledged the Code's statutory underpinning through section 3 of the State Corporations Act.

The Researcher noted that Section 5(3) of the State Corporations Act allows the Cabinet Secretary, in consultation with the Advisory Committee, to approve the terms of service for staff, including the Chief Executive Officer. Section 6(2) specifies a renewable period of five years or as stated in the appointment notice.

The Research Officer provided Members with examples of tenure provisions in various state corporations. It was noted that the Director-General of the Energy and Petroleum Regulatory Authority serves a term of three years, which is renewable once. The Chief Executive Officers of the Rural Electrification and Renewable Energy Corporation, the Nuclear Power and Energy Agency, and the Kenya Pipeline Company also serve three-year terms, each eligible for one further reappointment. This practice reflects the broader application of the Mwongozo Code in

other sectors and further supports the proposed harmonization of tenure for CEOs and Directors-General in the roads sector.

Comparative Analysis

The Research Officer presented a comparative analysis of terms of services for heads of agencies in public service in other jurisdictions as follows:

India: In India, the Department of Public Enterprises (DPE) under the Ministry of Heavy Industries issues governance guidelines for approximately 250 Central Public Sector Enterprises (CPSEs). The Public Enterprises Selection Board (PESB) appoints CEOs, and tenure is determined at appointment, with no fixed legal term limit and reappointment allowed as needed.

Sweden: Members were informed that Sweden's SOEs are governed under the Companies Act and the State's Ownership Policy. The average CEO tenure is approximately six years, and there is no fixed statutory term limit. Board gender balance is also mandated (at least 40% representation of each gender).

Morocco: Morocco's governance of public enterprises is guided by a Law on State Governance and the Code of Good Governance Practices. These emphasize a "comply or explain" principle, and the Ministry of Finance oversees over 240 SOEs.

The Research Officer concluded by stating that the Mwongozo Code has gained wide legal and institutional acceptance and serves as the principal governance framework for state corporations. Its objective is to instill transparency, sustainability, performance, ethical leadership, and accountability in the public sector. The proposed amendment will ensure uniformity and enhance good governance in road sector agencies by aligning them with the Mwongozo Code.

MIN./NO.095/NA/T&I/2025: BRIEF BY THE LEGAL COUNSEL ON THE KENYA ROADS (AMENDMENT) BILL (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

The Legal Counsel informed the Committee that The Principal object of the Kenya Roads (Amendment) Bill, 2025 is to amend Section 13 of the Kenya Roads Act, Cap 408, to align the Act with the Mwongozo Code of Governance for State Corporations.

He further informed the Committee the Mwongozo Code of Governance provides that Chief Executive Officers or equivalent positions of State Corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding the office.

Analysis of the Bill

The Legal Counsel informed the Committee that Bill contains three (3) clauses for consideration:

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides that section 13 of the Act be amended by deleting the word "five" and substituting therefor the word "three".

Clause 3 of the Bill is a transitional clause. It provides that "A person who immediately before the commencement of this Act held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible for a person serving the first term, for appointment for one further term of one year."

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

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

Statement on how the Bill concerns county governments

The Bill is not a Bill concerning county governments in terms of Article 110 (1) (a) of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill will not occasion expenditure of public funds.

Submissions from the Kenya Law Reform Commission.

The Legal Counsel brought to the attention of the Committee that the Committee has so far received submissions from the Kenya Law Reforms Commission.

The Commission submitted that the proposed amendment is aimed at entrenching good governance principles in the road agencies by ensuring that the code of governance for state corporations is followed, by not only having defined terms ,but also ensuring that there are clear procedures for reappointment based on performance. They further submitted that the amendment ensures that short but renewable terms help to align leadership with evolving strategy and stakeholder expectations. It reinforces accountability and ensures that terms are not extended arbitrarily.

Members Concerns

The following matters arose:

- i. Members expressed concern that reducing the term of Directors Generals in the road sector from five to three years could undermine continuity and stability in leadership of

road authorities (KeNHA, KeRRA, KURA) given the long term nature of infrastructure projects within the road sector. Members further questioned whether 3 years is enough time for Directors General in the road sector to plan and implement key road development projects before their term ends or is up for renewal.

- ii. Members raised concerns on the legal status and application of the Mwongozo Code in relation to statutory provisions governing state corporations. It was noted that while the Code has been recognized by the courts and implemented through Executive Order No. 7 of 2015, it has not been enacted by Parliament through formal legislation.
- iii. Members emphasised the need for a clear legal framework and suggested that the Mwongozo Code be formally anchored in legislation.

Committee Resolutions

Following deliberation, the Members resolved to invite the Public Service Commission and the State Corporation Advisory Council on Thursday, 12th June 2025 to submit comments on the Bill.

MIN./NO.096/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at a Noon (12:00 noon). The Next meeting will be held on **Thursday, 5th June 2025 at 10:00 am**

SIGNED..........DATE 19/6/2025.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**

Annexure 3: Copy of the Kenya Roads (Amendment) (No. 2) Bill, 2025

SPECIAL ISSUE

Kenya Gazette Supplement No. 55 (National Assembly Bills No. 16)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 31st March, 2025

CONTENT

Bill for Introduction into the National Assembly—

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**NATIONAL ASSEMBLY
RECEIVED**

14 APR 2025

DIRECTOR LEGAL SERVICES
P. O. Bo 41842-00100, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
17 APR 2022
DIRECTOR LEGAL SERVICES
S. O. Box 41842-00100, NAIROBI

**THE KENYA ROADS (AMENDMENT) (No. 2) BILL,
2025**

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) (No. 2) Act, 2025.

Short title.

2. Section 13(3) of the Kenya Roads Act is amended by deleting the word “five” and substituting therefor the word “three”.

Amendment of section 13 of Cap. 408.

3. A person who, immediately before the commencement of this Act, held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.

Transition.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons of the Bill

The principal object of the Bill is to amend section 13 of the Kenya Roads Act, Cap. 408, to align the Act with the Mwongozo Code of Governance for State Corporations. The Code of Governance for State Corporations provides that Chief Executive Officers or equivalent positions of state corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding office.

The term of office is intended to ensure performance and promote good governance in the management of state corporations and their boards which is the practice for all state corporations. However, in the case of state corporations in the roads sector, these being the Kenya Rural Roads Authority (KURRA); the Kenya Urban Roads Authority (KURA); and the Kenya National Highway Authority (KENHA), section 13 of the Act provides that the Director-General of each Authority shall serve for a term of office of five years.

This is contrary to the Code of Governance for State Corporations and therefore the current provisions of section 13 of the Act undoubtedly negate the values of good governance. The Bill therefore proposes to amend section 13 of the Act to provide that a Director-General of each Authority shall serve for a period of three years, renewable once. This is intended to promote good governance and performance in the day-to-day management of state corporations in the roads sector. The Bill further provides for a transition provision and stipulates that a person who, immediately before the commencement of the Act, held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.

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

The Bill does not delegate legislative powers and does not limit any rights and fundamental freedoms.

Statement on how the Bill concerns county governments

The Bill is not a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution.

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 public expenditure.

Dated the 31st March, 2025.

KIMANI ICHUNG'WAH,
Leader of Majority Party.

Section 13 of Cap. 408 which it is proposed to be amended—

13(1) Each Authority shall have a Director-General, who shall be appointed by the concerned Board in consultation with the Cabinet Secretary from among three candidates competitively selected by the Board.

(2) The Director-General shall be responsible for the day-to-day operations and administration of the Authority in respect of which he is appointed.

(3) Subject to this Act, the Director-General shall hold office for a term of five years and shall be eligible for appointment for one more term.

(4) Subject to this Act and to the general direction and control of the concerned Board, the Director-General shall be responsible for the following matters with respect to the Authority for which he is responsible—

- (a) the implementation of the policies and programmes of the Authority and reporting thereon to the Board;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation and control of the staff of the Authority;
- (d) the development of an operations plan for achieving the Authority's objectives;
- (e) co-operation with other lead agencies and organisations in the roads sector;
- (f) the development of an economic, efficient and cost-effective internal management structure;
- (g) the formulation and implementation of the strategic plan, business plan and annual plan of the Authority;
- (h) the implementation and fulfilment of the policies and agreed objectives, performance targets and service standards of the Authority;
- (i) the provision of advice as required on all matters within the Authority's responsibility; and
- (j) the performance of any other duty necessary for the implementation of this Act as may be assigned to him by the concerned Board.



**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/2025/032

2nd May, 2025

Eng. Joseph Mbugua, CBS

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

Mr. Paul Famba, MBS

Commission Secretary/ CEO
Public Service Commission
Commission House, Harambee Avenue
NAIROBI

FCS Simon Indimuli, OGW, MBS

Secretary
State Corporations Advisory Committee (SCAC)
Harambee Avenue, KICC
NAIROBI

Mr. Joash Dache, MBS

Chief Executive Officer/Commission Secretary
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor
Taifa Road
NAIROBI

Ms. Florence Muturi

Chief Executive Officer
Law Society of Kenya (LSK)
Lavington, Opposite Valley Arcade
Gitanga Road
NAIROBI

Dear Mr. Dache,

**RE: REQUEST FOR COMMENTS ON THE KENYA ROADS (AMENDMENT)
(NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025)**

The Departmental Committee on Transport and Infrastructure was established pursuant to National Assembly Standing Order 216 and is mandated to, among other things, 'study and review all legislation referred to it.'

The Committee is considering the **Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025)**. The Bill is sponsored by the **Leader of the Majority Party Hon. Kimani Ichung'wah, EGH, MP** and seeks to amend section 13 of the Kenya Roads Act, Cap. 408, to align the Act with the *Mwongozo Code of Governance for State Corporations*, which provides that Chief Executive Officers or equivalent positions of state corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding office.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, the Committee requests your comments on the Bill for consideration by the Committee.

In view of the short timelines set for considering of the Bill, it will be appreciated if the submissions are received by **Friday, 16th May 2025 at 5.00 pm**. You may send a soft copy to the Office of the Clerk via cna@parliament.go.ke. We have enclosed herein a copy of the Bill for reference.

Our Liaison Officers facilitating this matter are **Ms. Tracy Chebet Koskei** who may be contacted on tel. no. **0726416794** or email: tracy.koskei@parliament.go.ke and **Ms. Clare Choper Doye** on tel. no. **0721938018** or email: choper.doye@parliament.go.ke.

Yours Sincerely,



PETER K CHEMWENO
FOR: CLERK OF THE NATIONAL ASSEMBLY

Encl.//

Copy to:

Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Mr. Felix Koskei, EGH
Chief of Staff and Head of Public Service
Executive Office of the President
State House
NAIROBI

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.

NEWS GENERAL

ON THE SPOT

Amnesty calls out Kenya over links with Sudan's RSF

ELJUD KIBII

KENYA is under sustained pressure over links with sanctioned Sudan rebels RSF, who on Wednesday announced a parallel government in the country.

The latest to voice concern is Amnesty International, which has questioned Kenya's suitability in mediation processes in Sudan, while at the same time it is accused of backing RSF.

Deputy regional director Flavia Mwangovya on Thursday called for "proper action beyond rhetoric and doublespeak, where we say one thing and support another".

The junta government in Sudan has accused Kenya and President Ruto of having commercial interests in Rapid Support Forces and has rejected him as a mediator under the IGAD Quartet framework.

With allegations of ties with RSF, the junta has banned imports from Kenya and recalled its ambassador.

Former Deputy President Rigathi Gachagua has accused Ruto of engaging in shady gold business deals with RSF commander Mohamed Hamdan Dagalo, alias Hemedti.

Mwangovya told NTV that Kenya should demonstrate that

its interest is the people of Sudan, respect of human rights and international humanitarian law.

"Our [Kenya] actions should be very clear and obvious because being accused of bias means people are convinced that you are of a particular position. It is very difficult to be in a position where you are being called to mediate and one side is not very convinced of your neutrality," Mwangovya said.

Prime Cabinet Secretary **Musalia Mudavadi** during an interview **/HARDOUT**



MESSY DIVORCE

Doublespeak as leaders fault Ruto

Majority are those who lost posts in Parliament, Cabinet

JULIUS OTIENO @JuliusOtieno04

SEVERAL leaders who previously supported government programmes, projects and policies are now turning against the regime in a classic case of doublespeak.

Majority are those who lost their positions in government, resulting in their dismissal, impeachment or removal from important parliamentary committees.

At the centre of the political doublespeak is former Deputy President Rigathi Gachagua and ex-Public Service CS Justin Muturi.

Also in the spotlight is Kiharu MP and the former chairman of the National Assembly Budget Committee Ndindi Nyoro.

Early this week, Muturi, who served as National Assembly speaker for 10 years, described the National Government Constituency Development Fund as corrupt, unlawful and unconstitutional.

He said the continuing operation of the fund is unlawful following several court decisions that declared it unconstitutional.

"NG-CDF is a corrupt, unlawful and unconstitutional slush fund to unjustly enrich the MPs, their families and cronies and should, therefore, be scrapped," Muturi said.

The court has twice declared the fund unconstitutional.

In September last year, High Court judges Kanyi Kimondo and Roselyn Aburil ruled that the fund duplicates functions already performed by counties.

However, Muturi appeared to be speaking at cross purposes as a few years ago, he had viciously defended NG-CDF and vowed to lead the

National Assembly in appealing the decision.

"It is possible to operate the CDF model alongside the constitution so that it does not affect what is being done by the counties," Muturi said in 2015.

The then speaker said the fund does not undermine the role of county governments in development.

The then speaker defended the fund, saying Kenyans have achieved a lot since the CDF Act was enacted.

"CDF has greatly impacted lives of many Kenyans. And we still make it more effective by re-aligning it with the constitution," he said.

Muturi, who served as Attorney General before being appointed CS in charge of Public Service, bitterly fell out with Ruto, leading to his sacking weeks ago.

He also described Ruto as corrupt and unfit to lead the country.

In yet another about-turn, Nyoro, who defended the government during his tenure as the chairman of the Budget and Appropriations Committee, this week sent a chilling warning about the country's ability to repay its debt.

Ndindi warned that the country is in a debt crisis and could soon join Africa's debt defaulters club.

AT THE CENTRE OF THE POLITICAL DOUBLE-SPEAK IS FORMER DEPUTY PRESIDENT RIGATHI GACHAGUA AND EX-PUBLIC SERVICE CS JUSTIN MUTURI

(+) INSTANT ANALYSIS

The remarks of the leaders, including Muturi and Nyoro, after falling out with the powers that be, speaks to their hypocrisy. It portrays politicians as masters of doublespeak, who defend or attack the government depending on the side they are in.

THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 116 (1)(b) OF THE CONSTITUTION AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2024); AND
2. THE KENYA ROADS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025).

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 116(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) and the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED that—

- (1) The Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) is a Bill sponsored by Hon. Abdul Haro, MP that seeks to amend the Teachers Service Commission Act, Cap. 202 to provide for predictability and certainty in the management of allowances in the teaching profession and to entrench fairness in career progression for teachers.
- (2) The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) is a Bill sponsored by the Leader of Majority Party that seeks to amend section 13 of the Kenya Roads Act, Cap. 406, to align the Act with the Meqansu Code of governance for State Corporations by limiting the term of office of the Director General of each roads agency to a period of three years, renewable once.

NOW THEREFORE, in compliance with Article 116(1)(b) of the Constitution and National Assembly 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 as listed below—

NO.	BILL	COMMITTEE
1.	The Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024)	Education
2.	The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025)	Transport and Infrastructure

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

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to csa@parliament.go.ke to be received on or before Friday, 9th May, 2025 at 5.00 p.m.

S. MURUGIE, CBS
CLERK OF THE NATIONAL ASSEMBLY
18th April, 2025

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

PHOTO STORY



Livingstone Ambayi Munala, Paul Muigai and Leonard Clifford Wafusa at Milimani law courts, where they were charged with forging stamps and released on bond and bail /EZEKIEL AMING'A

National News

Bad bet Lawmakers expressed concern over the numerous cases of students gambling with their school fees

MPs move to tame gambling frenzy

House team to present report on the operations of betting and gaming firms next Thursday

BY SAMWEL OWINO

The National Assembly has launched investigations into the operations of betting and gaming companies in the country in a bid to curb the vice that has taken a toll on the nation's youth.

The National Assembly Committee on Finance and National Planning is expected to present a report on the operations of betting and gaming companies next Thursday with lawmakers handling critical details of their activities.

Speaker of the National Assembly, Moses Wetang'ula, directed the committee, chaired by Molo MP Kimani Kuria, to submit its report next week on the betting craze, which he regretted had adversely affected many people



Gilgil MP Martha Wangari. FILE/NATION

across the country. "I know people who have been affected by this betting. The committee should endeavour to table a report in this House on Thursday next week," Mr Wetang'ula said.

The issue was raised by Gilgil MP Martha Wangari, who specifically mentioned a betting game known as Aviator, which she said was being heavily advertised on

one of the popular local radio stations.

Ms Wangari stated that Aviator gambling has been widely promoted in the local media and is now strangling the livelihoods of families in both rural and urban areas.

The lawmaker noted that while the practice is particularly popular among young people, both men and women are also deep-

THE NUMBERS

Gun on bookmaker s

Data from KRA indicates that in the eight months to March this year, the authority collected Sh12 billion in taxes from betting companies. Statistics show that Kenyans spent Sh766 billion on betting last year - an average of Sh2.1 billion a day, or over Sh24,000 every second.

ly involved.

Lawmakers expressed concern over the numerous cases of students gambling with their school fees and parents depleting their savings to participate. Ms Wangari added that there has been a surge in the registration of gambling companies in the country recently, with advertisements frequently aired on mainstream media during prime time.

"This game of chance called Aviator, in which a virtual plane flies and carries odds for the players, has become addictive among

the youth and has left many of them destitute," she said.

MPs expressed concern that gaming activities hyped on local TV stations promise instant winnings with minimal effort, and that one does not need any knowledge of football or any team to participate in the game.

As part of the Finance Committee's investigations, lawmakers now want the government to clarify the legal status of Aviator gambling in Kenya, the taxes and revenues collected from all betting and gambling activities, and to provide statistics through the Ministry of Planning on how much Kenyans spend annually on such activities.

Additionally, the committee will inform the House of the measures being taken by the Betting Control and Licensing Board to regulate the proliferation of advertisements - across audio, visual, and print media - related to Aviator and other betting games.

The Betting Control and Licensing Board is also expected to provide the Finance Committee with information on all ongoing and completed disciplinary cas-

es involving errant betting and gaming companies and media outlets over the past year.

This move to rein in the country's betting craze comes at a time when data shows a growing number of Kenyans are deeply engaged in gambling.

According to a GeoPoll report titled Betting in Africa 2024, 83 per cent of Kenyans surveyed admitted to having placed a bet.

Currently, the betting industry is subject to an excise tax of 15 per cent on stakes, a withholding tax of 20 per cent on net winnings, and a betting and gaming tax of 50 per cent.

Betting companies are taxed on gross gaming revenue (i.e. turnover less winnings paid out), in addition to paying corporation tax on profits.

Data from the Kenya Revenue Authority (KRA) indicates that in the eight months to March this year, the authority collected Sh12 billion in taxes from betting companies.

Statistics show that Kenyans spent Sh766 billion on betting last year - an average of Sh2.1 billion a day, or over Sh24,000 every second.



THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE PYRETHRUM (REPEAL) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2024)

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS, the Pyrethrum (Repeal) Bill (National Assembly Bill No. 40 of 2024) was read a First Time Tuesday, 8th April, 2025 and thereafter referred to the Departmental Committee on Agriculture and Livestock for consideration and reporting to the House.

IT IS NOTIFIED that the Pyrethrum (Repeal) Bill (National Assembly Bills No. 40 of 2024) is sponsored by the Leader of the Majority Party and seeks to repeal the Pyrethrum Act, Cap. 340 that is inconsistent with the harmonization of the regulation of scheduled crops under one legislative framework in the Crops Act, Cap. 318. The repeal of the Pyrethrum Act [Cap. 340] shall address the conflict between the Act and the provisions of the Crops Act, Cap. 318.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to the Departmental Committee on Agriculture and Livestock.

A copy of the Bill is available at the National Assembly Table Office, Main Parliament Building, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to cn@parliament.go.ke to be received on or before Friday, 9th May, 2025 at 5.00p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
18th April, 2025

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



THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2024); AND
2. THE KENYA ROADS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025).

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS, the Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) and the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025), have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED that-

- (1) The Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) is a Bill sponsored by Hon. Abdul Hara, MP that seeks to amend the Teachers Service Commission Act, Cap. 212 to provide for predictability and certainty in the management of allowances in the teaching profession and to entrench fairness in career progression for teachers.
- (2) The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) is a Bill sponsored by the Leader of Majority Party that seeks to amend section 13 of the Kenya Roads Act, Cap. 408, to align the Act with the Mwengoo Code of governance for State Corporations by limiting the term of office of the Director (General) of each roads agency to a period of three years, renewable once.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly 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 as listed below:-

NO.	BILL	COMMITTEE
1	The Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024)	Education
2	The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025)	Transport and infrastructure

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

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to cn@parliament.go.ke to be received on or before Friday, 9th May, 2025 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
18th April, 2025

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

Annexure 6: Written submissions from stakeholders.



REPUBLIC OF KENYA

MINISTRY OF ROADS & TRANSPORT
STATE DEPARTMENT FOR ROADS
Office of the Cabinet Secretary

Telegram: "Transcoms", Nairobi
Telephone: (020) 2729200
Email: ps@roads.go.ke
Website: www.transport.go.ke

WORKS BUILDING
NGONG ROAD
P.O. Box 30743 - 00100
NAIROBI

MOR&T/R/A29.02 Vol 42

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
The National Assembly
NAIROBI

Dear Clerk,

RE: COMMENTS ON THE KENYA ROADS (AMENDMENT) (NO. 2) BILL
(NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

Handwritten notes:
DIDS for attention
to the committee
on TRAD
22/5/25

Handwritten notes:
Mr. Alex Mijona
for attention
Lump
22/5/25

14th May, 2025

Handwritten notes:
Ms. Tracy debet
pls TNA:
Awasie
23/5/25

Reference is made to the above subject matter and letter *Reference Number NA/DDC/T&I/2025/032* dated 2nd May, 2025 from the Office of the Clerk of the National Assembly (*attached*).

The Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) seeks to amend Section 13 (3) of the Kenya Roads Act, Cap 408 Laws of Kenya by deleting the word "five" and substituting it with the word "three". Through this amendment it seeks to reduce the term of office of the Director General of each Authority under the Act.

The principal object of the amendment is to align the Act with the Mwongozo Code of Governance for State Corporations which requires the term of office for Chief Executive Officers or equivalent positions of state corporations to be three years renewable once. The Ministry supports the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No. 16 of 2025) by Hon. Kimani Ichung'wah, E.G.H MP.

Yours

Sincerely,

Eng. Joseph M. Mbugua, CBS
PRINCIPAL SECRETARY

Encl.

Copy to. Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads & Transport
NAIROBI





ENGINEERS BOARD OF KENYA

— Enhancing Professionalism —

Fortis Suites 9th Floor, Hospital Road, off Ngong Road P.O. Box 30324 – 00100 Nairobi

Mobile: +254 735330744, +254 722509972

Email: registrar@ebk.go.ke Website: www.ebk.go.ke

OFFICE OF THE REGISTRAR

Ref: EBK/C&E/STK/015/VOL. IV(005)

Date: 17th June 2025

Mr. Samuel Njoroge, CBS

The Clerk of the National Assembly

Parliament of Kenya

P.O. BOX 41842 - 00100

NAIROBI.

Dear Sir,

RE: REQUEST FOR COMMENTS ON THE KENYA ROADS (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.16 OF 2025)

Reference is made to your letter Ref: NA/DDC/T&I/2025/044 on the above subject matter.

The Engineers Board of Kenya (*“the Board”*), is a statutory body established under Section 3(1) of the Engineers Act, No.43 of 2011 (*“the Act”*). The Board has the overall mandate of registration and licensing of engineers and engineering consulting firms, developing, and regulating of engineering practice in Kenya.

The Board submits as follows:

- i. The Board takes note of the proposed amendment of the Section 13(3) of the Kenya Roads Act 2007 (*Cap.408*), to reduce the term of the Director General from five years to three years, to align with Mwongozo, the Code of Governance for State Corporations.
- ii. The Board, however, objects to the proposed transition clause in the Bill, which provides *“A person who, immediately before the commencement of this Act, held office as a Director General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.”*

The Board proposes replacement of the *“further term of one year”*, with ***“further full term of three years”***, for alignment with the standard term applicable to the office.

We look forward to your consideration of our submissions, for the good of the engineering practice in Kenya, and for public safety and welfare.

Yours faithfully,

Eng. Margaret N. Ogai, CE
REGISTRAR/CHIEF EXECUTIVE OFFICER
ENGINEERS BOARD OF KENYA

Encl.

JDC
Please deal.
17/06/25



PUBLIC SERVICE COMMISSION

Tracy chebet

*Facilitate the DC on Transport
to Consider
on 17/6/25*
11th June 2025

PSC/LEG/019/25/158 VOL. I(TY)

Samuel Njoroge, CBS
Clerk of the National Assembly
National Assembly
Parliament Buildings
P O Box 41842-00100
NAIROBI



Dear Clerk,

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE REGARDING THE KENYA ROADS (AMENDMENT) (NO. 2 BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2025))

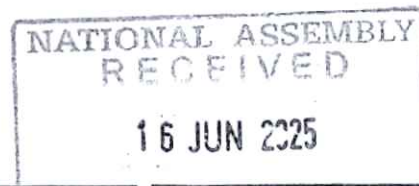
Reference is made to your letter dated 30th May 2025.

The Commission would like to withdraw its earlier submissions dated 15th May, 2025 and substitute with this letter.

The Commission considered the proposed amendment contained in the Kenya Roads (Amendment) (No. 2) Bill (National Assembly Bill No: 16 of 2025).

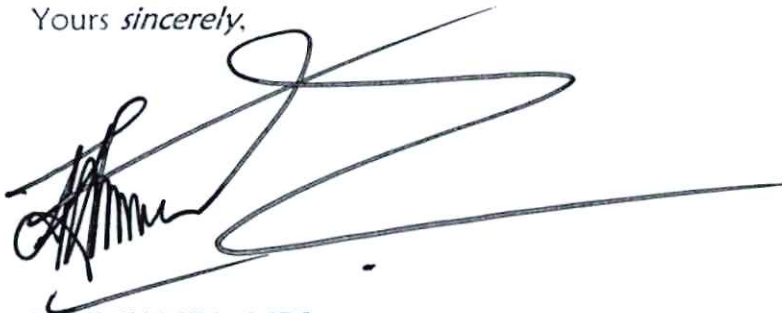
The Commission notes that the Bill proposes to amend Section 13(3) of the Roads Act, specifically on the term of the Chief Executive Officer/Director General of the Authorities established under the Act, by deleting the word 'five' years and substituting with the word 'three' so as to align the Act with the provisions of the Mwongozo Code of Governance for Staff Corporations.

The Commission supports the Amendment as it is in line with the provisions of the Mwongozo Code of Conduct for State Corporations. This will be in uniformity with tenures for CEOs of other state corporations.



Finally, the Commission requests for more time to avail a list of terms/tenures for Heads of the Agencies for all State Corporations.

Yours *sincerely,*

A handwritten signature in black ink, appearing to read 'Paul Famba', with a large, sweeping flourish extending to the right.

PAUL FAMBA, MBS
SECRETARY/CEO
PUBLIC SERVICE COMMISSION

KENYA LAW REFORM COMMISSION



"A Vibrant Agency for Responsive Law Reform"

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Fax: +254-20-2225786
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When replying please quote

Ref. No. KLRC/8/64 (40)
and Date



KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
3RD FLOOR
TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

9th May, 2025

The Clerk of the National Assembly
P.O. Box 41842 – 00100
Main Parliament Buildings
NAIROBI

(1) DDC
8
13/5/25

(2) Ms. Tracy C. Koskei
To place before the Dept. Comm.
on Trade. DM 13/05/25

Attn: Mr. Jeremiah W. Ndombi, MBS

RE: REQUEST FOR COMMENTS ON THE KENYA ROADS (AMENDMENT) (NO.2) BILL
(NATIONAL ASSEMBLY BILL NO. 16 OF 2025)

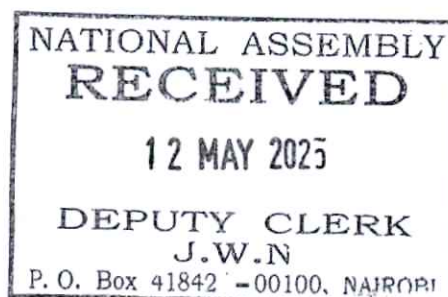
Please refer to the above matter and your letter Ref: NA/DDC/T&I/2025/032 dated 2nd
May, 2025.

Enclosed herewith please find the Commission's Comments for further action.

Thank you for your cooperation and support.

Peter Musyimi, HSC
Ag. SECRETARY/CEO

Encl.





1. INTRODUCTION

The Kenya Law Reform Commission (KLRC) is in receipt of a letter from the National Assembly dated 2 May, 2025, requesting KLRC's views on the proposed Kenya Roads (No. 2) (Amendment) Bill, (National Assembly Bill No. 16 of 2025).

This memorandum is issued in furtherance of KLRC's mandate, to keep under review all the law and recommend its reform to ensure, among others, that the law systematically develops in compliance with the values and principles enshrined in the Constitution and that the law is consistent, harmonized, just, simple, accessible, modern and cost-effective in application.

2. ANALYSIS OF THE BILL

PROVISION IN THE BILL	KLRC PROPOSAL	RATIONALE
Clause 2	The amendment is sound in as far as it seeks to introduce a provision that speaks to good governance practice where the	In Mwongozo – the Code of Governance for State Corporations, states that the tenure of a Board member shall not exceed a cumulative term of six years or two terms of three years each. It also states that the renewal of a Board Member's tenure for a second term should be subject to a favourable evaluation.

	Directors-General of the road agencies hold office for a renewable term of three years.	
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3. RECOMMENDATIONS

The proposed amendment is aimed at entrenching good governance principles in the road agencies by ensuring that the code of governance for state corporations is followed by not only having defined terms but also ensuring that there are clear procedures for reappointment based on performance. It also ensures that short but renewable terms help to align leadership with evolving strategy and stakeholder expectations. It reinforces accountability and ensures that terms are not extended arbitrarily.