

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2024**

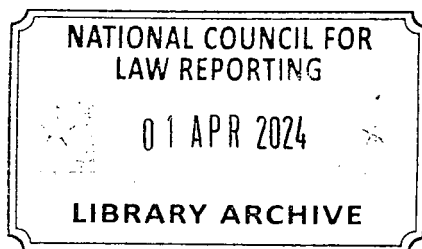
**NAIROBI, 22nd March, 2024**

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

**A Bill for**

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

**ENACTED** by the Parliament of Kenya, as follows—

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

Short title.

**2.** Section 17 of the Kenya Roads Board Act, is amended—

Amendment of section 17 of No. 7 of 1999.

- (a) in subsection (2) (a) by inserting the words “National Government” immediately before the word “Constituency”; and
- (b) by inserting the following new subsection immediately after subsection (4)—

“(4A) The Constituency Roads Committee shall provide a mechanism for consultation between the National Government Constituency Development Fund Committee and the Kenya Roads Board in all matters relating to all roads in the respective Constituencies under this Act.”

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of objects and reasons**

The principal object of the Bill is to amend the Kenya Road Board Act, (No. 7 of 1999) to provide for the inclusion of the members of the National Government Constituency Development Fund Committee into the Constituency Road Committee and to provide for a mandatory consultative mechanism between the National Government Constituency Development Fund (NG-CDF) and the Kenya Roads Board.

This will ensure adequate representation of the people in the Kenya Roads Board.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

### **Indication of whether the Bill concerns County Governments**

The Bill seeks to amend the Kenya Roads Board Act, No. 7 of 1999 to provide for the inclusion of the members of the National Government Constituency Development Fund Committee into the Constituency Road Committee.

Part 2 of the Fourth Schedule to the Constitution provides that county transport including county roads is a function of county governments.

In view of this, the Bill does concern county governments in terms of Article 110(1)(a) of the Constitution as it does affect the functions and powers of county governments recognized in the Fourth Schedule to 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 may not occasion additional expenditure of public funds.

Dated the 6th March, 2024.

**CHARLES GIMOSE,**  
*Member of Parliament.*

*Section 17 of No. 7 of 1999 which it is proposed to amend—*

**Establishment, powers and functions of the Constituency roads Committee**

17. (1) There is hereby established, for every constituency, a committee to be known as the Constituency Roads Committee.

(2) The Constituency Roads Committee shall comprise of—

- (a) four members from the respective Constituency Development Fund Committee;
- (b) the Member of Parliament for the Constituency;
- (c) a representative of the Kenya Rural Roads Authority in the region, who shall be the Secretary to the Committee;
- (d) a representative from the Ministry responsible for planning;
- (e) the respective District Commissioner or his representative; and
- (f) two members co-opted by the Committee to represent such special interests with regard to roads as the committee may determine from time to time, and who shall not have voting rights.

(3) The Constituency Roads Committee shall designate two of the members appointed under paragraph (a) of subsection (2) to be the Chairman and Vice Chairman of the Committee respectively, and any two members from subsection (2)(a) designated by the Committee and the Kenya Rural Roads Authority accountant shall be the signatories to the Constituency Roads Fund account established by the constituency.

(4) The function of the Constituency roads Committee shall be to advise the Kenya Rural Roads Authority on the formulation of the annual roads programme and the roads to be included therein.

(5) The Constituency Roads Committee shall meet at least four times a year, and a quorum shall comprise of the chairman or vice-chairman and four other members.

