

SPECIAL ISSUE



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NAIROBI, 3rd April, 2009

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GAZETTE NOTICE No. 3497

THE CONSTITUTION OF KENYA

APPOINTMENT OF JUDGES OF APPEAL

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Justice Alnashir Ramazanali Magan Visram,
Justice Joseph Gregory Nyamu,

as Judges of Appeal, with effect from 2nd April, 2009.

Dated the 2nd April, 2009.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 3498

THE CONSTITUTION OF KENYA

APPOINTMENT OF PUISNE JUDGES

IN EXERCISE of the powers conferred by section 61 (2) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, acting in accordance with the advice of the Judicial Service Commission, appoint—

Aggrey Otsyula Muchelule,
Florence Nyaguthii Muchemi,
Maureen Akinyi Odero,
Abida Ali-Aroni,
Said Juma Chitembwe,

as Puisne Judges, with effect from 2nd April, 2009.

Dated the 2nd April, 2009.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 3499

THE STATE CORPORATIONS ACT

(Cap. 446)

THE NATIONAL OIL CORPORATION OF KENYA

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (e) of the State Corporations Act, the Minister for Energy appoints—

Joshua Nthenge Musili (Eng.),
Gaciku Kangari (Ms.),

to be members of the Board of Directors of the National Oil Corporation of Kenya, for a period of three (3) years, with effect from 3rd April, 2009.

Dated the 1st April, 2009.

KIRAITU MURUNGI,
Minister for Energy.

GAZETTE NOTICE No. 3500

THE ENERGY ACT

(No. 12 of 2006)

THE ENERGY REGULATORY COMMISSION

APPOINTMENT

IN EXERCISE of the powers conferred by section 10 (1) (d) of the Energy Act, the Minister for Energy appoints—

Aquilino Thilange (Eng.),
Mary Waceke Muia (Eng.),
Karanja Kabage,

to be commissioners of the Energy Regulatory Commission, for a period of three (3) years, with effect from 3rd April, 2009.

Dated the 1st April, 2009.

KIRAITU MURUNGI,
Minister for Energy.

GAZETTE NOTICE NO. 3501

THE LOCAL AUTHORITIES TRANSFER FUND ACT
(No. 8 of 1998)
THE LOCAL AUTHORITIES TRANSFER FUND REGULATIONS
(L.N. 142 of 1999)

ALLOCATION OF FUNDS AND DISBURSEMENT CRITERIA FOR 2009/2010 FINANCIAL YEAR

PURSUANT TO regulation 15 of the Local Authorities Transfer Fund Regulations, 1999, the Minister for Finance publishes the following:

Allocation of Funds:

1. For the financial year ending on 30th June, 2010, the amounts set out in the First Schedule are allocated from the Local Authorities Transfer Fund to the local authorities indicated.

Disbursement Criteria:

2. The amounts set out in the First Schedule have been allocated on the basis of the disbursement criteria set out in the Second Schedule.

General Conditions on Disbursement from Fund:

3. As required under regulation 14, no amounts shall be disbursed to a local authority unless the local authority submits the following, by 5th June, 2009, to the Office of the Deputy Prime Minister and Ministry of Local Government—

- (a) annual estimates in accordance with section 212 of the Local Government Act, approved by the Council of the local authority, and certified by the respective Provincial Local Government Officer as having been discussed and recommended for approval by the Deputy Prime Minister and Minister for Local Government; and
- (b) information sheets for all capital expenditures projects as specified in the budget circular.

4. (1) As required under Regulation 17, no amounts shall be disbursed to a local authority from the service delivery account unless the local authority demonstrates, in the submissions described in paragraph 3, that—

- (a) at least sixty-five percent of allocations from the Service Delivery Account has been budgeted for capital expenditures;
- (b) expenditure on personnel does not exceed fifty percent of the total expenditures of the local authority;
- (c) the authority has paid all statutory charges that became payable in the 2008/2009 financial year.

(2) The amounts allocated to each local authority from the service delivery account shall be disbursed as follows—

- (a) The first seventy-five percent on or after the 30th September, 2009 and
- (b) The remaining twenty-five percent, on or after the 30th January, 2010.

Disbursement from Performance Account

5. (1) As required under regulation 27, the local authority shall submit the following documents—

- (a) a statement of revenues, expenditure, cash and bank balances for the 2008/2009 financial year, as specified in Form 3 of the Schedule to the Regulations, ready to be duly certified as a true record by an auditor appointed under regulation 25;
- (b) a statement of debtors and creditors as at 30th June, 2009, as specified in Form 4 of the Schedule to the Regulations, together with—
 - (i) a brief statement of the local authority's progress in implementing the previous year's plans for paying its debts;
 - (ii) certification of debt repayments made in the 2008/2009 financial year; and
 - (iii) a statement of the local authority's plan for the resolution of its debts by 30th June 2010.
- (c) a Local Authority Service Delivery Action Plan (LASDAP) setting out the local authority's plans for improvement of local services for the 2010/2011 financial year;
- (d) a full abstract of the accounts of the local authority for the 2008/2009 financial year, ready for auditing by the Controller and Auditor-General; and
- (e) a revenue enhancement plan for the 2010/2011 financial year, in Form 5 of the Schedule to the Regulations, showing the means by which the local authority intends to enhance its policies and administration of revenues.

(2) As required under regulation 27, the documents described in subparagraph (1) are due—

- (a) for the documents described in subparagraphs (1) (a) and 1 (b), on or before 30th September, 2009;
- (b) for the document described in subparagraph (1) (c), on or before 30th November, 2009;
- (c) for the document described in subparagraph (1) (d), on or before 31st December, 2009; and
- (d) for the document described in subparagraph (1) (e), on or before 28th February, 2010.

(3) A local authority shall be entitled, to the indicated percentage of the amount allocated to the local authority from the performance account as follows—

- (a) after submission of the documents described in subparagraph (1) (a), twenty percent;
- (b) after submission of the documents described in subparagraph (1) (b), twenty percent;
- (c) after submission of the documents described in subparagraph (1) (c), twenty percent;
- (d) after submission of the documents described in subparagraph (1) (d), twenty percent;

(e) after submission of the documents described in subparagraph (1) (e), twenty percent.

(4) The amounts allocated to each local authority from the performance account shall be disbursed as follows—

(a) the percentage of the amount indicated in subparagraph (3) (a), (3) (b), 3 (d) above on or after 30th January, 2010;

(b) the percentage of the amount indicated in subparagraph (3) (c) and (3) (e) above on or after 30th April, 2010;

FIRST SCHEDULE

ALLOCATIONS FROM THE LOCAL AUTHORITIES TRANSFER FUND FOR FISCAL YEAR 2009/2010

<i>LA Code and Name</i>	<i>Service Delivery Account</i>	<i>Performance Account</i>	<i>Total Allocation</i>
001 City Council of Nairobi	1,174,043,713	782,695,814	1,956,739,527
006 Town Council of Ahero	12,223,289	8,148,860	20,372,149
011 Town Council of Awendo	18,824,180	12,549,453	31,373,633
016 County Council of Baringo	34,945,058	23,296,705	58,241,763
021 County Council of Bomet	45,476,923	30,317,948	75,794,871
026 Municipal Council of Bomet	8,229,701	5,486,467	13,716,168
031 County Council of Bondo	30,093,896	20,062,598	50,156,494
036 Town Council of Bondo	7,956,631	5,304,421	13,261,052
041 County Council of Bungoma	88,303,766	58,869,178	147,172,944
046 Municipal Council of Bungoma	27,238,850	18,159,233	45,398,083
051 County Council of Bureti	29,247,858	19,498,572	48,746,430
056 Town Council of Burnt Forest	6,213,701	4,142,468	10,356,169
061 County Council of Busia	37,545,253	25,030,169	62,575,422
066 Municipal Council of Busia	19,572,033	13,048,022	32,620,055
071 County Council of Butere-Mumias	55,260,583	36,840,388	92,100,971
076 Town Council of Chepareria	2,347,363	1,564,909	3,912,272
081 Town Council of Chogoria	5,679,655	3,786,437	9,466,092
086 Municipal Council of Chuka	8,650,123	5,766,749	14,416,872
091 Town Council of Eldama Ravine	10,045,594	6,697,062	16,742,656
096 Municipal Council of Eldoret	95,818,428	63,878,952	159,697,380
101 County Council of Embu	23,062,168	15,374,779	38,436,947
106 Municipal Council of Embu	20,651,801	13,767,867	34,419,668
111 Town Council of Funyula	3,772,591	2,515,061	6,287,652
116 County Council of Garissa	41,540,975	27,693,983	69,234,958
121 Municipal Council of Garissa	30,739,069	20,492,713	51,231,782
126 County Council of Gucha	41,744,103	27,829,402	69,573,505
131 County Council of Gusii	40,517,615	27,011,743	67,529,358
136 County Council of Homa Bay	31,933,552	21,289,034	53,222,586
141 Municipal Council of Homa Bay	21,559,487	14,372,991	35,932,478
143 County Council of Ijara	9,066,383	6,044,256	15,110,639
146 County Council of Isiolo	26,091,602	17,394,402	43,486,004
151 Town Council of Iten-Tambach	6,706,106	4,470,737	11,176,843
156 Municipal Council of Kabarnet	8,113,293	5,408,862	13,522,155
161 Town Council of Kajiado	6,297,815	4,198,543	10,496,358
166 County Council of Kakamega	63,964,431	42,642,954	106,607,385
171 Municipal Council of Kakamega	34,320,646	22,880,430	57,201,076
176 Town Council of Kandara	5,014,176	3,342,784	8,356,960
181 Town Council of Kangema	4,934,456	3,289,637	8,224,093
186 Town Council of Kangundo	29,159,385	19,439,590	48,598,975

<i>LA Code and Name</i>	<i>Service Delivery Account</i>	<i>Performance Account</i>	<i>Total Allocation</i>
191 Municipal Council of Kapenguria	13,623,661	9,082,440	22,706,101
196 Municipal Council of Kapsabet	16,830,365	11,220,243	28,050,608
201 Municipal Council of Karatina	4,650,550	3,100,366	7,750,916
206 Town Council of Karuri	22,248,583	14,832,389	37,080,972
211 Municipal Council of Kehancha	25,650,131	17,100,088	42,750,219
216 County Council of Keiyo	16,303,019	10,868,680	27,171,699
221 Town Council of Kendu Bay	4,930,742	3,287,162	8,217,904
226 Municipal Council of Kericho	24,525,266	16,350,177	40,875,443
231 Town Council of Keroka	8,305,671	5,537,114	13,842,785
236 Municipal Council of Kerugoya Kutus	11,906,867	7,937,911	19,844,778
241 County Council of Kiambu	46,840,163	31,226,775	78,066,938
246 Municipal Council of Kiambu	16,073,531	10,715,688	26,789,219
251 Town Council of Kikuyu	24,223,073	16,148,716	40,371,789
256 County Council of Kilifi	66,489,555	44,326,370	110,815,925
261 Town Council of Kilifi	23,234,346	15,489,564	38,723,910
266 Municipal Council of Kimilili	14,482,825	9,655,216	24,138,041
271 Town Council of Kipkelion	6,674,161	4,449,441	11,123,602
276 County Council of Kipsigis	42,205,932	28,137,288	70,343,220
281 County Council of Kirinyaga	57,939,654	38,626,436	96,566,090
286 Municipal Council of Kisii	19,318,265	12,878,844	32,197,109
291 County Council of Kisumu	24,512,188	16,341,458	40,853,646
296 Municipal Council of Kisumu	125,265,563	83,510,375	208,775,938
301 Municipal Council of Kitale	38,495,165	25,663,443	64,158,608
306 County Council of Kitui	50,963,728	33,975,818	84,939,546
311 Municipal Council of Kitui	24,990,298	16,660,199	41,650,497
316 County Council of Koibatek	19,144,084	12,762,723	31,906,807
321 County Council of Kwale	87,820,921	58,547,281	146,368,202
326 Town Council of Kwale	6,364,840	4,243,227	10,608,067
331 County Council of Laikipia	30,932,557	20,621,704	51,554,261
336 County Council of Lamu	17,504,693	11,669,795	29,174,488
341 Municipal Council of Limuru	11,861,997	7,907,998	19,769,995
346 Town Council of Litein	12,885,694	8,590,463	21,476,157
351 Municipal Council of Lodwar	12,663,617	8,442,412	21,106,029
356 Town Council of Londiani	7,464,970	4,976,646	12,441,616
361 Town Council of Luanda	13,445,805	8,963,870	22,409,675
366 County Council of Lugari	31,196,911	20,797,940	51,994,851
371 Municipal Council of Machakos	31,751,489	21,167,659	52,919,148
376 County Council of Makueni	98,835,297	65,890,198	164,725,495
381 Town Council of Makuyu	7,919,706	5,279,804	13,199,510
386 Town Council of Malaba	8,272,084	5,514,722	13,786,806
391 Town Council of Malakisi	7,428,245	4,952,164	12,380,409
396 Town Council of Malava	7,694,089	5,129,392	12,823,481
401 County Council of Malindi	23,886,937	15,924,624	39,811,561
406 Municipal Council of Malindi	38,694,763	25,796,508	64,491,271
411 County Council of Mandera	37,777,259	25,184,839	62,962,098

<i>LA Code and Name</i>	<i>Service Delivery Account</i>	<i>Performance Account</i>	<i>Total Allocation</i>
416 Town Council of Mandera	18,767,061	12,511,374	31,278,435
421 County Council of Maragwa	39,306,896	26,204,598	65,511,494
426 Town Council of Maragwa	6,260,619	4,173,746	10,434,365
431 County Council of Marakwet	19,254,035	12,836,023	32,090,058
436 Town Council of Maralal	10,898,972	7,265,981	18,164,953
441 Town Council of Mariakani	13,047,667	8,698,445	21,746,112
446 County Council of Marsabit	22,532,963	15,021,976	37,554,939
451 County Council of Masaku	67,591,335	45,060,890	112,652,225
456 Town Council of Masimba	6,843,482	4,562,321	11,405,803
461 Town Council of Matuu	8,981,012	5,987,342	14,968,354
466 Municipal Council of Maua	10,297,300	6,864,867	17,162,167
471 Municipal Council of Mavoko	16,438,954	10,959,302	27,398,256
476 County Council of Mbeere	24,220,518	16,147,012	40,367,530
481 Town Council of Mbita Point	7,190,447	4,793,632	11,984,079
486 County Council of Meru	64,854,862	43,236,574	108,091,436
491 Municipal Council of Meru	24,259,926	16,173,284	40,433,210
496 County Council of Meru South	19,054,479	12,702,986	31,757,465
501 County Council of Migori	43,217,672	28,811,782	72,029,454
506 Municipal Council of Migori	20,169,673	13,446,449	33,616,122
511 Town Council of Molo	21,323,804	14,215,870	35,539,674
516 Municipal Council of Mombasa	364,908,041	243,272,027	608,180,068
521 County Council of Mount Elgon	20,737,162	13,824,775	34,561,937
526 County Council of Moyale	13,692,333	9,128,222	22,820,555
531 Town Council of Mtito Andei	5,883,236	3,922,158	9,805,394
536 Town Council of Muhoroni	10,661,110	7,107,406	17,768,516
541 Municipal Council of Mumias	27,926,555	18,617,703	46,544,258
546 County Council of Murang'a	40,789,214	27,192,809	67,982,023
551 Municipal Council of Murang'a	8,684,274	5,789,516	14,473,790
556 County Council of Mwingi	31,913,435	21,275,624	53,189,059
561 Town Council of Mwingi	13,958,961	9,305,974	23,264,935
566 Municipal Council of Naivasha	29,428,339	19,618,892	49,047,231
571 County Council of Nakuru	132,495,998	88,330,666	220,826,664
576 Municipal Council of Nakuru	122,428,523	81,619,015	204,047,538
581 Town Council of Nambale	4,734,223	3,156,149	7,890,372
586 County Council of Nandi	61,049,539	40,699,693	101,749,232
591 Town Council of Nandi-Hills	10,630,108	7,086,738	17,716,846
596 Municipal Council of Nanyuki	19,262,342	12,841,561	32,103,903
601 County Council of Narok	44,455,813	29,637,209	74,093,022
606 Town Council of Narok	16,305,454	10,870,302	27,175,756
616 Municipal Council of Nyahururu	15,409,605	10,273,070	25,682,675
621 Town Council of Nyamache	6,899,280	4,599,520	11,498,800
626 Town Council of Nyamarambe	6,239,207	4,159,471	10,398,678
631 County Council of Nyambene	75,300,971	50,200,648	125,501,619
636 County Council of Nyamira	52,721,314	35,147,542	87,868,856
641 Town Council of Nyamira	13,622,446	9,081,631	22,704,077

<i>LA Code and Name</i>	<i>Service Delivery Account</i>	<i>Performance Account</i>	<i>Total Allocation</i>
646 County Council of Nyandarua	66,411,671	44,274,448	110,686,119
651 County Council of Nyando	32,137,312	21,424,874	53,562,186
656 Town Council of Nyansiongo	7,060,904	4,707,270	11,768,174
661 County Council of Nyeri	74,778,469	49,852,313	124,630,782
667 Municipal Council of Nyeri	33,387,979	22,258,653	55,646,632
671 County Council of Nzoia	64,800,503	43,200,335	108,000,838
676 Town Council of Ogembo	7,948,762	5,299,174	13,247,936
681 Town Council of Ol'Kalou	13,468,222	8,978,815	22,447,037
686 County Council of Olkejuado	81,992,324	54,661,549	136,653,873
691 Town Council of Othaya	5,408,948	3,605,966	9,014,914
696 Town Council of Oyugis	11,529,916	7,686,610	19,216,526
701 County Council of Pokot	32,726,459	21,817,639	54,544,098
706 Town Council of Port Victoria	5,777,365	3,851,576	9,628,941
711 County Council of Rachuonyo	30,272,798	20,181,866	50,454,664
716 Town Council of Rongo	11,895,859	7,930,572	19,826,431
721 Municipal Council of Ruiru	48,411,743	32,274,495	80,686,238
726 Town Council of Rumuruti	6,801,837	4,534,558	11,336,395
731 Municipal Council of Runyenjes	9,078,089	6,052,059	15,130,148
736 Town Council of Sagana	5,096,777	3,397,851	8,494,628
741 County Council of Samburu	24,137,344	16,091,562	40,228,906
746 County Council of Siaya	44,423,242	29,615,495	74,038,737
751 Municipal Council of Siaya	12,020,914	8,013,943	20,034,857
756 Town Council of Sirisia	4,205,708	2,803,806	7,009,514
761 Town Council of Sotik	4,404,629	2,936,419	7,341,048
766 County Council of Suba	18,217,169	12,144,780	30,361,949
771 Town Council of Suneka	8,388,467	5,592,312	13,980,779
776 Town Council of Tabaka	6,447,966	4,298,644	10,746,610
781 County Council of Taita Taveta	25,396,490	16,930,993	42,327,483
786 County Council of Tana River	30,927,523	20,618,348	51,545,871
791 Town Council of Taveta	12,537,947	8,358,631	20,896,578
796 County Council of Teso	20,258,861	13,505,907	33,764,768
801 County Council of Tharaka	14,080,856	9,387,238	23,468,094
806 County Council of Thika	61,870,905	41,247,270	103,118,175
811 Municipal Council of Thika	46,878,863	31,252,575	78,131,438
816 County Council of Trans Mara	26,269,204	17,512,802	43,782,006
821 County Council of Turkana	66,131,261	44,087,507	110,218,768
826 Town Council of Ugunja	6,306,251	4,204,168	10,510,419
831 Town Council of Ukwala	7,679,559	5,119,706	12,799,265
836 County Council of Vihiga	44,300,690	29,533,793	73,834,483
841 Municipal Council of Vihiga	21,663,140	14,442,093	36,105,233
846 Municipal Council of Voi	12,128,787	8,085,858	20,214,645
851 County Council of Wajir	56,006,040	37,337,360	93,343,400
856 County Council of Wareng	59,251,767	39,501,178	98,752,945
861 Municipal Council of Webuye	15,442,657	10,295,104	25,737,761
866 Town Council of Wote	10,573,654	7,049,103	17,622,757
871 Town Council of Yala	5,279,497	3,519,664	8,799,161
	6,240,000,000	4,160,000,000	10,400,000,000

SECOND SCHEDULE

CRITERIA FOR ALLOCATION OF FUNDS

1. Allocation of the funds to the local authorities was done in the following manner:
 - (a) a basic minimum lump-sum of shillings one million five hundred thousand per local authority (approximately 2.5 per cent);
 - (b) sixty percent of the total amount reflected in the First Schedule on the basis of the population of the Local Authority; and
 - (c) the remaining share (approximately 37.5 per cent) of the total amount reflected in the First Schedule on the basis of the urban population of the local authority.
2. The size of the population and urban population considered for purposes of the allocation under paragraphs 1 (b) and 1 (c) was that reflected in the 1999 Population Census as issued by the Central Bureau of Statistics.

Dated the 31st March, 2009.

UHURU KENYATTA,
*Deputy Prime Minister and
Minister for Finance.*

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