

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2020

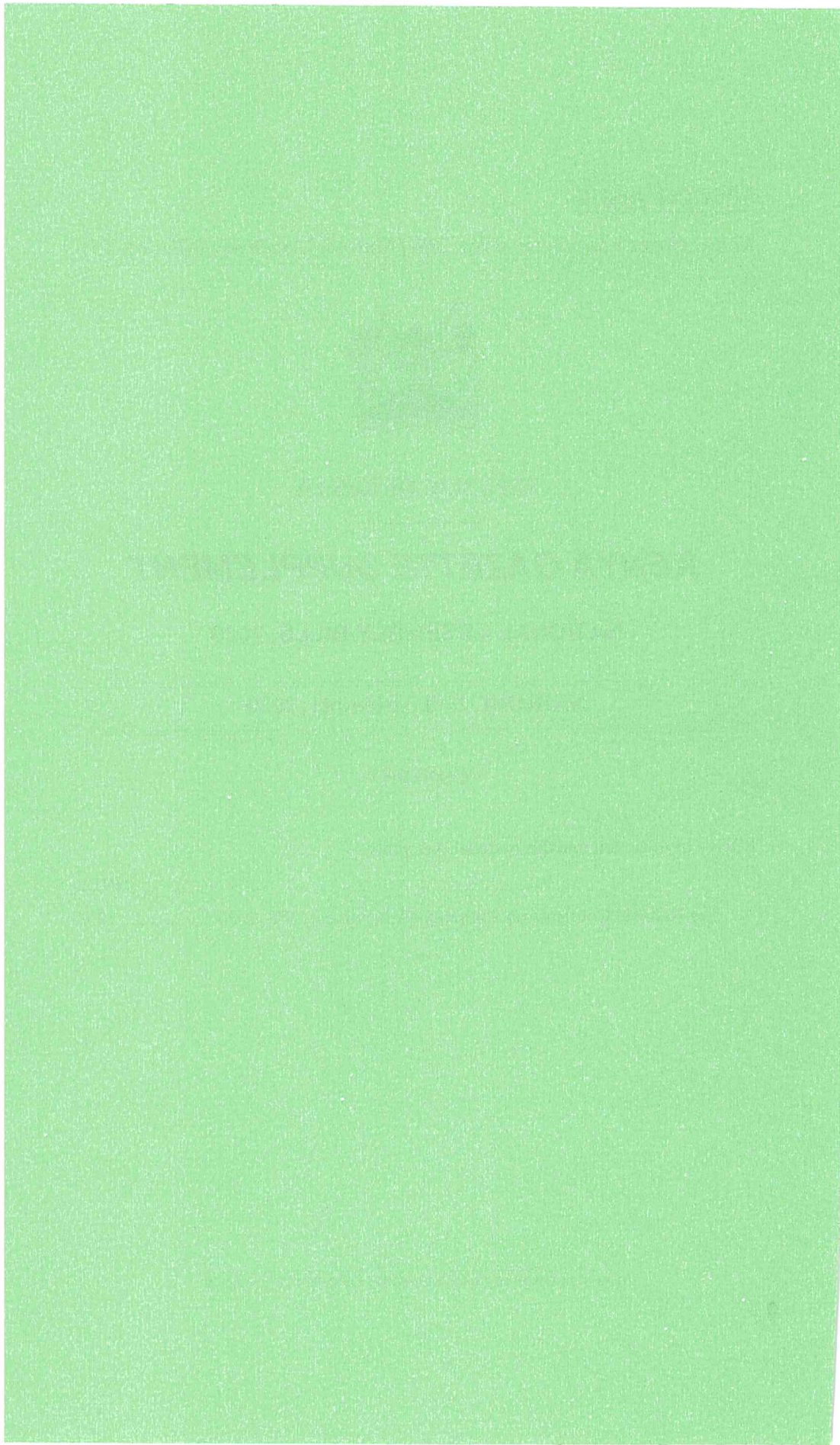
NAIROBI, 20th November, 2020

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**THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL, 2020**

A Bill for

**AN ACT of Parliament to amend the National
Construction Act and for connected purposes**

ENACTED by the Parliament of Kenya, as follows—

PART 1 —PRELIMINARY

1. This Act may be cited as the National
Construction Authority (Amendment) Act, 2020.

Short title.

2. The National Construction Authority Act, 2011 is
amended in section 17 by inserting the following new
subsection immediately after subsection (2) —

Amendment of
section 17 of No.
41 of 2011

(2A) Despite subsection (2), women, youth and
persons with disabilities who apply to be registered by the
Board as contractors shall be exempted from paying the
prescribed registration fee where —

- (a) the business is a startup business venture; and
- (b) the fee does not exceed fifteen thousand shillings.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the National Construction Authority Act, No.41 of 2011 to ensure women, youth and persons living with disabilities with startup businesses who apply to be registered as contractors under category six, seven and eight are exempted from paying the prescribed fee. The amendment seeks to recognize women, youth and persons living with disabilities as marginalized groups and to cushion them from the burden of paying registration fees.

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

The Bill does not contain provisions limiting fundamental rights and freedoms.

Statement on how the Bill concerns county governments

This is not a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution as it does not affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

Statement on the financial implications of the Bill

The enactment of this Bill may occasion additional expenditure of public funds to be provided for in the estimates.

DAVID GIKARIA,
Member of Parliament.

Section 17 of No. 41 of 2011 which it is proposed to amend—

Application for registration

17. (1) A person or firm may apply to the Board for registration as a contractor for purposes of this Act.

(2) An application for registration shall be in the prescribed form and shall be accompanied by the prescribed fee, and shall demonstrate to the satisfaction of the Board that the person, or, in the case of a firm, at least one director or partner thereof—

- (a) is the holder of the minimum technical qualifications and skills prescribed by the Board for the class of contract works in respect of which registration is sought;
- (b) has the necessary experience prescribed by the Board in works involving construction, erection, installation, alteration or any other activity connected therewith;
- (c) has professional and general conduct which in the opinion of the Board, makes the person suitable to be registered under this Act; and
- (d) has the necessary plant and equipment for the category of works for which the registration is sought.

(3) The Board may refuse to register a person as a contractor if in its opinion that person—

- (a) does not meet the conditions stated in subsection (2);
- (b) is a member of a consulting firm providing architectural, quantity surveying or engineering services, unless the person declares interest during the application for registration and does not carry out functions of consultancy and construction in the same project unless expressly specified;
- (c) is a person whose registration as a contractor shall result in conflict of interest with his employer.

(4) The Board shall, where it refuses to register a person under subsection (3), communicate its decision in writing to the person within fourteen days of the date of its decision and shall state the reasons for such refusal.

(5) Upon registration the person shall be issued with a certificate of registration indicating the registration numbers, the class of work for which registered, the date of registration and duration of registration.

(6) The certificate issued under subsection (3) shall remain the property of the Authority and shall be withdrawn and returned to the Authority upon suspension or cancellation of the registration of the holder.

