

SPECIAL ISSUE

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



REPUBLIC OF KENYA

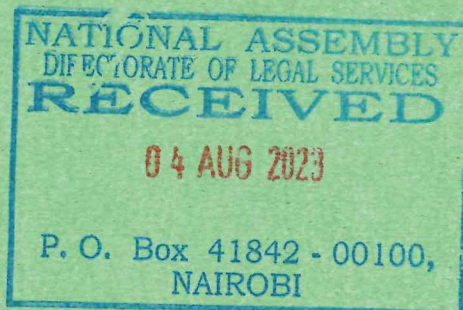
KENYA GAZETTE SUPPLEMENT

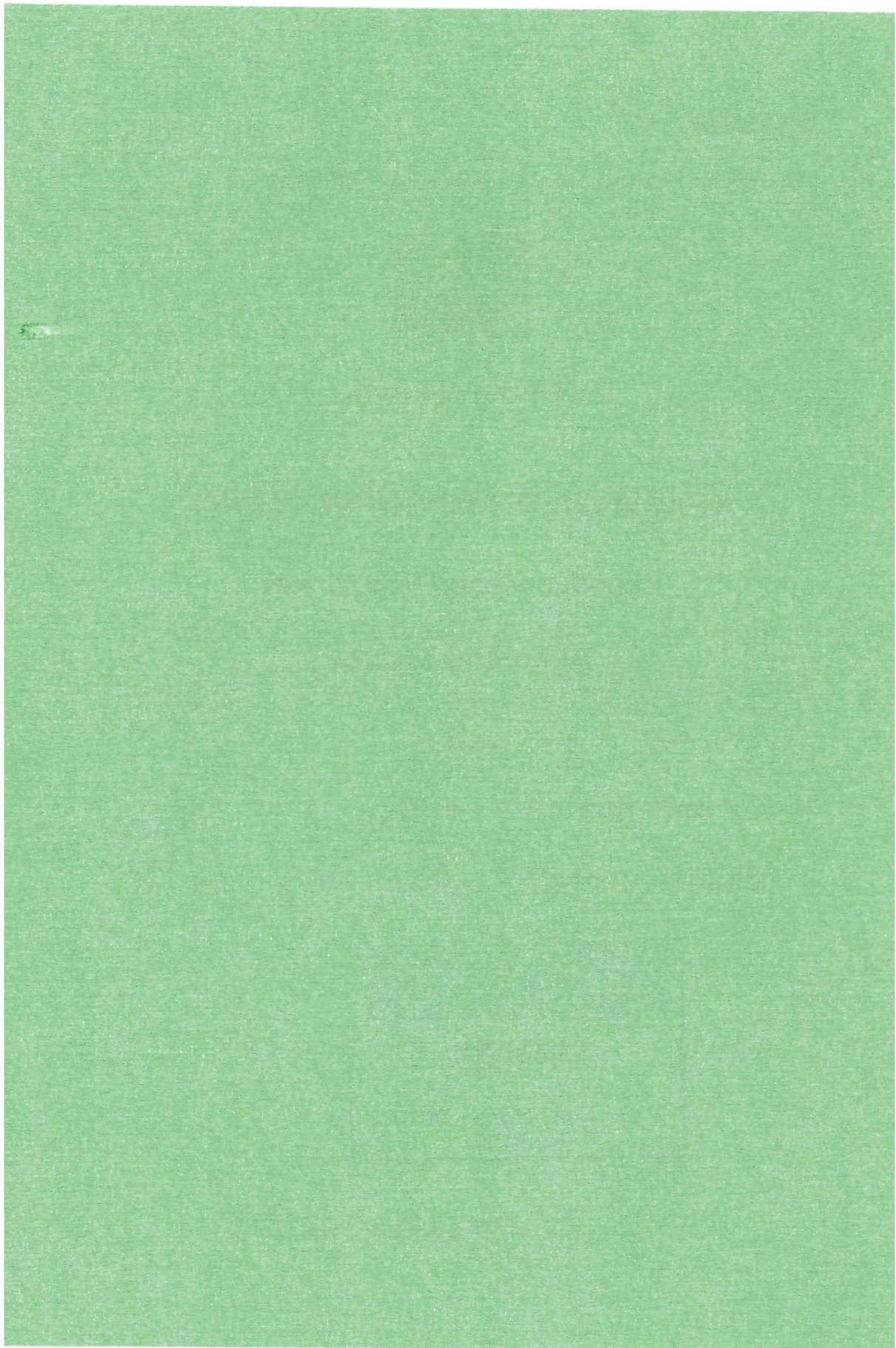
NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 6th July, 2023

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THE KENYA ROADS (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Kenya Roads Act

ENACTED by the Parliament of Kenya, as follows—

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

Short title.

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

Amendment of section 7 of No. 2 of 2007.

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

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

Amendment of section 31 of No. 2 of 2007.

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

Amendment of section 34 of No. 2 of 2007.

MEMORANDUM OF OBJECTS AND REASONS

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

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

Clause 1 of the Bill provides for the short title.

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

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

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

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

The Bill does not delegate legislative powers to the Cabinet Secretary. It does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

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

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

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

Dated the 6th March, 2023.

DANIEL MANDUKU,
Member of Parliament.

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

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

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

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

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

The funds and resources of each Authority shall consist of—

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

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

34. Authority to prepare a roads investment programme

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

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

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

