

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 65 (National Assembly Bills No. 18)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2024**

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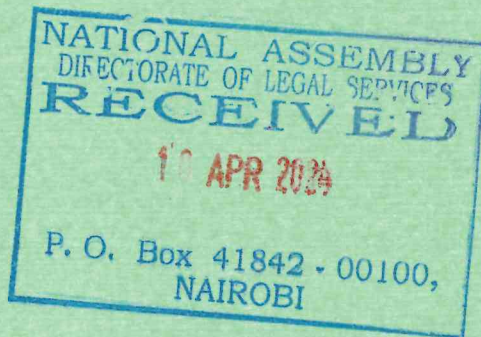
**NAIROBI, 8th March, 2024**

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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.** The Kenya Roads Board Act, 1999 (hereinafter referred to as “the principal Act”) is amended in section 2 by deleting the definition of “Minister” and substituting therefor the following new definition—

Amendment of section 2 of No. 7 of 1999.

“Cabinet Secretary” means Cabinet Secretary for the time being responsible for matters relating to roads;

**3.** Section 7 of the principal Act is amended in subsection (1) by—

Amendment of section 7 of No. 7 of 1999.

(a) deleting paragraph (g); and

(b) deleting the word “eight” appearing at the beginning of paragraph (h) and substituting therefor the word “five”.

**4.** The First Schedule to the principal Act is amended by—

Amendment of First Schedule of No. 7 of 1999.

(a) deleting paragraph 4;

(b) deleting paragraph 5; and

(c) deleting paragraph 6.

**MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to amend section 7(1) and the First Schedule to the Kenya Roads Board Act, 1999, to reduce the membership of the Board and the institutions from which the membership may be nominated.

The Bill also seeks to align the definition of Minister with the Constitution of Kenya, 2010 which replaced it with Cabinet Secretary.

**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 fundamental rights and freedoms.

**Statement that the Bill concerns county governments**

Pursuant to paragraph 5 of Part 2 of the Fourth Schedule to the Constitution, county transport, which includes county roads, is a shared function between the national and county governments. Consequently, the Bill contains provisions that affect the functions and powers of the county governments in terms of Article 110 (1)(a) of the Constitution.

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

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 8th February, 2024.

**KIMANI ICHUNG'WAH,**  
*Leader of Majority Party.*

*Section 2 of the Kenya Roads Board Act which it is proposed to amend—*

## **2. Interpretation**

In this Act, unless the context otherwise requires—

**"Board"** means the Kenya Roads Board established by section 4;

**"District Roads Committee"** means a District Roads Committee established under section 17;

**"fuel levy"** means the road maintenance fuel levy imposed under section 3 of the Road Maintenance Levy Fund Act, 1993 (No. 9 of 1993);

**"Fund"** means the Kenya Roads Board Fund established by section 31;

**"Highways Authority"** means the Kenya National Highways Authority established under the Kenya Roads Act, 2007;

**"Minister"** means the Minister for the time being responsible for matters relating to roads;

**"road agency"** means any organization or body specified in the Third Schedule, with responsibility for defined categories of roads;

**"Road maintenance Levy Fund"** means the Fund established by section 7 of the Road Maintenance Levy Fund Act, 1993;

**"road network"** means the entire road network in Kenya, whether classified or unclassified, of regional or local importance, public or private, adopted or unadopted, or otherwise howsoever described;

**"Rural Roads Authority"** means the Kenya Rural Roads Authority established under the Kenya Roads Act, 2007;

**"Urban Roads Authority"** means the Kenya Urban Roads Authority established under the Kenya Roads Act, 2007.

*Section 7 of the Kenya Roads Board Act which it is proposed to amend—*

## **7. Membership of the Board**

(1) The Board shall consist of—

- (a) a non-executive chairman to be appointed by the President from among the members appointed under paragraph (h);
- (b) the Director General whose position shall be filled through public advertisement;

- (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to roads or his designated alternate, not being below the level of Deputy Secretary;
- (d) the Permanent Secretary of the Ministry for the time being responsible for matters relating to finance or his designated alternate, not being below the level of Deputy Secretary;
- (e) the Permanent Secretary in the Ministry for the time being responsible for local authorities or his designated alternate not below the level of Deputy Secretary;
- (f) the Permanent Secretary in the Ministry for the time being responsible for matters relating to regional co-operation or his designated alternate, not being below the level of Deputy Secretary;
- (g) deleted by Act No. 4 of 2023, s. 76(a);
- (h) five other members comprising, representatives of each of the organisations specified in the First Schedule and appointed by the Minister from amongst three persons nominated by each of the organisations.

(2) The Minister may, by notice in the Gazette amend the First Schedule.

(3) No person shall qualify for appointment as a member of the Board under paragraph (h) of subsection (1) unless such person is the holder of the Kenya Certificate of Secondary Education or an equivalent qualification and has had at least ten years practical experience.

(4) The chairman and members of the Board, other than the *ex-officio* members shall hold office for a period of three years from the date of appointment, but shall be eligible for re-appointment for one further term of a period not exceeding three years.

(5) The names of all members of the Board as first constituted and at every change in membership thereafter shall be published in the Kenya Gazette.

*The First Schedule of the Kenya Roads Board Act which it is proposed to amend—*

**ORGANISATIONS WHICH MAY NOMINATE REPRESENTATIVES TO BE APPOINTED MEMBERS OF THE BOARD BY THE MINISTER**

1. The Institution of Engineers of Kenya.

2. The Automobile Association of Kenya.
3. The Kenya Association of Manufacturers.
4. Deleted by Act No. 4 of 2023, s. 78.
5. Deleted by Act No. 4 of 2023, s. 78.
6. Deleted by Act No. 4 of 2023, s. 78.
7. The Institute of Certified Public Accountants of Kenya.
8. The Kenya Transport Association.

