

SPECIAL ISSUE

Kenya Gazette Supplement No. 55 (National Assembly Bills No. 16)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

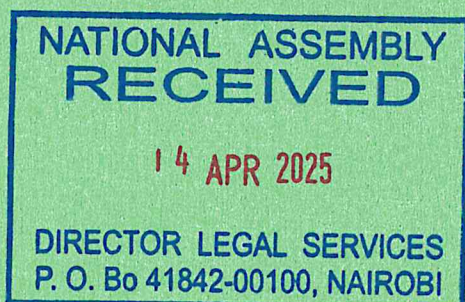
NAIROBI, 31st March, 2025

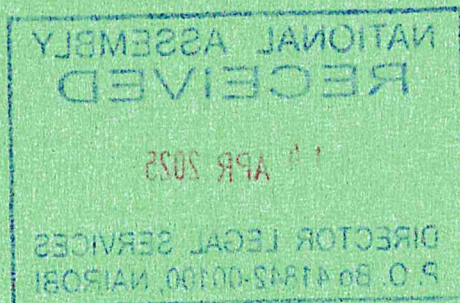
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**THE KENYA ROADS (AMENDMENT) (No. 2) BILL,
2025**

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) (No. 2) Act, 2025.

Short title.

2. Section 13(3) of the Kenya Roads Act is amended by deleting the word “five” and substituting therefor the word “three”.

Amendment of
section 13 of Cap.
408.

3. A person who, immediately before the commencement of this Act, held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.

Transition.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons of the Bill

The principal object of the Bill is to amend section 13 of the Kenya Roads Act, Cap. 408, to align the Act with the Mwongozo Code of Governance for State Corporations. The Code of Governance for State Corporations provides that Chief Executive Officers or equivalent positions of state corporations shall serve for a term of three (3) years, renewable once, subject to satisfactory performance of the person holding office.

The term of office is intended to ensure performance and promote good governance in the management of state corporations and their boards which is the practice for all state corporations. However, in the case of state corporations in the roads sector, these being the Kenya Rural Roads Authority (KURRA); the Kenya Urban Roads Authority (KURA); and the Kenya National Highway Authority (KENHA), section 13 of the Act provides that the Director-General of each Authority shall serve for a term of office of five years.

This is contrary to the Code of Governance for State Corporations and therefore the current provisions of section 13 of the Act undoubtedly negate the values of good governance. The Bill therefore proposes to amend section 13 of the Act to provide that a Director-General of each Authority shall serve for a period of three years, renewable once. This is intended to promote good governance and performance in the day-to-day management of state corporations in the roads sector. The Bill further provides for a transition provision and stipulates that a person who, immediately before the commencement of the Act, held office as a Director-General shall serve for the unexpired period of his or her term and shall be eligible, for a person serving the first term, for appointment for one further term of one year.

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

The Bill does not delegate legislative powers and does not limit any rights and fundamental freedoms.

Statement on how the Bill concerns county governments

The Bill is not a Bill concerning county governments in terms of Article 110(1)(a) of 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 shall not occasion additional public expenditure.

Dated the 31st March, 2025.

KIMANI ICHUNG'WAH,
Leader of Majority Party.

Section 13 of Cap. 408 which it is proposed to be amended—

13(1) Each Authority shall have a Director-General, who shall be appointed by the concerned Board in consultation with the Cabinet Secretary from among three candidates competitively selected by the Board.

(2) The Director-General shall be responsible for the day-to-day operations and administration of the Authority in respect of which he is appointed.

(3) Subject to this Act, the Director-General shall hold office for a term of five years and shall be eligible for appointment for one more term.

(4) Subject to this Act and to the general direction and control of the concerned Board, the Director-General shall be responsible for the following matters with respect to the Authority for which he is responsible—

- (a) the implementation of the policies and programmes of the Authority and reporting thereon to the Board;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation and control of the staff of the Authority;
- (d) the development of an operations plan for achieving the Authority's objectives;
- (e) co-operation with other lead agencies and organisations in the roads sector;
- (f) the development of an economic, efficient and cost-effective internal management structure;
- (g) the formulation and implementation of the strategic plan, business plan and annual plan of the Authority;
- (h) the implementation and fulfilment of the policies and agreed objectives, performance targets and service standards of the Authority;
- (i) the provision of advice as required on all matters within the Authority's responsibility; and
- (j) the performance of any other duty necessary for the implementation of this Act as may be assigned to him by the concerned Board.