

CHAPTER 441 - Kerio Valley Development Authority Act

An Act of Parliament to provide for the establishment of an authority to plan and co-ordinate the implementation of development projects in the Kerio and Turkwell catchment areas and for matters connected therewith and incidental thereto

Short title

1. This Act may be cited as the Kerio Valley Development Authority Act.

Interpretation

13 of 1980, Sch.

2. In this Act, unless the context otherwise requires—

"Area" means the area drained by and bounded by the watersheds of, the Kerio and Turkwell Rivers and their tributaries;

"Authority" means the Kerio Valley Development Authority established by section 3;

"chairman" means the person appointed as chairman of the Authority under paragraph (a) of subsection (1) of section 4;

"non-official members" means the chairman and the members of the Authority appointed under paragraph (h) of subsection (1) of section 4.

Establishment of Authority

3. There is hereby established an authority which shall be a body corporate by the name of the Kerio Valley Development Authority, with perpetual succession and a common seal, and which shall be capable in its corporate name of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding charging and disposing of property, movable or immovable;

(c) borrowing and lending money;

(d) entering into contracts;

(e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Membership of the Authority

13 of 1980, Sch., 19 of 1985, Sch.

4.(1) The Authority shall consist of the following members—

(a) a chairman who shall be appointed by the President;

(b) the Permanent Secretary of the Ministry for the time being responsible for economic planning;

- (c) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (d) the Permanent Secretary of the Ministry for the time being responsible for agriculture;
- (e) the Permanent Secretary of the Ministry for the time being responsible for health;
- (f) the Provincial Commissioner, Rift Valley Province;
- (g) the chairman of the East African Power and Lighting Company Ltd.;
- (h) not more than ten other members appointed by the Minister in consultation with the President, five of whom shall be residents of the Area;
- (i) the managing director appointed under section 9.

(f) the Permanent Secretary of the Ministry for the time being responsible for matters relating to the functions of the Authority;

(k) the Director of Water Development;

(l) the Permanent Secretary to the Government department for the time being responsible for development co-ordination and Cabinet affairs.

(2) Subject to this section, the non-official members shall hold office for a period of three years from the dates of their respective appointments.

(3) A retiring member shall be eligible for reappointment.

(4) If the Minister is satisfied that any of the non-official members—

(a) has been guilty of improper conduct; or

(b) is incapacitated by prolonged physical or mental illness; or

(c) is unable or unfit, for any other reason, to discharge the duties of his office,

and that it would be in the interest of the Authority so to do, he may terminate the appointment of that member.

(5) The office of a non-official member shall become vacant—

(a) upon the expiry of his term of appointment; or

(b) upon the termination of his appointment under subsection (4); or

(c) upon the expiry of one month, or such shorter period as may be mutually agreed, after the date upon which the Minister receives a written notice signed by the member of his intention to resign; or

(d) if he is absent without the permission of the Authority from three consecutive meetings of the Authority of which he has had reasonable notice.

(6) The non-official members shall be paid by the Authority such remuneration and allowances as the Minister may from time to time determine.

Meetings and procedure of the Authority

5.(1) The Authority shall be convened by the chairman at least three times a year.

(2) The Authority shall elect a vice-chairman from among its members.

(3) The chairman, or in his absence the vice-chairman, may at any time convene a special meeting of the Authority, and shall do so within fourteen days of receipt by him of a written requisition signed by at least three members.

(4) The quorum necessary for the transaction of any business of the Authority shall be ten members; and all acts, matters or things authorized or required to be done by the Authority shall be effected by a resolution passed by a majority of the members present and voting at a meeting at which a quorum is present.

(5) The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Authority; except that in case of the absence of both the chairman and the vice-chairman the members present shall elect one of their number to preside at that particular meeting.

(6) At every meeting of the Authority the member presiding shall have a casting as well as a deliberative vote.

(7) Subject to subsection (4), no act, decision or proceedings of the Authority shall be questioned on account of any vacancy in the membership thereof or on account of any defect afterwards discovered in the appointment of any of its members.

(8) Subject to this Act, and to any general or specific directions of the Minister, the Authority shall regulate its own procedure.

Seal and execution of documents

6.(1) The common seal of the Authority shall be authenticated by the signature of the chairman and such other members of the Authority as may be generally or specially authorized by the Authority.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairman, or, in the case of a decision taken at a meeting at which the chairman was not present, under the hand of the person presiding at such meeting.

Committees

7. The Authority may from time to time appoint such committees, whether of its own members or otherwise, as it may think necessary but no decision of any committee shall be effective unless it has been confirmed by the Authority.

Appointment and remuneration of staff

8.(1) The Authority may appoint, upon such terms and conditions as it thinks proper, such other officers and servants as it considers necessary or desirable for the efficient conduct and operation of the Authority.

(2) Every member of staff shall, subject to this Act, exercise such powers and functions and perform the duties assigned to him from time to time by the managing director.

(3) The members of staff appointed under subsection (1) shall be paid out of the funds of the Authority such salaries as the managing director, with the approval of the Authority, may from time to time determine and such travelling and other expenses as they may incur in the performance of their duties.

Managing director

9.(1) There shall be an officer of the Authority, to be known as the managing director, who shall be appointed by the Minister and who shall be responsible for the execution of the policy of the Authority and for the control and management of its day-to-day business.

(2) The Authority shall delegate to the managing director such of its functions under this Act as are necessary for the effective transaction of the day-to-day business of the Authority, and in particular the Authority shall delegate to the managing director the power, subject to any instructions of a general nature as may be given by the Authority-

(a) to control and supervise the acts of all officers and servants of the Authority in the matters of executive administration and in all matters concerning the accounts and records of the Authority; and

(b) to dispose of all questions relating to the service of the officers and servants of the Authority and their pay and privileges.

Functions of the Authority

10.The functions of the Authority shall be—

(a) to plan for the development of the Area and initiate project activities identified for such planning through the Government generally;

(b) to develop and keep up-to-date a long range development plan for the Area;

(c) to initiate such studies, and to carry out such surveys of the Area as may be considered necessary by the Government or by the Authority and to assess alternative demands within the Area on the resources thereof, including agriculture (both irrigated and rain-fed), forestry, wildlife and tourism industries, electric power generation, mining, and fishing and to recommend economic priorities;

(d) to co-ordinate the various studies of, and schemes within, the Area so that human, water, animal, land and other resources are utilized to the best advantage and to monitor the design and execution of planned projects within the Area;

(e) to effect a programme of both monitoring and evaluating the performance of projects within the Area so as to improve that performance and establish responsibility therefor and to improve future planning;

(f) to co-ordinate the present abstraction and use, and the planned abstraction and use, of the natural resources especially water and set up an effective monitoring of abstraction and usage;

(g) to cause the construction of any works necessary for the protection and utilization of the water and soils of the Area;

(h) to ensure that the landowners in the Area undertake all the measures specified by the Authority to protect the water and soils of the Area;

(i) to identify, assemble and correlate all the data related to the use of water and other resources within the Area as may be necessary for the efficient forward planning of the Area; and

(j) to maintain a liaison between the Government, the private sector and other agencies in the matter of the development of the Area with a view to limiting the duplication of effort and ensuring the best use of technical resources.

Funds of the Authority

11. The funds of the Authority shall consist of—

(a) such moneys as may from time to time be provided by Parliament;

(b) moneys borrowed by the Authority on such terms and for such purposes as the Minister, in consultation with the Minister for the time being responsible for finance, may approve; and

(c) any moneys accruing to the Authority from any other source

Accounts and audit

12 of 1985, Sch.

12.(1) The Authority shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Authority and shall prepare such other accounts as the Minister may require and, in addition, shall prepare a yearly balance sheet made up to the end of each financial year.

(2) At the end of each financial year the accounts of the Authority shall be audited by the Auditor-General (Corporations).

(3) At the completion of an audit under this section the Auditor-General (Corporations) shall make a report thereon to the Authority and shall at the same time furnish a copy of the report to the Minister.

Annual report

12 of 1985, Sch

13.(1) The Authority shall, within a period of six months after the end of each financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations and activities during that year, together with the yearly balance sheet and such other statements of account as the Minister shall require, and the Authority shall publish them in such manner as the Minister may specify.

(2) The Minister shall lay both the Authority's and the report of the Auditor-General (Corporations), together with the yearly balance sheet and such other statements of accounts as the Minister may deem appropriate, before the National Assembly as soon as reasonably practicable.

Protection of members and staff

14. No act or thing done by any member of the Authority or by any officer or servant of the Authority shall, if the act or thing was done bond fide for the purposes of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

Exemption from stamp duty
Cap. 480.

15.No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by or on behalf of or in favour of the Authority in cases where, but for this section, the Authority would be liable to pay such duty.