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THE KENYA ROADS BOARD ACT

CAP. 408A

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Kenya Roads Board Act

Cap. 408A

Legislation as at 7 September 2007

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Kenya Roads Board Act (Cap. 408A)
Contents

- Part I – PRELIMINARY 1
 - 1. Short title 1
 - 2. Interpretation 1
 - 3. Application 2
- Part II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA ROADS BOARD 2
 - 4. Establishment and incorporation of the Kenya Roads Board 2
 - 5. Headquarters 2
 - 6. Object and purpose of the Board 2
 - 7. Membership of the Board 3
 - 8. Powers of the Board 4
 - 9. Conduct of business and affairs of the Board 4
 - 10. Remuneration of Board members 5
 - 11. Delegation by the Board 5
 - 12. Executive Director 5
 - 13. Staff of the Board 5
 - 14. The common seal of the Board 5
 - 15. Protection from personal liability 5
 - 16. Liability of the Board for damages 6
 - 17. Establishment, powers and functions of District Road Committees 6
- Part III – ALLOCATION OF FUNDS TO ROAD AGENCIES 6
 - 18. Designation of road agencies 6
 - 19. Annual Roads Programmes 7
 - 20. Allocation of funds to road agencies 7
 - 21. General duty of road agencies 7
 - 22. Financial year of roads agencies 8
 - 23. Accounts and records to be kept 8
 - 24. Collection of information by the Board 8
 - 25. Furnishing of information 8
 - 26. Technical financial and performance audit 8
 - 27. Powers of the inspector 9
 - 28. Inspection report 9
 - 29. Directions to road agency 10
 - 30. Suspension of funding, etc. 10

Part IV – FINANCIAL PROVISIONS	10
31. The Kenya Roads Board Fund.	10
32. Advances to Board	10
33. Investment of funds	11
34. Financial year	11
35. Annual estimates	11
36. Accounts and audit	11
Part V – MISCELLANEOUS PROVISIONS	12
37. Rules	12
38. Powers of the Minister	12
39. Offences and penalties	12
40. Deleted	12
FIRST SCHEDULE	12
SECOND SCHEDULE	13
THIRD SCHEDULE	14

KENYA ROADS BOARD ACT

CAP. 408A

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[Amended by [Kenya Roads Act \(Cap. 408\)](#) on 7 September 2007]

AN ACT of Parliament to provide for the establishment, powers and functions of the Kenya Roads Board and for connected purposes

Part I – PRELIMINARY

1. Short title

This Act may be cited as the Kenya Roads Board Act, 1999.

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 ([Act No. 9 of 1993](#));

"**Fund**" means the Kenya Roads Board Fund established by [section 30](#);

"**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.

[Act [No. 2 of 2007](#), 5th Sch.]

3. Application

The provisions of this Act shall apply, as more specifically provided in the Act, to the management of the entire road network in Kenya.

Part II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE KENYA ROADS BOARD

4. Establishment and incorporation of the Kenya Roads Board

- (1) There is established a Board to be known as the Kenya Roads Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of–
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; and
 - (c) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

5. Headquarters

The Headquarters of the Board shall be in Nairobi.

6. Object and purpose of the Board

- (1) The object and purpose for which the Board is established is to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the Fund and to advise the Minister on all matters related thereto.
- (2) Without prejudice to the generality of subsection (1), the Board shall–
 - (a) co-ordinate the optimal utilisation of the Fund in implementation of programmes relating to the maintenance, rehabilitation and development of the road network;
 - (b) seek to achieve optimal efficiency and cost effectiveness in roadworks funded by the Fund;
 - (c) manage the Fund;
 - (d) based on a five year road investment programme approved by the Minister and the Minister for Finance, determine the allocation of financial resources from the Fund or from any other source available to the Board required by road agencies for the maintenance, rehabilitation and development of the road network to ensure that the allocation of funds is pegged to specific categories of roads and that not less than–
 - (i) twenty percent of the monies from the Fund is allocated equally to all constituencies in the country to be administered by the Rural Roads Authority;
 - (ii) twelve percent of the monies from the Fund is allocated equitably to Districts in respect of rural roads administered by the Rural Roads Authority;
 - (iii) forty percent of the monies from the Fund is allocated in respect of the national roads to be administered by the National Highways Authority;
 - (iv) fifteen percent of the monies from the Fund is allocated in respect of the urban roads to be administered by the Urban Roads Authority; and

- (v) one percent of the monies from the Fund is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service) and
- (vi) a maximum of two percent of the monies from the Fund is allocated in respect of the recurrent expenditure of the Board under [section 31\(5\)](#).
- (e) ensure that the remainder of the monies from the Fund described in paragraph (d) shall be allocated annually by the Board with the approval of the Minister to road authorities based on an annual work programme derived from the five-year road investment programme approved by the Minister responsible for roads and the Minister for Finance;
- (f) ensure that a maximum of ten percent of all monies allocated to each road agency is utilized for development purposes by the said agency;
- (g) monitor and evaluate, by means of technical, financial and performance audits, the delivery of goods, works and services funded by the Fund;
- (h) in implementing paragraph (g), pay due regard to public procurement and disposal regulations and additional guidelines issued or approved by the Minister;
- (i) recommend to the Minister appropriate levels of road user charges, fines, penalties, levies or any sums required to be collected under the Road Maintenance Levy Fund Act, 1993 and paid into the Fund;
- (j) recommend to the Minister such periodic reviews of the fuel levy as are necessary for the purposes of the Fund;
- (k) identify, quantify and recommend to the Minister such other potential sources of revenue as may be available to the Fund for the development, rehabilitation and maintenance of roads; and
- (l) The Highways Authority, the Rural Roads Authority and the Urban Roads Authority may utilize such portion of monies received from the Fund for operational and administrative expenses as may be approved by the Minister on the advice of the Board:

Provided that such expenditure shall not in any year exceed, as a proportion of the projected annual expenditure of the Fund–

- (i) in the case of the Highways Authority, four percent;
- (ii) in the case of the Rural Roads Authority, five and half percent; and
- (iii) in the case of the Urban Roads Authority, five and a half percent.

[Act [No. 3 of 2005](#), 4th Sch., Act [No. 2 of 2007](#), 5th Sch.]

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 Executive Director 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) the Permanent Secretary in the Ministry for the time being responsible for matters relating to transport and communications or his designated alternate, not being below the level of Deputy Secretary;
 - (h) eight 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*.

[Act [No. 2 of 2007](#), 5th Sch.]

8. Powers of the Board

The Board shall have all powers necessary for the performance of its functions under this Act and in particular but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) control, supervise and administer the assets of the Board in such manner as best promotes the purpose for which the Board is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Board;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Board is established:

Provided that the Board shall only take action under this paragraph with the prior Authority of the Minister.

- (e) open a banking account or banking accounts for the funds of Board; and
- (f) invest any funds of the Board not immediately required for its purposes in the manner provided for under [section 32](#).

[Act [No. 2 of 2007](#), 5th Sch.]

9. Conduct of business and affairs of the Board

- (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Second Schedule.
- (2) Except as provided in the Second Schedule, the Board may regulate its own procedure.

10. Remuneration of Board members

The Board shall pay members of the Board such remuneration, fees or allowances for expenses as it may determine after consultation with the Minister for the time being responsible for finance.

[Act No. 2 of 2007, 5th Sch.]

11. Delegation by the Board

The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act or under any other written law.

12. Executive Director

- (1) There shall be an Executive Director of the Board who shall be appointed by the Board in consultation with the Minister and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.
- (2) No person shall be appointed under this section unless such person—
 - (a) is the holder of a degree in civil engineering of a university for the time being recognized by the Engineers Registration Board for the purposes of the Engineers Registration Act (Cap. 530) and is a registered engineer within the meaning of section 2 of that Act;
 - (b) has at least fifteen years practical experience in the field of civil engineering, at least three of which must have been gained in a senior managerial capacity.
- (3) The Executive Director shall—
 - (a) be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Board;
 - (b) be the secretary to the Board; and
 - (c) subject to the directions of the Board, be responsible for the day to day management of the affairs of the Board.

13. Staff of the Board

The Board may appoint such officers or other staff as are necessary for the proper discharge of its functions under this Act or any other written law, upon such terms and conditions of service as the Board may determine.

14. The common seal of the Board

- (1) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the resolution of the Board.
- (2) The common seal of the Board when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary resolution or authorization by the Board under this section shall be presumed to have been duly given.

15. Protection from personal liability

No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board, render the

member, officer, employee or agent or any person acting on his directions personally liable to any action, claim or demand whatsoever.

16. Liability of the Board for damages

The provisions of [section 20](#) shall not relieve the Board of the liability to pay compensation or damages to any person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the Board by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

17. Establishment, powers and functions of District Road Committees

- (1) There is hereby established, for every district, a committee to be known as the District Roads Committee.
- (2) The District Roads Committee shall comprise—
 - (a) the chairman or mayor of every local authority in the district;
 - (b) all Members of Parliament from the district;
 - (c) the District Commissioner of the district;
 - (d) a designated officer from the Rural Roads Authority; and
 - (e) two other members co-opted by the Committee to represent such special interests as the Committee may determine.

- (3) The District Roads Committee shall appoint one of the members under paragraphs (a) or (b) of subsection (2) to be the chairman of the Committee:

Provided that no person shall be qualified for appointment as chairman of the Committee under this subsection unless such person is elected to the office he holds.

- (4) A designated officer from the Rural Roads Authority shall be the Secretary of the district roads Committee.
- (5) The functions of the District Roads Committee shall be to advise the Rural Roads Authority on the formulation of the annual roads programme and the roads to be included therein.
- (6) The quorum for a meeting of the district Roads Committee shall be one half of the total membership.:

Provided that at least half of the Members of Parliament shall be present.

- (7) Deleted by Act [No. 2 of 2007](#), 5th Sch.

[Act [No. 2 of 2007](#), 5th Sch.]

Part III – ALLOCATION OF FUNDS TO ROAD AGENCIES

[Act [No. 2 of 2007](#), 5th Sch.]

18. Designation of road agencies

- (1) The organisations or bodies specified in the Third Schedule are hereby designated as road agencies for the purposes of this Act.
- (1A) The Minister may, by notice in the *Gazette*, amend the Third Schedule.
- (2) The road agencies referred to in subsection (1) may designate sub agencies that are acceptable to the Board.

- (3) A designation under subsection (2) may be made subject to such conditions as the Board in consultation with the Minister, thinks fit, and where such conditions are made they shall be specified in the notice of designation.
- (4) The functions of a road agency designated under this section shall be—
 - (a) to maintain, rehabilitate and develop such categories of roads as shall be specified in the notice of designation; and
 - (b) to perform such additional functions as the Minister may, from time to time assign.

[Act No. 15 of 2003, s. 59, Act No. 2 of 2007, 5th Sch.]

19. Annual Roads Programmes

- (1) The Board shall indicate to the road agencies at least a year in advance—
 - (a) the amount of money likely to be available to the Board for allocation in the coming year;
 - (b) the priorities of the Board in funds allocation in the coming year; and
 - (c) the criteria to be applied in making allocations.
- (2) Every road agency shall, at least six months before the commencement of every financial year, submit to the Board an annual roads programme in such form and containing such details as the Board shall specify, outlining a comprehensive plan of action for the development rehabilitation and maintenance of roads under the charge of the roads agency and the estimated costs of every activity required to implement the plan of action.
- (3) The road agency shall select the roads to be included in its programme.
- (4) The Board shall review, individually, the annual roads programmes submitted to it by the road agencies and shall consolidate the annual roads programme into annual public roads programme which shall:
 - (a) specify the amounts allocated for the maintenance, rehabilitation and development of each class of roads;
 - (b) match the cost of implementing the annual roads programme with revenues collected or estimated to be collected by and within the Fund; and
 - (c) identify roads requiring maintenance, rehabilitation or development in order of priority, taking into account social and economic requirements of the country or any part thereof in which roads are located.
- (5) The Board shall submit to the Minister and the Minister for Finance the annual roads programme for approval and the approved programme shall form the basis of funds allocation and auditing of works by the Board and shall not be varied by the road agency without the prior written approval of the Board.

20. Allocation of funds to road agencies

The Board shall, subject to the provisions of this Act, allocate funds to road agencies for the maintenance, rehabilitation and development of the categories of roads in respect of which they are designated.

21. General duty of road agencies

In the execution of their functions under this Act, a road agency shall ensure—

- (a) development, rehabilitation and maintenance of the road network consistent with the economy and set standards;

- (b) that its operations are conducted efficiently, economically and with due regard to safety; and
- (c) that financial administration is conducted in accordance with the provisions of this Act and regulations made thereunder.

[Act [No. 2 of 2007](#), 5th Sch.]

22. Financial year of roads agencies

The financial year of every road agency shall be the period of twelve months ending on the thirtieth June in each year.

23. Accounts and records to be kept

- (1) Every road agency shall cause to be kept proper books, records and accounts of all funds provided by the Board in such format and detail as is specified by the Board.
- (2) The Board shall cause to be kept proper books and other records of account, in respect of receipts and expenditures of the Fund, and costs and expenditure of the Board in accordance with accepted principles and standards of accounting.
- (3) The Board may, at any time, issue directions to a road agency requiring it to maintain such books, records or information in addition to any books, records or information then already maintained by it, as the Board may consider necessary.

[Act [No. 2 of 2007](#), 5th Sch.]

24. Collection of information by the Board

The Board shall collect such data and other information as may be necessary for the furtherance of its duties.

[Act [No. 2 of 2007](#), 5th Sch.]

25. Furnishing of information

- (1) The Board may require any road agency to furnish to it, at such time and in such manner as it may direct, such information as the Board may require for the proper discharge of its functions under the Act.
- (2) Every road agency shall, within six months of the end of each financial year submit to the Board its audited accounts for that financial year.

26. Technical financial and performance audit

- (1) The Board shall regularly cause a technical, financial and performance audit to be made on works, goods and services financed by the Fund by an inspector authorized by the Executive Director in writing, of any road agency and of those books, accounts and records relating thereto.
- (2) When an audit is made under subsection (1), the road agency concerned and every officer and employee thereof shall produce and make available to the inspector, all the books, accounts, records and other documents of the road agency and such correspondence, statements and information relating to the goods, work and services financed by the Fund as the inspector may require, within thirty days.
- (3) Any failure to produce any books, accounts or records and other documents, correspondence, statements, returns or other information within the period specified in the direction under

subsection (2) shall constitute a failure by the road agency to perform its functions and shall render the road agency liable to the penalties prescribed under [section 29](#):

Provided that—

- (a) the books, accounts, records and other documents shall not, in the course of the inspection, be removed from the premises at which they are produced;
 - (b) the inspector may make copies of any books, accounts, records and other documents required for the purposes of his report; and
 - (c) all information obtained in the course of the audit inspection shall be treated as confidential and used solely for the purposes of this Act.
- (4) A person convicted of an offence under subsection (3) shall be liable to a fine of not less than one hundred thousand shillings.
 - (5) Where an offence under subsection (3) is a continuing offence, the person convicted shall in addition to the penalty prescribed in subsection (4) be liable to a fine of one thousand shillings for each day during which the offence continues.

[Act [No. 2 of 2007](#), 5th Sch.]

27. Powers of the inspector

- (1) An inspector may, by notice in writing, require any person who is or has at any time been an officer, employee, agent, accountant or auditor of the road agency being inspected to—
 - (a) give to the inspector all reasonable assistance in connection with the audit; or
 - (b) appear before the audit for examination concerning matters relevant to the inspection.
- (2) A person who—
 - (a) refuses or fails to comply with the requirement of an inspector which is applicable to him, to the extent to which he is able to comply with it; or
 - (b) obstructs or hinders an inspector in the exercise of his powers under this Act; or
 - (c) furnishes information or makes a statement which he knows to be false or misleading in any material particular; or
 - (d) when appearing before an inspector for examination, makes a statement which he knows to be false or misleading in any material particular,commits an offence.
- (3) A person convicted of an offence under subsection (2) shall be liable to a fine of one hundred thousand shillings or to imprisonment for three months or to both.
- (4) Where an offence under subsection (2) is a continuing offence, the person convicted shall, in addition to the penalty prescribed in subsection (3), be liable to a fine of one thousand shillings for each day during which the offence continues.

28. Inspection report

An inspector appointed under this Act shall submit his report to the Executive Director and the report shall draw attention to any breach of the requirements of this Act and any regulations made thereunder and any other matter revealed or discovered in the course of the inspection warranting, in the opinion of the inspector, remedial action or further investigation.

29. Directions to road agency

The Executive Director may, by notice in the prescribed form, require any road agency inspected under this Act to comply, by such date or within such period as may be specified therein, with such directions as the Board considers necessary in connection with any matter arising out of the report made under [section 27](#).

30. Suspension of funding, etc.

- (1) The Board, with the prior approval of the Minister, may—
 - (a) impose such penalties, including the suspension of funding allocations, as it may prescribe on road agencies which fail to comply with any directions issued under [section 28](#); or
 - (b) take such remedial, supplementary or alternative measures to ensure the performance of the functions of road agencies which persistently fail to discharge their functions under this Act.

[Act [No. 2 of 2007](#), 5th Sch.]

Part IV – FINANCIAL PROVISIONS

31. The Kenya Roads Board Fund.

- (1) There is established a Fund to be known as the Kenya Roads Board Fund which shall vest in the Board.
- (2) There shall be paid into the Fund—
 - (a) all proceeds from the Road Maintenance Levy Fund;
 - (b) such moneys or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
 - (c) such sums as may be payable to the Board pursuant to this Act or any other written law, or pursuant to any gift or trust;
 - (d) all moneys from any other source provided for or donated or lent to the Board;
- (3) All receipts, savings and accruals for the Fund and the balance of the Fund at the end of the financial year shall be retained for the purposes for which the Fund is established.
- (4) There shall be paid out of the Fund any expenditure incurred by the Board in the exercise of its powers or the performance of its functions under this Act.
- (5) The Board shall with the approval of the Minister, set a ceiling of the money which in any one year may be spent on recurrent expenditure which shall not exceed 3% of the total collections in that year.

32. Advances to Board

- (1) The Board shall ensure that in any financial year expenditure and commitments from the Fund shall not exceed the annual income of the Fund together with any surplus income brought forward from a previous year.
- (2) If, in exceptional circumstances, the income from the Fund or other funds together with any surplus income brought forward from a previous year is insufficient to meet the actual or estimated liabilities of the Board and the Fund, the Minister of Finance may, with the approval of Parliament, make advances to the Board and such advances shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister for Finance may determine, provided that any such advance shall be repaid from the income of the Fund.

33. Investment of funds

- (1) The Board may, with the consent of the Minister and the Minister for Finance—
 - (a) invest any of its surplus funds in Government securities;
 - (b) place on deposit with any banks quoted on an approved securities exchange in Kenya as it may determine, any moneys not immediately required for the purposes of the Board.
- (2) In this section, "**approved securities exchange**" means a securities exchange approved under the Capital Markets Authority Act ([Cap. 485A](#)).

[Act [No. 2 of 2007](#), 5th Sch.]

34. Financial year

The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.

35. Annual estimates

- (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.
- (2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for—
 - (a) moneys allocated to road agencies under [section 19](#);
 - (b) the payment of the salaries, allowances and other charges in respect of the staff of the Board;
 - (c) the payment of pensions, gratuities and other charges in respect of the staff of the Board;
 - (d) the proper maintenance of the buildings and grounds of the Board; and
 - (e) the maintenance, repair and replacement of the equipment and other property of the Board.
- (3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to Parliament through the Minister for approval and thereafter, the Board shall not increase or decrease the annual estimates.

36. Accounts and audit

- (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Board.
- (2) Within a period of four months from the end of each financial year, the Board shall submit to the Controller and Auditor-General the accounts of the Board together with—
 - (a) a statement of the income and expenditure of the Board during that year; and
 - (b) a statement of the assets and liabilities of the Board on the last day of that year.
- (3) The accounts of the Board shall be audited and reported upon in accordance with Part III of the Public Audit Act.
- (4) The Board shall inform and keep the public informed of its activities and operations through regular publications and such activities and operations shall be accessible to the public unless there are reasons of commercial confidentiality or security justifying exclusions.
- (5) The decision of the Board to exclude information from the public shall be subject to judicial review.

[Act [No. 2 of 2007](#), 5th Sch.]

Part V – MISCELLANEOUS PROVISIONS

37. Rules

The Board, with the approval of the Minister, may make rules generally for the better carrying out its functions under this Act.

[Act [No. 3 of 2005](#), 4th Sch., Act [No. 2 of 2007](#), 5th Sch.]

38. Powers of the Minister

(1) Deleted by Act [No. 2 of 2007](#), 5th Sch.

(2) The Minister may—

- (a) give directions of a general nature to the Board relating to the execution of its functions under this Act; and
- (b) provide policy guidelines to the Board on the maintenance, rehabilitation and development of the road network.

[Act [No. 2 of 2007](#), 5th Sch.]

39. Offences and penalties

- (1) Any person who appropriates or applies or causes any other person to appropriate or apply, any proceeds or assets of the Board or the Fund otherwise than in accordance with the Act or the directions of the Board, shall be guilty of an offence and shall, upon conviction, be liable in addition to any other penalties which the Board may prescribe, to the penalties prescribed in the Penal Code (Cap. 63)
- (2) In addition to the penalties referred to in subsection (1), all proceeds or assets found to have been misappropriated shall be recovered in full from a person found guilty of an offence under this section.

40. Deleted

Deleted by Act [No. 2 of 2007](#), 5th Sch.

FIRST SCHEDULE

[[Section 7\(h\)](#)], L.N. 52 of 2003.]

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. The Institute of Surveyors of Kenya.
5. The League of Kenyan Women Voters.
6. The Kenya Association of Tour Operators.
7. The Institute of Certified Public Accountants of Kenya.

8. The Kenya Transport Association.

SECOND SCHEDULE

[Section 9.]

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Committees and co-opted advisors

- (1) In order to achieve its objectives, the Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it shall determine, but all findings of such committees shall be presented to the Board for its consideration and determination.
- (2) The Board shall appoint the chairman of any committee established by it from amongst its own members.
- (3) The Board may at its discretion, at any time and for any length of time co-opt any person to attend any of its deliberations, but such person shall not be entitled to vote any matter at any meeting of the Board.

2. Vacation of office by Board Members

- (1) The appointment of a member, other than an *ex-officio* member shall be terminated, in the case of the chairman, by the President, and in the case of any other member, by the Minister, on any of the following grounds:—
 - (a) upon the expiration of the period of his appointment;
 - (b) upon his death;
 - (c) if he is adjudged bankrupt;
 - (d) if he is sentenced for any offence against any written law to a term of imprisonment of, or exceeding, six months otherwise than as an alternative to, or in default of, the payment of a fine;
 - (e) if he is convicted of an offence involving fraud, dishonesty or moral turpitude;
 - (f) if he is absent, without the permission of the Board, from three successive meetings of the Board of which he has received notice;
 - (g) upon notice in writing of his intention to resign his office;
 - (h) if in the opinion of the Board, he becomes, by reason of mental or physical infirmity, incapable of performing his duties as a member of the Board, or
 - (j) upon the commission of an offence under this Act.

3. Meetings of the Board

- (1) The Board shall meet at such place or places in Kenya and at such time or times as the chairman may determine and shall meet at least once in every month.
- (2) An ordinary meeting of the Board shall be convened by at least fourteen days' written notice to the members by the Executive Director to the Board.
- (3) The chairman may, in his discretion, and shall at the written request of at least half of the members of the Board and within seven days of such request, cause an extraordinary meeting of the Board to be summoned at such place and time as he may appoint.

- (4) The quorum of any meeting of the Board shall be one half of the membership of the Board.
- (5) Where there is no quorum at a meeting of the Board, or for the continuation of a meeting of the Board by reason of the exclusion of a member on account of the provisions governing disclosure of interest, the members present shall postpone consideration of the matter in question until there is a quorum.
- (6) The Board may make standing orders for the regulation of its proceedings and business or the proceedings and business of any of its committees and shall inform the Minister in writing of all such standing orders.
- (7) The minutes of each meeting of the Board or of a committee of the Board shall be kept by the executive secretary to the Board and shall be confirmed by the Board or the committee at the succeeding ordinary meeting and be duly signed by the chairman or the person presiding.
- (8)
 - (a) The chairman shall preside over all meetings of the Board and in his absence, the members of the Board forming a quorum shall appoint one of their number to chair the meeting.
 - (b) A person appointed to chair a meeting of the Board under this subsection shall at that meeting exercise all the powers of the chairman.
- (9) At any meeting of the Board, the decision of the Board on any matter shall be that of the majority of member present and voting and the chairman or the person presiding shall have in the event of an equality of votes, a casting vote in addition to his deliberative vote.

4. Disclosure of interest

If a member of the Board acquires any pecuniary interest direct or indirect in any contract, proposed contract or other matter and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration by the Board, the member shall at the meeting disclose the fact to the Board and shall take no part in the consideration or discussion of, or vote on any question with respect to the contract or other matter.

5. Seal of the Board

- (1) The seal of the Board shall be authenticated by the signature of the chairman and the Executive Director to the Board.
- (2) In the absence of the chairman any Board member designated by the chairman for the purpose may authenticate the seal.

THIRD SCHEDULE

[Section 18, Act No. 15 of 2003, s. 60, Act No. 2 of 2007, 5th Sch.]

DESIGNATED ROAD AGENCIES

1. Kenya National Highways Authority.
2. Kenya Rural Roads Authority.
3. Kenya Urban Roads Authority.
4. The Kenya Wildlife Service.