

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 1st April, 2025

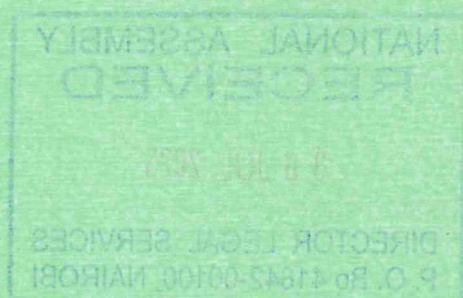
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THE KENYA ROADS (AMENDMENT) BILL, 2025**A Bill for—****AN ACT of Parliament to amend the Kenya Roads Act****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya Roads (Amendment) Act, 2025. Short Title

2. Section 22 of the Kenya Roads Act, is amended in subsection (2)(a), by inserting the words “foot bridge, bicycle tracks, walk-ways” immediately after the word “bridge”. Amendment of
Section 22 of Cap.
408.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the Kenya Roads Act, Cap.408 to provide that the Kenya National Highway Authority (Kenha), the Kenya Urban Roads (Kura), and the Kenya Rural Roads Authority (Kerra) shall construct, manage and rehabilitate a footbridge, bicycle track, and walkways on roads assigned to them under the Act. This is geared towards improving public safety to pedestrians, children, older members of the society and persons living with disability.

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

The Bill delegates legislative powers to the Minister to make regulations but does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

This is a Bill concerning county governments in terms of Article 110(1) of the Constitution as public roads fall within the concurrent jurisdiction of both levels of government in terms of paragraph 18 of Part 1 of the Fourth Schedule to the Constitution and paragraph 5 of Part 2 of the Fourth Schedule to 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 may occasion expenditure of public funds.

Dated the 11th March, 2025.

JOHN NJUGUNA KA-WANJIKU,
Member of Parliament.

Section 22(2)(a) of the principal Act which it is proposed to amend—

22. Powers of the Authority as a statutory body

(1) An Authority shall have power—

- (a) to maintain, operate, improve and manage the roads under its jurisdiction;
- (b) to construct new roads;
- (c) to measure and assess the weights, dimensions and capacities of vehicles using any road and provide measures to ensure compliance with rules relating to axle load control, other provisions of the Traffic Act (Cap. 403) and any regulations under this Act; and
- (d) to provide such amenities or facilities for persons making use of the services or facilities provided by the Authority as may appear to the Authority necessary or desirable.

(2) Subject to this Act, the powers conferred by, subsection (1) shall include all such powers as are necessary or appropriate and proper for the purposes of the Authority and in particular, but without prejudice to the generality of the foregoing, shall include powers—

- (a) to construct any road, bridge, building, drainage structure, drain, river channelling or any other necessary or desirable works required for the purposes of the Authority;
- (b) to operate machinery and equipment on public roads in such manner as it deems necessary;
- (c) to carry on any business necessary or desirable to be carried on for the purposes of the Authority and to act as an agent for the Government in the provision of any agreed services;
- (d) with the approval of the Cabinet Secretary, to determine, impose and levy rates, tolls, charges, dues or fees for any of its services or for the use by any person of its facilities;
- (e) to prohibit, control or regulate—
 - (i) the use by any person of the services performed, or the facilities provided, by the Authority; or
 - (ii) the usage of any vehicle on any road or on any premises occupied by the Authority;

- (f) to sell, let or otherwise dispose of any property, movable or immovable, which in the opinion of the Board, is not necessary for the purposes of the Authority:

Provided that an Authority shall not so sell, let or otherwise dispose of any building or land placed at its disposal by the Government otherwise than with the consent of, and under conditions agreed by, the Cabinet Secretary;

- (g) to act as an agent for any person engaged, whether within Kenya or elsewhere, in the performance of services, or the provision of facilities, of a kind similar or complementary to those performed or provided by the Authority;
- (h) to enter into agreements with any person—
 - (i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, necessary or desirable for the purposes of the Authority;
 - (ii) for the performance or provision by that person of any of the services or the facilities which may be performed or provided by the Authority;
 - (iii) for the payment, collection or apportionment of any tolls, rates, charges or other receipts arising out of the performance or the provision by that person of any such services or facilities;
- (i) to establish or acquire any subsidiary corporation with the written approval of the Cabinet Secretary and the Cabinet Secretary responsible for finance; or
- (j) to enter into any arrangement with any state corporation or other entity which, in the opinion of the Board, is likely to promote or secure the provision, or improved provision, of any service or facilities which they may separately provide.

(3) For the avoidance of doubt, it is hereby declared that subsections (1) and (2) relate only to the capacity of the Authority as a statutory body and nothing in those provisions shall be construed as authorising the disregard by the Authority of any law.

(4) The powers conferred on an Authority under this section to construct or improve any road shall empower the Authority to undertake the construction or execution of any works necessary thereto on land vested in the Authority or on land placed at its disposal by the

Government, or, in the case of land not so vested in, or placed at the disposal of, the Authority, only with the agreement of the owner of the land on which such works are to be constructed or executed.

(5) Where any land is required by an Authority for the purposes of its functions under this Act the Authority shall proceed in accordance with section 22.

