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CONTENT

Bill for Introduction into the National Assembly —

PAGE

The National Government Constituencies Development Fund (Amendment) Bill,
2019 141

**THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL, 2019**

A Bill for

**AN ACT of Parliament to amend the National
Government Constituencies Development Fund
Act, 2015 and for connected purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Government Constituencies Development Fund (Amendment) Act, 2019. Short title.

2. The National Government Constituencies Development Fund Act, 2015 is amended by deleting section 23 and substituting therefor the following new section— Deletion and substitution of section 23 of No.30 of 2015

Finances of the
Board

23. (1) The Board shall at least three months before the commencement of each financial year cause to be prepared estimates of the expenditure of the Board for that year, and not more than three per centum of the total allocation to the Fund in the financial year may be used for this purpose.

(2) The annual budget of the Board shall be approved by the Cabinet Secretary with the concurrence of the National Assembly Committee.

(3) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, shall provide for—

- (a) an amount representing the accruing liability of the Fund in respect of any emoluments, pensions, staff medical insurance or other benefits to which any officers or servants employed for the purposes of this Act may become entitled in respect of that employment;

- (b) office stationery, equipment and machines, motor vehicles and insurance;
- (c) an amount representing maintenance and repairs of the Fund's buildings, grounds, facilities, and the rental value of any premises used for the purposes of this Act; and
- (d) an amount representing fees for Fund management, custodial, actuarial, and audit.

(4) All receipts, savings and accruals of the annual budget approved under subsection (2) at the close of each financial year shall not be paid to the Consolidated Fund, but shall be retained in the Fund and applied in accordance with section 34.

(5) Notwithstanding subsection (3) (a) the personal emoluments of Government officers working or involved in the management of the Fund shall be provided for under the recurrent expenditure of Government but any other emoluments or payments to such officers from the Fund shall be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the National Government Constituencies Development Fund Act, 2015 to provide for an accountable process for allocation of funds for purposes of running the National Government Constituencies Development Fund Board.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill seeks to amend section 23 of the Act to provide for the process of allocation of funds for the expenditure of the Board. The amendment also provides for retention of the savings and accruals of this to the National Government Constituencies Development Fund.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

The objective of the National Government Constituency Development Fund is to among other things assist in the performance and implementation of national government functions in all parts of the Kenya pursuant to Article 6 (3) of the Constitution. The Bill therefore does not affect the functions of County governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning counties.

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 occasion additional expenditure of public funds.

Dated the 28th February, 2019.

MAKALI MULU,
Member of Parliament.

Section 23 of the National Government Constituencies Development Fund Act, 2015 which it is proposed to amend—

Finances of the Board

23. (1) The expenditure for running the Board and related purposes shall be set aside at the beginning of the financial year and not more than five per centum of the total allocation to the Fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the Cabinet Secretary with the concurrence of the National Assembly Committee.

(2) The personal emoluments of Government officers working or involved in the management of the Fund shall be provided for under the recurrent expenditure of Government but any other emoluments or payments to such officers from the Fund shall be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

