

SPECIAL ISSUE

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KIRINYAGA COUNTY ACTS, 2023

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**THE KIRINYAGA INVESTMENT AND DEVELOPMENT
AUTHORITY (AMENDMENT) ACT, 2023**

No. 4 of 2023

Date of Assent: 27th October, 2023

Date of Commencement: 31st October, 2023

AN ACT of the County Assembly of Kirinyaga to amend The Kirinyaga Investment and Development Authority Act (No. 5 of 2018) to provide for the establishment of the Sagana Industrial Park, the composition, procedure of the appointment and remuneration of the Board of the Authority and the functions of the Authority and for connected purposes

ENACTED by the County Assembly of Kirinyaga, as follows—

Short Title

1. This Act may be cited as the Kirinyaga Investment and Development Authority (Amendment) Act, 2023.

Interpretation

2. The Kirinyaga Investment and Development Authority Act, in this Act referred to as the “principal Act”, is amended in section 2 by adding the following new interpretations—

“area” means all that parcel of land known as L.R. Kiine/Thigirichi/527 designated for the establishment and development of the Sagana Industrial Park and any other land that can be identified for a similar development;

“chairperson” means the Chairperson appointed under section 6;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 10;

“county” means the County Government of Kirinyaga.

Kirinyaga Investment Development Authority to be a County Corporation No. 18 of 2012

3. The Principal Act is amended under section 4(1) by inserting the following words immediately after the words “Development Authority”—

“which shall be a County Corporation under section 182 of the Public Finance Management Act.”

Functions of the Authority

4. The functions of the Authority shall be to—

(a) develop all aspects of the Area with particular emphasis on—

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- (i) developing integrated infrastructural facilities taking into account the need for environmental conservation; and
 - (ii) investments and strategic development programmes in the Area;
- (b) negotiate and undertake strategic investment and economic activities on behalf of the County Government for the purposes of job creation and revenue generation in the Area;
- (c) plan for the development of the Area and initiate project activities identified from such planning through the County;
- (d) develop and keep up to date a medium and long-term development plan for the Area;
- (e) initiate studies, and carry out surveys of the Area as may be considered necessary by the County Government or the Authority, and to assess the alternative and substitute demands within the Area on the available resources;
- (f) maintain liaison between the County Government, the private sector and other Government agencies including but not limited to any Special Economic Zones Authority established under the Special Economic Zone Act, in matters of development of the Area with a view to maximizing resource utilization and benefits to the people of Kenya;
- (g) act as the focal agency for investment promotion and facilitation in the County including advising the County Executive Committee on necessary and strategic policies, programs and plans to be adopted in order to attract and retain investments in the County Government;
- (h) hold property and assets on behalf of the County Government for the purposes of investment and development in the County, where applicable; and
- (i) carrying out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the County Executive Committee.

Composition of the Board

5. Section 6 of the principal Act is amended—

(1) In sub-section (1) by deleting the composition of the Board and substituting therefor with the following membership in the following enumerated order—

- (a) Chairperson appointed by the Governor;
- (b) CECM for the time being responsible for Trade;
- (c) County Attorney or a representative;
- (d) Chief Officer-in-charge of the Department of Trade;
- (e) Chief Officer for the time being responsible for Accounting Services;
- (f) four persons who shall be appointed by the Executive Committee Member in consultation with the Governor in the following categories:
 - (i) a nominee of an umbrella body representing professional associations in the area;
 - (ii) one representative of the youth;
 - (iii) one representative of women; and
 - (iv) one representative of persons living with disabilities.
- (g) The Chief Executive Officer who shall be an *ex-officio* member and Secretary to the Board.

(2) By inserting the following new subsections immediately after sub-section 2—

2A. The persons appointed under sub-section 6(1)(f) shall hold a relevant degree from a recognized university and have a working experience of not less than three (3) years.

2B. The terms of remuneration of the Chairperson of the Board shall be as per the Guidelines issued by the Salaries and Remuneration Commission under the State Corporation Act.

(3) In sub-section (3) by deleting all words appearing after the word “appointed” and substituting therefor with the following words “under sub section (1)(f) shall be three years and may be renewable upon satisfactory performance”.

Remuneration of the Board

3. The principal Act is amended in section 9 by deleting all the words appearing after the word “be” and substituting therefore with the words “in accordance with the Salaries and Remuneration Commission Guidelines for the management of State Corporations.”

Term and Remuneration of the Chief Executive Officer

7. Section 10 of the principal Act is amended—

- (a) in section (3)(b) by inserting the word “relevant” immediately before the word “experience”;
- (b) in sub-section (4) by amending the term of office of the Chief Executive Officer by deleting all words appearing after the word “period” and substituting therefor with the following words “of three years and may be renewable based on appraisal”; and
- (c) by introduction of sub-section (4A) immediately after sub-section (4);

4A. The terms of remuneration of the Chief Executive Officer shall be as per the Guidelines of the Salaries and Remuneration Commission of a financial corporation issued under the State Corporation Act, Cap. 446.

Financial Reports and Audits

8. (1) The principal Act is amended by inserting the following new sub-sections immediately after section 21(2):

(2) The Authority and the Executive Committee Member shall within fifteen (15) days after the end of each quarter, prepare and submit quarterly financial and non-financial statements to the County Treasury, and shall include information on—

- (a) monies, including funding from grants;
- (b) expenditure;
- (c) borrowing, including any outstanding loan arrears; and
- (d) amount of profit or loss of the Authority for the quarter.

(3) The County Treasury shall consolidate the statements submitted in sub-section (3) within one (1) month following the end of the quarter and shall submit the consolidated quarterly statements to the County Assembly with a copy to the National Treasury, Auditor-General, Controller of Budget and the Commission of Revenue Allocation.