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THE CONSTITUENCIES DEVELOPMENT FUND ACT, 2003

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THE CONSTITUENCIES DEVELOPMENT FUND

Act, 2003

An act of parliament to provide for the establishment of the constituencies Development Fund and for connected purposes

ENACTED by the parliament of Kenya as follows-

PART 1

Preliminary

The preliminary part deals with the objects, short title and commencement of the Act. The part also gives definitions of many terms used in the Act. These definitions are important in interpreting and implementing the Act.

1.1 Short title and commencement

This Act may be cited as the constituencies Development Fund Act, 2003, and shall come into operation on such date as the Minister may, by notice in the gazette, appoint but not later than 30 days from the date of assent.

1.2 Interpretation

In this Act, unless the context otherwise requires

In what circumstances does a definition of a term used in the Act apply?

In this Act, unless the context otherwise requires –

What are the definitions appearing in the Act

According to the Act, the following terms have meanings ascribed to them there –under

“**Community**” means a resident of a particular geographical area or region defined as constituency, location and having common interests.

“**Clerk**” means the Clerk of the National Assembly.

“**Constituency**” has the meaning assigned to it in the National Assembly and Presidential Elections Act.

“**Constituency Development Committee**” means the Committee established under section 23.

“**Constituency Account**” means the account maintained for every constituency in accordance with section 45.

“**Districts Projects Committee**” means the committee established under section 39:

“Constituencies Fund Committee” means a committee of the National Assembly established in accordance with section 27.

“Fund” means the Constituency Development Fund established under section 4.

“Minister” means the Minister for the time being responsible for matters relating to finance

“National Committee” means the Constituency Development Fund Management Committee established under section 5.

“Officer administering the Fund” means an officer appointed by the Minister in writing for that purpose.

1.3 Application

The provisions of this Act shall apply, as more specifically provided for in the Act, and shall ensure that specific portion of the national annual budget is devoted to the constituencies for purposes of development and in particular in the fight against poverty at the constituency level.

PART 2

2.1 ESTABLISHMENT OF THE CONSTITUENCIES DEVELOPMENT FUND

(i) It has established a fund to be known as, the Constituencies Development Fund (in this Act referred to as the "Fund") which shall be administered by the Officer administering the Fund under the direction of the National Committee.

(ii) There shall be paid into the Fund-

(a) An amount of money equal to not less than 2.5% (two and a half percent) of all the government ordinary revenue collected in every year; and

(b) Any moneys accruing to or received by the National Committee from any other source.

(iii) The expenditure from the fund shall be on the basis and limited to the annual budget which shall be submitted to the Minister for approval in accordance with this Act before the beginning of the financial year to which the budget relates.

(iv) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the provisions of this Act.

(v) If the Act comes into operation mid-way in a financial year, then the Minister shall within one month of the assent, table in parliament the amount proposed to be paid into the fund and the allocation to each Constituency and the amounts so proposed shall be allowed through supplementary estimates.

2.2 ESTABLISHMENT OF THE NATIONAL MANAGEMENT COMMITTEE

There is established a committee to be known as the National Constituencies Development Fund Management Committee (in this Act referred to as the "National Committee").

The National Committee shall comprise –

(a) 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 a Deputy Secretary who shall be the Chairman of the Committee;

(b) The Permanent Secretary of the Ministry for the time being responsible for matters relating to economical planning or his designated alternate, not being below the level of an Under secretary;

- (c) The Permanent Secretary of the Ministry for the time being responsible for matters relating to regional development or his designated alternate, not being below the level of an under secretary;
- (d) The permanent secretary of the Ministry for the time being responsible for matters relating to Agriculture or his designated alternate, not being below the level of under secretary;
- (e) The Clerk of the general Assembly or his designated alternate not being below the level of a Deputy Clerk;
- (f) Eight persons appointed by the minister from a list submitted in accordance with subsection and qualified in matters relating to finance, accounting, engineering, economics, rural development or law; and
- (g) The officer administering the fund who shall be an ex-officio member and secretary to the committee.

The organizations listed in the First Schedule shall each submit names names of two nominees, one of whom shall be a man and the other a woman and out of the sixteen names submitted, the Minister shall appoint eight persons one from each of the eight organizations and at least a third of the eight appointees shall be from either gender, to be members of the committee.

The names and curriculum vitae of persons nominated or appointed as members of the National committee, pursuant to sub-section (3), and the name of the person proposed to be appointed as the officer administering the Fund, including names of persons to be designated as alternates, shall be submitted to parliament for approval before the appointments are made.

2.3 Functions of the National Committee.

The functions of the National committee shall be-

- (a) To ensure allocation and disbursement of funds to every constituency;
- (b) To ensure prudent management of the fund;
- (c) To receive and discuss annual reports and returns from the constituencies;
- (d) To ensure the compilation of proper records, returns and reports from the constituencies;
- (e) To ensure timely submission to parliament of various returns, reports and information as required under the Act; and

- (f) To perform such other duties as the National committee, in consultation with the Minister, may deem necessary from time to time for the proper management of fund.

The quorum necessary for the transaction of the business of the National Committee shall be one half of all the members.

2.4 Officers administering the fund

The officers administering the Fund shall-

- (a) Be the chief executive of the Fund and the secretary to the National committee;
- (b) Supervise and control the day to day administration of the fund;
- (c) Prepare monthly returns on the movement of funds as appropriate for submission to parliament;
- (d) Keep or cause to be kept proper books of accounts and other books and records related to the fund;
- (e) Prepare, sign and transmit to the controller and Auditor General accounts of the fund in accordance with section 18(2) of the Exchequer and Audit Act; and
- (f) Perform any other duties that maybe reasonably assigned to him by the National Committee from time to time.

The officer administering the fund shall be appointed by the minister from among Government public servants who have relevant training and at least five years experience in public finance.

2.5 Disbursement from the fund

- (a) Each and every disbursement from the fund shall be approved by the National Committee.
- (b) All disbursements from the fund shall be for specific projects as provided for In the printed estimates prepared for project under this Act.
- (c) All disbursements shall be made through the constituency bank accounts maintained from every constituency in accordance with section 45 of the Act.
- (d) The record of the amounts received by each constituency and the record of expenditure of amounts so received shall be submitted to the national Committee with in thirty days after the close of the relevant financial year together with a copy of the relevant bank statements and no disbursements for the succeeding

financial year shall be made into the accounts until the said records are duly received.

- (e) The National Committee may set out general conditions and requirements for release of funds, provided that such conditions shall be submitted to parliament for approval before implementation.
- (f) The National Committee may impose reasonable requirements including restrictions, on a particular constituency due to previous misuse of funds and such restrictions or requirements shall be reported together with monthly returns to be submitted to Parliament in accordance with this Act.

2.6 Funds to be set aside

- (a) The National Committee shall, for each financial year, allocate funds to each constituency and the funds shall be reflected in the printed estimates of that particular financial year.
- (b) Once funds are allocated for a particular project, they shall remain allocated for that project and shall not be re-allocated during the financial year for any other purpose whether in that constituency or anywhere else.
- (c) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the fund and credited to the account of the constituency from which the funds were withdrawn.

2.7 Funds to be retained in the fund

- (a) All receipts, savings and accruals to the fund and the balance of the fund at the end of each year shall be retained for the purposes for which the fund is established
- (b) All funds allocated to a constituency shall be cumulative and shall be carried forward from one financial year to the next, including funds attained into the accounts with accordance with section 9(3) or funds which are not utilized for whatever reasons.

2.8 Emergency Reserve

A portion of the fund, equivalent to 50% (five percentum here in after referred to as the “Emergency reserve”) shall remain un allocated and shall be available for emergencies that may occur within the Constituency.

PART 3

SUBMISSION OF CONSTITUENCY PROJECT PROPOSALS

3.1 Member of parliament to submit proposals

- a) The list of proposed constituency based projects to be covered under this Act shall be submitted by the Member of Parliament for that constituency.
- b) The clerk may designate a particular officer to receive and compile the list of proposed constituency projects submitted to him under this Act

3.2 Submission deadline

The list of the proposed constituency projects shall be submitted to the Clerk before the end of the month of February in each year or such other month may be determined by the minister in order to ensure timely inclusion of the projects in the annual government budget of a particular of a financial year

3.3 Submission form

- a) The list of projects shall be submitted on a standard constituency project submission form set out in the second schedule to this Act.
- b) All projects proposed for every constituency shall be listed in the form together with the cost estimates of such project

3.4 Projects description form

- a) For every project listed in the form there shall be attached a standard projects Description form set out in the Third schedule.
- b) The National committee may, by notice published in the Gazette, amend any of the schedules to this Act provided that the amendments shall first be referred to parliament for approval.

3.5 Constituencies fund committee to recommend

- a. The list of projects received by the clerk pursuant to section 12(3) shall be tabled by the clerk for review at a meeting of the constituencies fund Committee convened for that purpose.
- b. The constituencies fund committee shall scrutinize and recommend the proposals to be forwarded to the Minister for eventual inclusion in the printed estimates of the following financial year.

3.6 Clerk to forward to Minister

The clerk shall, after scrutiny of the list of projects by the constituencies fund Committee, submit to the minister the list of all the projects received for all the constituencies together with a summary showing the total number of projects and the total cost of projects for all the constituencies

3.7 List to be serialized

The projects listed for each constituency in accordance with section 17 shall be numbered by officer administering the fund in order to ensure that a project retains the same serial number every year until its completion.

3.8 Basis for budget ceiling

The budget ceiling for each constituency shall,

- (a) Three quarters of the amount specified in section 4(2)(a) divided equally among all constituencies; and
- (b) An amount equal to quarter the amount specified in section 4(2)(a) divided by the national poverty index multiplied by the constituency poverty index.

The minister shall table in parliament a schedule showing the ceiling for each constituency, which shall be determined in accordance with sub section (1).

3.9 criteria for projects

- (a) The types of projects submitted for funding under this Act shall comply with the provisions of this Act.
- (b) If some of the projects on the list of a particular constituency do not comply with the provisions of this Act, then such projects shall be deleted from the list and the list shall be forwarded to the Minister less the unacceptable projects.
- (c) If the total cost of the projects so submitted exceeds the allowable ceiling for a constituency, then the order in which the projects are listed shall be taken as the order of priority and the projects shall be struck off from the bottom of the list so that the total amount of projects is within the allowable ceiling
- (d) Whenever the amount for projects in a constituency is less than allowable ceiling for reasons of projects being deleted in accordance with sub-section (3), or for whatever reason, the short fall shall be indicated as unallocated amount against that particular constituency on the list to be forwarded to the Minister

PART 4

TYPES OF PROJECTS

4.1 Projects to be community based.

- (a) Projects under this Act shall be community based in order to ensure that the prospective benefits are available to a wide spread cross-section of the inhabitants of a particular area.
- (b) Any funding under this Act shall be for a complete project or a defined phase, unit or element of a project.
- (c) All projects shall be development projects and may include costs relating to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility.
- (d) Funds provided under this Act shall not be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities.
- (e) Not with standing the provisions of sub section (4), the National Committee may identify religious body or organization as an appropriate specialized agency for purposes of section 11 with regard to emergency support.
- (f) A constituency office project shall be considered as a development project for purposes of the Act and may include appropriate furniture and equipment for the office.
- (g) Not withstanding the provisions of sub section (3), a constituency office project may include running expenses of the constituency office of up to maximum of 3%(three percentum) of the total annual allocation for the constituency

4.2 Number of Projects.

- (a) The number of projects to be included in the standard Constituency Projects Submission Form specified in the second schedule shall be a minimum of five and a maximum of twenty for every constituency in each financial year.
- (c) Uncompleted projects from a previous financial year shall remain on the project list, so as to ensure that the total number of projects remain the maximum number specified in subsection (1) at any one time.

(c) Project activities of a similar nature in a particular constituency may be considered as on project for purposes of subsection (1), provided that the cost of such projects shall not exceed 50% (fifty per centum) of the total annual allocation for a particular constituency.

- (1) Constituencies may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the Constituency Development Committee of each of the participating constituencies and shall be reflected on the projects listed for each of the participating constituencies.
- (2) Where constituencies have joint projects, the District projects Committee shall co-ordinate such projects.

4.3 Composition of the Constituency Development Committee.

(1) There shall be a Constituency Development Committee for every constituency, which shall be constituted and convened by the elected Member of Parliament within the first thirty days of a new parliament and shall have a maximum of fifteen members, comprising of –

- (a) The elected Member of Parliament;
- (b) Two Councillors in the constituency;
- (c) One district officer in the Constituency;
- (d) Two persons representing religious organizations in the constituency;
- (e) Two men representatives from the constituency;
- (f) Two women representatives from the Constituency;
- (g) One Person nominated from among active NGOs in the area if any;
- (g) One person representing the youth from the Constituency.

(2) The elected Member of Parliament for every constituency shall, within the first year of anew Parliament and at least once every two years thereafter, convene locational meetings in the constituency to deliberate on development matters for the location, the constituency and the district.

(3) Each location shall come up with a list of priority projects to be submitted to the Constituency Development Committee.

(4) The Constituency Development Committee shall deliberate on project proposals from all the locations in the Constituency and any other projects which the committee considers beneficial to the constituency, including joint efforts with other constituencies, then draw up a priority projects list both immediate and long term, out of which the list of projects to be submitted to parliament in accordance with section 12 shall be drawn.

(5) The elected Member of Parliament for every constituency shall be the chairperson of the Constituency Development Committee, unless he or she opts out in which case the community shall elect one amongst themselves to be the chairperson.

(6) The quorum of the Constituency Development Committees shall be one half of the total membership.

4.4 Cost estimates realistic.

(a) The Constituency Development Committee shall ensure that appropriate consultations with the relevant Government departments is done to ensure that cost estimates for the projects are as realistic as possible.

(b) The Constituency Development Committee shall rank the projects in order of priority and whenever, in the opinion of the Minister, the total of the project listed exceed the ceiling for a particular constituency, then the order in which they are listed shall be taken as the order of priority for purposes of allocation of funds, provided that on-going projects shall take precedence over all other projects.

4.5 Personal awards to be excluded.

(a) A project or any part thereof which involve personal award to any person in each case or in kind, shall be excluded from the list of projects submitted in accordance with section 12 of the Act.

(b) Notwithstanding the provision of subsection (1), an education bursary scheme shall be considered as a development project for purposes of the Act, provided that such a project shall not be allocated more than 10% (ten percentum) of the total funds allocated for the constituency in any financial year.

4.6 counter-part funding to be permitted

For the purposes of this Act, the National Committee may consider part funding of the project financed from sources other than the Fund so long as the other financiers or donors of that project have no objection and provided that the part funding for the project availed pursuant to this Act shall go to a defined unit or any part thereof or phase of the project in order to ensure that the particular portion defined in the allocation is completed with the funds allocated under this Act

PART 5

CONSTITUENCIES FUND COMMITTEE

5.1 Establishment of the constituencies fund committee

- (a) The National Assembly shall, in accordance with its Standing Orders, establish a select Committee to be known as the Constituencies Fund Committee consisting of a chairman and not more than ten other members of Parliament who are not Ministers of Government.
- (b) In determining the membership of the Constituencies Fund Committee, the National Assembly shall ensure proportionate representation of the Parliamentary Political Parties.
- (c) The procedures and rules for the operations of the Constituencies Fund Committee shall be governed by the Standing Orders of the National Assembly.

The functions of the Constituencies Fund Committee shall be-

- (a) To consider project proposals submitted from various constituencies in accordance with the Act and make appropriate recommendations to the Clerk of the National Assembly.
- (b) To consider and report to Parliament, with recommendations, names of persons required to be approved by Parliament under this Act.
- (c) To consider and recommend to Parliament any matter requiring action by the National Assembly pursuant to the provisions of this Act.
- (d) To oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act.
- (e) To oversee the policy framework and legislative matters that may arise in relation to the Fund.
- (f) To continually review the framework set out for the efficient delivery of development programmes financed through the Fund; and
- (g) To carry out any other functions relevant to the work of the Fund.

5.2 Constituencies Fund Committee to scrutinize proposals

- (a) The constituencies Fund Committee shall scrutinize the list of projects received by the Clerk pursuant to this Act.
- (b) The constituencies Fund Committee shall then minute the entire project proposals received from every constituency then submit the list of projects to the Clerk for onward transmission to the Minister.

5.3 Proposals to be included in the printed estimates

- (a) The Minister shall ensure that the list of constituency based projects forwarded to him by the Clerk are included in the printed estimates before the Minister presents the annual Government budget to the National Assembly.
- (b) The estimates for the projects submitted under this Act shall be printed in a separate document among other printed estimates.

PART 6

IMPLEMENTATION OF PROJECTS

6.1 Government department to implement

- (a) Projects under this Act shall be implemented by the relevant department of Government in a district and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations for the time being in force.
- (b) Where a particular involves several sectors and therefore several Government departments under which the project is listed in the printed estimates shall take lead in the implementation of the project.
- (c) Where a project in a constituency involves the purchase of equipment, such equipment shall remain for the exclusive use of that constituency and in the event of disposal of such equipment the amount realized shall be paid into the account of that constituency.
- (d) The Constituency Development Committee shall be responsible for monitoring the implementation of projects and may designate a sub- committee, a locational committee or a project committee, the functions of monitoring an on- going project.

6.2 Procurement of services and works

- (a) All works and services relating to projects under this Act shall be sourced using existing Government procurement regulations.
- (b) All tenders and quotations shall be tabled at a meeting of the Districts Projects Committee and the committee shall indicate that they have no objection to the award through a minuted resolution before the tender or quotation is awarded.

6.3 Department to maintain records

The departmental head of the relevant Ministry in each District shall oversee projects under his docket and shall keep and maintain records of the disbursements of funds and progress of the projects funded under this Act.

6.4 Returns to Constituencies Development Fund

- (a) The District Development Officer in every district shall compile and maintain a record showing all receipts and disbursements on a monthly basis in respect of every project under this Act and shall submit annual returns to the National Committee not later than sixty (60) days after the end of every financial year.

- (b) The District Development Officer, in every District, shall make such interim returns as the National Committee shall, by resolution, deem necessary in order to facilitate the release of the next tranche of funds as specified in section 47 (2) of the Act

6.5 Accounts and audit

All Funds received under this Act shall be audited and reported upon by the Controller and Auditor- General.

6.6 Community initiatives to be eligible

- (a) Projects initiated by a community shall be eligible for support under this Act provided that such projects shall be submitted with the other projects in conformity with the requirements of this Act.
- (b) Pursuant to subsection (1), a community shall, maintain an elected committee to represent the interests of that community during and after the implementation of the project and such a committee shall conform with established Government regulations in the discharge of its functions.

6.7 Departmental head to be represented in project committees

- (a) Where a community initiates a project and a Project Committee is maintained by the community, the departmental head of the Government Ministry under whose docket the project falls shall be an ex- officio member of such a committee and shall have the power to appoint a representative to the committee from among Government Officers in the constituency.
- (b) A representative appointed under subsection (1), shall not have the right to vote but shall attend each and every meeting of such a committee and shall receive minutes of the deliberations of the committee.

6.8 On- going projects to be evaluate

Any on- going or existing projects initiated by a community prior or after the commencement of this Act, and which is intended to be supported under this Act, shall undergo a technical and financial evaluation by the relevant departmental head in a District, and the project status documented, before it is listed for support in accordance with the provisions of this Act.

6.9 Community interests to be represented

If a community requests, it shall be given a chance to nominate representatives to represent their interests in any project being undertaken in their area.

PART 7

DISTRICT PROJECTS COMMITTEE

7.1 Establishment of District Projects Committee

- (a) There shall be established, for every District, a committee to be known as the District Projects Committee whose main function shall be to coordinate the implementation of projects financed through the fund.
- (b) The District Projects Committee shall also perform such other functions as may be allocated to it by the National Committee from time to time.
- (c) The District Projects Committee may, in the discharge of its functions under this Act, make official or impromptu visits to projects at such times, as it may deem appropriate.

7.2 Membership

- (1) The members of the District Projects Committee shall be-
 - (a) The members of Parliament in that District, whether elected or nominated
 - (b) All chairmen and mayors of local authorities in the District
 - (c) The District Commissioner of the District
 - (d) The District Development Officer of the district who shall be the secretary to the Committee and the convener of a new committee pursuant to subsection (7)
 - (e) The chairpersons of the Constituencies Committee and
 - (f) The District Accountant of the district
- (2) All District departmental heads in a District under whose docket various projects fall may attend District Projects Committee meetings as ex- officio members, at the invitation of the District Projects Committee.
- (3) The members of the Districts Committee shall elect a chairperson from among the members of the committee who are elected members of Parliament or elected councilors for a term of two (2) years or part thereof until the end of a term of Parliament.
- (4) The quorum for any meeting of the District Projects Committee shall be one half of the members and for the purposes of this section immediate past members of a dissolved

Parliament shall remain members of the District Projects Committee until a new District Projects Committee is convened pursuant to the provisions of subsection (7).

(5) Meetings of the District Projects Committee shall be held at least once every three months.

(6) All District Project Committees and all Constituency Development Committees shall be dissolved upon the election of a new Parliament and no payments shall be made from the Constituency Accounts until the new committees are formed.

(7) The new District Projects Committees and the Constituency Development Committees shall be constituted within thirty days of a new Parliament being inaugurated.

PART 8

ROLE OF THE DISTRICT PROJECTS COMMITTEE

8.1 Member of Parliament to table proposals

The member of Parliament for each constituency shall table a list of the projects for that constituency at a meeting of the District Projects Committee convened for that purpose.

8.2 Duplication of projects to be avoided

The District Projects shall ensure that no duplication of projects occur particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several constituencies in a District.

8.3 District Projects Committee to approve

- (a) The District Projects Committee shall examine the list of projects submitted under section (41) and where there are no duplication of projects, recommend the list of projects for onward transmission to the Clerk through the member of Parliament for that constituency.
- (b) The District Projects Committee shall, however, not unreasonably withhold recommendation of projects submitted under this part.

PART 9

FINANCE AND ADMINISTRATION

9.1 Other officers of the fund

The Minister may designate such other officers as he considers necessary, but not more than ten, for the proper management of the fund.

9.2 Constituency Account

- (a) For the purpose of disbursement of funds under this Act there shall be opened and maintained a constituency account for every constituency at any Commercial Bank, approved by the Minister, into which all funds shall be kept and such an account shall be known by the name of the constituency for which it is opened.
- (b) The Bank account opened pursuant to subsection (1) shall be separate from that of the District Treasury.
- (c) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a constituency account and the signing instructions shall be such that there shall be at least one signature of a nominee from the District Projects Committee and at least one signature of a nominee of the Constituency Development Committee and none of the signatories shall be members of Parliament or councilors.
- (d) Funds from the constituency account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section (8) of the Act.
- (e) Each and every payment out of the constituency account shall strictly be on the basis of a minuted resolution of the Constituency Development Committee.
- (f) All receipts, savings and accruals to the constituency account and the balance thereof at the end of each financial year shall be retained in the constituency account for the purposes for which the account is maintained.
- (g) All unutilized shall remain in the constituency account and no investment elsewhere shall be permitted, provided that funds meant for a project that is cancelled or discontinued shall be returned to the fund in accordance with section 9.
- (h) Any accruing revenues, interest and liabilities from any constituency account shall be declared to the National committee together with the annual returns.

9.3 Bank account of the fund

(a) A bank account of the fund shall be opened and maintained at the central bank of Kenya.

(b) The signatories to the account of the fund maintained in accordance with subsection (1), shall be the officer administering the fund and two other persons appointed by the National Committee from among its members.

(c) The signature of the Officer administering the fund shall be mandatory on all payment cheques and or instruments intended for actual release of money from the fund.

9.4 Record of Disbursements to be kept

(a) An accurate record of all disbursement made for projects in each constituency shall be kept and updated every month by the Officer administering the fund

(b) The disbursement of funds to the constituency account shall be effected within the first quarter of each financial year with an initial amount equivalent to 25% of the total estimated amount for the year and there after the constituency account shall be replenished in three equal installments of 25% as soon as the returns are received from the constituency showing an equivalent amount expended from the constituency account.

PART 10

MISCELLANEOUS PROVISIONS

10.1 Personal emoluments.

(a) The personal emoluments of government officers working or involved in the management of the fund shall be determined by the Minister in consultation with the National Committee and shall be provided under the recurrent expenditure of the Government.

(b) Out of pocket expenses incurred by any person officially involved in the management of the fund or the implementation of projects under the fund, including public officers may be reimbursed; provided that not more than 3% (three per centum) of the total allocation in the financial year may be used for this purpose.

(c) Sitting and other allowances for the members of the National Committee shall be fixed by the Minister in consultation with the Constituencies Fund Committee

10.2 Minister to make regulations

(a) The Minister may make regulations for the smooth running of the fund and such regulations shall be approved by parliament before implementation.

(b) The Minister may amend any of the schedules through a notice in the gazette, provided that such amendments shall first be approved by parliament before implementation.

10.3 Provisions in the Act is complimentary

(a) The provision of this Act shall be complimentary to any other development efforts by the Government or any other agency and nothing in this Act shall be taken or interpreted to mean that an area may be excluded from any or other development programmes by the Government or any other agency.

(b) For the avoidance of doubt, normal government development allocations shall continue along side the projects funded under this Act.

10.4 Offences and Penalties

Any person who misappropriate any funds or assets from the Fund. Or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding 5 years or to a fine not exceeding two hundred thousand shillings or to both.

Constituencies Development Fund

FIRST SCHEDULE

(Sec. 5(3))

11.1 LIST OF ORGANIZATIONS TO NOMINATE PERSONS TO THE NATIONAL COMMITTEE

- The Kenya Farmers Union
- The Institute of Engineers of Kenya
- The Kenya National Chamber of Commerce
- The Catholic Church
- The Kenya National Union of Teachers of Kenya
- The NGO Council of Kenya
- The National Council of Churches of Kenya (N.C.C.K)
- The Supreme Council of the Kenya Muslims (SUPKEM)

Constituencies Development Fund

SECOND SCHEDULE

(Sec. 14.)

12.1 STANDARD CONSTITUENCY PROJECTS SUBMISSION FORM

Name of Constituency-----Financial Year-----

District-----Province-----

SERIAL NUMBER	NAME OF PROJECT	COST ESTIMATES In Kshs.
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TOTAL FOR THE YEAR Kshs..... ..

1.Name of Member of Parliament..... Signature.....

2.Name of Member of the Constituency
Development Committee..... Signature.....

3.Name of Chairman of District Project Committee..... Signature.....

Date.....