

**THE LAKE BASIN DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 1990**

No. 16 of 1990

Date of Assent: 14th December, 1990

Date of Commencement: 21st December, 1990

An Act of Parliament to amend the Lake Basin Development Authority Act

ENACTED by the Parliament of Kenya as follows:—

Short title.

1. This Act may be cited as the Lake Basin Development Authority (Amendment) Act, 1990.

Amendment
of section 2 of
Cap. 442.

2. Section 2 of the Lake Basin Development Authority Act, in this Act referred to as the principal Act, is amended—

(a) by deleting the definition of “Area” and inserting the following new definition—

“Area” means the Lake Victoria catchment area and that part of Lake Kyoga catchment area situated within Kenya;

(b) by deleting the definition of “development area”.

Amendment of
section 4 of
Cap. 442.

3. Section 4 of the principal Act is amended by deleting subsection (1) and inserting the following new subsection—

(1) The Authority shall consist of the following members—

(a) a chairman appointed by the President;

(b) the Permanent Secretary of the Ministry for the time being responsible for matters relating to the functions of the Authority or an officer of that Ministry designated by the Permanent Secretary in writing;

(c) the Permanent Secretary of the Ministry for the time being responsible for finance or an officer of that Ministry designated by the Permanent Secretary in writing;

1990 Lake Basin Development Authority (Amendment)

No. 16

(d) the Permanent Secretary of the Ministry for the time being responsible for agriculture or an officer of that Ministry designated by the Permanent Secretary in writing;

(e) the Provincial Commissioner, Nyanza Province;

(f) the Provincial Commissioner, Western Province;

(g) the Provincial Commissioner, Rift Valley Province;

(h) the Director of Water Development;

(i) the managing director appointed under section 10;

(j) not more than twelve other members appointed by the Minister, in consultation with the President, nine of whom shall be residents of the area.

4. The principal Act is amended by repealing section 6 and inserting the following new section:—

Seal and
execution
of docu-
ments.

6. (1) The common seal of the Authority shall be authenticated by the signature of the managing director and such other person as may be generally or specially authorized by the Authority.

(2) All documents other than those required by law to be under seal made by, and all decisions of, the Authority may be signified under the hand of the managing director or an officer authorized in that behalf by the Authority.

5. Section 8 of the principal Act is amended—

(a) by deleting paragraphs (a), (c) and (k) and inserting the following new paragraphs—

(a) to plan for the development of the area and initiate project activities identified from such planning in the area through the Government generally;

(c) to initiate such studies and carry out such survey as may be considered necessary by the Government or the Authority and to assess alternative demands within the area on the natural resources thereof and to initiate, operate or implement such projects as may be necessary to exploit those natural resources including agriculture

Replac-
ment of section
6 of Cap. 442.

Amend-
ment of
section 8 of
Cap. 442.

Cap. 302

notwithstanding the provisions of section 6 of the Land Control Act, the ensuing transaction shall not require the consent of a land control board if the land to be acquired is agricultural land; or

- (b) if the land is public land, or if the Authority is unable to acquire it through negotiation and agreement in accordance with paragraph (a), notify the Minister responsible for public lands that the land specified in the notice is required for the purposes of the Authority.
- (2) When notice has been given under subsection (1) (b) then—
- (a) if the land is public land, the Minister responsible for land may, in his discretion and upon such terms and conditions as he may think fit, place such land at the disposal of the Authority for the purposes of the Authority;
 - (b) if the land is not public land, any provision in any written law which empowers the President or the Minister responsible for lands to acquire or direct the acquisition of such land for any specific purposes shall be deemed to include a power enabling the President or the Minister responsible for lands to acquire or direct the acquisition of such land for the purposes of the Authority.
- (3) Where any compensation is payable to any person in respect of any land specified in the notice given under subsection (1) (b) acquired by the President or the Minister responsible for lands and such land after being so acquired is placed at the disposal of the Authority in accordance with subsection (2) (a), the amount of the compensation payable to that person, in accordance with the provisions of the law under which the land was acquired, shall be paid by the Authority.

(4) The Authority may at any time convey, transfer or surrender any land surplus to both its existing and future requirements by a conveyance or a deed of surrender either for, or without consideration:

Provided that land which was public land or trust land shall be surrendered to the Government and shall not be conveyed or transferred to any other person unless the Minister responsible for lands consents and so directs.

(5) In this section—

“public land” means all public land in Kenya, excluding trust land, which is vested in the Government for public purposes or for the purposes of the Authority or its predecessors in title and for the purposes of the proviso to subsection (4) includes land previously so vested;

“trust land” means land which is or which has previously been vested in a county council by virtue of section 115 of the Constitution.