

**THE TANA RIVER DEVELOPMENT AUTHORITY
ACT, 1974**

No. 7 of 1974

Date of Assent: 4th June, 1974

Date of Commencement: 7th June, 1974

An Act of Parliament to provide for the establishment of an authority to advise on the institution and co-ordination of development projects in the area of the Tana River Basin; and for matters connected therewith and incidental thereto

ENACTED by the Parliament of Kenya as follows:—

Short title.

1. This Act may be cited as the Tana River Development Authority Act, 1974.

Interpretation.

2. In this Act, unless the context otherwise requires—
“the Area” means the area drained by, and bounded by the watersheds of, the Tana River and its tributaries;

“the Authority” means the Tana River Development Authority established by section 3 of this Act;

“the Chairman” means the person appointed as Chairman of the Authority under paragraph (a) of subsection (1) of section 4 of this Act;

“the Minister” means the Minister for the time being responsible for matters relating to economic planning;

“non-official member” means the Chairman and the members of the Authority appointed under paragraph (f) of subsection (1) of section 4 of this Act;

“scheduled Ministries” means the Ministries of the Government set out in the Schedule to this Act.

Establishment
of the
Authority.

3. There is hereby established an Authority which shall be a body corporate by the name of the Tana River Development Authority, with perpetual succession and a common seal, and which shall, subject to this Act, be capable in its corporate name of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable;

- (c) borrowing and lending money;
- (d) doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

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

Membership of
the Authority.

- (a) a Chairman who shall be appointed by the Minister;
- (b) six members who shall be the Permanent Secretaries of the scheduled Ministries;
- (c) the General Manager of the National Irrigation Board appointed pursuant to section 11 of the Irrigation Act;
- (d) the chairman of the East African Power and Lighting Company Limited;
- (e) the Director of Water Development;
- (f) five other members, who shall not be members of the Government service, and who shall be appointed by the Minister.

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(2) Subject to the following provisions of this section—

- (a) the Chairman shall hold office for a period of five years from the date of his appointment; and
- (b) the other non-official members shall hold for a period of three years from the date of appointment,

and a retiring member shall be eligible for reappointment.

(3) If the Minister is satisfied that a non-official member—

- (a) has been guilty of any improper conduct; or
- (b) is incapacitated by prolonged physical or mental illness; or
- (c) is unable or unfit, for any other reason, to discharge the duties of his office,

and that it would be in the interests of the Authority so to do, he may terminate the appointment of such member.

(4) The office of a non-official member shall become vacant—

- (a) upon the expiry of his term of appointment;
- (b) upon the termination of his appointment under sub-section (3) of this section;

(c) upon the expiry of one month, or such shorter period as may be agreed, after the date upon which the Minister receives a written notice, signed by the member, of his intention to resign;

(d) if he is absent without the permission of the Authority from three consecutive meetings of the Authority of which he has had reasonable notice.

(5) The non-official members shall be paid by the Authority such remuneration and allowances as the Minister may from time to time determine.

Procedure.

5. (1) The Authority shall elect a vice-Chairman from among its members other than the Chairman.

(2) The Authority shall meet at least once in every three months and the Chairman may convene a special meeting at any time by giving at least fourteen days notice thereof to the members.

(3) The quorum necessary for the transaction of any business by the Authority shall be eight members inclusive of the person presiding.

(4) The Chairman, or in his absence the vice-Chairman, shall preside at all meetings of the Authority:

Provided that in the case of the absence of both the Chairman and the vice-Chairman from any meeting the members present shall elect one of their number to preside at that meeting.

(5) Subject to the provisions of this Act the Authority shall regulate its own procedure.

*Seal and
execution of
documents.*

6. (1) The common seal of the Authority shall be authenticated by the signature of such persons, not being less than two, as may be generally or specially authorized thereto by the Authority.

(2) All documents, other than those required by law to be under seal, and all decisions of the Authority, may be signified under the hand of the Chairman or, in the case of a decision taken at a meeting at which the Chairman was not present, under the hand of the person presiding at such meeting.

Committees.

7. The Authority may appoint such committees, whether of its own members or otherwise, as it may think necessary

but no decision of any such committee shall be effective unless it has been confirmed by the Authority.

8. The functions of the Authority shall be—

Functions of
the Authority.

- (a) to advise the Government generally and the scheduled Ministries in particular on all matters affecting the development of the Area including the apportionment of water resources;
- (b) to draw up, and keep up-to-date, a long-range development plan for the Area;
- (c) to initiate such studies, and to carry out such surveys, of the Area as it may consider necessary, and to assess alternative demands within the Area on the resources thereof, including electric power generation, irrigation, wildlife, land and other resources, and to recommend economic priorities;
- (d) to co-ordinate the various studies of, and schemes within, the Area so that human, water, animal, land and other resources are utilized to the best advantage, and to monitor the design and execution of planned projects within the Area;
- (e) to effect a programme of monitoring of the performance of projects within the Area so as to improve such performance and establish responsibility therefor, and to improve future planning;
- (f) to ensure close co-operation between all agencies concerned with the abstraction and use of water within the Area in the setting up of effective monitoring of such abstraction and use;
- (g) to collect, assemble and correlate all such data related to the use of water and other resources within the Area as may be necessary for the efficient forward planning of the Area;
- (h) to maintain a liaison between the Government, the private sector and foreign agencies in the matter of the development of the Area with a view to limiting the duplication of effort and to assuring the best use of technical resources;
- (i) to render assistance to operating agencies in their applications for loan funds if required.

Powers of the
Chairman.

9. The Chairman shall be the chief executive officer of the Authority and, subject to the general or special directions and decisions of the Authority, shall be responsible for the day-to-day management of the affairs of the Authority, including the organization, appointment and dismissal of staff, and, subject as aforesaid, shall have power to incur expenditure on behalf of the Authority within any current budget approved by the Authority.

Finance.

10. The funds of the Authority shall consist of—

- (a) such moneys as may from time to time be provided by Parliament for the purposes of the Authority;
- (b) moneys borrowed by the Authority on such terms and for such purposes as may be approved by the Minister;
- (c) any moneys accruing to the Authority from any other source.

Accounts and
audit.

11. (1) The Authority shall cause to be kept all proper books and records of account of income, expenditure, assets and liabilities of the Authority.

(2) At the end of each financial year shall be audited by the Controller and Auditor-General.

(3) At the completion of an audit under this section the auditor shall make a report thereon to the Authority and shall at the same time furnish a copy of such report to the Minister.

Protection of
members and
officers.

12. No act or thing done by any member of the Authority, or by any officer or servant of the Authority, shall, if the act or thing was done bona fide for the purposes of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

SCHEDULE

(s. 2)

THE SCHEDULED MINISTRIES

The Office of the President and the Ministries under the direction of the Ministers for the time being responsible for matters relating to—

- (a) agriculture;
- (b) economic planning;
- (c) natural resources;
- (d) power;
- (e) wildlife.