

**THE TANA RIVER DEVELOPMENT AUTHORITY  
(AMENDMENT) ACT, 1981**

**No. 8 of 1981**

*Date of Assent: 10th September, 1981*

*Date of Commencement: 18th September, 1981*

**An Act of Parliament to amend the Tana River Development  
Authority Act and extend its application**

ENACTED by the Parliament of Kenya as follows:—

Short title.

**1.** This Act may be cited as the Tana River Development Authority (Amendment) Act, 1981.

Amendment of  
the long title of  
Cap. 493A.

**2.** The Tana River Development Authority Act, hereinafter referred to as the principal Act, is amended by deleting from the long title the words “the Tana River Basin” and substituting “the Tana River and Athi River Basins”.

Change of short  
title of  
Cap. 493A.

**3.** Section 1 of the principal Act is amended by deleting “Tana River Development Authority Act” and substituting “Tana and Athi Rivers Development Authority Act”.

Amendment of  
section 2 of  
Cap. 493A.

**4.** Section 2 of the principal Act is amended—

(a) by deleting the definitions of “the Area” and “the Authority” and substituting the following—

“Area” means the area drained by, and bounded by, the water sheds of the Tana and Athi Rivers and their tributaries;

“Authority” means the Tana and Athi Rivers Development Authority established by section 3 of this Act;

(b) by deleting the definition of “the Minister”.

Amendment of  
section 3 of  
Cap. 493A.

**5.** Section 3 of the principal Act is amended by deleting the expression “the Tana River Development Authority” and substituting “the Tana and Athi Rivers Development Authority”.

*Tana River Development Authority  
(Amendment)*

No. 8

1981

**6. Section 4 of the principal Act is amended—**

Amendment of  
section 4 of  
Cap. 493A.

**(a) in subsection (1)—**

(i) by deleting paragraph (a) and substituting the following—

(a) a chairman who shall be appointed by the President;

(ii) by deleting the full stop at the end of paragraph (f) and adding the words “in consultation with the President”;

(iii) by adding the following new paragraph—

(g) the managing director appointed under section 9A of this Act.

**(b) by deleting subsection (2) and substituting the following—**

(2) Subject to this section, a non-official member shall hold office for a period of three years from the date of his appointment; and a retiring member shall be eligible for reappointment.

**7. Section 8 of the Principal Act is amended by adding the following new paragraph—**

Amendment of  
section 8 of  
Cap. 493A.

(j) to cause the construction of any works necessary for the protection and utilization of the water and soils of the Area.

**8. The principal Act is amended by repealing section 9 and substituting the following—**

Replacement  
of section 9  
of Cap. 493A.

Appointment  
and  
remuneration  
of staff.

**9. (1) The Authority may appoint, upon such terms and conditions as it thinks proper, such other officers and servants as it considers necessary or desirable for the efficient conduct and operation of its affairs.**

**(2) The officers and servants appointed under sub-section (1) shall—**

(a) subject to this Act, exercise the powers and functions and perform the duties assigned to them from time to time by the managing director; and

- (b) be paid out of the funds of the Authority such salaries as the managing director, with the approval of the Authority, may from time to time determine and other expenses as they may incur in the performance of their duties.

Insertion of  
new section  
9A in Cap. 493A.

9. The principal Act is amended by inserting the following new section immediately after section 9—

Managing  
director.

9A. (1) There shall be an officer of the Authority to be known as the managing director who shall be appointed by the Minister and who shall be responsible for the execution of the policy of the Authority and for the control and management of its day-to-day business.

(2) The Authority shall delegate to the managing director such of its functions under this Act as are necessary for the day-to-day business of the Authority and in particular the Authority shall delegate to the managing director the power, subject to any instructions of a general nature as may be given by the Authority—

(a) to control and supervise the acts of all officers and servants of the Authority in matters of executive administration and in all matters concerning the accounts and records of the Authority; and

(b) to dispose of all questions relating to the service of the officers and servants to the Authority and their pay, privileges and allowances.

Insertion of  
new section 11A  
in Cap. 493A.

10. The principal Act is amended by inserting the following new section immediately after section 11—

Annual  
report.

11A. (1) The Authority shall, within a period of six months after the end of each financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations and activities during that year, together with the yearly balance sheet and such other statements of accounts as the Minister shall require; and the

*Tana River Development Authority*  
(Amendment)

No. 8

1981

Authority shall publish the annual report and the yearly balance sheet in such manner as the Minister may specify.

(2) The Minister shall lay the Authority's report, together with the yearly balance sheet and such other statements of account as the Minister may deem appropriate, before the National Assembly as soon as reasonably practicable.

**11.** The Schedule to the principal Act is amended by inserting at the end the following—

(g) finance.

Amendment of  
the Schedule  
to Cap. 493A.