

NATIONAL COUNCIL FOR  
LAW REPORTING  
LIBRARY

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 74 (Acts No. 17)*



REPUBLIC OF KENYA

---

**KENYA GAZETTE SUPPLEMENT**

**ACTS, 2022**

---

---

**NAIROBI, 29th April, 2022**

---

---

CONTENT

Act—	PAGE
The County Governments Additional Allocations Act, 2022 .....	161



**THE COUNTY GOVERNMENTS ADDITIONAL  
ALLOCATIONS ACT, 2022**

**No. 17 of 2022**

*Date of Assent: 22nd April, 2022*

*Date of Commencement: 13th May, 2022*

**ARRANGEMENTS OF SECTIONS**

*Section*

- 1— Short title.
- 2— Interpretation.
- 3— Object.
- 4— Additional Allocations to county governments.
- 5— Conditional allocations to county governments.
- 6— Report on actual transfers.
- 7— Books of accounts to reflect national government transfers.
- 8— Reporting.
- 9— Consequential amendments.
- 10— Transition.

## THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS ACT, 2022

**AN ACT of Parliament to provide for the additional allocations to county governments for the 2021/2022 financial year; the responsibilities of National Government and county governments pursuant to such allocation; and for connected purposes**

**ENACTED** by Parliament of Kenya, as follows—

1. This Act may be cited as the County Governments Additional Allocations Act, 2022.

Short title.

2. In this Act —

Interpretation.

“agreement” means an intergovernmental agreement entered into under section 191A of the Public Finance Management Act;

“authorized person”—

(a) in relation to the National Government shall be the Principal Secretary responsible for matters relating to finance or a person appointed by that Principal Secretary, in writing;

(b) in relation to a county government shall be the county executive committee member responsible for matters relating to finance or a person appointed by that county executive committee member, in writing;

“Cabinet Secretary” means the Cabinet Secretary responsible for finance;

“additional allocations” means additional resources allocated to county governments from the National Government’s share of revenue or in the form of loans and grants from development partners; and

“county executive committee member” means the county executive committee member in charge of matters relating to finance.

3. The object of this Act is to—

Object.

(a) provide, pursuant to Article 202 (2) of the Constitution, for additional allocations for the financial year 2021/22;

- (b) provide for additional allocations from proceeds of loans and grants from development partners; and
- (c) facilitate the transfer of conditional and unconditional allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.

4. (1) Additional grants shall be funds agreed upon by the National Assembly and the Senate during the consideration of the Budget Policy Statement and shall comprise of—

- (a) additional allocations from development partners required for transfer of functions to counties from the National Government as provided for under Article 187 of the Constitution;
- (b) additional allocations provided for under Article 202(2) of the Constitution; and
- (c) loans and grants from development partners.

(2) Additional funds allocated under this section shall be included in the respective county governments' appropriation bills.

(3) The National Treasury shall facilitate any agreement between a county government and a development partner and shall table the agreements in the National Assembly and the Senate before inclusion in the Budget Policy statement.

5. (1) Conditional allocations to each county government from National Government share of revenue for the financial year 2021/22 shall be as set out in Column D of the First Schedule, comprising —

- (a) conditional allocations for the construction of county headquarters as set out in Column B of the First Schedule; and
- (b) conditional allocations for the leasing of medical equipment as set out in Column C of the First Schedule.

Additional allocations to county governments

Conditional allocations to county governments.

(2) Conditional allocations financed by proceeds of loans or grants from development partners to each county government for the financial year 2021/22 shall be as set out in Column N of the Second Schedule, comprising of—

- (a) conditional allocations financed by a grant from the World Bank to finance Transforming Healthcare Systems for Universal Care Project (THSUCP) as set out in Column B of the Second Schedule;
- (b) conditional allocations financed by a World Bank credit to finance Agricultural and Rural Inclusive Growth Project (NARIGP) as set out in Column C of the Second Schedule;
- (c) conditional allocation financed by a World Bank loan to finance the Kenya Climate Smart Agriculture Project (KCSAP) as set out in Column D of the Second Schedule;
- (d) conditional allocations from EU grant to finance Instruments for Devolution Advice and Support (IDEAS) program as set out in Column E of the Second Schedule;
- (e) conditional allocations from a World Bank credit to finance Water and Sanitation Development Project (WSDP) as set out in Column F of the Second Schedule;
- (f) conditional allocations from a grant by DANIDA to finance Universal Healthcare in Devolved System Program as set
- (g) conditional allocations financed by a grant from the World Bank for Kenya Devolution Support Programme (KDSP) – level 2 known as KDSP Capacity Building (“level 2”) Grant as set out in Column H of the Second Schedule;
- (h) conditional allocations financed by a loan from Government of Sweden to finance Agriculture Sector Development Support Programme II (ASDSP II) as set out in Column I of the Second Schedule;
- (i) conditional allocations financed by both loan and grant from the German Development Bank (KfW) to finance Drought Resilience Programme in

Northern Kenya (DRPNK) as set out in Column J of the Second Schedule;

- (j) conditional allocations financed by a credit from World Bank to finance Emergency Locust Response Project (ELRP) as set out in Column K of the Second Schedule;
- (k) conditional allocations financed by a loan from the World Bank to finance Kenya Informal Settlement Improvement Project (KISIP II) as set out in Column L of the Second Schedule; and
- (l) conditional allocations financed by United Nations Fund for Population Activities (UNFPA) to finance the 9th Country Programme Implementation as set out in Column M of the Second Schedule.

(3) Each county government's allocation under subsection (1)(a) shall —

- (a) be transferred to the respective County Revenue Fund, in accordance with a payment schedule published in the Gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act; and
- (b) only be accessed by each county government after meeting conditions set by the Cabinet Secretary responsible for that function at the beginning of the financial year.

No. 18 of 2012.

(4) A county governments' allocation under subsection (2) shall be transferred to the respective County Revenue Fund in accordance with a payment schedule published in the Kenya Gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act.

(5) The county governments' allocations under subsections (1) and (2) shall, subject to subsection (6), be included in the budget estimates of the National Government and shall be submitted to Parliament for approval.

(6) Allocations shall not be included in the budget estimates under subsection (4) unless —

- (a) the National Government and the respective

county governments have entered into an intergovernmental agreement in accordance with this Act; or

(b) in the case of a loan or grant by a development partner, the Cabinet Secretary and the responsible development partner have agreed in writing that the funds shall be transferred to the county government.

6. The Cabinet Secretary shall publish, by the 15th day of each subsequent month, a monthly report on actual transfers of all conditional allocations to county governments disbursed pursuant to this Act.

Report on actual transfers.

7. Each county treasury shall reflect all transfers of conditional allocations by the National Government to the respective county government in its books of accounts.

Books of accounts to reflect national government transfers.

8. A county treasury shall, as part of its consolidated quarterly and annual reports required under the Public Finance Management Act, report on—

Reporting.

No. 18 of 2012

- (a) actual transfers received by the county government from the National Government, up to the end of that quarter or year in the format prescribed by the Public Sector Accounting Standards Board or in the absence of a format prescribed by the Board, in the format prescribed by the National Treasury;
- (b) the actual expenditure by the county government of the allocations made under section 4(1) and (2);
- (c) the extent of compliance with the provisions of this Act and with the conditions of allocations as set out in the intergovernmental agreement entered into by the national government, the development partner and the county government;
- (d) an explanation of any material problems in the expenditure of any allocations made under this Act or compliance with any conditions of allocations set out in an intergovernmental agreement; and
- (e) any other information that may be required by the relevant intergovernmental agreement.

9. The Public Finance Management Act is amended—

Consequential amendments.  
No. 18 of 2012

(a) by deleting section 42 and substituting therefor the following new section—

Consideration by  
Parliament of  
Bills allocating  
revenue and  
additional  
allocations.

**42.** Parliament shall consider the Division of Revenue Bill, the County Allocation of Revenue Bill, and a County Governments Additional Allocations Bill not later than thirty days after the Bills have been introduced with a view to approving them, with or without amendments.

(a) in section 191 by —

(i) deleting the marginal note and substituting therefor the following new marginal note—

Bills allocating revenue and additional allocations.

(ii) deleting subsection (1) and substituting therefor the following new subsection—

(1) Each year when the Budget Policy Statement is introduced, the Cabinet Secretary shall submit to Parliament a Division of Revenue Bill, a County Allocation of Revenue Bill and a County Governments Additional Allocations Bill prepared by the National Treasury as provided in this Act for the financial year to which that Budget relates.

(iii) deleting subsection (3)(b);

(iv) inserting the following new subsection immediately after subsection (3) —

(3A) A Bill making allocations under Article 202(2) of the Constitution shall specify any other allocations to the counties from the National Government's share of that revenue and any conditions to which those allocations shall be made.

(b) by inserting the following sections immediately after section 191—

Intergovernmental agreements.

**191A** (1) The National Treasury shall enter into an agreement with the respective county government for the transfer of the respective conditional allocation made to the county government pursuant to this Act.

(2) An agreement under subsection (1) shall set out any conditions that may be attached to the conditional allocations made under this Act.

(3) Where a county government intends to enter into an agreement under subsection (1), the county executive committee member shall submit the agreement to the respective County Assembly for approval.

(4) The County Assembly shall, within fourteen days of submission of an agreement under subsection (3), approve or reject the agreement.

(5) Where a County Assembly fails to consider an agreement under subsection (3) within fourteen days, the agreement shall be deemed to be approved.

(6) An agreement under subsection (1) shall set out all conditions attached to an allocation made under this Act.

(7) The respective county government shall forward the agreement approved under this section to the Controller of Budget within seven days of approval.

Public participation.

**191B** The county executive committee member shall facilitate public participation on any agreement made pursuant to section 191A.

Execution of  
agreement for  
conditional  
allocation.

Submission to  
Senate.

Requisition of  
funds.

**191C** An agreement under section 191A shall be —

- (a) signed by an authorized person or officer; and
- (b) published in the Kenya Gazette within a period of seven days of the agreement.

**191D** (1) The National Treasury shall, within seven days of entering into an agreement under section 191A, submit to the Senate and the Controller of Budget, the agreement together with any other documents relating to the agreement.

(2) The National Treasury shall publish and publicize all agreements entered into pursuant to section 191A.

**191E** Requisition of funds from the county revenue fund for the purposes of a conditional grant shall be supported by the intergovernmental agreement approved under section 191A.

**10.** (1) The requirements under sections 191A to 191D of the Public Finance Management Act shall not apply to the 2021/2022 and 2022/2023 financial year.

Transition.

(2) The conditional grants for the financial year 2021/2022 shall be disbursed in accordance with the provisions of the Public Finance Management Act.

No. 18 of 2012.

## FIRST SCHEDULE

(s. 5(1))

## Conditional allocations to County Governments from National Government Revenue in Financial year 2021/22(Kenya Shillings)

S/No.	County	FY 2020/21	2021/22 FY		
		Total Conditional Grants from the National Government Revenue	Supplement for construction of county headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
1	Baringo	318,526,073	-	153,297,872	<b>153,297,872</b>
2	Bomet	361,373,348	-	153,297,872	<b>153,297,872</b>
3	Bungoma	499,669,894	-	153,297,872	<b>153,297,872</b>
4	Busia	388,217,282	-	153,297,872	<b>153,297,872</b>
5	Elgeyo/ Marakwet	283,800,930	-	153,297,872	<b>153,297,872</b>
6	Embu	613,874,883	-	153,297,872	<b>153,297,872</b>
7	Garissa	717,044,187	-	153,297,872	<b>153,297,872</b>
8	Homa Bay	395,535,074	-	153,297,872	<b>153,297,872</b>
9	Isiolo	365,357,737	68,000,000	153,297,872	<b>221,297,872</b>
10	Kajiado	368,033,501	-	153,297,872	<b>153,297,872</b>
11	Kakamega	1,014,514,769	-	153,297,872	<b>153,297,872</b>
12	Kericho	334,767,128	-	153,297,872	<b>153,297,872</b>
13	Kiambu	1,060,769,036	-	153,297,872	<b>153,297,872</b>
14	Kilifi	554,005,433	-	153,297,872	<b>153,297,872</b>
15	Kirinyaga	297,552,826	-	153,297,872	<b>153,297,872</b>
16	Kisii	879,284,082	-	153,297,872	<b>153,297,872</b>
17	Kisumu	771,446,538	-	153,297,872	<b>153,297,872</b>
18	Kitui	510,802,514	-	153,297,872	<b>153,297,872</b>
19	Kwale	431,815,791	-	153,297,872	<b>153,297,872</b>
20	Laikipia	303,695,016	-	153,297,872	<b>153,297,872</b>
21	Lamu	316,841,615	38,000,000	153,297,872	<b>191,297,872</b>
22	Machakos	842,088,971	-	153,297,872	<b>153,297,872</b>
23	Makueni	436,722,040	-	153,297,872	<b>153,297,872</b>
24	Mandera	477,240,570	-	153,297,872	<b>153,297,872</b>
25	Marsabit	354,066,748	-	153,297,872	<b>153,297,872</b>
26	Meru	837,284,031	-	153,297,872	<b>153,297,872</b>
27	Migori	394,818,918	-	153,297,872	<b>153,297,872</b>
28	Mombasa	784,013,153	-	153,297,872	<b>153,297,872</b>
29	Murang'a	442,598,480	-	153,297,872	<b>153,297,872</b>
30	Nairobi	702,891,009	-	153,297,872	<b>153,297,872</b>
31	Nakuru	901,451,849	-	153,297,872	<b>153,297,872</b>
32	Nandi	338,393,049	-	153,297,872	<b>153,297,872</b>
33	Narok	380,949,944	-	153,297,872	<b>153,297,872</b>

S/No.	County	FY 2020/21	2021/22 FY		
		Total Conditional Grants from the National Government Revenue	Supplement for construction of county headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
34	Nyamira	351,822,008	-	153,297,872	<b>153,297,872</b>
35	Nyandarua	371,922,709	75,000,000	153,297,872	<b>228,297,872</b>
36	Nyeri	754,409,397	-	153,297,872	<b>153,297,872</b>
37	Samburu	266,665,895	-	153,297,872	<b>153,297,872</b>
38	Siaya	372,931,392	-	153,297,872	<b>153,297,872</b>
39	Taita /Taveta	326,074,867	-	153,297,872	<b>153,297,872</b>
40	Tana River	369,347,509	75,000,000	153,297,872	<b>228,297,872</b>
41	Tharaka-Nithi	366,125,130	76,000,000	153,297,872	<b>229,297,872</b>
42	Trans Nzoia	369,864,846	-	153,297,872	<b>153,297,872</b>
43	Turkana	485,437,183	-	153,297,872	<b>153,297,872</b>
44	Uasin Gishu	373,139,609	-	153,297,872	<b>153,297,872</b>
45	Vihiga	349,554,070	-	153,297,872	<b>153,297,872</b>
46	Wajir	416,579,339	-	153,297,872	<b>153,297,872</b>
47	West Pokot	310,945,251	-	153,297,872	<b>153,297,872</b>
	<b>TOTAL</b>	<b>23,164,265,625</b>	<b>332,000,000</b>	<b>7,205,000,000</b>	<b>7,537,000,000</b>

(a. 52)

## SECOND SCHEDULE

Conditional allocations from loans and grants from development partners for financial year 2021/2022 (Figures in Kenyan Shillings)

2021/22 FY

2020/21 FY

S/N.	County	Total Loans and Grants						Column N						
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
1	Baringo	434,339,263	51,439,168	-	300,000,000	36,744,378	-	11,290,125	75,822,872	25,115,290	-	27,905,333	-	528,317,166
2	Bomet	478,975,357	98,737,242	-	349,999,960	-	-	12,201,750	167,353,974	24,888,732	-	-	-	653,181,658
3	Bungoma	376,922,526	52,969,797	280,510,114	-	-	-	19,705,125	112,815,048	26,752,122	-	50,000,000	-	542,772,196
4	Busia	457,658,884	42,178,872	-	295,795,506	-	-	13,323,750	69,825,044	26,069,940	-	-	-	447,133,112
5	Elgeyo/ Marakwet	451,406,116	37,021,153	-	350,000,000	-	-	8,555,250	184,795,683	23,843,630	47,838,667	50,000,000	-	702,654,383
6	Embu	394,183,335	5,714,632	387,946,601	-	-	-	9,337,000	-	22,224,624	28,398,667	-	-	453,821,524

7	Ganissa	934,781,540	33,361,734	-	348,172,365	-	550,000,000	15,567,750	64,613,906	35,533,363	40,478,667	1,067,727,785
8	Homa Bay	389,416,619	70,450,834	279,115,289	-	-	-	14,936,625	31,096,673	50,000,000	8,864,000	454,463,421
9	Istio	577,117,295	20,444,468	-	330,699,130	-	-	9,396,750	120,374,189	26,387,350	76,030,667	8,864,000
10	Kajidio	559,702,4274	33,348,868	-	321,108,120	-	-	14,235,375	132,797,633	24,714,544	50,000,000	576,204,540
11	Kakamega	485,462,855	73,144,291	-	338,783,306	-	-	23,071,125	78,009,910	28,082,288	150,000,000	691,890,920
12	Kericho	445,266,392	75,948,635	-	350,000,000	-	-	11,921,250	102,491,953	28,692,485	-	569,054,323
13	Kisumu	357,387,255	11,433,390	402,836,649	-	-	-	20,897,250	73,731,600	30,340,365	50,000,000	589,239,254
14	Kilifi	1,253,234,710	36,935,995	254,610,493	-	-	1,300,000,000	23,141,250	102,491,953	27,964,926	200,000,000	8,864,000
15	Kirinyaga	295,037,247	47,498,316	344,612,512	-	-	-	9,396,750	146,608,512	25,522,510	-	573,638,600
16	Kisii	364,718,901	63,079,905	324,295,427	-	16,140,145	-	17,250,750	128,507,146	26,370,204	-	575,643,577
17	Kisumu	425,782,038	51,833,637	-	274,627,706	15,626,168	-	15,141,000	82,682,844	29,715,378	300,000,000	769,632,733
18	Kiini	323,076,845	14,548,168	283,089,026	-	-	-	19,564,875	112,815,048	28,837,290	38,964,000	7,386,704
19	Kwale	732,337,859	9,438,302	278,050,578	-	-	600,000,000	17,250,750	102,491,953	27,464,844	50,000,000	1,084,896,927
20	Laikipia	412,136,832	28,777,132	-	349,961,100	15,626,168	-	9,256,500	167,353,974	23,823,630	-	594,868,594
21	Lamu	453,357,718	42,427,244	-	300,102,326	-	-	5,750,250	25,109,992	-	10,000,000	4,432,000
22	Machakos	405,961,334	9,399,935	-	321,468,007	-	-	17,186,625	161,906,472	25,492,885	28,384,000	-
23	Makueni	388,984,714	87,593,306	284,347,300	-	-	-	16,409,250	184,795,683	27,068,180	-	600,213,719
24	Mandera	681,298,984	54,586,272	-	298,883,700	-	-	22,650,375	141,844,646	32,096,096	52,925,333	4,432,000
25	Marsabit	616,984,659	8,210,555	-	306,870,917	16,140,048	-	15,008,750	116,524,635	31,621,584	170,000,000	84,508,000
26	Meru	328,613,869	36,886,029	398,724,835	-	-	-	17,811,750	141,844,646	25,100,278	47,977,333	110,000,000
27	Migori	332,385,398	48,944,473	276,072,733	-	15,626,168	-	15,006,750	31,009,120	-	4,432,000	391,091,244
28	Mombasa	1,292,389,448	18,129,227	-	-	800,000,000	15,637,875	156,635,628	23,499,950	300,000,000	-	1,313,902,686
29	Murang'a	423,235,015	81,798,466	335,683,961	-	-	-	13,954,875	23,492,070	-	454,929,372	-
30	Nairobi City	166,728,323	87,492,037	-	-	-	-	35,272,875	-	36,639,733	700,000,000	7,386,704
31	Nakuru	327,483,267	79,792,976	269,363,385	-	-	-	23,211,375	120,374,189	26,343,334	300,000,000	50,000,000
32	Nandi	433,775,389	59,482,857	297,105,136	-	-	-	11,851,125	82,682,844	23,676,246	-	524,798,288
33	Narok	484,396,552	49,785,426	398,148,737	-	-	-	17,811,750	141,844,646	30,988,725	-	7,386,704
34	Nyamira	549,161,966	90,226,074	275,417,324	-	-	-	10,659,000	112,815,048	24,250,072	50,000,000	563,367,518
35	Nyandarua	484,366,657	94,478,706	-	289,609,680	31,223,224	-	10,799,250	184,795,683	22,983,146	50,000,000	683,889,689
36	Nyeri	413,226,122	48,739,220	-	352,822,230	-	-	11,991,375	184,795,683	21,917,144	60,000,000	680,265,672

governments in FY 2020/21 using a criterion recognized in Section 504 of the U.S. Civil Rights Act of 1964 (Title VI of the Civil Rights Act of 1964) to determine if a county's allocation of the Urban Development Grant (UDG) to be allocated to 45 county