



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE NATIONAL CONSTRUCTION AUTHORITY ACT

NO. 41 OF 2011

Revised Edition 2020 [2011]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 41 OF 2011

NATIONAL CONSTRUCTION AUTHORITY ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II – THE NATIONAL CONSTRUCTION AUTHORITY

3. Establishment and incorporation of Authority.
4. Headquarters.
5. Functions of the Authority.
6. Powers of Authority.
7. Membership of the Board.
8. Vacation of office.
9. Conduct of business and affairs of the Board.
10. Remuneration of Board members.
11. Delegation by the Authority.
12. Executive Director.
13. Staff of the Board.
14. Co-option of members and establishment of Committees.

PART III – TRADING AS A CONTRACTOR

15. Requirement for registration.
16. Meaning of "Contractor".
17. Application for Registration.
18. Registration of foreign contractors.
19. Registers of Contractors.
20. Publication of registers and lists.
21. Publication prima facie evidence of registration.

Inquiries by the Board

22. Inquiry into conduct of contractors.
23. Appointment of Investigating officers.
- 23A. Mandatory inspections.
24. Suspension.
25. Deletion of name.
26. Powers of the Board with regard to register.

PART IV – APPEALS BOARD

27. Establishment.
28. Board may make the rules.
29. Expenses of the Appeals Board.

PART V – FINANCIAL PROVISIONS

30. The funds of the Authority shall consist of—

- 31. Imposition of levy.
- 32. Financial year.
- 33. Annual Estimates.
- 34. The National Construction Authority Fund.
- 35. Accounts and audit.
- 36. Investment of funds.

PART VI – MISCELLANEOUS

- 37. Protection from liability.
- 38. Common seal.
- 39. Signification of documents.
- 40. Protection of name.
- 41. Power to dissolve Board.
- 42. Power to make Regulations.
- 43. Supersession.

SCHEDULES

FIRST SCHEDULE (S.7(1)(g) —	BODIES TO NOMINATE BOARD MEMBERS
SECOND SCHEDULE (S.9) —	CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARD
THIRD SCHEDULE (S.16 (2) —	CLASSES OF CONTRACT WORKS

NO. 41 OF 2011

NATIONAL CONSTRUCTION AUTHORITY ACT

[Date of assent: 2nd December, 2011.]

[Date of commencement: 8th June, 2012.]

AN ACT of Parliament to provide for the establishment, powers and functions of the National Construction Authority and for connected purposes

[Act No. 41 of 2011, Legal Notice 30 of 2012, Legal Notice 45 of 2012, Act No. 11 of 2017, Act No. 18 of 2018, Act No. 1 of 2020.]

PART I – PRELIMINARY

1. Short title.

This Act may be cited as the National Construction Authority Act, 2011.

2. Interpretation.

In this Act, unless the context otherwise requires—

"Authority" means the National Construction Authority established under section 3;

"Board" means the Board of the Authority established under section 7;

"building code" means the building code provided for under regulations made pursuant to section 42;

"chairperson" means the chairperson of the Board appointed under Section 7 (1);

"class" in relation to contract, means any of the classes of contract works set out in the Third Schedule in respect of which a contractor may be licensed by the Board;

"company" means a company within the meaning of the Companies Act Cap. 486;

"construction site supervisor" means a person assigned to the construction site by a contractor to supervise construction works;

"construction industry" means the industry concerning construction works;

"construction works" means the construction, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling, or demolition of-

- (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;
- (b) any road, harbour works, railway, cableway, canal or aerodrome;
- (c) any drainage, irrigation or river control works;
- (d) any electrical, mechanical, water, gas, petrochemical or telecommunication works; or
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation works, and includes any works' which form an integral part of, or