

## STATEMENT BY THE NATIONAL CONSTRUCTION AUTHORITY ON THE HURUMA COLLAPSE

The Board and staff on the National Construction Authority are deeply saddened by the events that occurred in Huruma estate Nairobi where an occupied storied building collapsed on Friday 29<sup>th</sup> April 2016 resulting in the deaths of 49 people as at the date of this statement, injuries to others and rendering many more homeless. The Authority would like to convey its deepest and most sincere condolences to the families of the deceased and pray for the speedy recovery of those that were injured in this unfortunate tragedy.

The National Construction Authority is established under the provisions of the National Construction Authority Act No. 41 of 2011 to oversee the construction industry and coordinate its development. The Authority commenced its operations in June 2012 with the NCA regulations coming into effect on 6<sup>th</sup> June 2014. To date the Authority has visited over 16,356 construction sites out of which 10,405 sites were closed until they complied with the requirements of the law.

The mandate of the Authority as provided under section 5 include;

- a. to promote and stimulate the development, improvement and expansion of the construction industry;
- b. advise and make recommendations to the Minister on matters affecting or connected with the construction industry;
- c. undertake or commission research into any matter relating to the construction industry;
- d. prescribe the qualifications or other attributes required for registration as a contractor under this Act;
- e. assist in the exportation of construction services connected to the construction industry;
- f. provide consultancy and advisory services with respect to the construction industry;
- g. promote and ensure quality assurance in the construction industry;
- h. encourage the standardisation and improvement of construction techniques and materials;
- i. initiate and maintain a construction industry information system;
- j. provide, promote, review and co-ordinate training programmes organized by public and private accredited training centres for skilled construction workers and construction site supervisors;
- k. accredit an register contractors and regulate their professional undertakings
- l. accredit and certify skilled construction workers and construction site supervisors;
- m. develop and publish a code of conduct for the construction industry; and
- n. do all other things that may be necessary for the better carrying out of its functions under the Act.

Section 23 (1) states as follows;

"The Board may for the purpose of the performance of its functions under section 21, appoint such number of investigation officers, of the Board, as it considers necessary for the purposes carrying out investigation of any offence or inspection under this Act.

(2) An investigating officer shall, for the purpose of ascertaining whether the provisions of this Act or any regulations made thereunder are being complied with, have power at all reasonable times to **enter into any site where construction works are being carried out** and make such enquiry or inspection as may be necessary for the purposes of the functions of the investigating officer.

(3) In the course of the an investigation or inspection under this section an investigating officer May;

- a. Put questions concerning the registration of any contract, the accreditation and certification of the skilled construction workers and construction site supervisors or the payment of levy and all the persons to whom the questions are addressed shall be legally bound to answer such questions truthfully to the best of their ability
- b. Require any person to produce any records to be kept under this Act, and may seize them or take copies of them, or
- c. By notice in writing order the suspension of all or any part of the works in respect of which the provisions of this Act have not been complied with until the time of such compliance.

(4) Every investigating officer when exercising any power under this Act, shall identify himself as such to the persons affected and produce written authority for the exercise of such powers.

(5) Upon completion of an investigation, the investigating officer shall, where the investigation reveals an offence under this Act or any Regulations made thereunder, immediately give information relating to the offence to an officer in charge of a police station, and that officer may by warrant, arrest any person who may have committed such offence."

The Authority continues to work hard in the discharge of its mandate as enshrined in the law to ensure that construction business is properly regulated, safe and profitable for the investors. The Authority has under its coordination role provided a framework to ensure that all the regulatory bodies involved in approval of construction play their role by ensuring that the antecedent requirements for a project are provided before the same is registered by NCA. These include;

- i. County Government approval for the project;
- ii. National Environment Management Authority (NEMA) licence for the project where applicable;
- iii. Registration of the Contractor by the National Construction Authority;
- iv. Payment of the requisite construction levy where applicable;
- v. NCA project compliance certificate;
- vi. A safety plan for the project;
- vii. Personal protective equipment for workers (helmets, overalls and safety boots among others);
- viii. NCA Accreditation of the skilled construction workers and site supervisors.

The Authority is cognizant of the fact that the building that collapsed at Huruma was already under occupation and in essence outside the jurisdiction of the regulatory framework of the Authority having been constructed and occupied prior to the coming into force of the NCA Act. However the Authority continues to provide technical support to the line Ministry and advise as the case may be on the steps to be taken in such instances. The Authority did participate in the building audit that was conducted in various estates within Nairobi which was spearheaded by the Building Inspectorate of the State Department of Public Works Ministry of Land, Housing and Urban Development and the Nairobi City County. A key recommendation of the task force was that all the buildings that have been put up illegally on riparian and road reserves should be demolished immediately. This is a process that is currently ongoing.

The Authority further wishes to advise members of the public especially prospective tenants and buyers of properties to always ensure that they request for a copy of the occupation certificate (issued by the respective county government where the building is located) and copies of the approved building plans before taking any steps in a transaction including for an existing building.

Developers are advised to seek the services of the various professionals while undertaking construction projects as anticipated under the NCA Act. These include;

1. Architects and quantity surveyors registered by the Board of Registration Architects and Quantity Surveyors (BORAQS);
2. Engineers registered by the Engineers Board of Kenya (EBK);
3. Contractors registered by the National Construction Authority (NCA).

In the same breadth professionals are advised to ensure that they stick to their professional obligations in delivering the projects and to advise their clients accordingly.

Contractors are also advised to ensure that they undertake projects that are within their registered category and area of expertise. Where any party requires any clarification or advise on how to proceed with a construction project, they are requested to contact the Authority officially via the following email [info@nca.go.ke](mailto:info@nca.go.ke) or visit the NCA offices in Nairobi or around the country for necessary guidance.

The Authority shall continue to fully cooperate with the security agencies that are currently conducting investigations into the collapse.

Dated: 8<sup>th</sup> May 2016

Signed

Steven Oundo, OGW  
Chairperson of the Board