



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MAY 28, 2026 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*.MOTION – ALTERATION OF THE CALENDAR OF THE HOUSE
(The Leader of the Majority Party)

THAT, notwithstanding the Resolution of the House of 11th February 2026, and pursuant to the provisions of Standing Order 28(4) (*Calendar of the Assembly*), this House **resolves** to alter its Calendar, so as to—

- (i) commence the Short Recess of the Second Part of the Fifth Session on **Friday, 3rd July 2026** until **Monday, 27th July 2026**;
- (ii) resume Regular Sittings of the Second Part of the Fifth Session on **Tuesday, 28th July 2026** until **Thursday, 27th August 2026**;
- (iii) commence the Long Recess of the Second Part of the Fifth Session on **Friday, 28th August 2026**;
- (iv) commence the Third Part of the Fifth Session Regular Sittings on **Tuesday, 29th September 2026** until **Thursday, 22nd October 2026**; and
- (v) commence the Short Recess of the Third Part of the Fifth Session on **Friday, 23rd October 2026** until **Monday, 2nd November 2026**.

9*.THE MICROFINANCE BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2026)

(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

10*.THE KENYA REVENUE AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2026)

(The Leader of the Majority Party)

First Reading

11*. SPECIAL MOTION-**CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS HIGH COMMISSIONER TO CANADA**

(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the Approval Hearing of a Nominee for Appointment as High Commissioner to Ottawa, Canada, *laid on the Table of the House on Tuesday, 26th May 2026*, and pursuant to the provisions of Article 132(2)(e) of the Constitution, section 20(2) of the Foreign Service Act, Cap. 185E and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, this House **approves** the appointment of **Mr. Humphrey Mulongo Wattanga, EBS** as High Commissioner to Ottawa, Canada.

12*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)
(The Leader of the Majority Party)
- (ii) The Quality Healthcare and Patient Safety Bill (National Assembly Bill No. 41 of 2025)
(The Leader of the Majority Party)

13*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2025)

(The Leader of the Majority Party)

Second Reading

14*. THE KENYA JUDICIARY ACADEMY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2025)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

15*. THE PLANT PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2025)

(The Leader of the Majority Party)

Second Reading

16*. THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2026)

(The Leader of the Majority Party)

Second Reading

17*. MOTION – REPORT ON INSPECTION VISIT TO THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION AND THE EAST AFRICAN HEALTH RESEARCH COMMISSION

(The Chairperson, Committee on Regional Integration)

THAT, this House **adopts** the Report of the Committee on Regional Integration on its inspection visit to the East African Science and Technology Commission in Rwanda and the East African Health Research Commission in Burundi, *laid on the Table of the House on Wednesday, 5th November 2025.*

18*. MOTION – REPORT OF THE KENYA DELEGATION TO THE 151ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS

(The Leader of the Delegation)

THAT, this House **notes** the Report of the Kenya Delegation to the 151st Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland, from 19th to 23rd October 2025, *laid on the Table of the House on Wednesday, 11th March 2026.*

19*. MOTION – SECOND REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Second Report of the Committee on Implementation on status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 26th October 2023.*

20*. MOTION – REPORT ON INSPECTION VISITS TO FOURTEEN (14) SPECIAL NEEDS SCHOOLS IN SPECIFIED COUNTIES

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

THAT, this House **adopts** the Report of the Committee on National Cohesion and Equal Opportunity on the Inspection Visits to fourteen (14) special needs schools in specified Counties, *laid on the Table of the House on Tuesday, 30th July 2024.*

Denotes Orders of the Day

NOTICES

I. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2023)

Notice is given that the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation intends to move the following amendments to the Fisheries Management and Development Bill, 2023) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “Authority”;
- (b) by deleting the definition of the expression “Board of Directors”;
- (c) by deleting the definition of the term “Council”;
- (d) by deleting the definition of the expression “authorized officer” and substituting therefor the following new definition—

“authorized officer” means a fisheries officer, fish inspector, coast guard officer, a police officer of or above the rank of inspector, an officer of the Kenya Navy or any other person appointed by the Cabinet Secretary under section 17;

- (e) by deleting the definition of the expression “foreign fishing vessel” and substituting therefor the following new definition—

“foreign fishing vessel” means a fishing vessel not registered in Kenya;

- (f) by deleting the definition of the expression “Kenya Marine and Fisheries Research Institute”;

- (g) by deleting the definition of “subsistence fishing” and substituting therefor the following new definition—

“subsistence fishing” means local or non-commercial fishing, not for recreation but for sourcing of fish for consumption by the fishers, their dependants or community;

- (h) by deleting the definition of the term “surveillance” appearing immediately after the definition of “support vessel”;

- (i) in the definition of the expression “territorial waters” by deleting the words “and includes the territorial sea”;

- (j) by deleting the definition of the term “transshipment” and substituting therefor the following new definition—

“transshipment” means the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed;

(k) by inserting the following new definitions in their proper alphabetical sequence—

"Board of the Institute" means the Board of the Kenya Marine and Fisheries Research Institute established under section 27C;

"commercial fishing" means fishing for sale, barter or trade;

"county fisheries officer" means an officer within a county designated by the respective county executive committee member;

"County Director" means the County Director responsible for matters relating to fisheries appointed by the respective county public service board;

"county executive committee member" means the county executive committee member responsible for matters relating to fisheries in the respective county;

"Director-General of the Institute" means the Director General of the Institute appointed under section 27S;

"exclusive economic zone" has the same meaning assigned to it under the Maritime Zones Act;

"Fund" means the Fish Levy Development Fund established under section 27;

"fish inspector" means a person appointed for the purposes of inspections in fish safety and quality or aquaculture or monitoring, control and surveillance activities under this Act;

"fish landing station" means a designated coastal or inland shore area gazetted by the Cabinet Secretary where fishing vessels anchor to unload, sell or process their catch;

"Institute" means the Kenya Marine and Fisheries Research Institute established under section 27A; and

"marine park" means a protected marine area where no fishing, construction work or any disturbance is allowed unless with written permission under the Wildlife Conservation and Management Act.

CLAUSE 4

THAT, clause 4 of the Bill appearing second in time be amended —

(a) by renumbering the existing provision as clause 5(1); and

(b) in subclause (2) by—

(i) deleting paragraph (q) and substituting therefor the following new paragraph—

(q) ensuring effective co-operation between the National Government and county governments, coastal states, fishing states and competent organizations in the sustainable development, management, utilization and conservation of fisheries and other aquatic resources;

- (ii) inserting the following new paragraph immediately after paragraph (q)—
(qa) the promotion of blue economy;

CLAUSE 5

THAT, the Bill be amended by deleting clause 5.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 5—

Supersession. **5A.** Where any conflict arises between the provisions of this Act and any other law in matters relating to fisheries, the provisions of this Act shall prevail.

National Blue Economy strategy. **5B.** (1) The Cabinet Secretary shall, in accordance with Article 10 of the Constitution and through public participation, formulate a National Blue Economy Strategy.

(2) The Cabinet Secretary shall submit an annual report to the National Assembly on the implementation of the Blue Economy strategy including implementation of international agreements and obligations.

(3) The Cabinet Secretary shall, in every five-year period, review and update the National Blue Economy Strategy.

Directorates. **5C.** (1) The Cabinet Secretary may establish such directorates as may be necessary for the performance of the functions under this Act.

(2) Without prejudice to the provisions of subsection (1), the Cabinet Secretary shall establish directorates for—

- (i) blue economy development;
- (ii) aquaculture development; and
- (iii) fisheries.

Role of the Directorates. **5D.** The Directorates established under section 5C shall—

- (a) formulate and monitor the implementation of policies regarding the conservation, management and utilization of all fisheries resources and blue economy within the scope of this Act;
- (b) co-ordinate the development of national blue economy strategy and policy;
- (c) promote the sustainable transformation and diversification of the ocean's economy by promoting research and innovation;
- (d) formulate policy on the development of fishing ports and related infrastructure.

- (e) conduct capacity building for sustainable exploitation of agro-based marine resources;
- (f) coordinate matters of regional and international blue economy protocols, conventions, declarations and standards for shared blue economy resources;
- (g) coordinate inter-governmental relations in between the national government, county governments, relevant stakeholders and internationally in blue economy development;
- (h) co-ordinate mobilization of resources and implementation of programmes, projects for the blue economy Development;
- (i) increase local participation and investment in the blue economy through public private sector partnerships and international partnerships;

- (j) develop, implement and co-ordinate a national fish marketing strategy;
- (k) identify national and international fish market needs and trends and advise fisheries stakeholders accordingly;
- (l) in co-ordination with the institute promote and oversee research on fisheries and aquaculture development;
- (m) co-ordinate resource mobilization and supervise implementation of fisheries and aquaculture management and development;
- (n) in collaboration with county governments and relevant stakeholders identify opportunities and promote all aspects of fisheries marketing;
- (o) develop and maintain a fisheries and aquaculture database, knowledge management, sharing and streamlined dissemination of information;
- (p) arrange and enter into joint ventures or any other forms of investment arrangement for purposes of performing any of its functions; and
- (q) act on behalf of the government, subject to the Treaty Making and Ratification Act in relation to any domestic or international agreement relating to fishing, fishing related activities or any matter falling within the scope of this Act, to which Kenya is or may become a party;
- (r) perform such other functions consistent with the provisions of this Act as may be necessary to carry out the objectives and provisions of this Act.

Cap.4D.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

Functions of the Service.

Cap.4D.

Cap.242.

Cap.254.

- 8.** The functions of the Service shall be to—
- (a) ensure the appropriate conservation, sustainable use, development and protection of fisheries resources;
 - (b) implement policies regarding the conservation, management and utilization of all fisheries resources within the scope of this Act;
 - (c) develop standards for the management of all fisheries and aquaculture activities and fishing related activities within the scope of this Act;
 - (d) develop guidelines for the preparation of fisheries specific management plans for the Kenya fishery waters;
 - (e) provide education to create public awareness and support for fisheries conservation, management, development and sustainable use;
 - (f) set and meet goals for fisheries conservation, management, development and sustainable use;
 - (g) in consultation with the Kenya Marine and Fisheries Research Institute, coordinate research activities in relation to matters falling within the scope of this Act;
 - (h) collect and analyse data in relation to resources and activities falling within the scope of this Act;
 - (i) identify manpower requirements and recruit manpower at all levels for the Service;
 - (j) liaise as appropriate with agencies and persons, including relevant stakeholders, industry, government agencies, regional and international organisations and experts, whether local or foreign, on matters falling within the scope of this Act;
 - (k) administer and co-ordinate international protocols, conventions and treaties regarding fisheries in all its aspects in consultation with the Cabinet Secretary pursuant to the Treaty Making and Ratification Act;
 - (l) control and regulate fish safety and quality subject to the Public Health Act and the Food, Drugs and Substance Act;
 - (m) raise revenue through levies, fees, investments and other means in accordance with this Act and the Constitution, including solicitation by public appeal or otherwise, and accept and receive subscriptions, donations, devices and bequests, whether of movable

or immovable property and whether absolute or unconditional for the general or special purposes of the Service or subject to any trust raise revenue through levies, fees;

- (n) undertake the development of appropriate fisheries infrastructure, that relates to its mandate under this Act;
- (o) facilitate investment in commercial fisheries, in collaboration with relevant agencies, persons or bodies, including Government departments;
- (p) promote development and introduction of appropriate technologies in aquaculture production, processing and preservation in collaboration with relevant agencies, county governments and stakeholders;
- (q) identify and promote construction of any works deemed necessary for the sustainable protection, development and economic utilization of fisheries resources;
- (r) facilitate access of fish and fishery products from Kenya at local, national, regional and international levels;
- (s) in collaboration with county governments and relevant stakeholders identify opportunities and promote all aspects of fisheries marketing;
- (t) arrange and enter into joint ventures or any other forms of investment arrangement for purposes of performing any of its functions;
- (u) co-ordinate fish quality assurance and operations of the marine and coastal fisheries, aquaculture and inland and riverine fisheries;
- (v) co-ordinate and or undertake monitoring, control and surveillance of all activities within the scope of this Act in consultation with county governments and relevant stakeholders;
- (w) promote the sustainable use of fish by preventing, deterring and eliminating to the extent possible trade in illegal, unreported and unregulated fishing; and
- (x) perform such other duties and functions consistent with the provisions of this Act as may be necessary to carry out the objectives and provisions of this Act.

CLAUSE 9

THAT, clause 9(1) of the Bill be amended in—

- (a) by inserting the word “marketing” immediately after the word “development” appearing in paragraph (b); and
- (b) by deleting the words “the Fish Marketing Authority established under section 204 and other agencies” appearing in paragraph (d) and substituting therefor the words “relevant stakeholders”.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause—

Membership of
the Board.

10.(1) The members of the Board shall consist of—

- (a) a chairperson recruited through a competitive process, who shall be appointed by the President;
- (b) the Principal Secretary responsible for matters relating to fisheries or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary responsible for matters relating to defence or a representative designated in writing;
- (e) the Attorney-General or a representative designated in writing;
- (f) a person nominated by the Council of governors and appointed by the Cabinet Secretary;
- (g) three other persons, not being public officers, with knowledge and experience in the conservation, management, development and sustainable use of fisheries resources appointed by the Cabinet Secretary; and
- (h) the Director-General, who shall be an *ex-officio* member.

(2) The members of the Board shall at their first meeting after appointment, elect a vice-chairperson from amongst their numbers:

Provided that the Chairperson and Vice- Chairperson shall not be of the same gender.

(3) The Cabinet Secretary shall in making appointments under subsection (1)(g) have regard to the principle of gender parity, age, regional and ethnic balance and shall, to the extent possible, ensure an equitable representation from different sub-sectors of the fisheries sector.

(4)A person shall be qualified to be appointed under subsection (1)(a), (f) and (g) if such person—

- (a) holds a degree from a university recognized in Kenya in—
 - (i) natural resource or environmental management, development or science;
 - (ii) fisheries studies, including fisheries governance, management, development or science;
 - (iii) marine affairs;
 - (iv) port management;
 - (v) aquatic science; or
 - (vi) a field related to the functions of the Board;
- (b) has served in a senior management position for at least five years; and
- (c) meets the requirements of Chapter Six of the Constitution.

(5) The chairperson and member of the Board appointed under subsection (1) (a), (f) and (g) shall hold office for a term of three years

and shall be eligible for reappointment for one further term of three years.

(6) The respective appointing authority shall appoint the Chairperson and members of the Board, by name and by notice in the *Gazette*.

CLAUSE 11

THAT, clause 11 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) Where a vacancy occurs in the membership of the Board, the appointing authority shall appoint a new member in accordance with the provisions of this Act.

CLAUSE 12

THAT, clause 12 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “(5)” and substituting therefor the expression “(4)”;
- (b) in subclause (2) by deleting the word “Chair” and substituting with therefor the word “Chairperson”; and
- (c) in subclause (3) (b) by deleting the expression “(a)” and substituting therefor the expression “(2)”.

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in subclause (3) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) the Chairperson, or in his or her absence the Vice-Chairperson, shall preside, and if both the Chairperson and the Vice-Chairperson are absent, the members present shall appoint, from among their own number, a Chairperson for that meeting;
- (b) by deleting subclause (10).

NEW CLAUSE 13A

THAT, the Bill be amended by inserting the following new clause immediately after clause 13—

Conduct of
business and
affairs of the
Board.

13 A. (1) The conduct and regulation of the business of the Board shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure and the procedure of any committee constituted under this Act.

CLAUSE 14

THAT, clause 14 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- (2) A person shall be qualified to be appointed under subsection (1), if such person—
- (a) holds a post graduate degree from a university recognized in Kenya in—
 - (i) natural resource or environmental management, development or science;
 - (ii) fisheries studies, including fisheries governance, management, development or science;
 - (iii) aquatic science; or
 - (iv) any other related field;
 - (b) has at least ten years' experience in a senior management position in a public or private institution; and
 - (c) meets the requirements of Chapter Six of the Constitution.

CLAUSE 15

THAT, clause 15 of the Bill be amended in subclause (2) (d) by deleting the words “the Fish Marketing Authority established under section 204 and other agencies” and substituting therefor the words “relevant stakeholders”.

NEW CLAUSE 15A

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

Corporation
Secretary.

15A. (1) There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board on such terms as the Board may, on the advice of the Salaries and Remuneration Commission, determine.

(2) A person qualifies for appointment as the Corporation Secretary if that person—

- (a) holds a bachelor's degree in law from a university recognized in Kenya;
- (b) is an Advocate of the High Court of Kenya;
- (c) has at least five years' experience as a corporation secretary or a similar governance role;
- (d) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) The Corporation Secretary shall be the Secretary to the Board and shall—

- (a) in consultation with the Chairperson of the Board, issue notices for meetings of the Board;
- (b) provide guidance to the Board on their duties and responsibilities on matters relating to governance
- (c) ensure the timely preparation and circulation of documents and minutes of the Board;
- (d) be the custodian of the seal of the Institute and account to the Board on its use;
- (e) ensure that members of the Board are aware of all relevant laws affecting the Institute;
- (f) except in exceptional circumstances, ensure that Board papers are circulated in advance of any meeting; and
- (g) perform any other function that may be assigned by the Board.

CLAUSE 16

THAT, clause 16 of the Bill be amended—

(a) in subclause (1)—

(i) in paragraph (a) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”;

(ii) in paragraph (b) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”;

(b) in subclause (2) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”; and

(c) in subclause (3) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”.

CLAUSE 17

THAT, the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

Authorized
officers.

17. (1) The Cabinet Secretary may, on the recommendation of the Director-General and by notice in the *Gazette* appoint an authorized officer for purposes of this Act.

(2) A person appointed under subsection (1), shall perform such functions as the Board may specify.

(3) Notwithstanding subsection (1), a County Executive Committee Member may within their respective county and in consultation with the County Director responsible for fisheries, appoint a county fisheries officer for purposes of performance of functions assigned to counties under this Act.

CLAUSE 18

THAT, the Bill be amended by deleting clause 18.

CLAUSE 19

THAT, clause 19 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) There is established a unit within the Service to be known as the Monitoring, Control and Surveillance Unit

(b) in subclause (2)—

(i) by deleting the words “The MCS Unit” appearing in the opening statement and substituting therefor the words “The Monitoring, Control and Surveillance Unit”;

(ii) in paragraph (b) by deleting the expression “2013”; and

(c) in subclause (3) by deleting the words “The MCS Unit shall The MCS Unit shall include the officers specified in Part B of the First Schedule,” appearing in the opening statement and substituting therefor the words “The Monitoring, Control and Surveillance Unit shall include the officers specified in Part B of the Second Schedule,”.

CLAUSE 20

THAT, clause 20 of the Bill be amended –

(a) in subclause (1) by deleting the words “(“the Inter-agency MCS Unit”);”;

(b) in subclause (2) by deleting the words “First schedule” and substituting therefor the words “Second Schedule”; and

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The principal function of the Inter-agency Monitoring, Control and Surveillance Unit shall be to ensure coordinated and effective interagency enforcement of and compliance with this Act, including cooperation of the Service and the Kenya Coast Guard Service established under the Kenya Coast Guard Service Act in the protection of maritime resources including fisheries, fishers and Kenya fishery waters.

CLAUSE 21

THAT, clause 21 of the Bill be amended in subclause (4) by deleting the expression “2012”.

CLAUSE 24

THAT, clause 24 of the Bill be amended in subclause (2) by deleting the expression “2015”.

CLAUSE 25

THAT, clause 25(1) of the Bill be amended in paragraph (b) by deleting the expression “26(2)” and substituting therefor the expression “24(2)”.

CLAUSE 26

THAT, the Bill be amended by deleting clause 26.

CLAUSE 27

THAT, the Bill be amended by deleting clause 27 and substituting therefor the following new clause—

Fish Levy Development
Fund.

L.N. 123 of 2024.

27. (1) There is established a fund to be known as the Fish Levy Development Fund, which shall be the successor of the Fish Levy Trust Fund established under the Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024.

(2) The Fund is a body corporate with perpetual succession and a common seal and shall have power, in its corporate name, be capable of—

- (a) suing and being sued; and
- (b) in the exercise and performance of its powers and functions, to do and perform all such other things as may lawfully be done or permitted by a body corporate.

(3) The purpose of the Fund is to—

- (a) provide for the sustainable management, conservation and development of fisheries resources and the blue economy;
- (b) provide funding for activities geared towards management, governance, development, fish stock assessments, research, capacity building, awards and urgent mitigation to ensure sustainability of the fisheries resource; and
- (c) such other purposes as may be provided for the implementation of this Act.

(4) The Fund shall be administered by a five -member Board of Trustees which shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

(5) A person is qualified for appointment as a Trustees if that person —

- (a) holds a degree from a university recognized in Kenya in fisheries science, marine science, law, economics or natural resource management;
- (b) has at least ten years working experience in a relevant field; and
- (c) meets the requirements of Chapter Six of the Constitution.

(6) The members of the Board of Trustees shall hold office for a term of three years and may be eligible for re-appointment to a further and final term of three years.

(7) The Fund shall have a Chief Executive Officer who shall be appointed by the Board of Trustees on such terms and conditions of service as the Board of Trustees may determine.

(8) The Chief Executive Officer shall be the administrator of the Fund and subject to the directions of the Board of Trustees, shall be responsible for the management of the affairs of the Fund.

(9) The Board of Trustees may appoint such officers and other staff of the Fund as may be necessary for the proper discharge of the functions of the Fund, on such terms and conditions of service as the Board of Trustees may determine.

(10) The monies of the Fund shall consist of—

- (a) monies appropriated by the National Assembly;
- (b) monies received by the Fund from donations, grants, and bequests from other sources;
- (c) the proceeds of the levy imposed under subsection (10); and
- (d) funds payable into the Fund under any Act.

(11) The Cabinet Secretary may, by regulations, prescribe a levy to be paid by persons engaged in fishing or fishing related activities, the proceeds of which shall be paid into the Fund established under section 27.

(12) The Levy collected under subsection (10) shall be apportioned as follows—

- (a) twenty per centum shall be applied for research and innovation in blue economy and fisheries allocated to the Kenya Marine and Fisheries Research Institute;
- (b) twenty per centum shall be applied for fish stock assessment allocated to the Kenya Marine and Fisheries Research Institute;
- (c) twenty per centum shall be applied for monitoring, control and surveillance allocated to the Kenya Fisheries Service;
- (d) five per centum shall be applied to the fisheries observer program allocated to the Kenya Fisheries Service;
- (e) five per centum shall be applied to blue economy fisheries management and governance allocated to the State Department responsible blue economy and fisheries; and
- (f) twenty per centum shall be applied for capacity building, scholarships, awards and urgent mitigation to ensure sustainability of the blue economy and fisheries resource and shall be administered by the Fund; and
- (g) ten per centum shall be applied for the administration of the Fund.

NEW PART IVA

THAT, the Bill be amended by inserting the following new Part immediately after Part IV—

PART IVA—KENYA MARINE AND FISHERIES RESEARCH INSTITUTE

Establishment of the Kenya Marine and Fisheries Research Institute. Cap.511.

27A. (1) There is established an institute to be known as the Kenya Marine and Fisheries Research Institute, which shall be a successor of the Kenya Marine and Fisheries Research Institute established under paragraph 4 of the Fourth Schedule to the Science Technology and Innovation Act.

(2) The Institute may establish research centres, innovation and incubation hubs within the counties in Kenya.

(3) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Functions of the
Institute.

27B. (1) The Institute shall be the lead government agency in marine and fisheries research and development and shall—

- (a) develop research and development programmes and technologies for the sustainable development of fisheries and allied blue economy resources;
- (b) conduct national and regional expert training courses in marine, fisheries and the blue economy;
- (c) disseminate research findings to support fisheries and blue economy development in the country; and
- (d) establish partnerships and cooperate with other research organisations and institutions of higher learning in joint research and training.

(2) Without prejudice to the generality of subsection (1), the Institute shall—

- (a) conduct research in order to generate scientific data and information in marine and freshwater fisheries, aquaculture, socioeconomics, environmental and ecological studies, and marine research including chemical and physical oceanography and hydrography, marine geology, minerology, bio-prospecting, and energy, for sustainable development of the blue economy;
- (b) participate in the development and monitoring of national standards for fisheries and blue economy;
- (c) collect and disseminate scientific information on fisheries and other aquatic resources and related natural products;
- (d) study and identify suitable species for culture including development, adoption and transfer of rearing technology and procedure;
- (e) assess, map, control and develop procedures for the control of invasive fish species;
- (f) carry out socio-economic research on aspects relevant to fisheries, marine and other aquatic resources;
- (g) offer training facilities to aquatic scientists;
- (h) conduct research on fish quality control, post-harvest preservation and value addition technologies;
- (i) conduct research on blue economy;
- (j) collaborate with other organizations and institutions of higher learning in competitive capacity development for exploitation of the blue economy;

- (k) develop and promote technologies for upscaling commercial aquaculture and industrial fishing;
- (l) maintain a database for scientific blue economy research information;
- (m) undertake policy research in marine, fisheries and blue economy resources;
- (n) transfer of scientific knowledge and appropriate technologies in the blue economy, marine and freshwater fisheries and aquaculture including information on appropriate fishing methods and gears to relevant stakeholders for the promotion of sustainable conservation and management of fishing in Kenya;
- (o) conduct capacity development on fisheries resources including community participation and outreach programmes;
- (p) conduct research and develop models and methodologies of blue economy carbon trading, quantification, financing and fish marketing in collaboration with relevant stakeholders;
- (q) promote local, regional and international collaboration and partnerships blue economy research including marine and freshwater fisheries and aquaculture;
- (r) report annually to the Cabinet Secretary on matters related to marine and fisheries research and development; and
- (s) perform such other functions as may be assigned to it by this Act or any other written law.

(3) The Institute, in consultation with the Ministry responsible for matters related to education, may establish a fisheries research graduate school, to facilitate research components of master's and doctorate levels academic programmes on marine, fisheries, aquaculture and blue economy.

Board of the
Institute.

27C. The management of the Institute shall vest in a Board of the Institute, which shall comprise of—

- (a) a chairperson recruited through a competitive process and appointed by the President;
- (b) the Principal Secretary responsible for matters relating to fisheries and blue economy or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Attorney-General or a representative designated in writing;
- (e) the Director-General of the Kenya Fisheries Service or a representative designated in writing;
- (f) the Director-General of the National Commission for Science, Technology and Innovation or a representative designated in writing;
- (g) four other persons, not being public officers, with knowledge and experience relevant to the Institute's functions, appointed by the Cabinet Secretary; and

- (h) the Director-General, who shall be an *ex-officio* member of the Board with no right to vote.

Qualifications for appointment as a member of the Board of the Institute.

27D. (1) A person is qualified for appointment under subsection 27C (a) and (g) if that person—

- (a) has a post graduate degree in a relevant field from a university recognised in Kenya;
- (b) has proven management or other relevant professional experience;
- (c) has served in a senior management position for at least six years; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) The appointment of the Chairperson and members of the Board of the Institute shall be by name and by notice in the *Gazette*.

Tenure of office of members of the Board of the Institute.

27E. (1) The Chairperson and member of the Board of the Institute appointed under section 27C (a) and (g) shall hold office for a term of three years and shall be eligible for reappointment for one other term of three years.

(2) The members of the Board shall be appointed at different times so that their terms of office expire at different times.

Remuneration of members of the Board of the Institute.

27F. A member of the Board of the Institute shall be paid such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

Vacancy in the Board of the Institute.

27G. (1) The office of the chairperson or member of the Board of the Institute shall become vacant if the holder—

- (a) dies;
- (b) is absent from three consecutive meetings of the Board of the Institute without reasonable cause;
- (c) resigns from office by notice in writing addressed to the appointing authority;
- (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (e) is negligent or incompetent in the performance of his or her functions;
- (f) is adjudged or otherwise declared bankrupt by a competent court;
- (g) violates Chapter Six of the Constitution; or
- (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.

(2) Where a vacancy occurs in the membership of the Board of the Institute under subsection (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

Functions of the Board of the Institute.

27H. The Board of the Institute shall—

- (a) review, approve and oversee the implementation of research programs, strategies, policies and plans of the Institute;
- (b) consider and approve the budget of the Institute;
- (c) facilitate the mobilisation of resources for the Institute.
- (d) approve the organisational structure and other human resources management policies, guidelines, procedures and manuals of the Institute;
- (e) monitor and evaluate the performance and ensure the sustainability of the Institute;
- (f) formulate policies for the administration and management of the graduate school;
- (g) enhance the corporate image of the Institute and ensure effective communication with stakeholders; and
- (h) carry out any other function for the purposes of promoting and facilitating the objects of the Institute.

Powers of the Board of the Institute.

27I. The Board of the Institute shall have all the powers necessary for the proper performance of the functions of the Institute and the Board shall have the powers to—

- (a) acquire immovable and movable property and funds of the Institute in a manner and for the purposes which shall promote the interests of the Institute;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
- (c) receive on behalf of the Institute, fees, donations, endowments, gifts, grants or other moneys and make disbursements therefrom in accordance with the law;
- (d) invest any moneys of the Institute not immediately required in furtherance of its objects; and
- (e) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.
- (f)

Procedure of the Board of the Institute.

27J. (1) The business and affairs of the Board of the Institute shall be conducted in accordance with the First Schedule.

(2) Notwithstanding subsection (1), the Board of the Institute may regulate its own procedure.

Delegation by the Board of the Institute.

27K. The Board of the Institute may, by resolution, either generally or in any case, delegate to any committee of the Board of the Institute or to any member, officer, or employee of the Institute, exercise of any of its powers or the performance of any of its functions.

Committees of the Board of the Institute.

27L. (1) The Board of the Institute may, establish committees for the effective discharge of its functions.

(2) The Board of the Institute may, by resolution, either generally or in any case, delegate to a committee of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board of the Institute.

(3) The Board of the Institute may co-opt into the membership of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Institute for a specified period.

(4) Subject to any specific or general direction of the Board, any committee established under subsection (1) may regulate its own procedure.

(5) Any person co-opted into a committee under subsection (3) may attend the meetings of the committee and participate in its deliberations but shall not vote at such meeting.

Director-General
of the Institute.

27M. (1) There shall be a Director-General of the Institute who shall be competitively recruited and appointed by the Board of the Institute.

(2) A person qualifies for appointment as the Director-General of the Institute, if that person—

(a) holds a doctorate degree from a university recognized in Kenya in—

(i) fisheries;

(ii) aquaculture;

(iii) aquatic sciences;

(iv) marine sciences;

(v) environmental science;

(vi) economics in natural resources, fisheries, and environment; or

(vii) any other related courses or equivalent from a recognized institution;

(b) has at least fifteen years' professional experience in research in matters related to fisheries, marine and blue economy, five of which shall be at a senior management level;

(c) is a member of a relevant professional body in good standing; and

(d) meets the requirements of Chapter Six of the Constitution.

(3) The Director-General of the Institute shall be responsible to the Board for—

(a) implementation of the decisions of the Board;

(b) the day-to-day management of the Institute;

(c) overall responsibility for the objectives, policy direction, administration and programs of the Institute;

- (d) preparation of the strategic plan, annual plan, budget and audited accounts of the Institute for the approval of the Board; and
- (e) perform such other duties as may be assigned by the Board.

(4) The Director-General of the Institute shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(5) The Director-General of the Institute may be removed from office for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify the removal from office under the terms and conditions of service or under any written law.

(6) Where the question of the removal of the Director-General of the Institute under subsection (5) arises, the Board of the Institute shall—

- (a) inform the Director General of the Institute in writing of the reasons for the intended removal; and
- (b) give the Director-General of the Institute an opportunity to be heard in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

Cap. 7L.

Corporation
Secretary of
the Institute.

27N. (1) There shall be a Corporation Secretary of the Institute who shall be appointed by the Board of the Institute on such terms as the Board of the Institute may, on the advice of the Salaries and Remuneration Commission, determine.

(2) A person qualifies for appointment as the Corporation Secretary of the Institute under subsection (1) if the person—

- (a) holds a degree in law from a university recognized in Kenya;
- (b) has at least five years' experience as a corporation secretary or a similar governance role;
- (c) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Corporation Secretary of the Institute shall, subject to the direction of the Board of the Institute —

- (a) provide guidance to the Board on their duties and responsibilities on matters relating to governance;
- (b) ensure the timely preparation and circulation of documents and minutes of the Board of the Institute;
- (c) be the custodian of the seal of the Institute and account to the Board of the Institute for its use;

- (d) ensure that members of the Board are aware of all relevant laws affecting the Institute;
- (e) except in exceptional circumstances, ensure that Board of the Institute papers are circulated in advance of any meeting; and
- (f) perform any other function that may be assigned by the Board of the Institute.

Officers and staff of the Institute.

27O. The Board of the Institute may recruit such officers and other staff of the Institute as are necessary for the proper and effective performance of the functions of the Institute, upon such terms and conditions of service as the Board of the Institute, on the recommendation of the Salaries and Remuneration Commission, may determine.

Protection from personal liability.

27P. Nothing done by a member of the Board of the Institute or by any person working under the instructions of the Board of the Institute shall, if done in good faith for the purpose of executing the powers, functions or duties of the Institute under the Constitution or this Act, render such member or officer personally liable for any action, claim or demand.

Funds of the Institute.

27Q. The funds of the Institute shall include—

- (a) such monies as may be appropriated by National Assembly for the purposes of the Institute;
- (b) such monies as may accrue or vest in the Institute during the exercise of its powers or the performance of its functions under this Act or any other written law;
- (c) gifts, grants or donations made to the Institute; and
- (d) such monies from any public funds that may be created by law for the purposes of the promotion of all the objects and functions of the Institute.

Annual estimates of the Institute.

27R. (1) At least two months before the end of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.

(2) The annual estimates shall make provision for all estimated expenditure of the Institute in the financial year for the fulfilment of its functions.

(3) The annual estimates for the Institute shall be submitted to the Cabinet Secretary for approval.

(4) No expenditure shall be incurred for the purposes of the Institute except in accordance with the annual estimates submitted under subsection (3), or in pursuance of an authorization of the Board of the Institute.

Investment of the surplus funds.

27S. (1) The Board of the Institute may invest any surplus funds of the Institute which are not immediately required for its purposes in such securities as the National Treasury may, from time to time, approve.

(2) The Board of the Institute may place on deposit with such bank or banks as it may determine any monies not immediately required for the purposes of the Institute.

Award to inventor
or innovator.

27T. (1) Where the rights to any invention or innovation have been vested in the Institute, the Board of the Institute may award to the inventor or innovator such bonus as it may deem fit or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation.

Cap. 130.
Cap. 509.

(2) The Institute may apply for a patent in respect of any invention or innovation contemplated in subsection (1) and shall for purposes of the Copyright Act, and the Industrial Property Act, be regarded as the assignee of the inventor or innovator of the invention or innovation.

Discoveries,
inventions, etc. to
vest in the
Institute.

27U. (1) All rights in any discoveries, inventions, innovation, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute.

(2) Without prejudice to the generality of subsection (1), the Institute and any other entity may jointly own any discoveries, inventions, innovation, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity

Fees and other
charges for
services or
facilities offered
by the Institute.

27V. The Cabinet Secretary shall, in consultation with the Board of the Institute, prescribe the fees and other charges payable for any service or facility offered by the Institute

CLAUSE 33

THAT, clause 33 of the Bill be amended—

(a) in subclause (1) by deleting the word “may” and substituting therefor the word “shall”; and

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) In developing the management measures and plans under subsection (1), the county governments shall—

(a) take into consideration, to the extent possible, elements of national fisheries management plan; and

(c) ensure that such measures are consistent with the provisions of this Act, including its objective and principles, and that they take into account relevant measures taken, information and data available, and the economic and social value of the resource pursuant to this Act.

CLAUSE 34

THAT, clause 34 of the Bill be amended in paragraph (a) by deleting the expression “39” and substituting therefor the expression “38”.

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) Where there is any conflict between the national and county management plans, the national management plan shall prevail.

CLAUSE 36

THAT, clause 36 of the Bill be amended—

- (a) in subclause (1) by inserting the words, “in consultation with the Council of County Governors,” immediately after the words “make regulations”;
- (b) by inserting the following new subclause immediately after subclause (1)—

(1A) Each County Executive Committee Member shall establish a beach management unit within its jurisdiction and provide for their remuneration ensuring structured community participation in fisheries management.

- (c) in subclause (2) by inserting the following new paragraphs immediately after paragraph (d)—

(da) remuneration of beach management units; and

(db) conflict management between inter and intra-county beach management units.

CLAUSE 38

THAT, clause 38(1) of the Bill be amended by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 39

THAT, clause 39 of the Bill be amended in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

(1) The Director-General shall in accordance with the best scientific advice and such other relevant information as may be available, with the approval of the Cabinet Secretary and in consultation with county governments, by notice in the Gazette, impose, among others, any measures for the conservation and management of any fishery including—

CLAUSE 41

THAT, clause 41 of the Bill be amended —

- (a) in subclause (1)(l) by inserting the words “and fishing methods” immediately after the word “gear”;

(b) by inserting the following new subclause immediately after subclause (6)—

(7) The Cabinet Secretary shall develop guidelines on mesh size for fishing nets for specific water bodies and fish species.

NEW CLAUSE 41A

THAT, the Bill be amended by inserting the following new clause immediately after clause 41—

Incentives for fishing gear. **41A.** (1) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, introduce incentives—

(a) for locally produced and imported fishing gear; and

(b) to expand private investment in production and manufacture of fish gear.

(2) The incentives under subsection (1) shall apply to—

(a) importers of fishing gear; and

(b) private investors to expand investment in production and manufacture of fishing gear.

(3) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, prescribe incentives and make regulations for the production and manufacture of fishing gear.

CLAUSE 44

THAT, clause 44 of the Bill be amended —

(a) in subclause (1) by inserting the words “in Kenya” immediately after the words “threatened with extinction”; and

(b) in subclause (2) by inserting the words “or fish products” immediately after the words “species of fish”.

CLAUSE 48

THAT, clause 48(5) of the Bill be amended by deleting the expression “1999”.

CLAUSE 49

THAT, the Bill be amended by deleting clause 49 and substituting therefor the following new clause—

Fish landing
stations, etc.

49. (1) The Cabinet Secretary may, on the recommendation of the Director-General by notice in the *Gazette* provide for—

- (a) fish landing stations;
- (b) designated fishing ports; and
- (c) protected fish breeding grounds,

Provided that in the case of fish landing stations the Cabinet Secretary shall consult the county governments in the respective area of jurisdiction.

(2) Notwithstanding subsection (1), any designated fishing port which immediately before the commencement of this Act, was gazetted or declared as a designated fishing port set out in the Third Schedule shall be deemed to be a designated fishing port under this Act.

(3) No person other than a sport fisherman shall land any fish at any point except at a fish landing station or port.

(4) A person who contravenes the provisions of subsection (3) commits an offence and is be liable, on conviction—

- (a) in the case of a fish landing stations to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both; or
- (b) in case of designated fishing ports to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

CLAUSE 53

THAT, clause 53 of the Bill be amended—

(a) in subclause (1) by deleting the word “live”; and

(b) by inserting the following new subclause immediately after subclause (5)—

(6) A person who contravenes the provisions of subsections (1) and (2) commits an offence and is liable on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding three years, or to both.

CLAUSE 54

THAT, clause 54 of the Bill be amended in subclause (1) by deleting the word “live.

CLAUSE 56

THAT, clause 56 of the Bill be amended in the opening statement by deleting the words “Fish Marketing Authority” and substituting therefor the words “relevant stakeholders”.

CLAUSE 57

THAT, clause 57 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (h)—

(ha) conduct audits of the traceability mechanisms established by a person who engages in the handling, landing, transportation, processing or marketing of fish or fish products;

CLAUSE 58

THAT, clause 58 of the Bill be amended by deleting the expression “2013”.

CLAUSE 61

THAT, clause 61 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefor the following new subclause—

(1) The Cabinet Secretary shall, in consultation with the Service and county governments, prepare a national aquaculture development plan for promoting the sustainable development of aquaculture in Kenya in accordance with the principles and objectives of this Act.

(b) inserting the following new subclause immediately after subclause (4)—

(5) Each county government may develop a county aquaculture development plan taking into consideration the national aquaculture development plan.

CLAUSE 63

THAT, clause 63 of the Bill be amended in subclause (2) by deleting the words “three hundred thousand” and substituting therefor the words “one million”.

CLAUSE 64

THAT, clause 64 of the Bill be amended—

(a) in subclause (1) by deleting the words “and mariculture”; and

(b) in subclause (3) by deleting the words “local fisheries authority” and substituting therefor the words “respective county government”.

CLAUSE 66

THAT, clause 66 of the Bill be amended in subclause (2) by deleting the word “may” and substituting therefor the word “shall”.

NEW CLAUSE 67A

THAT, the Bill be amended by inserting the following new clause immediately after clause 67—

Environmental
protection
bond for
commercial
aquaculture.

67A. (1) A person wishing to engage in commercial aquaculture shall provide a bond or some other form of financial security to be known as an environmental protection bond to the National Environment and Management Authority sufficient to cover the costs associated with the implementation of the environmental and rehabilitation obligations of the holder under this Act including waste management.

(2) An environmental protection bond required under subsection (1) shall be in a form and for an amount as may be prescribed in regulations by the Cabinet Secretary having regard to the particular characteristics of the nature and size of the commercial aquaculture activities.

CLAUSE 68

THAT, clause 68 of the Bill be amended—

(a) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A person engaged in commercial aquaculture in Kenya shall, within twelve hours after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure in relation to a facility over which the person exercises management or control or to other equipment, that may lead to the escape of hatchery reared aquaculture stock, notify the Director-General and the County Director of the escape or damage, including—

- (a) the species of fish affected;
- (b) the date or an estimate of the date on which the escape or damage took place;
- (c) the number and biomass or an estimate of the number and biomass of the fish that have escaped; and
- (d) the age or developmental stage of the fish at the time of their escape and details of the circumstances in which the escape or damage took place.

(b) by inserting the following new subclause immediately after subclause (3)—

(3A) A person required to make a notification under subsection (3) shall within seven days after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure, notify the Director-General and the County Director in writing of the action taken to deal with it.

(c) in subclause (4) by deleting the expression “(3)” and substituting therefor the expression “(3) or (3A)”.

CLAUSE 73

THAT, clause 73 of the Bill be amended –

- (a) in subclause (1) by inserting the words “, in consultation with county governments,” immediately after the word “may”; and
- (b) by inserting the following new paragraph immediately after paragraph (g)—
 - (ga) environmental protection bonds for commercial aquaculture activities including amounts to be paid;
 - (gb) the methodology for calculating licence and permits fees for aquaculture activities including exemptions or reduced fees for aquaculture operators below prescribed production levels;
 - (gc) single permit agreement for aquaculture operators, for movement, harvesting and processing and related operational activities;
 - (gd) the categorisation of aquaculture establishments based on production capacity for purpose of differentiated licences; and

CLAUSE 79

THAT, clause 79 of the Bill be amended –

- (a) in subclause (2) by deleting the words “The Cabinet Secretary in consultation with the Director-General” and substituting therefor the words “The Cabinet Secretary or County Executive Committee Member in consultation with the Director-General or County Director as the case may be”; and
- (b) in subclause (3) by deleting the words “The Director-General” and substituting therefor the words “The Director-General or County Director as the case may be”.

NEW CLAUSE 80A

THAT, the Bill be amended by inserting the following new clause immediately after clause 80—

Registers of
licenses and
authorizations.

80A. (1) The County Director shall establish and maintain a County register of licences and authorizations issued in accordance with the provisions of this Act.

(2) The register established under subsection (1) shall include

—

- (a) information on applications for licences and authorizations under this Act;
- (b) information on each licence and authorization issued, renewed, suspended or cancelled under this Act, including the activity, date and duration;
- (c) information on each licensed or authorized person;
- (d) information on the relevant vessel, facility and licensed or authorized activity;
- (e) any record of non-compliance with the licence or authorisation; and
- (f) any record of action taken as a result of such other information that may be prescribed or required by the County Director.

CLAUSE 82

THAT, the Bill be amended by deleting clause 82 and substituting therefor the following new clause—

Information available to the public.

82. The Director-General and County Director shall make information available to the public and as may be necessary disseminate relevant information to stakeholders for purposes of fisheries conservation, management and development, including regional and international organizations, except for such information that may be designated confidential in accordance with section 79.

CLAUSE 83

THAT, clause 83 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “90(3)” appearing in the opening statement and substituting therefor the expression “85(1)”; and
- (b) by inserting the following new subclause immediately after subclause (5)—
 - (6) Any requirement for registration under this section shall be with respect to undertake fishing or related activities and shall not be construed as registration of the vessel and no registration fee for the vessel shall be payable under this Act in respect of a vessel registered under the Merchant Shipping Act.

CLAUSE 85

THAT, clause 85 of the Bill be amended in subclause (1) by deleting the words “Board, on the recommendation of the”.

CLAUSE 86

THAT, clause 86 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “134” and substituting therefor the expression “133”; and
- (b) in subclause (2) by deleting the expression “134” and substituting therefor the expression “133”.

CLAUSE 87

THAT, clause 87(1) of the Bill be amended by deleting the expression “134” appearing in paragraph (j) and substituting therefor the expression “133”.

CLAUSE 88

THAT, clause 88(1) of the Bill be amended in paragraph (d) by deleting the words “or fishing” appearing in subparagraph (iv) and substituting therefor the words “or fishing related activities”.

CLAUSE 89

THAT, clause 89 of the Bill be amended —

- (a) in subclause (2)(b) by deleting the expression “134” appearing in subparagraph (i) and substituting therefor the expression “133”; and
- (b) in subclause (6) by inserting the word “shillings” immediately after the word “thousand”.

CLAUSE 90

THAT, clause 90 of the Bill be amended in subclause (1) by deleting the words “the Employment Act 2007” and substituting therefor the words “applicable labour laws and any other laws governing safety at sea.”

CLAUSE 91

THAT, the Bill be amended by deleting clause 91 and substituting therefor the following new clause—

Period of validity of
licences and
authorisations.

91. (1) A licence issued pursuant to this Act shall, unless otherwise provided, be valid for a maximum period of one calendar year and may be renewable, subject to any fisheries management decision taken in accordance with this Act and the terms and conditions set out in the licence

(2) An authorisation issued pursuant to subsection 83 (5) shall be valid for a period prescribed by the Director-General

CLAUSE 92

THAT, clause 92(1) of the Bill be amended in paragraph (b) by inserting the words “or the county government” immediately after the word “Director-General”.

CLAUSE 96

THAT, clause 96 of the Bill be amended by—

(a) renumbering the existing provision as subclause (1); and

(b) inserting the following new subclauses immediately after subclause (1)—

(2) A person who is —

(a) aggrieved by a decision not to grant or renew any licence or authorisation under this Act;

(b) aggrieved by a decision to suspend or cancel a licence or authorisation,

may appeal to the County Director within thirty days of receiving notification of such decision, and may further appeal to the County Executive Committee Member within thirty days of receiving notification of the County Director’s decision.

(3) A person aggrieved by a decision of the Cabinet Secretary or County Executive Committee Member may appeal to the Tribunal within thirty days of receipt of the decision.

CLAUSE 99

THAT, clause 99(1) of the Bill be amended—

(a) in paragraph (a) by—

(i) deleting the word “log” and substituting therefor the word “logbook”;

(ii) inserting the following new subparagraph immediately after subparagraph (v)—

(va) by catches of non-target species;

(b) in paragraph (c) by deleting the words “subparagraph (a), (b), (c) and (d)” and substituting therefor the words “subparagraph (a), (b) and (c)”.

CLAUSE 105

THAT, the Bill be amended by deleting clause 105 and substituting therefor the following new clause—

Conditions
for
recreational
fishing
vessels.

105. (1) A licence issued to a recreational fishing vessel for fishing or fishing related activities shall be subject to the following conditions that —

- (a) the vessel be duly registered in accordance with this Act,
- (b) the registration number of the vessel be prominently displayed thereon in a manner and format prescribed;
- (c) the vessel be inspected;
- (d) payment of the prescribed fees; and
- (e) such other requirements as may be prescribed or required by regulations.

(2) A person who contravenes any condition prescribed under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both

CLAUSE 111

THAT, clause 111 of the Bill be amended in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

(1) A licence to operate a fish processing establishment shall be issued by the respective county government subject to the following conditions in addition to any other conditions required pursuant to this Act—

CLAUSE 121

THAT, clause 121 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (b)—

(c) measures to be taken to minimize the escape of waste products and the pollution of land and water.

CLAUSE 127

THAT, clause 127 of the Bill be amended —

(a) by deleting subclause (1) and substituting therefor the following new subclause (1)—

(1) The Cabinet Secretary may, on the recommendation of the Director-General, on behalf of the Government of Kenya and in accordance with the provisions of this Act, any applicable international agreement and national policies and strategies, permit access by foreign fishing vessels to the fishery waters for fishing or fishing related activities.

(b) in subclause (2)—

(i) in paragraph (a) by deleting the words “and/or” appearing in subparagraph (iv);

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) an access right granted by the Cabinet Secretary, taking into account the provisions of subsections (1) and (2) and in consultation with the Director General, in accordance with such conditions as may be prescribed, including the—

- (i) maximum number of such rights to be granted for a given period of time;
 - (ii) maximum period of time not exceeding six months during which such right can be held;
 - (iii) the authorised fish catch quantity not exceeding three hundred metric tonnes;
 - (iv) fishery or fisheries to which rights-based access applies;
 - (v) qualifications of applicants for such rights;
 - (vi) procedures for application for such rights;
 - (vii) criteria for the grant of such rights;
 - (viii) conditions for the use of such rights;
 - (ix) transferability of such rights; and
 - (x) conditions for the cancellation or revocation of such rights;
- or

(c) by inserting the following new subclauses immediately after subclause (3)—

(3A) The total quota allocated to foreign vessels under this section shall not exceed ten percent of the total available quota in any calendar year.

(3B) An access right granted under this section by a foreign fishing vessel shall be valid for a period not exceeding six months and shall not be renewable.

CLAUSE 128

THAT, clause 128 of the Bill be amended in paragraph (f) by deleting the expression “134” and substituting therefor the expression “133”.

CLAUSE 133

THAT, clause 133 of the Bill be amended—

(a) in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”; and

(b) in subclause (2) by inserting the words “compensation to the crew of the fishing vessel for the loss of life or damage to their belongings on board as a consequence of a fishing vessel’s foundering, piracy, fire or other loss affecting the vessel” immediately after the words “violations against this Act”.

CLAUSE 134

THAT, the Bill be amended by deleting clause 134 and substituting therefor the following new clause—

Force majeure or
distress.

134. (1) Nothing in this Act or regulations made thereunder affects the entry of a vessel into a port in accordance with the laws of Kenya for reasons of *force majeure* or distress.

(2) The Director-General may grant a vessel that falls within the provisions of this Act, entry into port for reasons of *force majeure* or distress, provided that—

(a) the vessel may enter port under its claim of *force majeure* or distress for such period of time necessary to remedy such claim; and

(b) the vessel is permitted entry exclusively for the purpose of rendering assistance to persons or vessels in danger or distress.

CLAUSE 139

THAT, clause 139 (1) of the Bill be amended in paragraph (a)(i) by inserting the word “Kenya” immediately after the words “and outside the”.

CLAUSE 141

THAT, clause 141(1) of the Bill is amended—

- (a) in paragraph (a) by inserting the word “or” immediately after the word “Act;” and
- (b) in paragraph (b) by deleting the word “or” appearing immediately after the words “under this Act”.

CLAUSE 144

THAT, clause 144 (1) of the Bill be amended by deleting the words “in cooperative” and substituting therefor the words “fails to co-operate”.

CLAUSE 146

THAT, clause 146 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” and substituting therefor the word “Director-General”;
- (b) in subclause (2) by deleting the words “Observers may” and substituting therefor the words “An observer may”; and
- (c) by inserting the following new subclause immediately after subclause (2)—

(2) An observer shall provide proof of identification to the person in control of a vessel under subsection (2).

CLAUSE 147

THAT, clause 147(1) of the Bill be amended in paragraph (b) by deleting the words “under section 147, in accordance with such standards and procedures as may be prescribed or approved by the Board” and substituting therefor the words “under section 146, in accordance with such standards and procedures as may be prescribed or approved by the Director-General”.

CLAUSE 153

THAT, clause 153(1) of the Bill be amended by deleting the words “No liability shall attach to the Service and its officers, employees or other persons acting under the authority of the Service,” and substituting therefor the words “No liability shall attach to the Service or a county government and their officers, employees or other persons acting under the authority of the Service or a county government”.

CLAUSE 154

THAT, clause 154 of the Bill be amended by inserting the words “or a county government, as the case may be,” immediately after the word “Service”.

CLAUSE 155

THAT, clause 155(2) of the Bill be amended in the opening statement by inserting the word “shall” immediately after the words “member of a vessel”.

CLAUSE 156

THAT, clause 156 of the Bill be amended—

- (a) in subclause (4) by deleting the words “four hours” and substituting therefor the words “one hour”;
- (b) in subclause (5) by inserting the following new paragraph immediately after paragraph (d)—

(da) accuracy requirements.

- (c) by inserting the following new subclause immediately after subclause (6)—

(6A) The Director-General may require the operator of any fishing vessel, as a condition of licence or otherwise, to install, maintain and operate an electronic monitoring system in accordance with such conditions as may be prescribed.

NEW CLAUSE 156A

THAT, the Bill be amended by inserting the following new clause immediately after clause 156—

Designation of ports. **156A.** (1) The Cabinet Secretary shall designate by notice in the *Gazette*, the port or ports to which vessels engaged in fishing and fishing related activities may request entry.

(2) The Cabinet Secretary shall provide a list of ports designated pursuant to subsection (1) to the Food and Agriculture Organisation of the United Nations and to any regional fisheries management organisation pursuant to applicable conservation and management measures.

CLAUSE 158

THAT, the Bill be amended by deleting clause 158 and substituting therefor the following new clause—

Vessels may be prohibited from entering port. **158.** (1) A vessel seeking to enter a port may be denied entry, where there is evidence that the vessel—

- (a) has engaged in illegal, unreported and unregulated fishing, or in fishing-related activities in support of such fishing; or
- (b) it appears on a list of vessels which have engaged in illegal, unreported and unregulated fishing or fishing related activities in support of such fishing adopted by a regional fisheries management organization.

(2) Without prejudice to subsection (1), the vessel may be allowed to enter the port for the purpose of –

- (a) inspecting the vessel; and
- (b) taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring or eliminating illegal, unreported and unregulated fishing and fishing-related activities in support of such fishing.

(3) The Director-General shall communicate any decision taken under this section to the vessel or its representative.

(4) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not less than fifty million shillings or to imprisonment for a term not less than ten years or to both.

CLAUSE 160

THAT, clause 160(1) of the Bill be amended in the opening statement by inserting the word “foreign” immediately before the words “fishing vessels”.

CLAUSE 166

THAT, clause 166 of the Bill be amended—

- (a) in subclause (1) by inserting the words “or County Director as the case may be” immediately after the word “Director-General”;
- (b) in subclause (2)—
 - (i) in the opening statement by inserting the words “or County Director as the case may be” immediately after the word “Director-General”; and
 - (ii) in the proviso by inserting the words “or County Director as the case may be” immediately after the word “Director-General”.

CLAUSE 179

THAT, clause 179(1) of the Bill be amended —

- (a) in subclause (2) by deleting the expression “127” and substituting therefor the expression “126”; and
- (b) in subclause (3) by deleting the expression “80” and substituting therefor the expression “79”.

CLAUSE 182

THAT, clause 182 (1) be amended by deleting the word “Attorney-General” and substituting therefor the words “Director of Public Prosecution”.

PART XVIII

THAT, the Bill be amended by deleting Part XVIII and substituting therefor the following new Part—

PART XVIII—ESTABLISHMENT OF THE FISHERIES TRIBUNAL

Establishment of
the Fisheries
Tribunal.

198. (1) There is established a Fisheries Tribunal.

(2) The Fisheries Tribunal shall consist of the following members appointed by the Judicial Service Commission—

- (a) a Chairperson who shall be a person qualified for appointment as a judge of the High Court;
- (b) two advocates of the High Court of Kenya, with experience of not less than seven years; and

(c) two persons who possess a degree from a university recognized in Kenya in matters related to fisheries and at least five years' experience in a relevant field.

(3) The Chairperson and members of the Fisheries Tribunal shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.

(4) The Chairperson and members of the Fisheries Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

Staff of the Tribunal.

199. The staff of the Tribunal shall be appointed, removed from office or otherwise disciplined by the Judicial Service Commission in accordance with Article 172(1)(c) of the Constitution.

Jurisdiction of the Tribunal

200. (1) The Tribunal shall exercise the powers and functions set out in this Act and in particular shall hear and determine appeals at the instance of any person directly affected by the decision or order of the Cabinet Secretary, Director-General, the Service or of any person acting pursuant to the provisions of this Act.

(2) In addition to the powers set out in subsection (1), the Tribunal shall have the power to hear and determine any dispute concerning fisheries and aquaculture where there is a business contract, unless the parties have otherwise agreed to an alternative dispute resolution mechanism.

PART XIX

THAT, the Bill be amended by deleting the word “Miscellaneous” appearing in the heading to Part XIX and substituting therefor the words “Provision on Delegated Powers”.

CLAUSE 209

THAT, the Bill be amended by deleting clause 209.

CLAUSE 210

THAT, the Bill be amended by deleting clause 210 and substituting therefor the following new clause—

Repeals and transitional provisions. Cap. 378.

210.(1) The Fisheries Management and Development Act is repealed.

(2) Notwithstanding the provisions of subsection (1)—

(a) any statutory instruments issued under the provisions of the Fisheries Management and Development Act (Repealed), before the commencement of this Act shall be deemed to be statutory instruments granted by the under the provisions of this Act and shall remain in force until specifically revoked under this Act;

- (b) anything done under the provisions of the Fisheries Management and Development Act is (Repealed) before the commencement of this Act shall be deemed to have been done under the provisions of this Act;
- (c) all property, except such property as the Cabinet Secretary may determine, which immediately before the commencement of this Act was vested in the Government for the use of the Kenya Fish Marketing Authority shall with approval of the Cabinet Secretary vest in the Ministry responsible for blue economy and fisheries, subject to all interests, liabilities, charges, obligations and trusts affecting such property;
- (d) except as otherwise provided in subsection (1) in relation to property, all contracts, debts, obligations and liabilities of the Government attributable to the Kenya Fish Marketing Authority immediately before the commencement of this Act shall, with the approval of the Cabinet Secretary, remain vested in the Government and may be enforced by or against the Government;
- (e) all persons, being public officers, who, immediately before the commencement of this Act, are employed by the Government for the purposes of the activities of the Kenya Fish Marketing Authority, shall at the commencement of this Act be, deemed to be staff of the Ministry responsible for blue economy and fisheries, in accordance with this Act, or their deemed secondment otherwise ceases in accordance with the terms of such secondment;
- (f) where, at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the Kenya Fish Marketing Authority pursuant to disciplinary proceedings against such employee, and the penalty has not been or remains to be served by such employee, such employee shall, on his transfer to the Ministry responsible for blue economy and fisheries, serve or continue to serve such penalty to its full term as if it had been imposed by the State Department or the Service;
- (g) at the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute, former Service and former Fund shall vest in the Institute, the Service or the Fund respectively;
- (h) all rights, obligations, powers and duties whether arising under any written law or otherwise which immediately before such day were vested in or imposed on the former Institute, former Service and former Fund shall, be deemed to be vested in or imposed on the Institute, the Service or the Fund respectively;
- (i) all actions, suits or legal proceedings by or against the former Institute, former Service and former Fund shall be carried on or prosecuted by or against the Institute, the Service and the Fund respectively and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act;

- (j) all directions, orders and authorizations given, or licenses or permits issued or registrations made by the former Institute, former Service and former Fund and subsisting or valid immediately before the commencement day, shall be deemed to have been given, issued, or made by the Institute, the Service or the Fund respectively under this Act;
- (k) any administrative directions made by the former Institute, former Service and former Fund or by the Cabinet Secretary which were in force immediately before the coming into operation of this Act shall, on and after such day, have force as if they were directions made by the Board of the Institute the Service and the Fund or the Cabinet Secretary under this Act;
- (l) a contract subsisting between former Institute, former Service or former Fund and another person or entity before the commencement of this Act shall subsist between the Institute, the Service or the Fund respectively, and that person or entity;
- (m) any reference in any written law or in any document or instrument to the former Institute, former Service and former Fund shall on and after the commencement of this Act, be construed to be a reference to the Institute;
- (n) the Chairperson and members of the Board of the former Institute, former Service and former Fund, shall, at the commencement of this Act, be deemed to be the Chairperson and members of the Board of the Institute, the Service and the Fund respectively, for the unexpired period of their term;
- (o) the Director-General of the former Institute and former Service shall at the commencement of this Act, assume the duties of the Director-General of the Institute and the Service respectively for the remainder of the existing term of contract;
- (p) the Managing Trustee of the former Fun shall at the commencement of this Act, assume the duties of the Chief executive Officer of the Fund for the remainder of the existing term of contract;
- (q) a person who, immediately before the commencement of this Act, was a member of staff of the former Institute, former Service and former Fund shall be deemed to be a member of staff of the Institute, the Service and the Fund respectively subject to such terms of service as the Board of the Institute may, on the advice of the Salaries and Remuneration Commission, determine,

Cap.189.

Provided that a member of staff of the Institute, the Service and the Fund may exercise the option not to continue in the service of the Institute, the Service and the Fund respectively; notwithstanding subsection (12) where at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the former Institute, former Service or former Fund pursuant to disciplinary proceedings against the employee, and the penalty has not been or remains to be served by such employee, such employee shall, on their transfer to the Institute, the Service

and the Fund respectively serve or continue to serve such penalty to its full term as if it had been imposed by the Institute; and

(r) nothing in this Act shall affect the pension rights of any employee under the Pensions Act.

(3) In this section—

“former Institute” means the Kenya Marine and Fisheries Research Institute established under the Science, Technology and Innovation Act;

“former Service” means the Kenya Fisheries Service existing immediately before the commencement of this Act; and

“former Fund” means the Fish Levy Trust Fund existing immediately before the commencement of this Act.

CLAUSE 211

THAT, the Bill be amended by deleting clause 211 and substituting therefor the following new clause—

Amendment to **211.**The Science, Technology and Innovation Act is amended in—
Cap. 511.

- (a) section 16 by deleting subsection (2); and
- (b) the Fourth Schedule by deleting paragraph 2

NEW CLAUSE 211A

THAT, the Bill be amended by inserting the following new clause immediately after clause 211—

Revocation of L.N. 123 of 2024. **211A.** The Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024 is revoked.

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately before the existing First Schedule—

FIRST SCHEDULE s. 13A

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office and conduct of business of the Board

- (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (2) Other than ex officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.

- (3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

2. Meetings of the Board

- (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

- (2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.
- (3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
- (4) The Chairperson shall preside over all meetings of the Board in which the Chairperson is present, but in their absence, the vice-chairperson shall preside, and in the absence of the vice-chairperson the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.
- (5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.
- (6) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
- (7) For purposes of this Schedule the word "Board" includes the Board of the Institute and the Board of Trustees of the Fund.

3. Disclosure of interests

- (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

4. Board may regulate procedure

Save as provided in this Schedule, the Board may regulate its own procedure.

FIRST SCHEDULE

THAT, First Schedule to the Bill be amended—

- (a) by deleting the title and substituting therefor the following new title—

SECOND SCHEDULE s.16(1)

(b) in Part D by inserting the following new item—

Representative of Kenya Coast Member
Guard Service

Co-opted

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended by deleting the title and substituting therefor the following new title—

THIRD SCHEDULE s.49(1)

THIRD SCHEDULE

THAT, the Bill be amended by deleting the Third Schedule.

FOURTH SCHEDULE

THAT, the Bill be amended by deleting the Fourth Schedule.

NOTICE is given that the Member for Matuga Constituency (Hon. Kassim Tandaza, MP) intends to move the following amendment to the Fisheries Management and Development Bill, 2023 at the Committee Stage—

CLAUSE 41

THAT, clause 41 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting paragraph (e);
- (ii) deleting paragraph (h); and

(b) by inserting the following new subclause immediately after subclause (5)—

(5A) The Cabinet Secretary shall develop guidelines on mesh size for fishing nets for specific water bodies and fish species.

**II. THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL
(NATIONAL ASSEMBLY BILL NO. 41 OF 2025)**

NOTICE is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Quality Healthcare and Patient Safety Bill, 2025 at the Committee Stage—

CLAUSE 18

THAT, Clause 18 of the Bill be amended in—

- (a) subclause (1) by inserting the words “on the recommendation of the Director General” immediately after the term “Cabinet Secretary” appearing in paragraph (c); and
- (b) subclause (2) by deleting the words “fifty million shillings or to imprisonment for a term not exceeding ten years, or to both” and substituting therefor the words “ten million shillings”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended in paragraph (b) by inserting the words “for their employees” immediately after the word “training”.

CLAUSE 27

THAT, Clause 27 of the Bill be amended by deleting paragraph (j).

CLAUSE 29

THAT, Clause 29 of the Bill be amended in subclause (1) by—

- (i) inserting the words “in the health sector” immediately after the word “improvement” appearing in paragraph (f);
- (ii) deleting the words “to represent” appearing in paragraph (g) and substituting therefor the words “nominated by”;
- (iii) deleting paragraph (h) and substituting therefor the following new paragraph (h)—
 - “(h) one person nominated by consumer rights bodies in the health sector, appointed by the Cabinet Secretary to represent the public interest”; and
- (iv) inserting the following new paragraph immediately after paragraph (h)—
 - “(ha) a representative of statutory regulatory bodies appointed by the Cabinet Secretary”.

CLAUSE 30

THAT, Clause 30 of the Bill be amended in—

(a) subclause (1) by—

- (i) deleting the words “a healthcare related field” appearing in paragraph (b) and substituting therefor the words “healthcare sciences”;
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

“(c) has professional practice, knowledge and experience of at least ten years in health governance, leadership, health administration or public policy”; and
- (iii) deleting the word “ten” appearing in paragraph (d) and substituting therefor the word “five”; and

(b) subclause (2) by inserting the words “healthcare sciences” immediately after the words “social sciences” appearing in paragraph (c).

CLAUSE 35

THAT, Clause 35 of the Bill be amended in subclause (2) by deleting the words “a healthcare related field” appearing in paragraph (b) and substituting therefor the words “healthcare sciences”.

CLAUSE 37

THAT, Clause 37 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause (3)—

(3) The Corporation Secretary shall be the Secretary to the Board and shall—

- (a) in consultation with the Chairperson of the Board, issue notices for the meetings of the Board;
- (b) take minutes of the meetings of the Board;
- (c) keep, in custody, the records of the deliberations, decisions and resolutions of the Board;
- (d) transmit the decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action;
- (e) provide guidance on legal compliance and governance matters to the Board;
- (f) provide guidance to the Board on its duties and responsibilities on matters relating to governance; and
- (g) perform such other duties as the Board may direct.

CLAUSE 57

THAT, Clause 57 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) appoint quality assessors to conduct the accreditation of health facilities”.

CLAUSE 83

THAT, Clause 83 of the Bill be amended —

(a) in subclause (1) by deleting the words “or any other written law”;

(b) by deleting subclause (2);

(c) by deleting subclause (3);

(d) in subclause (4) by—

(i) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

“(c) four senior healthcare professionals, not being public officers or employees of the Board with over ten years’ experience who shall be appointed by the Judicial Service Commission; and”

(ii) inserting the following new paragraph immediately after paragraph (c)—

“(d) three other persons who shall be appointed by the Judicial Service Commission and shall possess knowledge and experience in matters of policy, human resource and quality improvement and who are not public officers or employees of the Board and are not health service providers.”;

(e) in subclause (7) by deleting the term “Cabinet Secretary” and substituting therefor the term “Judicial Service Commission”; and

(f) in subclause (8) by deleting the term “Cabinet Secretary” and substituting therefor the term “Chief Justice”.

CLAUSE 84

THAT, Clause 84 of the Bill be amended in —

(a) subclause (1) by deleting the words “or any other Act”; and

(b) subclause (3) by deleting the words “between health facilities, patients, healthcare providers and regulatory bodies” and substituting therefor the words “relating to health facilities and patients”.

CLAUSE 99

THAT, Clause 99 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

“(4) A person who, immediately before the commencement of this Act was an employee or a member of staff of the Kenya Medical Practitioners and Dentists Council or any relevant regulatory body handling matters pertaining to the regulation of health facilities, not being then under notice of dismissal or resignation shall, on the commencement of this Act, be deemed to be an employee or member of the staff of the Authority on the same terms and conditions.

SECOND SCHEDULE

THAT, the Second Schedule be amended —

(a) in paragraph (1) by deleting subparagraph (a);

(b) by deleting paragraph (3);

(c) in paragraph (5) by—

(i) deleting subparagraph (a) and substituting therefor the following new subparagraph (a)—

“(a) in subsection (1) by inserting the words “, in relation to the regulation of healthcare professionals,” immediately after the word “Authority”; and

(ii) deleting subparagraph (b) and substituting therefor the following new subparagraph (b)—

“(b) in subsection (2) by inserting the words “, in relation to the regulation of healthcare professionals” immediately after the word “prescribe”.

(d) by deleting paragraph (9);

(e) by deleting paragraph (11);

(f) by deleting paragraph (13);

(g) in paragraph (15) by —

(i) deleting the expression “word “tribunal”” appearing in subparagraph (a) and substituting therefor the expression “term “High Court””; and

(ii) deleting the expression “word “tribunal”” appearing in subparagraph (b) and substituting therefor the expression “term “High Court””;

- (h) in paragraph (16) by deleting the expression “word “tribunal”” appearing immediately after the words “therefore the” and substituting therefor the expression “term “High Court””;
- (i) in paragraph (17) by deleting the expression “word “tribunal”” appearing immediately after the words “therefore the” and substituting therefor the expression “term “High Court””;
- (j) by deleting paragraph (18);
- (k) by deleting paragraph (22);
- (l) by deleting paragraph (25);
- (m) by deleting paragraph (26);
- (n) in paragraph (27) by deleting subparagraph (d);
- (o) in paragraph (28) by deleting subparagraph (a);
- (p) by deleting paragraph (29);
- (q) in paragraph (30) by deleting subparagraph (a);
- (r) by deleting paragraph (31);
- (s) in paragraph (36) by deleting subparagraph (d);
- (t) by deleting paragraph (39);
- (u) in paragraph (42) by—
 - (i) deleting subparagraph (b)(ii) and (iii); and
 - (ii) deleting subparagraph (c);
- (v) by deleting paragraph (43);
- (w) by deleting paragraph (45) and substituting therefor the following new paragraph
—

Amendment of section 25 of Cap. 253A. 45. Section 25 of the Medical Laboratory Technicians and Technologists Act is amended—

- (a) in the marginal note by deleting the word “private” and substituting therefor the word “professional”;

- (b) in subsection (1) by deleting the words “business and practice of laboratory technicians and technologists engaged in private practice” and substituting therefor the words “professional practice of laboratory technicians and technologists”;
- (c) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) Regulations under subsection (1) shall in particular provide for the services to be rendered by laboratory technicians and technologists in their professional practice”.

(x) by deleting paragraph (46);

(y) in paragraph (48) by deleting subparagraph (b);

(z) by deleting paragraph (49);

(aa) by deleting paragraph (51);

(bb) by deleting paragraph (52);

(cc) by deleting paragraph (54);

(dd) by deleting paragraph (56);

(ee) by deleting paragraph (57);

(ff) in paragraph (59) by deleting the definition of the term “tribunal”;

(gg) in paragraph (60) by deleting subparagraph (b) and substituting therefor the following new subparagraph —

“(b) subsection (2), by deleting the word “private” appearing in paragraph (f) and substituting therefor the word “professional”;

(hh) in paragraph (62) by deleting subparagraph (c) and substituting therefor the following new subparagraph—

“(c) in subsection (2), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;

(ii) by deleting paragraph (63);

(jj) in paragraph (64) by deleting subparagraph (b) and substituting therefor the following new subparagraph—

“(b) deleting paragraph (h) and substituting therefor the following new paragraph (h)—

“(h) prescribe the terms and conditions of the professional practice of physiotherapists including the services to be rendered by physiotherapists in professional practice”;

(kk) in paragraph (66) by deleting the definition of the term “tribunal” appearing in subparagraph (c);

(ll) by deleting paragraph (67);

(mm) in paragraph (69)—

(i) by inserting the words “and substituting therefor the word “professional” immediately after the word “private” appearing in subparagraph (c);

(ii) by deleting subparagraph (d) and substituting therefor the following new subparagraph —

“(d) in subsection (3), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;

(iii) by deleting subparagraph (e) and substituting therefor the following new subparagraph —

“(e) in subsection (4), by deleting the word “private” and substituting therefor the word “professional”;

(nn) in paragraph (71) by deleting subparagraph (b);

(oo) by deleting paragraph (72) and substituting therefor the following new paragraph —

Amendment of section 23 of Cap. 253E. 72. Section 23 of the Clinical Officers (Training, Registration and Licensing) Act is amended —

(a) in the marginal note, by deleting the word “private” and substituting therefor the word “professional; and

(b) by deleting the words “business and practice of a clinical officer engaged in private practice” and substituting therefor the word “professional practice of clinical officers”.

(pp) by deleting paragraph (75);

(qq) by deleting paragraph (78);

(rr)in paragraph (81) by deleting subparagraph (c) and substituting therefor the following new subparagraph —

“(c) in subsection (2), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;

(ss) by deleting paragraph (82);

(tt)in paragraph (83) by deleting subparagraph (b) and substituting therefor the following new subparagraph (b)—

“(b) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) the terms and conditions of the practice of a radiographer engaged in professional practice and the services to be rendered by a radiographer in professional practice”;

(uu)by deleting paragraph (84);

(vv)by deleting paragraph (85);

(ww)in paragraph (88) by deleting the definition of the term “tribunal”;

(xx)in paragraph (91) by deleting subparagraph (e);

(yy) by deleting paragraph (92) and substituting therefor the following new paragraph (92)—

Amendment of section 29 of Cap. 253H.

92. Section 29 of the Occupational Therapists (Training, Registration and Licensing) Act is amended in—

- (a) the marginal note, by deleting the word “private” and substituting therefor the word “professional”;
- (b) subsection (1), —
 - (i) by inserting the word “professional” immediately after the words “not engage in”;
 - (ii) by deleting the word “private” appearing in paragraph (c) and substituting therefor the word “professional”;
 and
- (c) subsection (3), by deleting the word “private” and substituting therefor the word “professional”.

(zz) by deleting paragraph (94) and substituting therefor the following new paragraph (94)—

Amendment of section 31 of Cap. 253H.

94. Section 31 of the Occupational Therapists (Training, Registration and Licensing) Act is amended —

- (a) in the marginal note, by deleting the word “private” and substituting therefor the word “professional”;
- (b) in subsection (1), by deleting the word “private” and substituting therefor the word “professional”;
- (c) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) Regulations made under subsection (1) shall in particular provide for the services to be rendered by an occupational therapist in professional practice.”.

(aaa) by deleting paragraph (95);

(bbb) by deleting paragraph (96);

(ccc) in paragraph (99) by deleting subparagraph (b);

(ddd) by deleting paragraph (102);

(eee) in paragraph (105) by deleting subparagraph (e);

(fff) by deleting paragraph (109);

(ggg) by deleting paragraph (110);

(hhh) by deleting paragraph (111);

(iii) by deleting paragraph (112); and

(jjj) by deleting paragraph (113).



The House resolved on Wednesday, February 11, 2026 as follows—Limitation of Debate on Bills sponsored by Parties or Committees

- III. THAT**, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on any Motion, **including a Special motion** be limited in the following manner: A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Other Committee Reports

- V. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for

Tuesday, June 2, 2026

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Tuesday, June 2, 2026—

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)
(The Leader of the Majority Party)
- (ii) The Quality Healthcare and Patient Safety Bill (National Assembly Bill No. 41 of 2025)
(The Leader of the Majority Party)

(If not concluded on Thursday, May 28, 2026)

B. MOTION – CONSIDERATION OF THE BUDGET ESTIMATES FOR THE FY 2026/2027

General Debate – 1st Allotted Day)

(The Chairperson, Budget and Appropriations Committee)

(Subject to tabling of the Report and giving of Notice of Motion)

C. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2025)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, May 28, 2026)

D. THE KENYA JUDICIARY ACADEMY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2025)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

(If not concluded on Thursday, May 28, 2026)

E. THE PLANT PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2025)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, May 28, 2026)

F. THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2026)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, May 28, 2026)

G. MOTION – REPORT ON INSPECTION VISIT TO THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION AND THE EAST AFRICAN HEALTH RESEARCH COMMISSION

(The Chairperson, Committee on Regional Integration)

(If not concluded on Thursday, May 28, 2026)

H. MOTION – REPORT OF THE KENYA DELEGATION TO THE 151ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS

(The Leader of the Delegation)

(If not concluded on Thursday, May 28, 2026)

I. MOTION – SECOND REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

(If not concluded on Thursday, May 28, 2026)

J. MOTION – REPORT ON INSPECTION VISITS TO FOURTEEN (14) SPECIAL NEEDS SCHOOLS IN SPECIFIED COUNTIES

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

(If not concluded on Thursday, May 28, 2026)



APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER No. 7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statements will be:-

(a) requested:

No.	Subject	Member	Relevant Committee(s)
1.	Murder of Rev. Julius Ndumia Ngari	Hon. Onesmus Ngogoyo, MP <i>(Kajiado North)</i>	Administration & Internal Security
2.	Escalating cases of femicide and gender-based violence	Hon. Leah Sankaire, MP <i>(Kajiado County)</i>	Administration & Internal Security
3.	Payment of salaries and dues to former employees of East Africa Portland Cement Company (EAPCC)	Hon. Joyce Kamene, MP <i>(Machakos County)</i>	Labour

(b) responded to:

No.	Subject	Member	Relevant Committee(s)
1.	Status and jurisdiction of Aroo Sub-County Administrative Unit	Hon. Rael Kasiwai, MP <i>(West Pokot County)</i>	Administration & Internal Security
2.	continuous voter registration in North Horr Constituency	Hon. Adhe Wario, MP <i>(North Horr)</i>	Justice & Legal Affairs
3.	Alleged illegal voter transfer	Hon. Mark Mwenje, MP <i>(Embakasi West)</i>	Justice & Legal Affairs
4.	Road accident along Webuye-Kitale Road	Hon. Martin Pepela, MP <i>(Webuye East)</i>	Transport & Infrastructure
5.	State of road infrastructure in Banissa Constituency	Hon. Ahmed Hassan, MP <i>(Banissa)</i>	Transport & Infrastructure
