



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, AUGUST 05, 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*. **THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2026)**
(The Chairperson, Departmental Committee on Housing, Urban Planning & Public Works)

First Reading

- 9*. **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.*

(Mover to reply)

- 10*. **COMMITTEE OF THE WHOLE HOUSE**

The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)
(The Leader of the Majority Party)

(To resume from Clause 42)

11*. THE COUNTY LIBRARY SERVICES BILL SENATE BILL NO. 40 OF 2024)

(The Chairperson, Departmental Committee on Sports and Culture)

Second Reading

(Resumption of debate adjourned on Tuesday, August 04, 2026)

12*. 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.*

13*. MOTION – REPORT ON AUDITED FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS IN THE ENERGY SECTOR

(The Chairperson, Public Investments Committee on Commercial Affairs and Energy)

THAT, this House **adopts** the Fourth Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of audited financial statements of selected State corporations in the energy sector, *laid on the Table of the House on Thursday, 2nd April 2026.*

14*. MOTION – THIRD REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Third Report of the Select Committee on Implementation on status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 5th December 2024.*

15*. MOTION – SEVENTH REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR VARIOUS FUNDS

(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the Seventh Report of the Special Funds Accounts Committee on its consideration of the Report of the audited Financial Statements for the Land Settlements Fund for the Financial Years 2020/2021 & 2021/2022 and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 & 2021/2022, *laid on the Table of the House on Thursday, 7th December 2023.*

16*. MOTION – NINTH REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR VARIOUS STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

THAT, this House **adopts** the Ninth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of audited Financial Statements of the following State Corporations, *laid on the Table of the House on Thursday, 2nd April 2026—*

- (i) Kenya Medical Supplies Authority for the Financial Year 2021/2022;
- (ii) Agriculture and Food Authority for the Financial Years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023 and 2023/2024;
- (iii) Tea Board of Kenya for the Financial Years 2021/2022, 2022/2023, 2023/2024 and 2024/2025;
- (iv) National Social Security Fund for the Financial Year 2024/2025;
- (v) National Hospital Insurance Fund (Social Health Authority) for the Financial Years 2021/2022, 2022/2023, 2023/2024 and 2024/2025; and
- (vi) Kenya Plant Health Inspectorate Service for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.

17*. THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILL NO. 34 OF 2023)

(The Chairperson, Departmental Committee on Labour)

Second Reading

18*. MOTION – FIFTH REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Fifth Report of the Select Committee on Implementation on the Implementation status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Wednesday, 3rd December 2025.*

19*. MOTION – CONSIDERATION OF SESSIONAL PAPER NO. 5 OF 2026 ON THE NATIONAL ENERGY POLICY

(The Chairperson, Departmental Committee on Energy)

THAT, this House **adopts** the Report of the Departmental Committee on Energy on its consideration of Sessional Paper No. 5 of 2026 on the National Energy Policy, *laid on the Table of the House on Thursday, 2nd July 2026* and **approves** *Sessional Paper No. 5 of 2026 on the National Energy Policy.*

Denotes Orders of the Day

...../Notices*

NOTICES

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

- 1) 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 (National Assembly Bill No. 29 of 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 “authorized officer” and substituting therefor the following new definition—

“authorised 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;

- (c) by deleting the definition of the expression “Board of Directors”;
- (d) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (e) by deleting the definition of the term “Council”;
- (f) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (g) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (h) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (i) 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;
- (j) by deleting the definition of the expression “Kenya Marine and Fisheries Research Institute”;
- (k) by deleting the definition of “subsistence fishing” appearing first in time;
- (l) by deleting the definition of “subsistence fishing” appearing second in time 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;
- (m) by deleting the definition of the term “surveillance” appearing immediately after the definition of “support vessel”;
- (n) in the definition of the expression “territorial waters” by deleting the words “and includes the territorial sea”;
- (o) 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;

(p) 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;

“designated fish habitat” means any areas on which fish depend directly or indirectly in order to carry out their life processes including spawning grounds, nursery, rearing, food supply areas and migration routes;

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

Cap.371. “exclusive economic zone” has the same meaning assigned to it under the Maritime Zones Act;

“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;

“fish stock” means a group of fish that share similar biological characteristics, occupy a particular geographic area or designated fish habitat, and reproduce within that population;

“Fund” means the Fish Levy Development Fund established under section 27;

“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 the words “and generational equity” appearing in paragraph (b) and substituting therefor the words “generational and gender equity”;
- (ii) deleting the word “encouraging” appearing in paragraph (g) and substituting therefor the word “facilitating”;
- (iii) deleting paragraph (m) and substituting therefor the following new paragraph—
- (m) promotion of sustainable aquaculture in appropriate zones including amongst local communities as a viable option to contribute to food security, replenishing natural habitats through diversification from capture fisheries and wealth generation in a manner that recognizes and protects artisanal fisheries;
- (iv) 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;
- (v) inserting the following new paragraph immediately after paragraph (q)—
- (qa) the promotion of blue economy;
- (c) in subclause (3) by deleting the expression “(2)(a)” and substituting therefor the expression “(2)(a) and (r)”.

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—

Suprecession. **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;

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- (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;
- (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; and
- (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.

CLAUSE 8

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

Functions of
the
Service.

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 and promotion of livelihoods of local fishing communities;
- (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;

Cap.4D

Cap.242.
Cap.254.

- (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) support artisanal fisheries;
- (r) identify and promote construction of any works deemed necessary for the sustainable protection, development and economic utilization of fisheries resources;
- (s) facilitate access of fish and fishery products from Kenya at local, national, regional and international levels;
- (t) in collaboration with county governments and relevant stakeholders identify opportunities and promote all aspects of fisheries marketing;
- (u) arrange and enter into joint ventures or any other forms of investment arrangement for purposes of performing any of its functions;
- (v) co-ordinate fish quality assurance and operations of the marine and coastal fisheries, aquaculture and inland and riverine fisheries;
- (w) 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;
- (x) promote the sustainable use of fish by preventing, deterring and eliminating to the extent possible trade in illegal, unreported and unregulated fishing; and
- (y) 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 of the Bill be amended—

(a) in subclause (1)—

- (i) by inserting the word “marketing” immediately after the word “development” appearing in paragraph (b);
- (ii) 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”;

(b) in subclause (3) (c)—

- (i) by deleting the word “to” appearing immediately after the words “among other things”; and

- (ii) by inserting the following new subparagraph immediately after subparagraph (iii)—
- (iv) the national values and principles of governance set out in Article 10 of the Constitution.

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 County 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;
- (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 —

(a) subclause (2) by—

(i) inserting the word “functions” immediately after the word “official” appearing in paragraph (c);

(ii) inserting the following new paragraphs immediately after paragraph (j)—

(ja) establishment of standards for ensuring equitable access to fisheries resources, including navigation space, fishing space, and access to other resources;

(b) 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) In appointing the members of the Board of Trustees under subsection (4), the Cabinet Secretary shall take into account gender equity, youth representation, ethnic and regional balance in accordance with the Constitution.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.

- (11) 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 lawful sources;
 - (c) the proceeds of the levy imposed under subsection (12); and
 - (d) funds payable into the Fund under any Act.
- (12) 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.
- (13) The Levy collected under subsection (12) 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 programme 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. 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) three 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.

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) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and

- (c) 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 29

THAT, clause 29 of the Bill be amended —

(a) by deleting paragraph (f) and substituting therefor the following new paragraph—

(f) promoting and supporting the adoption of modern or alternative means of livelihood amongst fishers;

(b) in paragraph (h) by deleting the word “promote” and substituting therefor the word “promoting”;

(c) by inserting the following new paragraph immediately after paragraph (i)—

(ia) developing a system of equitable access to fisheries resources by artisanal and industrial fishers;

(d) in paragraph (k) by deleting the words “encouraging persons in” and substituting therefor the words “developing regulations for”.

CLAUSE 30

THAT, clause 30 of the Bill be amended—

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

(1) The Director-General shall by notice in the *Gazette* give notice of any international agreements and conservation and management measures to which Kenya is a party to for purposes of this Act.

(b) in subclause (2) by inserting the word “convention” immediately after the words “the relevant”; and

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

(4) The Director-General shall identify and implement appropriate measures necessary for the implementation of international agreements and conservation and management measures to which Kenya is a party to.

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

(b) 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.

NEW CLAUSE 35A

THAT, the Bill be amended by inserting the following new clause immediately after clause 35—

Harmonization
of taxes,
fees and
charges.

- 35A.** (1) The National Government and County Governments shall, in the exercise of their respective functions under this Act, coordinate and harmonize taxes, fees, charges and licensing requirements applicable to fisheries activities in accordance with the Constitution.
- (2) In carrying out their functions under subsection (1), the National Government and County Governments shall take measures to—
- (a) promote efficiency and transparency in the administration of taxes, fees, charges and licensing requirements;
 - (b) avoid the duplication of taxes, fees, charges and licensing requirements in respect of the same fishing or fishing related activity; and
 - (c) minimise the administrative burden on fishers or other persons engaged in fishing or fishing related activities.
- (3) A county government shall not impose a tax, fee, charge or licensing requirement in respect of a matter for which a tax, fee, charge or licensing requirement has been imposed by the national government under this Act for the same regulatory purpose.

CLAUSE 36

THAT, clause 36 of the Bill be amended—

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

- (1) The Cabinet Secretary shall for purposes of ensuring structured community participation in fisheries management, in consultation with the Council of County Governors, make regulations for the management of beach management units established by the county governments.

- (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 area of jurisdiction and provide for their remuneration ensuring structured community participation in fisheries management.

- (c) in subclause (2) by —

- (i) deleting the words “and women” appearing in paragraph (e) and substituting therefor the words “women and children”;
- (ii) by deleting the words “and persons with disabilities” appearing in paragraph (f) and substituting therefor the words “persons with disabilities and local communities”; and
- (iii) inserting the following new paragraphs immediately after paragraph (f)—

- (g) a record of members and residents of the beach management unit showing the national identification numbers or other officially recognized form of identification for foreigners;
- (h) remuneration of beach management units; and
- (i) conflict management between inter and intra-county beach management units.

NEW CLAUSE 36A

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Role of County
Governments
in provision
of social
amenities.

36A. A county government shall, within its respective area of jurisdiction and subject to the Fourth Schedule to the Constitution and any other relevant laws, facilitate the provision of social amenities including, health facilities, sanitation and other necessary infrastructure for the social and economic welfare of beach management units and local fishing communities.

CLAUSE 38

THAT, clause 38 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”;
- (b) in subclause (3) by —
 - (i) inserting the words “beach management units” immediately after the words “consultation with the counties” appearing in the opening statement;
 - (ii) inserting the words “including the designation of fishing areas for artisanal and cage fishers” immediately after the words “or principles” appearing in paragraph (f);
 - (iii) inserting the words “children” immediately after the words “disadvantaged groups including” appearing in paragraph (n);
- (c) in subclause (4) by inserting the words “beach management units, local communities” immediately after the words “under this Act”; and
- (d) in subclause (5) by inserting the words “protection of fishers,” immediately after the words “with a view to ensuring”.

CLAUSE 39

THAT, clause 39 of the Bill be amended in subclause (1) by—

- (a) 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 and after public participation, by notice in the Gazette, impose, among others, any measures for the conservation and management of any fishery including—

- (b) deleting the word “including” appearing in paragraph (f) and substituting therefor the word “and”; and
- (c) inserting the following new paragraphs immediately after paragraph (f)—
 - (fa) designate specific areas and times for fishing by fishers specializing in different types and methods of fishing;
 - (fb) designate by regulation, the space allowable for cage farming, artisanal and other types of fishing.

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 42

THAT, clause 42 of the Bill be amended —

- (a) in subclause (1) by deleting the words “and/or” appearing in paragraph (b) and substituting therefor the word “and”;
- (b) in subclause (2) by deleting the word “sea” appearing in paragraph (b) and substituting therefor the word “Kenya fishery waters”;
- (c) in subclause (3) by inserting the words “as far as is possible” immediately after the words “recover the body” appearing in paragraph (b); and
- (d) in subclause (4) by deleting the words “for a term” appearing immediately after the words “five hundred thousand shillings or to a term”.

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 46

THAT, clause 46 of the Bill be amended in subclause (1) by deleting the words “the Kenya Fisheries Advisory Council, stakeholders and the Board” appearing in the opening statement and substituting therefor the word “the Board, Council of County Governors, beach management units and other relevant stakeholders”.

CLAUSE 47

THAT, clause 47 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Where an application is made under subsection (1), the Director-General shall refer the matter to the National Environment Management Authority, who shall give a report regarding the likely impact of such activity on the fishery resources, including their habitat and possible means of preventing or minimizing adverse impact and after public participation.

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 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 —

- (a) in subclause (1) by deleting the words “without good cause and without first consulting the affected community”; and
(b) 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 related to the implementation of the environmental and rehabilitation obligations 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 70

THAT, clause 70 of the Bill be amended by inserting the word “fish” immediately after the “modified”.

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 74

THAT, clause 74 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (f)—

- (fa) beach management units.

CLAUSE 76

THAT, clause 76 of the Bill be amended in subclause (3) by deleting the words “one million thousand” and substituting therefor the words “one million”.

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 licences
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 authorization; 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—

- (a) 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”;
- (b) by inserting the following new subclause immediately after subclause (3)—
 - (3A) Notwithstanding subsection (3), the operator of a foreign fishing vessel granted authorization or an access right under this Act, shall employ such number of Kenyan citizens as may be prescribed under section 97(3).
- (c) in subclause (4) by inserting the words “or imprisonment for a term not exceeding three months or to both” immediately after the words “thousand shillings”.

CLAUSE 91

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

Period of validity of
licences and
authorizations.

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 authorization issued pursuant to section 83 (5) shall be valid for a period prescribed by the Director-General

CLAUSE 92

THAT, clause 92 of the Bill be amended—

- (a) in subclause (1) by inserting the words “or the county government” immediately after the word “Director-General” appearing paragraph (b); and
- (b) by inserting the following new subclauses immediately after subclause (1)—
 - (1A) A levy prescribed under this section shall not be imposed on fish at the point of landing or on fish harvested from an aquaculture establishment.
 - (1B) Notwithstanding subsection (1A), the Cabinet Secretary may prescribe by regulations, a levy in respect of fish processing, value addition or other fish processing activities in relation to aquaculture carried out under this Act.
 - (1C) The Cabinet Secretary in prescribing a levy under subsection (1B), shall have regard to—
 - (a) the need to promote investment, competitiveness and sustainable development of fishing and aquaculture;
 - (b) the avoidance of multiple or duplicative fees, charges or levies payable under this Act or any other written law; and
 - (c) the costs of regulating the activity in respect of which the levy is imposed.

CLAUSE 93

THAT, clause 93 of the Bill be amended in subclause (6) by deleting the words “five hundred thousand” and substituting therefor the words “one million”.

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 authorization under this Act;
- (b) aggrieved by a decision to suspend or cancel a licence or authorization,

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 97

THAT, clause 97 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

- (3) The Cabinet Secretary shall by notice in the *Gazette*, prescribe the percentage of Kenyan citizens to be employed as crew members on fishing vessels under this Act, which percentage shall be not less than twenty per cent of Kenyan citizens for foreign fishing vessels granted authorization or an access right under this Act.

CLAUSE 98

THAT, clause 98 of the Bill be amended in subclause (1)(k) by deleting the words “shall be landed for sale” and substituting therefor the words “shall be landed for fish processing and sale”.

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 three months 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 112

THAT, clause 112 of the Bill be amended—

- (a) in subclause (2) by inserting the word “not” immediately after the words “requirements of the judgment have”; and
- (b) by deleting subclause (3).

CLAUSE 113

THAT, clause 113 of the Bill be amended in subclause (5) by deleting the words “three years” and substituting therefor the words “six months”.

CLAUSE 114

THAT, clause 114 of the Bill be amended in subclause (3) by deleting the words “three years” and substituting therefor the words “six months”.

CLAUSE 118

THAT, clause 118 of the Bill be amended in subclause (6) by deleting the words “one year” and substituting therefor the words “six months”.

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 129

THAT, clause 129 of the Bill be amended in subclause (2) by deleting the words “Advisory Council and” appearing in the opening statement.

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 be amended—

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

CLAUSE 144

THAT, clause 144 of the Bill be amended—

- (a) in subclause (1) of the Bill be amended by deleting the words “in cooperative” and substituting therefor the words “fails to co-operate”; and
- (b) in subclause (4) by deleting the words “one year” and substituting therefor the words “six months”.

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

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. **1158.** (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 159

THAT, clause 159 of the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause —

- (4) Any person who, knowingly or having reasonable cause to believe that a vessel has been denied the use of port, takes any action in assisting such vessel to use the port, or to provide it with goods or services which have been denied, commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding 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 180

THAT, clause 180 of the Bill be amended in subclause (1) by deleting the words “who throws” and substituting therefor the word “throw”.

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 (Repealed), before the commencement of this Act shall be deemed to have been done under the provisions of this Act;
- (c) any licence, certificate of approval, approval or permission issued or given by the Kenya Fish Marketing Authority before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary responsible for fisheries under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in

- (d) accordance with the Act subject to any terms set out in the licence, certificate of approval, approval or permission;
- (e) any application for a licence, certificate of approval, approval or permission made to the Kenya Fish Marketing Authority before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary;
- (f) the Cabinet Secretary to the National Treasury shall by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—
 - (i) the Cabinet Secretary for the National Treasury; and
 - (ii) the relevant Ministry;
- (g) a notice under paragraph (e) shall specify the assets and liabilities of the Kenya Fish Marketing Authority which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be;
- (h) references in this section to assets and liabilities of the Kenya Fish Marketing Authority shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the Kenya Fish Marketing Authority;
- (i) all rights, duties, obligations, and liabilities of the Kenya Fish Marketing Authority shall be automatically and fully transferred to the Principal Secretary responsible for fisheries and any reference to the Kenya Fish Marketing Authority in any contract or document shall for all purposes be deemed to be a reference to the Principal Secretary;
- (j) any legal proceedings pending immediately before the commencement of this Act to which the Kenya Fish Marketing Authority was a party shall be continued as if the Cabinet Secretary is a party thereto in lieu of the Kenya Fish Marketing Authority;
- (k) a person who, immediately before the commencement of this Act, was an employee of the Kenya Fish Marketing Authority and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service;
- (l) 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 and the Fund respectively;
- (m) 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 and the Fund respectively;
- (n) 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;

- (o) 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 and the Fund respectively under this Act;
- (p) any administrative directions made by the former Institute, former Service, 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 the Fund and the Cabinet Secretary respectively under this Act;
- (q) 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 and the Fund respectively, and that person or entity;
- (r) 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;
- (s) the Chairperson and members of the Board of the former Institute, former Service and former Fund respectively, 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;
- (t) the Director-General of the former Institute and the 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;
- (u) the Managing Trustee of the former Fund 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;
- (v) 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, the Board and the Board of Trustees may, on the advice of the Salaries and Remuneration Commission, determine,

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;

- (w) where, 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 serve or continue to serve such penalty to its full term as if it had been imposed by the Institute, the Service and the Fund respectively; and
- (x) 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.

(4) Section 41 (1) (e), (h) and (i) of this Act shall not apply for a period of two years from the date of commencement of this Act.

CLAUSE 211

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

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

- (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	Member	Co-opted
Coast Guard Service		

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.

2) Notice is given that the Member for Matuga (Hon. Kassim Tandaza) 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.

3) Notice is hereby given that the Leader of the Majority Party 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”.

CLAUSE 198

THAT, the Bill be amended by deleting Clause 198.

CLAUSE 199

THAT, the Bill be amended by deleting Clause 199.

CLAUSE 200

THAT, the Bill be amended by deleting Clause 200.

CLAUSE 201

THAT, the Bill be amended by deleting Clause 201.

CLAUSE 202

THAT, the Bill be amended by deleting Clause 202.

CLAUSE 203

THAT, the Bill be amended by deleting Clause 203.

CLAUSE 204

THAT, the Bill be amended by deleting Clause 204.

CLAUSE 205

THAT, the Bill be amended by deleting Clause 205.

CLAUSE 206

THAT, the Bill be amended by deleting Clause 206.

CLAUSE 207

THAT, the Bill be amended by deleting Clause 207.

THIRD SCHEDULE

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

NEW CLAUSE 210A

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 210—

Transfer of functions,
assets liabilities of the
Kenya Fish Marketing
Authority.

210A. (1) Any licence, certificate of approval, approval or permission issued or given by the Kenya Fish Marketing Authority before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary responsible for fisheries under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in accordance with the Act subject to any terms set out in the licence, certificate of approval, approval or permission.

(2) Any application for a licence, certificate of approval, approval or permission made to the Kenya Fish Marketing Authority under the Act before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary for fisheries under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary responsible for fisheries.

(1) The Cabinet Secretary to the National Treasury shall by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—

(a) the Cabinet Secretary for the National Treasury; and

(b) the relevant Ministry.

(4) A notice under subsection (3) shall specify the assets and liabilities of the Kenya Fish Marketing Authority which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be.

(5) References in this section to assets and liabilities of the Kenya Fish Marketing Authority shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the Kenya Fish Marketing Authority.

(6) All rights, duties, obligations, and liabilities of the Kenya Fish Marketing Authority shall be automatically and fully transferred to the Principal Secretary and any reference to the Kenya Fish Marketing Authority in any contract or document shall

for all purposes be deemed to be a reference to the Principal Secretary.

(7) Any legal proceedings pending immediately before the coming into operation of this Act to which the Kenya Fish Marketing Authority was a party shall be continued as if the Cabinet Secretary is a party thereto in lieu of the Kenya Fish Marketing Authority.

(8) A person who, immediately before the commencement of this Act, was an employee of the Kenya Fish Marketing Authority and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service.

4) Notice is given that the Member for Lamu East (Hon. Ruweida Mohammed Obo) intends to move the following amendments to the Fisheries Management and Development Bill, 2023 at the Committee stage—

CLAUSE 41

THAT, Clause 41 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

“(1A) Notwithstanding the provisions of subsection (1), a person may use monofilament net, a seine net the mesh of which is less than forty-five millimetres in stretched diagonal length and a beach seine net for the purpose of fishing in maritime zones.

5) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) 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) in the definition of “aquaculture” by deleting the words “or lawfully imported into Kenya”;
- (b) in the definition of “barter” by inserting the words “but excludes exploitative practices against women” immediately after the word “money”;
- (c) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (d) by deleting the definition of “buy” and substituting therefor the following new definition—

“buy” includes—

- (a) barter;
- (b) purchase;
- (c) receive on account or consignment;
- (d) broker a sale;
- (e) purchase or barter for future goods or for any consideration of value; and

- (f) purchase or barter as an agent for another person;
- (e) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (f) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (g) in the definition of “fishery” by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) any designated fish habitat with fish stock;
- (h) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (i) in the definition of “person” by deleting the words “any foreign government”;
- (j) in the definition of “sell” by deleting the words “or attempting to dispose of” appearing in paragraph (c);
- (k) by deleting the definition of “subsistence fishing” appearing first in time; and
- (l) by inserting the following new definitions in their proper alphabetical sequence—
 - “designated fish habitat” means any areas on which fish depend directly or indirectly in order to carry out their life processes including spawning grounds, nursery, rearing, food supply areas and migration routes;
 - “fish stock” means a group of fish that share similar biological characteristics, occupy a particular geographic area or designated fish habitat, and reproduce within that population.

CLAUSE 4

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

- (a) in subclause (2) —
 - (i) by deleting the words “and generational equity” appearing in paragraph (b) and substituting therefor the words “generational and gender equity”;
 - (ii) by deleting the word “encouraging” appearing in paragraph (g) and substituting therefor the word “facilitating”;
 - (iii) by deleting paragraph (m) and substituting therefor the following new paragraph—
 - (m) promotion of sustainable aquaculture in appropriate zones including amongst local communities as a viable option to contribute to food security, replenishing natural habitats through diversification from capture fisheries and wealth generation in a manner that recognizes and protects artisanal fisheries;
- (b) in subclause (3) by deleting the expression “(2)(a)” and substituting therefor the expression “(2)(a) and (r)”.

CLAUSE 5

THAT, clause 5 of the Bill be amended in subclause (2)—

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

- (a) policies in relation to the coordination of fisheries management in relation to the aquatic environment, human dimensions, aquaculture fisheries, artisanal fisheries and in relation to the coordination between fishers of different types of fish;
- (b) in paragraph (b) by inserting the words “to aquaculture fishers, artisanal fishers and other fishers of different types of fish” immediately after the words “fisheries resources”; and
- (c) inserting the following new paragraph immediately after paragraph (e)—
 - (ea) a framework for conflict resolution in relation to access to fisheries resources; and.

CLAUSE 8

THAT, clause 8 of the Bill be amended by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) ensure the appropriate development of standards on conservation, management, sustainable use, development and protection of the fisheries resources;
- (b) deleting paragraph (f) and substituting therefor the following new paragraph—
 - (f) set and meet goals for fisheries conservation, management, development, sustainable use and promotion of livelihoods of local fishing communities;
- (c) inserting the word “propose” immediately before the word “administer” appearing in paragraph (l); and
- (d) inserting the following new paragraph immediately after paragraph (p)—
 - (pa) support artisanal fisheries.

CLAUSE 9

THAT, clause 9 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting paragraph (a);
 - (ii) deleting paragraph (b);
 - (iii) inserting the following new paragraph immediately after paragraph (i)—
 - (ia) advise the Cabinet Secretary on all matters relating to performance of the functions of the Board;
- (b) in subclause (3) (c)—
 - (i) by deleting the word “to” appearing immediately after the words “among other things”; and
 - (ii) by deleting subparagraph (iii) and substituting therefor the following new subparagraph—
 - (iii) the national values and principles of governance set out in Article 10 of the Constitution.

CLAUSE 16

THAT, clause 16 of the Bill be amended in subclause (4) by inserting the words “and in consultation with the Salaries and Remuneration Commission” immediately after the words “reasonable time”.

CLAUSE 21

THAT, clause 21 of the Bill be amended in subclause (2) by—

- (a) inserting the word “functions” immediately after the word “official” appearing in paragraph (c); and
- (b) inserting the following new paragraphs immediately after paragraph (j)—
 - (ja) establishment of standards for ensuring equitable access to fisheries resources, including navigation space, fishing space, and access to other resources;
 - (jb) establishment of a framework for conflict resolution; and

CLAUSE 26

THAT, clause 26 of the Bill be amended in subclause (3) by inserting the words “the improvement of artisanal fisheries” immediately after the words “fisheries management”.

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) in subclause (2) by inserting the word “lawful” immediately after the words “Service from any” appearing in paragraph (b);
- (b) in subclause (5) by inserting the words “nominated by their respective national umbrella bodies” immediately after the words “marine waters” appearing in paragraph (a); and
- (c) by inserting the following new subclause immediately after subclause (5)—
 - (6) In appointing the members of the Board of Trustees under subsection (5), the Cabinet Secretary shall take into account gender equity, youth representation, ethnic and regional balance in accordance with the Constitution.

CLAUSE 29

THAT, clause 29 of the Bill be amended —

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

(f) promoting and supporting the adoption of modern or alternative means of livelihood amongst fishers;

- (b) in paragraph (h) by deleting the word “promote” and substituting therefor the word “promoting”;
- (c) by inserting the following new paragraph immediately after paragraph (i)—
 - (ia) developing a system of equitable access to fisheries resources by artisanal and industrial fishers;
- (d) in paragraph (k) by deleting the words “encouraging persons in ” and substituting therefor the words “developing regulations for”.

CLAUSE 30

THAT, clause 30 of the Bill be amended—

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

(1) The Director-General shall by notice in the *Gazette* give notice of any international agreements and conservation and management measures to which Kenya is a party to for purposes of this Act.

(b) in subclause (2) by inserting the word “convention” immediately after the words “the relevant”; and

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

(4) The Director-General shall identify and implement appropriate measures necessary for the implementation of international agreements and conservation and management measures to which Kenya is a party to.

CLAUSE 34

THAT, clause 34 of the Bill be amended by deleting paragraph (b).

CLAUSE 35

THAT, the Bill be amended by deleting clause 35 and substituting therefor the following new clause—

Relations between
national and county
governments.
Cap. 265F.

35.(1) The national government and county governments shall in the exercise of their respective functions under this Act in relation to the management of fisheries resources, cooperate and coordinate their activities in accordance with the Constitution and the Intergovernmental Relations Act.

(2) Where a dispute arises between the national government and a county government in relation to the fisheries management, conservation or implementation of a fisheries management and conservation plan, the dispute shall be referred to an ad hoc Intergovernmental Conflict Resolution Committee.

(3) The ad hoc Intergovernmental Conflict Resolution Committee shall comprise of—

- (a) the Cabinet Secretary or their representative designated in writing;
- (b) the County Executive Committee Member responsible for fisheries in the respective county or their representative designated in writing;
- (c) a representative of the relevant beach management unit; and
- (d) two other persons appointed by the Cabinet Secretary from the relevant county with knowledge and experience in mediation.

(4) The Committee shall resolve a dispute under this section through mediation or such other alternative dispute resolution mechanism as it may determine and shall submit its recommendations within thirty days from the date of establishment of the Committee or within such shorter period as may be necessary.

(5) The parties to a dispute under this section shall exhaust the dispute resolution mechanisms provided under this section and the Intergovernmental Relations Act before instituting court proceedings.

NEW CLAUSE 35A

THAT, the Bill be amended by inserting the following new clause immediately after clause 35—

Harmonisation
of taxes, fees
and charges.

35A. (1) The national government and county governments shall, in the exercise of their respective functions under this Act, coordinate and harmonise taxes, fees, charges and licensing requirements applicable to fisheries activities in accordance with the Constitution.

(2) In carrying out their functions under subsection (1), the national government and county governments shall take measures to—

- (a) promote efficiency and transparency in the administration of taxes, fees, charges and licensing requirements;
- (b) avoid the duplication of taxes, fees, charges and licensing requirements in respect of the same fishing or fishing related activity; and
- (c) minimise the administrative burden on fishers or other persons engaged in fishing or fishing related activities.

(3) A county government shall not impose a tax, fee, charge or licensing requirement in respect of a matter for which a tax, fee, charge or licensing requirement has been imposed by the national government under this Act for the same regulatory purpose.

(4) Any dispute arising between the national government and a county government in relation to the implementation of this section in respect of the imposition of a tax, fee, charge or licensing requirement shall be resolved through mediation or such other alternative dispute resolution mechanism in accordance with the Intergovernmental Relations Act.

Cap. 265F.

CLAUSE 36

THAT, clause 36 of the Bill be amended—

- (a) in subclause (1) by deleting the word “may” and substituting therefor the word “shall”;
- (b) in subclause (2)—
 - (i) by deleting the words “and women” appearing in paragraph (e) and substituting therefor the words “women and children”;
 - (ii) by deleting the words “and persons with disabilities” appearing in paragraph (f) and substituting therefor the words “persons with disabilities and local communities”; and
 - (iii) inserting the following new paragraph immediately after paragraph (f)—

(g) a record of members and residents of the beach management unit showing the national identification numbers or other officially recognized form of identification for foreigners.

CLAUSE 38

THAT, clause 38 of the Bill be amended—

- (a) in subclause (1) by deleting the word “may” appearing in the opening statement and substituting therefor the word “shall”;
- (b) in subclause (3) by—
 - (i) inserting the words “beach management units” immediately after the words “consultation with the counties” appearing in the opening statement;
 - (ii) inserting the words “including the designation of fishing areas for artisanal and cage fishers” immediately after the words “or principles” appearing in paragraph (f);
 - (iii) inserting the words “children” immediately after the words “disadvantaged groups including” appearing in paragraph (n);
- (c) in subclause (4) by inserting the words “beach management units, local communities” immediately after the words “under this Act”;
- (d) in subclause (5) by inserting the words “protection of fishers,” immediately after the words “with a view to ensuring”;
- (e) by inserting the following new subclauses immediately after subclause (8)—

(8A) Any person who wishes to engage in fishing or fishing related activity in the Kenya fishery waters shall seek authorization from the relevant county government as provided by regulations.

(8B) Where the consent for authority under subsection (8A) is unreasonably withheld, the applicant may apply to the court for review within thirty days of the application or denial of the authorization.

- (f) in subclause (9) by deleting the words “one hundred thousand” appearing in paragraph (b) and substituting therefor the words “fifty thousand”; and
- (g) in subclause (10) by inserting the words “for industrial fishers or twenty thousand shillings for artisanal fishers” immediately after the words “fifty thousand shillings.”

CLAUSE 39

THAT, clause 39 of the Bill be amended in subclause (1) by —

- (a) inserting the words “after public participation and” immediately after the words “as may be available” appearing in the opening statement;
- (b) deleting the word “including” appearing in paragraph (f) and substituting therefor the word “and”; and
- (c) inserting the following new paragraphs immediately after paragraph (f)—

(fa) designate specific areas and times for fishing by fishers specializing in different types and methods of fishing;

(fb) designate by regulation, the space allowable for cage farming, artisanal and other types of fishing.

CLAUSE 40

THAT, clause 40 of the Bill be amended in subclause (1) by deleting the words “and principles” and substituting therefor the words “principles and provisions”.

CLAUSE 65

THAT, clause 65 of the Bill be amended in subclause (2) by inserting the words “and public consultation” immediately after the words “environmental impact assessment,”.

CLAUSE 71

THAT, clause 71(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) establish an aquaculture establishment except as provided under this Act;

CLAUSE 73

THAT, clause 73 of the Bill be amended in subclause (2) by inserting the words “including sizes, and navigation routes by artisanal fishers” immediately after the words “Kenya fishery waters” appearing in paragraph (c).

NEW PART VIIA

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

**PART VIII (A) – ARTISANAL FISHERIES DEVELOPMENT,
PROTECTION, AND WELFARE**

Recognition of
artisanal fishers.

74A. (1) The State shall recognize artisanal fishers as key stakeholders in fisheries management and as contributors to food security, livelihoods, poverty reduction, cultural heritage, and sustainable utilization of fisheries resources.

(2) All fisheries policies, plans, and programmes shall give due consideration to the interests, welfare, and participation of artisanal fishers and their communities.

Protection of
traditional fishing
grounds.

74B. (1) The Cabinet Secretary shall, in consultation with county governments, beach management units, and artisanal fishers, identify and gazette traditional fishing grounds used by artisanal fishers.

(2) No aquaculture, mariculture, commercial fishing operation, conservation project or other related activity shall be established within a designated traditional fishing ground where such activity would substantially interfere with artisanal fishing without prior consultation, environmental assessment, and fair compensation.

(3) The national government and county governments shall give access to designated traditional fishing grounds to artisanal fishers on a priority basis.

Sustainable
management of
fish stocks.

74C. (1) The State shall take measures to restore, conserve, and sustainably manage fish stocks upon which artisanal fishers depend on.

(2) The measures under subsection (1) may include stock enhancement programmes, habitat restoration, control of illegal fishing practices and establishment of fisheries conservation zones.

(3) The national government and county governments shall ensure participation of artisanal fishers in the formulation and implementation of fisheries management plans affecting their fishing areas.

Resolution of
fishing space
conflicts.

74D. (1) The Director-General, in consultation with the county governments and with the beach management units, shall take measures to prevent conflict over fishing space including establishment of mechanisms for the equitable allocation of designated fishing areas and fishing times for fishing different fish species or use of different fishing methods.

(2) A county government and a beach management unit within its area of jurisdiction shall establish a county mediation committee that shall facilitate mediation and dispute resolution among fishers within the respective jurisdiction.

(3) The Cabinet Secretary may make regulations to prescribe navigation routes, fishing areas, fishing times, gear restrictions, and conflict management measures to ensure equitable access to fisheries resources.

Protection
against theft and
destruction of
fishing gear.

74E. (1) No person shall steal, destroy, damage, interfere with or unlawfully remove fishing nets, boats, engines, traps or other fishing equipment of an artisanal fisher.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding three months, or both.

(3) The Cabinet Secretary may establish a fisheries asset registration system to facilitate ownership verification and recovery of stolen fishing gear or equipment under this section.

Labour rights of
fishers.

74F. (1) An artisanal fisher engaged by a boat owner or fishing enterprise shall be entitled to fair remuneration, safe working conditions, and equitable sharing of fishing proceeds.

(2) No boat owner shall exploit, coerce, underpay, or subject a fisher to unfair labour practices.

(3) The Cabinet Secretary shall prescribe minimum standards for employment and profit-sharing arrangements in artisanal fisheries.

Rights of boat
owners.

74G. (1) An owner of a fishing vessel shall have the right to the diligent performance of duties by any fisher on the vessel.

(2) A fisher employed under subsection (1) shall comply with lawful instructions, observe safety requirements, exercise reasonable care in the handling of fishing equipment and catch and refrain from theft, fraud, negligence, or misconduct.

(3) Nothing in this section shall be construed as limiting the rights of fishers to fair remuneration, safe working conditions, freedom from exploitation, and protection under the law.

Protection from harassment and arbitrary enforcement.

74H. (1) A fisheries officer and any other authorized person under this Act shall carry out their duties in a lawful, humane, transparent, and accountable manner.

(2) No artisanal fisher shall be subjected to arbitrary arrest, unlawful confiscation of equipment, extortion, intimidation, or harassment by a fisheries officer or any other authorized person under this Act.

(3) The Director-General shall establish a Fisheries Complaints and Ombudsman Office to receive and investigate complaints by fishers against enforcement authorities.

Cross-border fisheries cooperation.

74I. (1) The Cabinet Secretary shall, in consultation with relevant State agencies, promote bilateral and regional agreements for the protection of Kenyan artisanal fishers operating in shared fisheries ecosystems and transboundary waters.

(2) An agreement under subsection (1) shall provide for—

- (a) recognition of traditional fishing practices;
- (b) prevention of harassment and unlawful detention of fishers;
- (c) joint fisheries patrols and enforcement mechanisms;
- (d) cross-border conflict resolution procedures;
- (e) compensation and repatriation mechanisms for affected fishers; and
- (f) harmonisation of fisheries regulations.

(3) Where a Kenyan fisher is arrested, detained, or has equipment confiscated by a foreign authority in a shared fishery, the National Government shall take reasonable diplomatic and legal measures to protect the rights of the fisher.

Fisheries marketing and value addition.

74J. (1) The State shall establish mechanisms to enhance access to domestic, regional, and international markets for fish and fish products for artisanal fishers.

(2) A county government may, within its area of jurisdiction, establish fish collection centers, cold storage facilities, processing plants and market information systems for the benefit of artisanal fishers.

(3) A county government may establish mechanisms to support beach management to undertake value addition and collective marketing.

Subsidies and financial support.

74K. (1) The National Government and County Governments may establish subsidy programs for artisanal fishers including women, youth, persons with disabilities and other vulnerable groups.

(2)A subsidy under subsection (1) may include support for fishing gear, engines, safety equipment, fuel, insurance, fish preservation facilities, credit facilities, medical clinics in fish landing stations and fisheries infrastructure.

Artisanal
Fisheries
Development
Fund.

74L.(1)There is established a Fund to be known as the Artisanal Fisheries Development Fund.

(2)The purpose of the Fund is to—

- (a) support sustainable fishing practices;
- (b) provide emergency relief to fishers affected by disasters and conflicts and unforeseen situations that may impact livelihoods;
- (c) finance fisheries infrastructure;
- (d) support training and capacity-building for fishers; and
- (e) facilitate access to credit.

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

- (a) monies appropriated by the National Assembly;
- (b) gifts, grants or donations; and
- (c) such monies from any other lawful source.

CLAUSE 83

THAT, clause 83 of the Bill be amended in subclause (2) by inserting the words “and artisanal fishing” immediately after the words “vessel for recreational”.

CLAUSE 84

THAT, clause 84 of the Bill be amended in subclause (1) by inserting the words “using a vessel” immediately after the words “in subsistence fishing”.

CLAUSE 85

THAT, clause 85 of the Bill be amended by inserting the following new subclause immediately after subclause (5)—

- (6) Any person aggrieved by the decision of the Director-General to approve, issue or renew a licence or authorization may appeal to the Board, and anyone dissatisfied with the decision of the Board may appeal to the Cabinet Secretary.

CLAUSE 93

THAT, clause 93 of the Bill be amended in subclause (6) by deleting the words “five years” and substituting therefor the words “six months”.

CLAUSE 94

THAT, clause 94 of the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause —

- (4) A person who contravenes subsection (3) commits an offence and shall be liable on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding one year, or to both.

CLAUSE 99

THAT, clause 99 of the Bill be amended in subclause (2) by deleting the words “five years” and substituting therefor the words “one year”.

CLAUSE 100

THAT, clause 100 of the Bill be amended in subclause (2) by deleting the words “five years” and substituting therefor the words “one year”.

CLAUSE 107

THAT, clause 107 of the Bill be amended in subclause (7) by deleting the words “one year” and substituting therefor the words “six months”.

CLAUSE 108

THAT, clause 108 of the Bill be amended in subclause (4) by deleting the words “one year” and substituting therefor the words “six months”.

CLAUSE 109

THAT, clause 109 of the Bill be amended in subclause (2) by deleting the words “one year” and substituting therefor the words “two months”.

CLAUSE 111

THAT, clause 111 of the Bill be amended in subclause (3) by deleting the words “five years” and substituting therefor the words “six months”.

CLAUSE 113

THAT, clause 113 of the Bill be amended in subclause (5) by deleting the words “three years” and substituting therefor the words “two months”.

CLAUSE 114

THAT, clause 114 of the Bill be amended in subclause (3) by deleting the words “three years” and substituting therefor the words “two months”.

CLAUSE 115

THAT, clause 115 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause —

(2) Any person who—

(a) establishes or operates an aquaculture establishment in contravention of subsection (1); or

(b) harvests the products of such an establishment without the authority of the owner thereof,

commits an offence and shall be liable, for a first offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months, or to both, and for a second or subsequent offence, to a fine not exceeding

two hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

CLAUSE 118

THAT, clause 118 of the Bill be amended in subclause (6) by deleting the words “one year” and substituting therefor the words “two months”.

CLAUSE 123

THAT, clause 123 of the Bill be amended in subclause (3) by deleting the words “five years” and substituting therefor the words “six months”.

CLAUSE 125

THAT, clause 125 of the Bill be amended in subclause (2) by deleting the words “five years” and substituting therefor the words “one year”.

CLAUSE 126

THAT, clause 126 of the Bill be amended in subclause (2) by deleting the words “ten years” and substituting therefor the words “five years”.

CLAUSE 131

THAT, clause 131 of the Bill be amended in subclause (8) by deleting the words “five years” and substituting therefor the words “one year”.

CLAUSE 157

THAT, clause 157 of the Bill be amended in subclause (2) by deleting the words “five years” and substituting therefor the words “one year”.

CLAUSE 159

THAT, clause 159 of the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause —

(4) Any person who, knowingly or having reasonable cause to believe that a vessel has been denied the use of port, takes any action in assisting such vessel to use the port, or to provide it with goods or services which have been denied, commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both.

CLAUSE 196

THAT, clause 196 of the Bill be amended by deleting the words “except the Government and its employees”.

CLAUSE 201

THAT, clause 201 of the Bill be amended—

(a) in subclause (6) by deleting the words “the minister responsible for matters relating to finance” and substituting therefor the words “Salaries and Remuneration Commission”; and

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

(6) The Cabinet Secretary shall, in making appointments under subsection (1)(f) and (h), have regard to the principle of gender parity, age, regional and ethnic balance, and as reasonably possible ensure an equitable representation of different subsectors of the fisheries sector.

6) Notice is given that the Member for Suba South (Hon. Caroli Omondi) intends to move the following amendments to the Fisheries Management and Development Bill, 2023 at the Committee stage—

NEW CLAUSE 36A

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Role of County Governments in provision of social amenities.

36A. A county government shall, within its respective area of jurisdiction and subject to the Fourth Schedule to the Constitution and any other relevant laws, facilitate the provision of social amenities including, health facilities, sanitation and other necessary infrastructure for the social and economic welfare of beach management units and local fishing communities.

CLAUSE 90

THAT, clause 90 of the Bill be amended by inserting the following new subclause immediately after subclause(3)—

(3A) Notwithstanding subsection (3), the operator of a foreign fishing vessel granted authorization or an access right under this Act, shall employ such number of Kenyan citizens as may be prescribed under section 97(3).

CLAUSE 97

THAT, clause 97 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Cabinet Secretary shall by notice in the *Gazette*, prescribe the percentage of Kenyan citizens to be employed as crew members on fishing vessels under this Act, which percentage shall be not less than twenty per cent of Kenyan citizens for foreign fishing vessels granted authorization or an access right under this Act.

CLAUSE 98

THAT, clause 98 of the Bill be amended in subclause (1)(k) by deleting the words “shall be landed for sale” and substituting therefor the words “shall be landed for fish processing and sale”.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 11, 2026 as follows—

Limitation of Debate on Other Committee Reports

- II. 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.

Limitation of Debate on Audit Committee Reports

- III. THAT**, each speech in debate on **Reports of Audit Committees** be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- 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.
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NOTICE PAPER

Thursday, August 06, 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 Thursday, August 06, 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)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

- (ii) The Public Participation Bill (National Assembly Bill No. 44 of 2025)

(The Hon. Otiende Amollo, M.P. and The Hon. Samuel Chepkonga, M.P.)

B. THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 40 OF 2024)

(The Chairperson, Departmental Committee on Sports and Culture)

Second Reading

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

C. MOTION – REPORT ON THE AUDITED FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS IN THE ENERGY SECTOR

(The Chairperson, Public Investments Committee on Commercial Affairs and Energy)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

D. MOTION – THIRD REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

E. MOTION – SEVENTH REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR VARIOUS FUNDS

(The Chairperson, Special Funds Accounts Committee)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

F. MOTION – NINTH REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR VARIOUS STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

G. THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILL NO. 34 OF 2023)

(The Chairperson, Departmental Committee on Labour)

Second Reading

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

H. MOTION – FIFTH REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

I. MOTION – CONSIDERATION OF SESSIONAL PAPER NO. 5 OF 2026 ON THE NATIONAL ENERGY POLICY

(The Chairperson, Departmental Committee on Energy)

(If not concluded on Wednesday, August 05, 2026 – Afternoon Sitting)

J. MOTION – INTERIM REPORT ON THE INQUIRY INTO THE IMPORTATION OF RAW SUGAR BY MOMBASA SUGAR REFINERY LIMITED

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

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 Statement will be –

(i) requested –

No.	Subject	Member	Relevant Committee
1.	Status of the construction of two markets and students' hostels	Hon. Machua Waithaka, MP (<i>Kiambu</i>)	Housing, Urban Planning & Public Works

(ii) responded to –

No.	Subject	Member	Relevant Committee
1.	Rising cases of insecurity in Luanda Constituency	Hon. Dick Maungu, MP (<i>Luanda</i>)	Administration & Internal Security
2.	Circumstances surrounding the attack on Chemelil Sugar Academy	Hon. James K'oyoo, MP (<i>Muhoroni</i>)	Administration & Internal Security
3.	Status of refugee integration and economic empowerment in the country	Hon. Umulkher Harun, MP (<i>Nominated</i>)	Regional Development
4.	Status of the leather industry in the country	Hon. Gitonga Mukunji, MP (<i>Manyatta</i>)	Trade, Industry & Cooperatives
5.	Recurrent hit-and-run accidents at <i>Muraka</i> along the Kisumu-Kakamega Road	Hon. Fredrick Ikana, MP (<i>Shinyalu</i>)	Transport & Infrastructure
