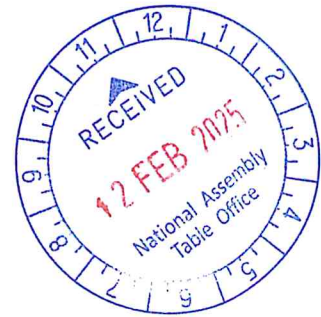




REPUBLIC OF KENYA

PARLIAMENT



SENATE BILLS

(Bill No. 55 of 2023)

**THE FIRE AND RESCUE SERVICES PROFESSIONALS
BILL, 2023**

(A Bill published in the Kenya *Gazette* Supplement No. 239 of 8th December, 2023 and passed by the Senate, with amendments, on 5th December, 2024)

THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.

PART II – ADMINISTRATION

- 4—Establishment of the Board.
- 5—Members of the Board.
- 6—Headquarters.
- 7—Functions of the Board.
- 8—Powers of the Board.
- 9—Committees of the Board.
- 10— Delegation by the Board.
- 11— Conduct of business and affairs of the Board.
- 12— Tenure and vacation of office.
- 13— Remuneration of Board members.
- 14— Appointment of the registrar.
- 15— Functions of the registrar.
- 16— Limitation of liability.

PART III – REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS

- 17— Registration of Fire and Rescue Services Professionals.
- 18— Qualifications of a Fire and Rescue Services Professional.
- 19— Application for registration.
- 20— Registration of the Fire and Rescue Services Consulting Firms.
- 21— Application for registration as a Fire and Rescue services Consulting Firm.
- 22— Consideration of application for registration.

- 23— Register.
- 24— Alteration of the register.
- 25— Removal of persons from the register.

PART IV – FINANCIAL PROVISIONS

- 26— Funds of the Board.
- 27— Annual estimates.
- 28— Accounts and Audit.

PART V – OFFENCES AND PENALTIES

- 29— False registration and licensing.
- 30— Professional misconduct.
- 31— Offences by persons or training institutions.
- 32— Prohibition for use of the term “fire and rescue services professional” by unregistered persons.
- 33— Prohibition of employment of unregistered persons.

PART VI – COMPLAINTS AND DISCIPLINE BY THE BOARD

- 34— Complaints and Disciplinary proceedings by the Board.
- 35— Appeals.
- 36— Regulations.
- 37— Transitional provisions.

SCHEDULE – CONDUCT OF THE AFFAIRS OF THE BOARD

A Bill for

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession; to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice; and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

PART I – PRELIMINARIES

Short Title

1. This Act may be cited as the Fire and Rescue Services Professionals Act, 2023

Interpretation

2. In this Act, unless the context otherwise requires —

“Board” means the Fire and Rescue Services Professionals Board established under section 4 of this Act.

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to fire and rescue services and disaster risk management.

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services;

“fire and rescue service professional” means a person registered under section 17;

“private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires;

“Register” means the Register of registered persons and firms kept by the Registrar in accordance with section 23 of this Act.

“Registrar” means the Registrar of the Board appointed under section 14 of this Act.

Object of the Act.

- 3.** The objects of this Act are to –
- (a) provide a framework for standards for professional practice and their enforcement;
 - (b) facilitate the delivery of quality fire and rescue professional services;
 - (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
 - (d) protect the public from unethical professional practice in fire and rescue services; and
 - (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

PART II — ADMINISTRATION

Establishment of the Board

4. (1) There is established a Board to be known as the Fire and Rescue Services Professionals Board.

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

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

The Fire and Rescue Services Professionals Bill, 2023

Composition of the Board

5. (1) The Board shall comprise of —

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
- (e) three persons nominated by the Council of County Governors;
- (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
- (g) one person nominated by the umbrella body of emergency responders in Kenya;
- (h) one person representing private sector organizations in Kenya; and
- (i) the registrar who shall be an ex-officio member and who shall have no vote.

(2) The persons nominated under subsection (1)(e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

Headquarters

6. The headquarters of the Board shall be in Nairobi.

Functions of the

7. (1) The Board shall —

The Fire and Rescue Services Professionals Bill, 2023

Board

- (a) protect public interest by ensuring that its members observe highest standards of professional and ethical conduct;
- (b) advise the National and County Governments on fire prevention and fire and rescue services matters;
- (c) collaborate with fire and rescue services training institutions, professional associations, fire brigade organizations and other relevant bodies in matters relating to training and professional development of fire and rescue services professionals;
- (d) license and regulate fire and rescue services professionals in Kenya;
- (e) register fire and rescue services professionals in Kenya;
- (f) supervise and discipline fire and rescue services professionals in Kenya;
- (g) develop a code of conduct for fire and rescue services professionals in Kenya;
- (h) develop and facilitate adequate training programmes for licensed fire and rescue services professionals in Kenya;
- (i) set, maintain and continuously improve the standards of learning, professional competence and professional conduct for the provision of fire and rescue services in Kenya;
- (j) determine, maintain and enhance the standards of professional practice and ethical conduct and learning for the fire and rescue services in Kenya;
- (k) enforce rules and regulations under this Act;
- (l) determine the fees chargeable by licensed fire and rescue services professionals in Kenya;
- (m) from time to time, review and revise the fees

chargeable by licensed fire and rescue services professionals and firms in Kenya;

- (n) carry out any other function necessary towards meeting the objects of this Act.

(2) collaborate with each county government in the performance of its functions.

Powers of the Board

8. The Board shall have such powers as are necessary or expedient for the proper discharge of its functions under this Act

Committees of the Board.

9. (1) The Board may establish committees which shall consist of such number of members as it may deem appropriate to perform such functions and duties as the Board may determine.

(2) The Board shall appoint chairpersons of committees established under subsection (1) from among its members.

(3) The Board may where it considers appropriate, co-opt persons from outside the Board by virtue of their knowledge or expertise in specific areas to be members of its committees:

Provided that the persons co-opted by the Board shall be registered fire and rescue services professionals.

(4) All decisions by the committees established under subsection (1) shall be ratified by the Board.

Delegation by the Board.

10. Subject to this Act, the Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or an agent of the Board, the exercise of any of the functions or duties of the Board under this Act.

Conduct of Business and Affairs of the Board

11. The conduct and regulation of business and the affairs of the Board shall be in accordance with the Schedule.

Tenure and Vacation of Office

12. (1) A member of the Board, except an *ex-officio* member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(2) A member, other than an *ex-officio* member of the Board may—

- (a) at any time resign from office by notice, in writing,

to the Cabinet Secretary;

- (b) be removed from office by the Cabinet Secretary on recommendation of the Board if that member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;
 - (iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;
 - (iv) ceases to be a registered person under this Act; or
 - (v) is otherwise unable or unfit to discharge his or her functions.

Remuneration of
Board Members

13. The Board shall pay its members remuneration or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine.

Appointment of the
Registrar

14. (1) There shall be a Registrar of the Board who shall be competitively recruited by the Board and appointed by the Cabinet Secretary.

(2) The Registrar shall hold office for such period and on such terms and conditions of employment as the Board may determine.

(3) The Registrar shall be the Chief Executive Officer of the Board and shall, subject to the direction of the Board, be responsible for the day-to-day management of the Board.

(4) A person shall not be appointed as a Registrar unless such person –

- (a) is registered as a fire and rescue services professional under this Act;
- (b) is in good professional standing;

- (c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;
- (d) has at least ten years' experience in the field of fire and rescue;
- (e) has at least five years' experience in leadership in the public or private sector;
- (f) has knowledge and experience in policy formulation; and
- (g) meets the requirements of Chapter Six of the Constitution.

Functions of the Registrar

15. The Registrar shall—

- (a) maintain the Register of persons registered in accordance with this Act;
- (b) sign, issue, renew and cancel certificates of registration and licenses as may be directed by the Board;
- (c) keep all documents and records including records of all assets of the Board;
- (d) prepare all documents due for *gazettement* as directed by the Board;
- (e) take and keep minutes of the Board meetings;
- (f) enforce decisions of the Board;
- (g) keep the seal of the Board in such custody as the Board may direct;
- (h) in consultation with the Board, be responsible for the affairs and transactions of the Board;
- (i) be responsible for the management of the staff of the Board;
- (j) manage the budget of the Board to ensure that its funds are properly expended and accounted for; and
- (k) exercise and perform any other functions which the

Board may determine from time to time.

Limitation of
Liability.

16. (1) A member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the functions of or exercising powers conferred upon the Board under this Act.

(2) Despite the provisions of subsection (1), the Board shall not be relieved of its liability to pay compensation to any person for any injury caused as a result of the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

PART III – REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS.

Registration of Fire
and Rescue Services
Professionals.

17. (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes –

- (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;
- (b) carrying out or holding oneself as a fire and rescue service professional; or
- (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

Qualifications of a
fire and rescue
services professional

18. A person shall be eligible for registration as a fire and rescue services professional in Kenya if such a person –

- (a) has a degree, diploma or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign

Institution; and

- (b) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

Application for
Registration

19. (1) A person eligible to be registered as a fire and rescue services professional under section 18 of this Act, may apply to the Registrar, in a prescribed form and on payment of prescribed fee, to be registered under this Act.

(2) An application made under subsection (1) shall be accompanied with certified copies of certificates and other documents as are necessary to prove qualification for registration.

Registration of Fire
and Rescue Services
Consulting Firms

20. (1) Subject to the provisions of this Act, a person may register a fire and rescue services consulting firm if –

- (a) the firm has a certificate of registration of a business name or a certificate of incorporation;
- (b) has at least one partner or principal shareholder who is registered as a fire and rescue services professional under this Act;
- (c) at least fifty-one percent of the shares in the firm are held by Kenyan citizens; and
- (d) it fulfills any other condition as may be stipulated by the Board.

(2) The Board may register fire and rescue services consulting firms in different categories and disciplines based on the criteria as shall be established by the Board.

Application for
registration as a fire
and rescue services
consulting firm

21. (1) A person who wishes to register a fire and rescue services consulting firm under section 20, may apply to the Registrar, in a prescribed form and on payment of a prescribed fee, to be registered under this Act.

(2) An application made under subsection (1) shall –

- (a) be accompanied with such documents as are necessary to prove qualification for registration
- (b) provide the firm's profile of activities;

- (c) provide the curriculum vitae of partners and directors;
- (d) be accompanied with a written commitment that the Board shall be allowed to verify the suitability of the firm.

(3) The Board may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant to appear in person for an interview before the Board.

Consideration of
Application for
registration

22. (1) The Registrar shall, so far as is practicable, bring every application before the Board for consideration at its first meeting after receiving the application.

(2) Where a person has complied with the provisions of this Act and has been accepted by the Board as being eligible for registration, that person shall be registered.

(3) The decision of the Board on an application for registration shall be communicated in writing to the applicant by the Registrar within twenty-one working days from the date of the decision of the Board.

(4) After the name of a person is entered in the register, the Board shall issue to the applicant a certificate bearing a seal of the Board.

(5) The Board may issue other identification documents that are valid for a specified period to a person registered under this Act

(6) A certificate of registration and other identification documents issued under this section shall remain the property of the Board.

(7) Where the Registrar is satisfied that a certificate of registration or any other document has been lost, mutilated or destroyed, he may upon payment of a fee set by the Board, from time to time, furnish a duplicate of the certificate of registration or any other document to the person to whom the original certificate of registration of documents were issued.

Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

Register

23. (1) The Registrar shall keep and maintain a Register of all registered persons and firms under this Act in such manner as the Board may prescribe.

(2) The Register shall show the following details against the name of a person or firm whose name is entered in the Register—

- (a) date of entry;
- (b) address;
- (c) qualifications;
- (d) category;
- (e) fire and rescue services discipline;
- (f) nationality; and
- (g) such other particulars as the Board may, from time to time, direct.

(3) Any person may inspect the Register and obtain from the Registrar a copy of or an extract from the Register, on payment of a prescribed fee.

Alteration of the register

24. (1) The Registrar may, from time to time, make changes or corrections in the Register relating to any entry.

(2) Any changes or corrections in the entries made under this section shall be made by the Registrar as soon as it is practical after receipt of authenticated notification thereof.

Removal of persons from the register

25. The Registrar shall remove from the register the name of any person –

- (a) found to be of unsound mind;
- (b) who requests that his name be removed from the register;
- (c) who is convicted of an offence under this Act or any other law;
- (d) whose registration is revoked through a disciplinary process under this Act;
- (e) is declared bankrupt; or
- (f) whose name has been incorrectly or fraudulently entered.

PART IV – FINANCIAL PROVISIONS

Funds of the Board

26. The funds of the Board shall consist –

- (a) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or performance of its functions under this Act;
- (b) such monies as may be payable to the Board pursuant to this Act or any other written law;
- (c) donations, gifts and endowments from lawful organizations or sources;
- (d) proceeds of any investments by the Board; and
- (e) grants

Annual estimates

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

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for—

- (a) payment of salaries, allowances and other charges in respect of the staff of the Board;
- (b) payment of pensions, gratuities and other charges in respect of former staff of the Board;
- (c) proper maintenance and repair of the buildings, grounds, equipment and any other property of the Board;
- (d) payment of allowances of the members of the Board and the members of the Board; and
- (e) creation of such reserve funds to meet future or any contingent liabilities.

(3) The annual estimates shall be approved by the Board before

the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval.

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

Accounts and Audit

28. (1) The Board shall cause to be kept proper books and other records of accounts of the income, expenditure, assets and liabilities of the Board.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Board, in respect of that year, together with –

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that financial year; and
- (c) any other statements of accounts.

Act No. 34 of 2015

(2) The accounts of the Board shall be audited and reported upon in accordance with the Public Audit Act.

PART V – OFFENCES AND PENALTIES

False Registration
and Licensing

29. (1) A person who willingly procures or attempts to procure registration or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable, on conviction, to a fine of not more than two hundred thousand shillings or to imprisonment for a term not exceeding three years, or both.

(2) Where an offence under this section is committed by a legal person, that legal person shall be liable on conviction to a fine of not less than five hundred thousand shillings.

(3) The Registrar shall remove from the Register the name of

any person registered or licensed under this Act who is convicted of an offence under this section and cancel the license held.

Professional
misconduct

30. (1) A person who is licensed as a fire and rescue services professional under this Act commits an offence of professional misconduct if that person—

- (a) deliberately fails to follow the standards of conduct and practice of the fire and rescue services profession set by the Board;
- (b) commits gross negligence in the conduct of his professional duties;
- (c) allows another person to practice in his name, where that person—
 - i) is not registered or a holder of a license under this Act;
 - ii) takes advantage of any person by abusing their position of trust, expertise or authority;
 - iii) lacks regard or concern for client's needs or rights; or
 - iv) shows incompetence or inability to render professional fire and rescue services.

(2) A person who commits an offence under this section shall, after due process, be de-registered, or be suspended and have his name removed from the Register for such a period as the Board may determine.

Offences by Persons
or Training
Institutions.

31. A person who, being in charge of a training institution which is not recognized by the Board as an institution registered or seeking registration under this Act —

- (a) admits into the institution under his charge any person for purposes of training in the fire and rescue services profession;
- (b) purports to be conducting a course of training or examining persons seeking registration under this Act; or

- (c) issues any document, statement, certificate or seal implying that—
 - i) the holder thereof has undergone a course of instruction or has passed an examination recognized by the Board; and
 - ii) the institution under his or her charge is recognized by the Board as an institution for training of persons seeking registration,

commits an offence and is liable on conviction to a fine of one million shillings or to imprisonment for a term not exceeding three years, or both.

Prohibition for the use of the term “fire and rescue services professional” by unregistered persons

32. (1) The terms “fire and rescue services professional” and “fire and rescue services consultant” are protected under this Act and shall only be applied to persons or bodies fulfilling the requirements of this Act.

(2) A person who, being not registered or licensed under this Act

- (a) willfully and falsely takes or uses in any way the style or form or title of “fire and rescue services professional” or “fire and rescue services consultant” in describing his occupation; or
- (b) displays any sign, board, card or other device or uses a prescribed stamp representing or implying that he is a fire and rescue services professional commits an offence

(3) The Board may however grant exemptions upon application to any person or group of persons for the use of the description or use of the term “fire and rescue services professional” or “fire and rescue services consultant”

Prohibition of employment of unregistered persons

33. (1) A person shall not employ or continue to employ any person to offer professional fire and rescue services or works if that person is not registered under this Act.

(2) A person shall not take up or continue in any employment as a fire and rescue services professional or fire and rescue services consultant unless that person is registered as a fire and rescue services professional or fire and rescue services consultant.

(3) A person who contravenes any provision of this section commits an offence.

PART VI – COMPLAINTS AND DISCIPLINE BY THE BOARD

Complaints and
Disciplinary
Proceedings by the
Board

34. (1) A person who, being dissatisfied with any professional fire and rescue services offered or alleging a breach of the standards of conduct specified by the Board from time to time, by a registered or licensed person under this Act, may make, in a prescribed manner, a written complaint to the Board.

(2) Upon an inquiry held by the Board to determine a complaint made under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or through a representative of his own choice.

(3) For the purposes of proceedings at any inquiry held under this section, the Board may administer oaths, enforce attendance of persons as witnesses and production of books and documents as evidence.

(4) A person who fails when summoned by the Board to attend as witness or to produce any books or documents which he is required to produce, commits an offence.

(5) Subject to this section and rules of procedure made under this Act, the Board may regulate its own procedure in disciplinary proceedings.

(6) Where the Board is satisfied that any person registered or licensed under this Act has been—

- (a) convicted of an offence under this Act or under any other law punishable by imprisonment, the commission of which, in the opinion of the Board, has dishonored him in the public estimation; or
- (b) guilty of negligence or malpractice in respect of his profession; or
- (c) guilty of impropriety or misconduct in respect of his profession;

the Board may, subject to the provisions of this Act —

- (a) direct the removal of such person's name from the Register;
- (b) issue a written warning or reprimand;

- (c) cancel such person's licence; or suspend such person's licence or registration for a period not exceeding two years or impose a fine, for a natural person, not exceeding two hundred and fifty thousand shillings and, for a legal person, a fine of two million shillings.

(7) A person whose name has been removed from the Register or whose licence has been cancelled or suspended under the provisions of this Act shall surrender his certificate of registration or the licence to the Registrar.

(8) A person who fails to surrender the licence or certificate of registration as required under subsection (7) commits an offence and is liable on conviction, in case of a natural person, to a fine of fifty thousand shillings and, in case of a legal person, to a fine of one hundred thousand shillings.

(9) Despite any other provisions in this Act, the Board shall not remove the name of a person from the Register, or cancel a licence issued to that person unless—

- (a) at least two-thirds of the members of the Board so decide;
- (b) the Board has given the licensee at least twenty-one calendar days' notice of its intention to cancel a licence; and
- (c) it has provided the licensee with an opportunity to make representation to the Board.

Appeals

35. A person aggrieved by a decision of the Board under this Act may, within thirty days from the date of the Board's decision, appeal to the High Court and in any appeal the High Court may annul or vary the decision as it may consider necessary.

PART VII – MISCELLANEOUS PROVISIONS

Regulations

36. (1) The Cabinet Secretary may make Regulations generally for the better carrying into effect of any provisions of this Act.

(2) Without prejudice to the foregoing, regulations made under this section may provide for –

- (a) the manner of issue, amendment, renewal, revocation, and suspension of licenses;
- (b) the duties of licensed fire and rescue services professionals when giving professional advice on fire prevention, conducting a fire disaster rescue operation, or other fire services under the provisions of any written law or contract;
- (c) the accounts and records to be kept by licensed fire brigade professionals;
- (d) the procedure for disciplining licensed fire brigade professionals;
- (e) the forms to be used, the fees payable by and the remuneration of licensed fire brigade professionals; and
- (f) the training of fire and rescue services professionals.

Transitional Provisions.

37. (1) A person who, prior to the date of commencement of this Act, was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who, prior to the date of commencement of this Act, was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

SCHEDULE

(S. 11)

CONDUCT OF THE AFFAIRS OF THE BOARD

Election of the vice-chairperson

1. The members of the Board shall at their first meeting elect a vice-chairperson from among themselves.

Meetings of the Board

2. (1) The Board shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(2) Meetings shall be convened by the Secretary in consultation

with the chairperson.

- (3) Unless three-quarters of the members otherwise agree, at least seven days' notice of a meeting shall be given to every member.
- (4) The Chairperson shall preside at all meetings of the Board and in the absence of the Chairperson, the Vice-chairperson shall preside.
- (5) In the absence of both the chairperson and the vice chairperson, the members present and forming a quorum shall elect one of their members to preside over the meeting of the Board.
- (6) The Board shall hold a minimum of six meetings in every financial year.
- (7) The Chairperson shall issue to members at least four days' notice before any meeting of the Board may be held.

Declaration of
conflict of interest

3. (1) If a person is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contractor other matter or be counted in the quorum of the meeting during consideration of the matter.
- (2) A member or staff of the Board whose personal interest conflicts with their official duties shall—
 - (a) in writing, declare the personal interest to their supervisor or other appropriate person or body and comply with any directions given to avoid the conflict; and
 - (b) refrain from participating in any deliberations with respect to the matter.
- (3) A member or staff of the Board shall not award a contract or influence the award of a contract to—
 - (c) themselves;
 - (d) a spouse or relative;

(e) a business associate; or

(f) a corporation, partnership or body in which the member has an interest.

(4) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(5) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

(6) No member or staff of the Board shall transact any business or trade with the Board.

Quorum

4. The quorum of meetings of the Board shall be six members.

Voting

5. A decision of the Board shall be carried by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Minutes


6. Minutes of all meetings shall be kept and entered in records kept for that purpose.

The Fire and Rescue Services Professionals Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 5th December, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of Standing Order 156 of the Senate Standing Orders.


Speaker of the Senate