



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 29, 2015

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **COMMUNICATIONS FROM THE CHAIR:**

The Speaker conveyed the following Communications –

(i) Communication Regarding a Delegation from the Parliament of Malawi

"Honourable Members,

I wish to introduce to you a delegation from the Parliamentary Service Commission of Malawi who are seated in the Speaker's Row. The delegation comprises of the following Honourable Members -

Hon. Vitus G. Dzoole, MP	–	Leader of the delegation
Hon. Aaron Sangala, MP		
Hon. Ralph Jooma, MP		
Hon. Abubakar Mbaya, MP		

The delegation is also accompanied by Mr. J. Mdala, the Chief Policy and Planning Officer and Ms. L. Jambo, Secretary to the Deputy Clerk of Parliament. The delegation has been in the country since September 26, 2015, and is here to broaden its understanding and knowledge of the workings of the Parliamentary Service Commission. On my own behalf and that of the House, I welcome them to the National Assembly, and wish them fruitful engagements.

I thank you".

(ii) Communication Regarding a Further Vote on Constitutional Amendment Bills

"Hon. Members,

This Communication concerns a further vote on Constitutional Amendment Bills. I wish to welcome you back from the long and well deserved recess. I believe the break presented a

great opportunity to all the Members to catch-up with their respective constituents and engage in other matters of national interest.

Having said this, Hon. Members, further to my Communication which I made on 27th August 2015, regarding the procedure for the application of the Standing Order No.62 concerning the further vote on instances requiring a fixed majority, I wish to communicate as hereunder:-

(1) That the further vote on the Motion for the Third Reading of the Constitution of Kenya (Amendment) Bill No.2, National Assembly Bill No. 26 of 2013, sponsored by Hon. LatiLelelit, and the further vote on the Motion for the Second Reading of the Constitution of Kenya (Amendment) Bill, National Assembly Bill No.1 of 2015 sponsored by Hon. David Ochieng', shall both be undertaken in the afternoon sitting of Thursday, 1st October, 2015.

(2) That, I have requested the House Business Committee to also consider prioritizing the consideration in the Committee of the whole House, the Third Reading of the Constitution of Kenya (Amendment) Bill, National Assembly Bill No.2 of 2015, sponsored by Hon. George Kaluma, which passed Second Reading on 27th August 2015.

Should the House Business Committee agree it, therefore, follows that consideration in various stages of the three Bills and subsequent voting shall all be undertaken on Thursday, this week.

Hon. Members, I have allowed an additional period beyond what I had initially communicated in view of the fact that Members have just returned from the long and busy recess. I wish you fruitful deliberations as we commence this third part of the Third Session of the Eleventh Parliament.

Thank you, Hon. Members".

5. MESSAGES

The Speaker conveyed the following Messages -

(i) Message from the Senate regarding Mining Bill (National Assembly Bill No. 8 of 2014)

"Honourable Members,

Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard, Honourable Members, I wish to report that on Tuesday 22nd September, 2015, in accordance with Article 110 (4) of the Constitution, I received a Message from the Senate regarding the passage of the Mining Bill (National Assembly Bill No. 8 of 2014). The Bill was referred to the Senate after passage by this House on 29th October, 2014.

The Mmessage states and I quote -

"That, the Mining Bill (National Assembly Bill No. 8 of 2014) which was published in the Kenya Gazette Supplement No. 28 of 17th March, 2014 as a Bill originating from the National Assembly was passed with amendments by the Senate on, Wednesday,

16th September, 2015. The Senate now seeks the concurrence of the National Assembly on the said Bill."

Honourable Members,

I am aware that the Clerk has since circulated the amendments to all Members in accordance with Standing Order 145. In this regard, the Senate amendments to the Mining Bill (National Assembly Bill No. 8 of 2014) stand committed to the Departmental Committee on Environment and Natural Resources for consideration. The Committee is expected to submit its report before the amendments are considered by the House. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate, and not any other parts of the Bill.

I thank you".

(ii) Message from the Senate on the Mediation Committee on the County Governments (Amendments) Bill (Senate Bill No.1 of 2014)

"Honourable Members, I wish to convey to the House that, pursuant to the provisions of Standing Order 41(4) I have received a Message from the Senate regarding the appointment of four Senators to represent the Senate in the Mediation Committee to consider the County Governments (Amendment) Bill, (Senate Assembly Bill No. 01 of 2014). The objective of the Bill was to designate, in law, the respective headquarters of the 47 Counties.

Honourable Members, you will recall that on Thursday, August 6, 2015, the National Assembly rejected said Bill at Second Reading, thereby causing the Speakers to invoke the provisions of Article 112(2)(b) of the Constitution. Subsequently, four Members were appointed to represent the National Assembly in the Mediation Committee. The Committee is requested to immediately commence the process of developing an agreed version of the said Bill, with a view of finalizing it within thirty (30) days as required under Article 113(3) of the Constitution.

I thank you".

(iii) Message from the Cabinet Secretary for Defence on Deployment of KDF to Boni Forest and its environs

"Honourable Members,

I wish to report to the House that I have received a Message from the Cabinet Secretary for Defence, notifying the House that, pursuant to Article 241(3) of the Constitution and Section 34(1) and (2) of the Kenya Defence Forces Act, 2012, the Kenya Defence Forces were deployed to Boni Forest and its environs on September 8, 2015 in a joint operation in support of the National Police Service to counter Al-Shabaab terror activities in the region.

Honourable Members, in keeping with the requirement of Section 8(3) and (4) of the Kenya Defence Forces Act, 2012, the Cabinet Secretary has submitted to the National Assembly, copies of the Gazette Notice and a Report on the said deployment. The copies of the letter, including the Gazette Notice and the Report to the National Assembly are hereby referred to the Departmental Committee on Defence and Foreign Relations. The Committee is urged to study the Report while taking cognizance of all deployments done since 2013 and table a Report to the House for purposes of debate and noting.

I thank you".

6. PAPERS LAID

The following Papers were laid on the Table –

- (i) Report to Parliament from the National Treasury on all New Loans Contracted by Government Between 1st November, 2014 and 30th June, 2015 (*prepared pursuant to the Public Finance Management Act Section 31(1) and (3)*);
- (ii) The Report of the Auditor-General on the Financial Statements of Kenya Animal Genetic Resource Centre for the year ended 30th June, 2014 and the certificate therein;
- (iii) The Report of the Auditor-General on the Financial Statements of KASNEB for the year ended 30th June, 2014 and the certificate therein;
- (iv) The Report of the Auditor-General on the Financial Statements of National Drought Management Authority for the year ended 30th June, 2014 and the certificate therein;
- (v) The Report of the Auditor-General on the Financial Statements of Kenya Industrial Estates Limited for the year ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of Bukura Agricultural College for the year ended 30th June, 201;
- (vii) The Annual Report and Financial Statements of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2013;
- (viii) The Report of the Auditor-General on the Financial Statements of the Office of Controller of Budget for the year ended 30th June, 2014 and the certificate therein;
- (ix) The Report of the Commission for the Implementation of the Constitution on Assessment of implementation of the transferred functions to the County Governments; and,
- (x) The Annual Report of the Commission for the Implementation of the Constitution on the Last Lap for the year 2014-2015.

(The Leader of the Majority Party)

7. MOTION – THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.33 OF 2013)

Motion made and Question proposed –

THAT the Senate Amendments to the Statute Law (Miscellaneous Amendments) (No.2) bill (National Assembly Bill No.33 of 2013) be now considered

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to.

8. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson of Committees in the Chair

(i) The Fisheries Management and Development Bill (National Assembly Bill No.20 of 2014)

(Resumption of Committee interrupted on Wednesday, August 26, 2015)

Clause 14 - amendment proposed –

THAT, Clause 14 of the Bill be amended by—

- (a) deleting the word “six” appearing in paragraph (a) of sub-clause (3) and substituting therefor the word “five”;
- (b) deleting sub-clause (5) and substituting therefor the following new sub-clause—
“(5) The Board may, in its discretion at any of its meetings—
 - (a) invite a person or persons to attend; or
 - (b) receive or hear submissions or information from any person.”
- (c) deleting sub-clause (7) and substituting therefor the following new sub-clause 7—
“(7) The Board may from time to time, establish such advisory sub-committees as it considers necessary in relation to its functions and powers for the purpose of making reports and recommendations to the Board and such sub-committees shall be comprised of Board members.”
- (d) deleting sub-clause (8) and substituting therefor the following new sub-clause 8—
“(8) Any decision of a sub-committee established by the Board under subsection (7) shall be subject to ratification by a fully constituted Board meeting.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 14 of the Bill be amended by—

- (a) deleting the word “six” appearing in paragraph (a) of sub-clause (3) and substituting therefor the word “five”;
- (b) deleting sub-clause (5) and substituting therefor the following new sub-clause—
“(5) The Board may, in its discretion at any of its meetings—
 - (c) invite a person or persons to attend; or
 - (d) receive or hear submissions or information from any person.”

(c) deleting sub-clause (7) and substituting therefor the following new sub-clause 7—

“(7) The Board may from time to time, establish such advisory sub-committees as it considers necessary in relation to its functions and powers for the purpose of making reports and recommendations to the Board and such sub-committees shall be comprised of Board members.”

(d) deleting sub-clause (8) and substituting therefor the following new sub-clause 8—

“(8) Any decision of a sub-committee established by the Board under subsection (7) shall be subject to ratification by a fully constituted Board meeting.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - amendment proposed –

THAT, clause 15 of the Bill be amended—

- (a) by inserting the words “openly and transparently, and” immediately after the words “Board” in sub-clause (1);
- (b) in sub-clause (2) by—
 - (i) deleting the word “development ” appearing immediately after the word “environmental management ” in paragraph (a);
 - (ii) deleting the word “oceanography ” appearing in paragraph (c) and substituting therefor the word “aquatic science”;
 - (iii) deleting the words “area which the Board is satisfied is relevant to the position” appearing in paragraph (d) and substituting therefor the words “related field”;
 - and
 - (iv) deleting the words “fifteen years” appearing in the proviso and substituting therefor the words “ten years”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 15 of the Bill be amended—

- (a) by inserting the words “openly and transparently, and” immediately after the words “Board” in sub-clause (1);
- (b) in sub-clause (2) by—
 - (i) deleting the word “development ” appearing immediately after the word “environmental management ” in paragraph (a);

- (ii) deleting the word "oceanography " appearing in paragraph (c) and substituting therefor the word "aquatic science";
- (iii) deleting the words "area which the Board is satisfied is relevant to the position" appearing in paragraph (d) and substituting therefor the words "related field"; and
- (iv) deleting the words "fifteen years" appearing in the proviso and substituting therefor the words "ten years".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed –

THAT, Clause 16 of the Bill be amended by—

- (a) deleting paragraph (d) in sub-clause (2) and substituting therefor the following new paragraph—
“(d) collaborate with the Fish Marketing Authority established under section 204 and other agencies to identify marketing and investments opportunities for the fisheries sector;”
- (b) deleting the words "or other person in the service of the Service" appearing in sub-clause (3)

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 16 of the Bill be amended by—

- (a) deleting paragraph (d) in sub-clause (2) and substituting therefor the following new paragraph—
“(d) collaborate with the Fish Marketing Authority established under section 204 and other agencies to identify marketing and investments opportunities for the fisheries sector;”
- (b) deleting the words "or other person in the service of the Service" appearing in sub-clause (3)

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - agreed to

Clause 18 - amendment proposed –

THAT, Clause 18 of the Bill be amended in sub-clause (1) by deleting the words “armed force” and substituting therefor the words “Defence Forces”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment withdrawn;

Further amendment proposed –

THAT Clause 18 of the Bill be amended in sub-clause (1) by deleting the words “armed force” and substituting therefor the words “Defence Forces”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - agreed to

Clause 20 - amendment proposed –

THAT, clause 20 of the Bill be amended—

(a) in sub-clause (2) (a) by —

- (i) deleting the word “and” appearing immediately after the word “including”
- (ii) deleting the word “of” appearing immediately after the word “enforcement”

(b) in sub-clause (2) (b) by —

- (i) deleting the words “as appropriate” at the beginning of the paragraph; and
- (ii) inserting the words “subject to the Treaty Making and Ratification Act, 2013” immediately after the word “directs”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 20 of the Bill be amended—

(a) in sub-clause (2) (a) by—

- (i) deleting the word “and” appearing immediately after the word “including”

- (ii) deleting the word "of" appearing immediately after the word "enforcement"
- (b) in sub-clause (2) (b) by -
 - (iii) deleting the words "as appropriate" at the beginning of the paragraph; and
 - (iv) inserting the words "subject to the Treaty Making and Ratification Act, 2013" immediately after the word "directs".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 20 - as amended agreed to

Clause 21 - amendment proposed –

THAT Clause 21 of the Bill be amended in sub-clause (2) by—

- (a) deleting the word "Second" and substituting therefor the word "First";
- (b) inserting the word "Secretary" immediately after the word "Cabinet"

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT Clause 21 of the Bill be amended in sub-clause (2) by—

- (a) deleting the word "Second" and substituting therefor the word "First";
- (b) inserting the word "Secretary" immediately after the word "Cabinet"

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed –

THAT, clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word "provided" and substituting therefor the word "appropriated".
- (b) in sub-clause (2) by—
 - (i) deleting paragraph (c) and substituting therefor the following new paragraph—

- (ii) "(c) contracts for technical consultants, observers, researchers and other personnel, activities or operations which support the functions and programmes of the Service;
- (iii) by deleting the words "of the Director General and staff and members of the Board and Cabinet Secretary in accordance with the budget and approved rates approved by the Board" appearing in paragraph (d)
- (c) by deleting sub-clause (4); and
- (d) by deleting sub-clause (5) and substituting therefor the following new sub-clause—
 "(5) The Service may open and maintain an account with a bank approved by the National Treasury under the Public Finance and Management Act 2012 and shall at all times maintain one account and shall pay all its moneys into such account."

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 22 of the Bill be amended—

(a) in sub-clause (1) by deleting the word "provided" and substituting therefor the word "appropriated".

(b) in sub-clause (2) by—

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

"(c) contracts for technical consultants, observers, researchers and other personnel, activities or operations which support the functions and programmes of the Service;

- (ii) by deleting the words "of the Director General and staff and members of the Board and Cabinet Secretary in accordance with the budget and approved rates approved by the Board" appearing in paragraph (d)

(c) by deleting sub-clause (4); and

- (d) by deleting sub-clause (5) and substituting therefor the following new sub-clause—
 "(5) The Service may open and maintain an account with a bank approved by the National Treasury under the Public Finance and Management Act 2012 and shall at all times maintain one account and shall pay all its moneys into such account."

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - agreed to

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended in sub-clause (3) by deleting the words "or in pursuance of the Board's approval given with prior written approval of the Cabinet Secretary to the Treasury"

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 24 of the Bill be amended in sub-clause (3) by deleting the words "or in pursuance of the Board's approval given with prior written approval of the Cabinet Secretary to the Treasury"

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed –

THAT, clause 25 sub-clause (2) of the Bill be amended by deleting the expression "2003" and substituting therefor the expression "2015".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 25 sub-clause (2) of the Bill be amended by deleting the expression "2003" and substituting therefor the expression "2015".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 25 - as amended agreed to

Clause 26 - amendment proposed –

THAT, Clause 26 of the Bill be amended in sub-clause (4) by inserting the word "Secretary" after the word "Cabinet".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed -

THAT, Clause 26 of the Bill be amended in sub-clause (4) by inserting the word "Secretary" after the word "Cabinet".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Question put and agreed to;

Clause 26 - as amended agreed to

Clause 27 - amendment proposed -

THAT, Clause 27 of the Bill be amended in sub-clause (3) by deleting the word "facilitate" and substituting therefor the words "provide supplementary funding for".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed -

THAT, Clause 27 of the Bill be amended in sub-clause (3) by deleting the word "facilitate" and substituting therefor the words "provide supplementary funding for".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 27 - as amended agreed to

Clause 28 - Amendment proposed -

THAT, Clause 28 of the Bill be amended by—

(a) deleting sub-clause (4) and substituting therefor the following new sub-clause—

"(4) The trust shall be administered by a five member Board of Trustees nominated through an open and competitive process and they shall meet requirements of Chapter six of the Constitution.";

(b) inserting the following new sub-clause immediately after sub-clause (4)—

"(5) The Members of the Board of Trustees shall include—

(i) two fisherpersons from fresh waters and marine waters;

(ii) two persons nominated by the traders exporters association and fish processors;

one person appointed by the Cabinet Secretary responsible for fishing with background in aquatic science.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 28 of the Bill be amended by—

(a) deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) The trust shall be administered by a five member Board of Trustees nominated through an open and competitive process and they shall meet requirements of Chapter six of the Constitution.”;

(b) inserting the following new sub-clause immediately after sub-clause (4)—

“(5) The Members of the Board of Trustees shall include—

(i) two fisherpersons from fresh waters and marine waters;

(ii) two persons nominated by the traders exporters association and fish processors;

(iii) one person appointed by the Cabinet Secretary responsible for fishing with background in aquatic science.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 28 - as amended agreed to

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Nothing in this Act shall be deemed to prevent any member of the community from using, subject to such conditions as may be prescribed under this Act, such fisheries or fisheries resources as it has been the custom of that community to use.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 29 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(2) Nothing in this Act shall be deemed to prevent any member of the community from using, subject to such conditions as may be prescribed under this Act, such fisheries or fisheries resources as it has been the custom of that community to use."

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 29 - as amended agreed to

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended by—

(a) inserting the words "County governments" immediately after the words "in consultation with"; at the opening clause;

(b) inserting the following new paragraph immediately after paragraph (g)—

"(gg) promote the development of other sustainable methods of *insitu* and *exsitu* fishing;"

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 30 of the Bill be amended by—

(a) inserting the words "County governments" immediately after the words "in consultation with"; at the opening clause;

(b) inserting the following new paragraph immediately after paragraph (g)—

"(gg) promote the development of other sustainable methods of *insitu* and *exsitu* fishing;"

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 30 - as amended agreed to

Clause 31 - agreed to

Clause 32 - amendment proposed –

THAT, clause 32 of the Bill be amended in sub-clause (1) by deleting the words "the Director-General shall" appearing immediately after the expression "section 31(1)".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 32 of the Bill be amended in sub-clause (1) by deleting the words “the Director-General shall” appearing immediately after the expression “section 31(1)”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 32 - as amended agreed to

Clause 33 - amendment proposed –

THAT, the Bill be amended by deleting Clause 33 and substituting therefore the following new Clause”.

Intergovernmental
Fisheries
Coordinating
Committee

“33.(1) Subject to Article 186 and 187 of the Constitution, there is hereby established an Intergovernmental Fisheries Coordinating Committee whose membership shall be—

- (a) the Cabinet Secretary responsible for Fisheries;
- (b) the Cabinet Secretary responsible for Environment;
- (c) the Cabinet Secretary responsible for Finance;
- (d) three Governors or their designates being executive members in charge of Fisheries; and
- (e) a representative of Fishers appointed by the Cabinet Secretary nominated by the umbrella association of fishers.

(2) The Committee shall be responsible for—

- (a) the development of joint measures for conservation , management and utilization of fisheries resources specific to counties;
- (b) intergovernmental dispute resolution on issues under this Act
- (c) development of shared management agreements or plans;
- (d) development of regulations of shared responsibility for management of artisanal fisheries, marine protected areas and areas within the jurisdiction of each county; and
- (e) approval of County Plans on fisheries in conformity with this Act.

(3) The shared management plans under sub-section(2) shall include—

- (a) a statement of the objectives of the agreement;
- (b) a description of the area covered;
- (c) a description of the management activities to be covered;
- (d) rules governing the access to and use of the areas by other fishers;
- (e) rules governing the requirements for information and data;

- (f) rules governing the enforcement of the agreed activities;
- (g) the duration of the agreement;
- (h) provisions for monitoring the implementation of the agreement;
- (i) provision for revision of the agreement;
- (j) provision for settlement of disputes as provided for under the Act.

(4) In undertaking its functions, the committee shall consult fishers organizations including Beach Management.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Clauses33 - agreed to

Clauses34 - agreed to

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) be approved by the Intergovernmental Fisheries Co-ordinating Committee established under section 33”

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 35 - agreed to

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended by deleting Clause 36 and substituting therefore the following new Clause”.

Conflict
resolution

“36.(1) where there is a conflict between a county fisheries management plan and the management relating to the provisions of this Act, it shall be referred to the Intergovernmental Fisheries Co-ordinating Committee established under section 33 for resolution.

(2) any Conflict referred to the Committee under section 33(1) (a) shall be resolved within 30 days”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Clause 36 - agreed to

Clause 37 - amendment proposed –

THAT, the Bill be amended by deleting clause 37

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, the Bill be amended by deleting clause 37.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 37 - deleted

Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs immediately after paragraph (e)—

“(ea) the protection of vulnerable groups, especially youth and women;”

“(eb) processes necessary to ensure that not more than two thirds of the Beach Management Units are of the same gender and to ensure the inclusion of youth and persons with disability in the leadership.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 38 of the Bill be amended in sub-clause (2) by—

a) inserting the words “and any other allowances deemed necessary” immediately after the word “administration” in paragraph (b);

b) inserting the following new paragraphs immediately after paragraph (e)—

“(ea) the protection of vulnerable groups, especially youth and women;”

“(eb) processes necessary to ensure that no more than one third of the Beach Management Units are of the same gender and to ensure the inclusion of youth and persons with disability in the leadership.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 38 - as amended agreed to

Clause 39 - agreed to

Clause 40 - amendment proposed –

THAT, clause 40 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “special” immediately after the word “requires” appearing in paragraph (b);
- (b) in sub-clause (3) by deleting the opening paragraph and substituting therefor the following new opening paragraph—

“The Director-General shall, in consultation with the counties and other stakeholders, develop guidelines and standards for the development of fisheries management plans that must conform to this Act and shall include—”
- (c) in sub-clause (3) by inserting the following new paragraph immediately after paragraph (m)—

“(mm) social impact assessment of the plan with reference to disadvantaged groups including women, persons with disability and the youth”;
- (d) by deleting sub-clause (9) and substituting therefor the following new sub-clause—

“(9) Any person who fails to comply with the management plan commits an offence and shall be liable—

 - (i) in case of industrial fishing, to a fine not exceeding five hundred thousand shillings; or
 - (ii) in case of artisanal fishing, to a fine not exceeding one hundred thousand shillings.”
- (e) in sub-clause (10) by deleting the words “not exceeding six months, and in respect of all other activities not exceeding two years or both” and substituting therefor the words “not exceeding three months, and in respect of all other activities not exceeding six months or both”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 40 of the Bill be amended by—

- (a) inserting the word “special” immediately after the word “requires” appearing in paragraph (b) of sub-clause (1) ;
- (b) deleting the words “The Director General shall ensure that stakeholders are consulted in the development of each fisheries management plan , that such plan is consistent with this Act and the following are included in each plan” in sub-clause (3) and substituting therefor the following new words —

- (c) "The Director-General shall, in consultation with the counties and other stakeholders, develop guidelines and standards for the development of fisheries management plans that must conform to this Act and shall include—"
- (d) inserting the following new paragraph immediately after paragraph (m) in sub-clause (3)—
- "(n) social impact assessment of the plan with reference to disadvantaged groups including women, persons with disability and the youth";
- (e) deleting sub-clause (9) and substituting therefor the following new sub-clause—
- "(9) Any person who fails to comply with the management plan commits an offence and shall be liable—
- (i) in case of industrial fishing, to a fine not exceeding five hundred thousand shillings; or
- (ii) in case of artisanal fishing, to a fine not exceeding one hundred thousand shillings."
- (f) deleting the words "not exceeding six months, and in respect of all other activities not exceeding two years or both" and substituting therefor the words "not exceeding three months, and in respect of all other activities not exceeding six months or both in sub-clause (10)".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 40 - as amended agreed to

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended—

- (a) in sub-clause (1)–
- (i) by inserting the words "in accordance with the best scientific advice and such other relevant information as may be available" immediately after the words "The Director General may";
- (ii) by deleting paragraph (a) and substituting therefor the following new paragraph–
- "(a) closed seasons and or areas for species of fish or methods of fishing provided that customary fishing rights are protected";
- (iii) in paragraph (d) by inserting the words "provided that customary fishing rights are protected" immediately after the words "engage in fishing";
- (iv) by deleting paragraph (i) and substituting therefor the following new paragraph–
- "(i) regulate trade in endangered species of fish and fish products";
- (v) by inserting the following new paragraph immediately after paragraph (j)–
- "(jj) prohibit the possession, trade in or manufacture of prohibited gear in a specified area or areas";
- (b) by deleting sub-clause (2);

- (c) in sub-clause (3) by inserting the words "in respect of industrial fishing, and to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding three months or to both in respect of artisanal fishing" at the end of the sentence; and
- (d) by inserting the following new sub-clause immediately after sub-clause (3)–
 - "(4) The measures referred to in this section may include, inter alia–
 - (i) refusal to issue or renew licences;
 - (ii) imposition of special licence or catch fees; and
 - (iii) preferential licensing."

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 41 of the Bill be amended—

- (a) in sub-clause (1)–
 - (i) by inserting the words "in accordance with the best scientific advice and such other relevant information as may be available" immediately before the words "The Director General may";
 - (ii) by deleting paragraph (a) and substituting therefor the following new paragraph–
 - "(a) closed seasons and or areas for species of fish or methods of fishing provided that customary fishing rights are protected";
 - (iii) in paragraph (d) by inserting the words "provided that customary fishing rights are protected" immediately after the words "engage in fishing";
 - (iv) by deleting paragraph (i) and substituting therefor the following new paragraph–
 - "(i) regulate trade in endangered species of fish and fish products";
 - (v) by inserting the following new paragraph immediately after paragraph (j)–
 - "(jj) prohibit the possession, trade in or manufacture of prohibited gear in a specified area or areas";
- (b) by deleting sub-clause (2);
- (c) in sub-clause 3 by inserting the words "in respect of industrial fishing, and to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding three months or to both in respect of artisanal fishing" at the end of the sentence; and
- (d) by inserting the following new sub-clause immediately after sub-clause (3)–
 - "(4) The measures referred to in this section may include, inter alia–
 - (i) refusal to issue or renew licences;
 - (ii) imposition of special licence or catch fees; and
 - (iii) preferential licensing."

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 41 - as amended agreed to

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended—

(a) by deleting sub-clause (2);

(b) by deleting sub-clause (3).

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 42 of the Bill be amended by deleting sub-clauses (2) and (3).

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - amendment proposed –

THAT, the Bill be amended by deleting clause 43.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 43 of the Bill be deleted.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 43 - deleted

Clause 44 - amendment proposed –

THAT, clause 44 of the Bill be amended—

(a) in sub-clause (l)–

(i) by deleting paragraph (l) and substituting therefor the following new paragraph–

“(l) firearms or other electrical shock devices for the purpose of fishing, including stunning, disabling or killing fish, or in any way rendering fish to be caught more easily”;

(ii) in paragraph (m) by deleting the words “in a fisheries management plan” and substituting therefor the words “by regulations established under this part”;

(b) in sub-clause (7) by inserting the following new words after the words “or to both”–

“in respect of industrial fishing, and to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both in respect of artisanal fishing”; and

(c) by deleting sub-clause (8).

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 44 of the Bill be amended—

(a) in sub-clause (l)–

(i) by deleting paragraph (l) and substituting therefor the following new paragraph–

“(l) firearms or other electrical shock devices for the purpose of fishing, including stunning, disabling or killing fish, or in any way rendering fish to be caught more easily”;

(ii) in paragraph (m) by deleting the words “in a fisheries management plan” and substituting therefor the words “by regulations established under this part”;

(b) in sub-clause (7) by inserting the following words after the words “or to both”–

“in respect of industrial fishing, and to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both in respect of artisanal fishing”; and

(c) by deleting sub-clause (8).

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - amendment proposed –

THAT, clause 45 of the Bill be amended—

- (a) in sub clause (1) by deleting the opening paragraph and substituting therefor the following new opening paragraph—

“(1) No person shall while using a vessel, wilfully and negligently damage, destroy, interfere with, endanger or cause injury in respect of in sub-clause (1)”;

- (b) in sub clause (3)—

(i) by deleting paragraph (a);

(ii) by deleting paragraph (d) in sub-clause (3) and substituting therefor the following new paragraph—

“(d) make a full report of the incident and steps taken to the police”

- (c) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) A person who contravenes subsection (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both, and in addition that person shall fully compensate the owner of the fishing gear for any damage or injury caused under civil law as a consequence of the action unless there is sufficient proof that the damage,

destruction, interference or endangerment took place in an area where the person or vessel that caused such consequences were legally entitled to be at that time and it was not reasonably possible to detect the fishing gear or vessel and any relevant fishing gear was not marked in accordance with the requirements pursuant to this Act.”;

- (d) by inserting the following new sub clause immediately after sub-clause (4)—

“(4A) Where human life is lost as a consequence of any negligent or willful action under sub-section (1), the responsible person shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding ten years or to both, and in addition that person shall fully compensate the estate of the deceased under civil law.”;

- (e) in sub-clause (5) by deleting the words “as soon as possible and in any case within a reasonable time after the damage, destruction, interference or endangerment took place, and shall produce all available evidence” and substituting therefor the words “within a period of three years”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 45 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “No person shall, using a vessel, wilfully, negligently, unintentionally or otherwise damage, destroy, interfere with, endanger, injure or cause loss of life in respect of” and substitute with the words

“No person shall while using a vessel, wilfully and negligently damage, destroy, interfere with, endanger or cause injury in respect of in sub-clause (1)”;

(b) in sub clause (3)-

(i) by deleting paragraph (a) in sub clause (3);

(ii) by deleting paragraph (d) in sub-clause (3) and substituting therefor the following new paragraph—

“(d) make a full report of the incident and steps taken to the police”

(c) deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) A person who contravenes subsection (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year or to both, and in addition that person shall fully compensate the owner of the fishing gear for any damage or injury caused under civil law as a consequence of the action unless there is sufficient proof that the damage, destruction, interference or endangerment took place in an area where the person or vessel that caused such consequences were legally entitled to be at that time and it was not reasonably possible to detect the fishing gear or vessel and any relevant fishing gear was not marked in accordance with the requirements pursuant to this Act.”;

(d) by inserting the following new clause immediately after sub-clause (4)–

“(4A) Where life is lost as a consequence of any negligent or wilful action under sub-section (1), the responsible person shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding ten years or to both, and in addition that person shall fully compensate the estate of the deceased under civil law.”;

(e) deleting the words “as soon as possible and in any case within a reasonable time after the damage, destruction, interference or endangerment took place, and shall produce all available evidence appearing in sub-clause (5)” and substituting therefor the words “within a period of three years”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 45 - as amended agreed to

Clause 46 - amendment proposed –

THAT, the Bill be amended by deleting clause 46.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 46 of the Bill be deleted.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 46 - deleted

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended in sub-clause (2) by inserting the words “in respect of industrial fishing or to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding three months in respect of artisanal fishing” immediately after the words “or to both”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 47 of the Bill be amended in sub-clause (2) by inserting the words “in respect of industrial fishing or to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding three months in respect of artisanal fishing” immediately after the words “or to both”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 47 - as amended agreed to

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended by—

(a) deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person who contravenes subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to a term of imprisonment not exceeding three years or to both in respect of industrial fishing, or to a fine not exceeding fifty thousand shillings or a term of imprisonment not exceeding six months, or to both”;

(b) inserting the following new sub-clause immediately after sub-clause (3)—

“(3A) where a species of fish has been declared as endangered under subsection (1), the Cabinet Secretary shall take special measures for its protection.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 48 of the Bill be amended by—

- (a) deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person who contravenes subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to a term of imprisonment not exceeding three years or to both in respect of industrial fishing, or to a fine not exceeding fifty thousand shillings or a term of imprisonment not exceeding six months, or to both”;

- (b) inserting the following new sub-clause immediately after sub-clause (3)–

“(4) where a species of fish has been declared as endangered under subsection (1), the Cabinet Secretary shall take special measures for its protection.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 48 - as amended agreed to

Clause 49 - agreed to

Clause 50 - amendment proposed –

THAT, clause 50 of the Bill be amended—

- (a) in subsection (1) by

(i) inserting the words “stakeholders” immediately after the words “Advisory Council” in the opening paragraph–

(ii) deleting paragraph (k);

- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) The Cabinet Secretary may, subject to approval by the National Assembly, make regulations to give effect to this subsection”;

- (c) by deleting sub-clause (3)

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 50 of the Bill be amended by—

(a) inserting the words “stakeholders” immediately after the words “Advisory Council” in the opening sentence; –

- (b) deleting paragraph (k);

- (c) deleting sub-clause (2) and substituting therefor the following new sub-clause–

"(2) The Cabinet Secretary may, subject to approval by the National Assembly, make regulations to give effect to this subsection";

(d) deleting sub-clause (3)

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 50 - as amended agreed to

Clause 51 - amendment proposed –

THAT, clause 51 of the Bill be amended by—

(a) deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) Any person or Government Ministry or other agency that plans to conduct any commercial activity other than fishing which is likely to have an adverse impact on fish and their habitat, shall apply to the Director-General in the prescribed form prior to the commencement of the planned activity with a view to ensuring the conservation and protection of such resources.";

(b) deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(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.";

(c) inserting the following new sub-clause immediately after sub-clause (3)—

"(3A) Any report made under sub-section (2) must be completed within six months of the making of the application.";

(d) deleting sub-clause (4) and substituting therefor the following new sub-clause—

"(4) Any person who violates any provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both, and in addition such person shall be liable to pay compensation in respect of any resulting loss or damage as well as the full cost of restoring the affected habitat to its previous state."

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 51 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—
“(1) Any person or Government Ministry or other agency that plans to conduct any commercial activity other than fishing which is likely to have an adverse impact on fish and their habitat, shall apply to the Director-General in the prescribed form prior to the commencement of the planned activity with a view to ensuring the conservation and protection of such resources.”;
- (b) deleting sub-clause (2) and substituting therefor the following new sub-clause—
“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.”;
- (c) inserting the following new sub-clause immediately after sub-clause (3)—
“(3A) Any report made under sub-section (2) must be completed within six months of the making of the application.”;
- (d) deleting sub-clause (4) and substituting therefor the following new sub-clause—
“Any person who violates any provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both, and in addition such person shall be liable to pay compensation in respect of any resulting loss or damage as well as the full cost of restoring the affected habitat to its previous state.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 51 - as amended agreed to

Clause 52 - amendment proposed –

THAT, clause 52 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “or accidentally”;
- (b) in sub-clause (2) by deleting the words “five hundred thousand shillings or to a term of imprisonment not exceeding five years” and substituting therefor the words “five million shillings or to a term of imprisonment not exceeding ten years or to both.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 52 of the Bill be amended by—

- (a) deleting the words “or accidentally” appearing in sub-clause (1);

- (b) deleting the words "five hundred thousand shillings or to a term of imprisonment not exceeding five years" and substituting therefor the words "five million shillings or to a term of imprisonment not exceeding ten years or to both in sub-clause (2)."

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 52 - as amended agreed to

Clause 53 - amendment proposed –

THAT, clause 53 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (2)—

"(2A) No person other than a sport fisherman shall land any fish at any point except at a fish landing station or port.

(2B) A person who contravenes the provisions of subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both in the case of fish landing stations, or to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or to both in the case of ports."

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 53 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (2)—

"(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 shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both in the case of fish landing stations, or to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or to both in the case of ports."

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 53 - as amended agreed to

Clauses 54 & 55 - agreed to

Clause 56 - amendment proposed –

THAT, clause 56 of the Bill be amended–

- (a) in sub-clause (2) by inserting the words “or to areas where the boundaries are disputed or not clear” immediately after the word “flag” appearing at the end of the sub-clause;
- (b) in sub-clause (3) by inserting the following new words immediately after the words “or both”–
- (c) “in relation to industrial fishing, and to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both in relation to artisanal fishing.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 56 of the Bill be amended by–

- (a) inserting the words “or to areas where the boundaries are disputed or not clear” immediately after the word “flag”; in sub-clause (2);
- (b) inserting the following new words immediately after the words “or both”–
“in relation to industrial fishing, and to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both in relation to artisanal fishing in sub-clause (3).”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 56 - as amended agreed to

Clause 57 - amendment proposed –

THAT, clause 57 of the Bill be amended in sub clause (1) by inserting the following new words immediately after the word “prescribed” –

“and the approval shall only be given upon production of an Environmental Impact Assessment report on the effect of each introduction.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 57 of the Bill be amended in sub clause (1) by inserting the following new words immediately after the word “prescribed” –

“and the approval shall only be given upon production of an Environmental Impact Assessment report on the effect of each introduction.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 57 - as amended agreed to

Clause 58 - amendment proposed –

THAT, clause 58 of the Bill be amended in sub-clause (1) by deleting the words “such procedures as the Director-General may notify to the public or as may be prescribed” and substituting therefor the word “regulations”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 58 of the Bill be amended in sub-clause (1) by deleting the words “such procedures as the Director-General may notify to the public or as may be prescribed” and substituting therefor the word “regulations”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 58 - as amended agreed to

Clause 59 - agreed to

Clause 60 - amendment proposed –

THAT, clause 60 of the Bill be amended by inserting the words “in consultation with the Fish Marketing Authority and” after the word “may” appearing in the opening paragraph.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 60 of the Bill be amended by inserting the words “in consultation with the Fish Marketing Authority and” after the word “may”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 60 - as amended agreed to

Clause 61 - amendment proposed –

THAT, clause 61 of the Bill be amended–

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) The Cabinet Secretary shall establish a technical committee on Fish Quality and Safety”

(b) in sub-clause (3) by–

(i) by deleting the words “competent authority” appearing in the opening sentence and substituting therefor the word “Committee”;

(ii) deleting paragraph (a);

(iii) deleting paragraph (e);

(iv) deleting paragraph (k);

(v) inserting the following new paragraph after paragraph (l)–

“(m) maintain a register of fishers”

(c) by deleting the repeated sub-clause (3) and substituting therefor the following new sub-clause–

“(4) The Cabinet Secretary may for the purposes of subsection (2), make regulations with regard to conduct of the affairs of the technical committee”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 61 of the Bill be amended–

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) The Cabinet Secretary shall establish a technical committee on Fish Quality and Safety”

(b) in sub-clause (3) by–

- (i) by deleting the words "competent authority" appearing in the opening sentence and substituting therefor the word "Committee";
- (ii) deleting paragraph (a);
- (iii) deleting paragraph (e);
- (iv) deleting paragraph (k);
- (v) inserting the following new paragraph after paragraph (l)–

“(m) maintain a register of fishers”

- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause–
“The Cabinet Secretary may for the purposes of subsection (2), make regulations with regard to conduct of the affairs of the technical committee”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 61 - as amended agreed to

(Change of Chair from First Chairperson to the Third Chairperson)

Clause 62 - amendment proposed –

THAT, clause 62 of the Bill be amended by inserting the words “Pursuant to the Treaty Making and Ratification Act” immediately before the words “The Director-General may”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 62 of the Bill be amended by inserting the words “Pursuant to the Treaty Making and Ratification Act” immediately before the words “The Director-General may”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Question put and agreed to;

Clause 62 - as amended agreed to

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A person who knowingly and willfully contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding ten years or to both, and in addition any fish or fish products involved in the transaction and those owned or controlled by such person shall be forfeited.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 63 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A person who knowingly and willfully contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding ten years or to both, and in addition any fish or fish products involved in the transaction and those owned or controlled by such person shall be forfeited.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 63 - as amended agreed to

Clause 64 - agreed to

Clause 65 - amendment proposed –

THAT, clause 65 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any aquaculture development plan developed under sub-section (1) shall be for a duration of three years”;

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 65 of the Bill be amended by—

- (a) deleting sub-clause (2) and substituting therefor the following new sub-clause—
“(2) Any aquaculture development plan developed under sub-section (1) shall be for a duration of three years”;
- (b) deleting the words “at least” in sub-clause (3).

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 65 - as amended agreed to

Clause 66 - agreed to

Clause 67 - amendment proposed –

THAT, clause 67 of the Bill be amended in sub-clause (1) by inserting the words “and without first consulting the affected community” at the end of the sub-clause.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 67 of the Bill be amended in sub-clause (1) by inserting the words “and without first consulting the affected community” at the end of the sentence.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 67 - as amended agreed to

Clause 68 - amendment proposed –

THAT, clause 68 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
“(1) County governments shall monitor aquaculture and mariculture practices and operations in areas under their respective jurisdiction pursuant to this Act.”
- (b) by deleting sub-clause (2) and substituting therefor following new sub-clause—
“(2) Where any person or any county government has cause to believe that any fish and fish products from any waters used for aquaculture activities are infected with a disease which can reasonably be foreseen to become, or which has become, of epidemic proportions, such county government shall, in consultation with the Cabinet Secretary, give notice in writing to the owner of the relevant waters

requiring the destruction of all fish or fish products in the said waters or the taking of such other measures as the county government may specify in the notice.”;

- (c) by deleting sub-clause (3);
- (d) in sub-clause (5) deleting the words “Director-General’s”; and
- (e) by inserting the following new sub-clause immediately after sub-clause (5)–

“(5A) Where an officer willfully, negligently or without justifiable cause issues a notice under sub-section (2), the officer shall be held personally liable for any resultant loss.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 68 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause–

“(1) County government shall monitor aquaculture and mariculture practices and operations in areas under their respective jurisdiction pursuant to this Act.”

- (b) deleting sub-clause (2);
- (c) deleting sub-clause (3);
- (d) inserting the following new sub-clause immediately after sub-clause (1)–

“(2) Where any person or any county government has cause to believe that any fish and fish products from any waters used for aquaculture activities are infected with a disease which can reasonably be foreseen to become, or which has become, of epidemic proportions, such county government shall, in consultation with the Cabinet Secretary, give notice in writing to the owner of the relevant waters requiring the destruction of all fish or fish products in the said waters or the taking of such other measures as the county government may specify in the notice.”;

- (e) deleting the words “Director-General’s” in sub-clause (5); and
- (f) inserting the following new sub-clause immediately after sub-clause (5)–

“(6) Where an officer wilfully, negligently or without justifiable cause issues a notice under sub-section (2), the officer shall be held personally liable for any resultant loss.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 68 - as amended agreed to

Clause 69 - amendment proposed –

THAT, clause 69 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “with the endorsement” and substituting therefor the words “on the advice”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Permission for any activity in sub-section (1) may be granted subject to such conditions as the Director-General, with the written approval of the Board, considers appropriate and after an impact assessment has been undertaken.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, part (b) (2) be further amended by inserting the word “environmental” immediately before the word “impact”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 69 of the Bill be amended by—

(a) deleting the words “with the endorsement” appearing in sub-clause (1) and substituting therefor the words “on the advice”;

(b) deleting sub-clause (2) and substituting therefor the following new sub-clause—
“Permission for any activity in sub-section (1) may be granted subject to such conditions as the Director-General, with the written approval of the Board, considers appropriate and after an impact assessment has been undertaken.”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 69 - as amended agreed to

Clauses 70, 71 & 72 - agreed to

Clause 73 - amendment proposed –

THAT, clause 73 of the bill be amended in sub-clause (1) by inserting the words " and such approval shall only be given after an impact assessment has been undertaken as provided for in section 74 of the Act" immediately after the words "Director General".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 73 - agreed to

Clauses 74, 75 & 76 - agreed to

Amendment proposed –

THAT, clause 77 of the bill be amended in sub-clause (1) by deleting the word "Act" and substituting therefor the word "Part"

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 77 - agreed to

Amendment proposed –

THAT, Clause 78 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words "specified under sub-section (2)" immediately after the word "person";
- (b) in sub-clause (2)—
 - (i) by deleting the words "fishing otherwise than for purposes of sale of the fish caught, including" appearing in paragraph (g);
 - (ii) paragraph (h) by inserting the words "category of" immediately after the words "such other"
- (c) in sub-clause (4) by deleting the word "of" appearing after the words "conviction to a fine" and substituting therefor the words "not exceeding".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 78 - agreed to

Clause 79 - agreed to

Clause 80 - amendment proposed –

THAT, Clause 80 of the Bill be amended in sub-clause (3) by deleting the words "five hundred thousand" and substituting therefor the words "one million".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 80 of the Bill be amended in sub-clause (4) by deleting the word “of” appearing immediately after the words “conviction to a fine” and substituting therefor the words “not exceeding”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Clause 80 - as amended agreed to

Clause 81 - amendment proposed –

THAT, Clause 81 of the Bill be amended in sub-clause (1)—

(a) by inserting the word “Kenya” immediately after the words “harvested in the” appearing in the opening paragraph;

(b) inserting the word “Kenya” before the word “fishery” appearing in paragraph (a).

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 81 - as amended agreed to

Clause 82 - amendment proposed –

THAT, clause 82 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “and no such information shall be false, misleading or inaccurate”

(b) in sub-clause (2) by deleting the word “of” appearing after the words “conviction to a fine” and substituting therefor the words “not exceeding”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 82 - agreed to

Clause 83 - amendment proposed –

THAT, Clause 83 of the Bill be amended—

(a) by deleting the word “Minister” wherever it appears and substituting therefor the word “Secretary”

- (b) in sub-clause (8) by deleting the words "three hundred and fifty thousand" and substituting therefor the words "one million"

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 83 of the Bill be amended—

- (a) by deleting the word "Minister" wherever it appears and substituting therefor the word "Secretary".
- (b) in sub-clause (6) by deleting the words "he/she" appearing in paragraph (b) and substituting therefor the words "he or she";
- (c) in sub-clause (7) by deleting the words "or more as they may deem necessary" appearing immediately after the words "up to five years";
- (d) in sub-clause (8) by inserting the words "or to a term of imprisonment of not more than six months or to both" immediately after the word "shillings".

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 83 - as amended agreed to

Clause 84 - amendment proposed –

THAT, clause 84 of the Bill be amended in sub-clause (1) by deleting the word "Minister" and substituting therefor the words "Cabinet Secretary".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 84 - agreed to

Clauses 85 & 86 - agreed to

Clause 87 - amendment proposed –

THAT, Clause 87 of the Bill be amended in sub-clause (2) by deleting the word "Kenyan" and substituting therefor the word "Kenya".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 87 - as amended agreed to

Clause 88 - amendment proposed –

THAT, Clause 88 of the Bill be amended in sub-clause (1) by inserting the words “but shall require to apply for registration” immediately after the word “licence”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 88 - as amended agreed to

Clauses 89 - agreed to

Clause 90 - amendment proposed –

THAT, clause 90 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “e.t.c” appearing in paragraph (h).

(b) in sub-clause (3) by deleting the words “industrial/semi” and substituting therefor the words “industrial or semi”;

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 90 - agreed to

Clauses 91, 92, 93, 94, 95 & 96 - agreed to

Clause 97 - amendment proposed –

THAT, Clause 97 of the Bill be amended in paragraph (a) of sub-clause (1) by inserting the words “or relevant applicable law of a third country” immediately after the word “measures”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 97 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words "has/have" appearing in sub-paragraph of paragraph (a) and substituting therefor the words "has or have";
- (b) in sub-clause (2) by deleting the words "a fisheries management plan, aquaculture development plan" appearing in paragraph (a).

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 97 - as amended agreed to

Clause 98 - agreed to

Clause 99 - amendment proposed –

THAT, clause 99 of the Bill be amended in sub clause (2) by deleting the word "endorsement" appearing immediately after the words "Director-General and" and substituting therefor the words "approval".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 99 - agreed to

Clause 100 - agreed to

Clause 101 - amendment proposed –

THAT, Clause 101 of the Bill be amended in sub-clause (2) by —

- (a) deleting the words "one million" and substituting therefor the words "fifty million".
- (b) deleting the word "three years" and substituting therefor the words "five years".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 101 - as amended agreed to

Clause 102 - amendment proposed –

THAT, Clause 102 of the Bill be amended in sub-clause (2) by—

- (a) deleting the words "one million" and substituting therefor the words "fifty million".
- (b) deleting the word "three years" and substituting therefor the words "five years".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 102 of the Bill be amended in sub clause (1) by deleting the expression “EEZ” appearing in paragraph (k) and substituting therefor the words “Exclusive Economic Zone”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 102 - as amended agreed to

Clauses 103 & 104 - agreed to

Clause 105 - amendment proposed –

THAT, Clause 105 of the Bill be amended in sub-clause (2) by deleting the words “five hundred thousand” and substituting therefor the words “five million”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 105 - as amended agreed to

Clause 106 - amendment proposed –

THAT, Clause 106 of the Bill be amended in sub-clause (3) by inserting the word “shilling” immediately after the words “hundred thousand”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 106 - agreed to

Clause 107 - amendment proposed –

THAT, Clause 107 of the Bill be amended in sub-clause (2) by deleting the word “fishing” appearing immediately after the word “recreational” and substituting therefor the words “or under customary fishing rights”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 107 - agreed to

Clauses 108 & 109 - agreed to

Clause 110 - amendment proposed –

THAT, Clause 110 of the Bill be amended in sub-clause (8) by deleting the words “one million” and substituting therefor the words “fifty million”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 110 - as amended agreed to

Clauses 111, 112 & 113 - agreed to

Clause 114 - amendment proposed –

THAT, Clause 114 of the Bill be amended in sub-clause (2) by deleting the words “five hundred thousand” and substituting therefor the words “ten million”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 114 of the Bill be amended in sub-clause (2) by adding the words “in respect of industrial fishing and to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding three months or to both in respect of industrial fishing” immediately after the words “one year or to both”.

Question put and agreed to;

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Clause 114 - as amended agreed to

Clause 115 - agreed to

Clause 116 - amendment proposed –

THAT, Clause 116 of the Bill be amended in sub-clause (1) by deleting the words "ten years" and substituting therefor the words "one year".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 116 - as amended agreed to

Clause 117 - agreed to

Clause 118 - amendment proposed –

THAT, Clause 118 of the Bill be amended in sub clause (3) by adding the words "in respect of industrial fishing and to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months or to both in respect of industrial fishing" immediately after the words "one year or to both" .

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 118 - agreed to

Clause 119 - amendment proposed –

THAT, Clause 119 of the Bill be amended in sub-clause (2) by deleting the words "not exceeding two hundred thousand" appearing immediately after the word "fine" and substituting therefor the words "not less than five hundred thousand".

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 119 - agreed to

Clauses 120, 121, 122, 123, 124, 125 & 126 - agreed to

Clause 127 - amendment proposed –

THAT, Clause 127 of the Bill be amended in sub clause (1) by deleting the expression(d) appearing in paragraph (d)

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 127 - agreed to

Clause 128 - amendment proposed –

THAT, Clause 128 of the Bill be amended by deleting the words “two million shillings” and substituting therefor the words “fifty million shillings or to an imprisonment of a term of more than one year or to both”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 128 of the Bill be amended by inserting the words “or to imprisonment of a term not exceeding one year or to both” at the end of the clause.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 128 - as amended agreed to

Clause 129 - amendment proposed –

THAT, Clause 129 of the Bill be amended in sub-clause (2) by—

- (a) deleting the words “not exceeding one million” and substituting therefor the words “not less than five million”;
- (b) deleting the words “not exceeding five years” and substituting therefor the words “not less than five years”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 129 - as amended agreed to

Clause 130 - amendment proposed –

THAT, Clause 130 of the Bill be amended in sub-clause (2) by—

- (a) deleting the words “not exceeding one million” and substituting therefor the words “not less than ten million”;
- (b) deleting the words “not exceeding five years” and substituting therefor the words “not less than ten years”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 130 - as amended agreed to

Clause 131 - amendment proposed –

THAT, Clause 131 of the Bill be amended in sub-clause (1) by deleting the words "Oceans and".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 131 - as amended agreed to

Clause 132 - amendment proposed –

THAT, Clause 132 of the Bill be amended by—

- (a) inserting the word "fishing" immediately after the word "unregulated" in paragraph (e);
- (b) deleting the word "section 139" and substituting therefor the words "section 137 in paragraph (f)".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 132 - as amended agreed to

Clause 133 - amendment proposed –

THAT, Clause 133 of the Bill be amended in sub-clause (2) by inserting the words "Advisory Council and "immediatelybefore the words "Director General".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 133 - as amended agreed to

Clause 134 - amendment proposed –

THAT, Clause 134 of the Bill be amended in sub-clause (1) by inserting the words “Kenya” immediately before the words “fishery waters”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 134 - as amended agreed to

Clauses 135 & 136 - agreed to

Clause 137 - amendment proposed –

THAT, Clause 137 of the Bill be amended in sub clause (5)—

- (a) by deleting the words “a notice of demand; and” appearing in paragraph (a); and
- (b) by deleting paragraph (b).

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 137 - agreed to

Clause 138 - agreed to

Clause 139 - amendment proposed –

THAT, Clause 139 of the Bill be amended by —

- (a) inserting the words “or ordering” immediately after the word “bringing” in sub-clause (3).
- (b) inserting the following new sub-clause immediately after sub-clause (6)—

“(6A). Monitoring Control and Surveillance(MCS) in this section means the mechanism for implementation of agreed policies, plans or strategies for oceans and fisheries management and includes collection, measurement and analysis of data and information on fishing activities and using the same to specify the terms and conditions under which fisheries resources can be harvested ;checking and supervising fishing activities to ensure all applicable laws and regulations are being observed by the fishers and all licence holders and the components include surveillance on land, air and at sea.”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 139 of the Bill be amended in sub clause (2) by—

(a) inserting the words “subject to Article 29 of the Constitution” at the start of the sub-clause;

(b) deleting the words “his/her” and substituting therefor the words “his or her”.

Question put and agreed to;

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Clause 139 - as amended agreed to

Clause 140 - amendment proposed –

THAT, Clause 140 of the Bill be amended in sub clause (1) by deleting the words “he/she” and substituting therefor the words “he or she”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 140 - agreed to

Clauses 141, 142 & 143 - agreed to

Clause 144 - amendment proposed –

THAT, Clause 144 of the Bill be amended in sub clause (2) by deleting paragraph (a).

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 144 - agreed to

Clause 145 - amendment proposed –

THAT, Clause 145 of the Bill be amended in paragraph (b) of sub clause (1) by—

(a) deleting the word “assault” and substituting therefor the word “assault”.

(b) deleting the word “poers” and substituting therefor the word “power”

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 145 - agreed to

Clause 146 - amendment proposed –

THAT, Clause 146 of the Bill be amended in paragraph (a) sub-clause (1) by deleting the words “take” and substituting therefor the word “order”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 146 - as amended agreed to

Clauses 147 - agreed to

Clause 148 - amendment proposed –

THAT, Clause 148 of the Bill be amended in sub clause (1) by inserting the words “where the operator is un co-operative but in any event, the authorized officer shall take measures to ensure that such removal shall not cause a permanent or material damage to the vessel” at the end of the sub-clause.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 148 - agreed to

Clause 149 - amendment proposed –

THAT, Clause 149 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2)—

“(2A) any fish impounded under subsection (1) shall, if found to be fit for human consumption, be distributed to the public”

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 149 - agreed to

Clause 150 - amendment proposed –

THAT, Clause 150 of the Bill be amended in sub-clause (1) by deleting the words “The shall establish” appearing in the opening paragraph and substituting therefor the words “There shall be established”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 150 of the Bill be amended in sub clause (1) by deleting the word “establish” and substituting therefor the words “be established”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 150 - as amended agreed to

Clause 151 - amendment proposed –

THAT, Clause 151 of the Bill be amended in paragraph (b) sub-clause (1) by deleting the word “ section 152” and substituting therefor the words “ section 150”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 151 - as amended agreed to

Clauses 152 & 153 - agreed to

Clause 154 - amendment proposed –

THAT, Clause 154 of the Bill be amended in sub-clause (3) by—

(a) deleting the words “ not exceeding five hundred thousand” and substituting therefor the words “ not less than ten million”;

(b) deleting the words “ not exceeding three years” and substituting therefor the words “ not less than five years”.

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 154 - as amended agreed to

Clause 155 - amendment proposed –

THAT, the Bill be amended by deleting Clause 155 and substituting therefor the following new Clause

Regulations in respect
of observers

“155. The Cabinet Secretary shall make regulations for the safety and protection of observers while on board and for conditions that must be complied with by the operator or the license owner in respect of any vessel on which an observer is placed”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 155 - agreed to

Clause 156 - agreed to

Clause 157 - amendment proposed –

THAT, Clause 157 of the Bill be amended in sub clause (3) by deleting the words “unless such person would incur liability for the act or omission” appearing immediately after the word “officer”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 157 - agreed to

Clause 158 - agreed to

Clause 159 - amendment proposed –

THAT, Clause 159 of the Bill be amended in sub-clause (3) by deleting the words “not exceeding two million” and substituting therefor the words “not less than fifty million”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 159 of the Bill be amended by —

(a) deleting sub clause (1)

(b) in sub clause (2)

- (i) by deleting the word "fail" appearing in paragraph (a) and substituting therefor the words "who fails";
- (ii) by deleting sub paragraphs (ii), (iii), (iv), and (v) of paragraph (a);
- (c) deleting paragraphs (b), (c), and (e);
- (d) renumbering the remaining sub clauses.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 159 - as amended agreed to

Clause 160 - amendment proposed –

THAT, Clause 160 of the Bill be amended in sub-clause (7)—

- (a) by deleting the words "not exceeding five million" and substituting therefor the words "not less than ten million";
- (b) deleting the words " not exceeding five years" and substituting therefor the words " not less than ten years".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 160 - as amended agreed to

Clause 161 - agreed to

Clause 162 - amendment proposed –

THAT, Clause 162 of the Bill be amended in sub-clause (3) —

- (a) by deleting the words "not exceeding one million" and substituting therefor the words "not less than fifty million".
- (b) deleting the words " not exceeding five years" and substituting therefor the words " not less than ten years".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 162 - as amended agreed to

Clause 163 - amendment proposed –

THAT, Clause 163 of the Bill be amended—

(a) in sub-clause (3)-

- (i) by deleting the words "not exceeding two million" and substituting therefor the words "not less than fifty million";
- (ii) deleting the words " not exceeding ten years" and substituting therefor the words " not less than ten years".

(b) in sub-clause (4)-

- (i) by deleting the words "not exceeding two million" and substituting therefor the words "not less than fifty million";
- (ii) deleting the words " not exceeding ten years" and substituting therefor the words " not less than ten years".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 163 - as amended agreed to

Clauses 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187 & 188 - agreed to

Clause 189 - amendment proposed –

THAT Clause 189 of the Bill be amended in paragraph of (d) of sub-clause (1) by deleting the expression "section 171" and substituting therefor the expression "section 169".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 189 - as amended agreed to

Clauses 190, 191, 192, 193, 194, 195 & 196 - agreed to

Clause 197 - amendment proposed –

THAT, Clause 197 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1);
- (b) inserting a new sub-clause immediately after the renumbered sub-clause (1);

"(2) Where the person charged has committed a similar offence in the past, a fine of an amount not less than that previously penalized plus an additional ten percent shall be imposed."

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 197 - as amended agreed to

Clauses 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 & 214 - agreed to

First Schedule - agreed to

Second Schedule - amendment proposed –

THAT, the Second schedule to the Bill be amended—

- (a) by deleting the word "Vanga" and substituting therefor the word "Shimoni";
- (b) by deleting the word "Mkongoni" and substituting therefor the word "Mkokoni";
- (c) by deleting the word "Old Port" and substituting therefor the word "Mombasa".

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule - as amended agreed to

Third Schedule - agreed to

Fourth Schedule - agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the term "aircraft" and substituting therefor the following new definition—

"aircraft" means any propelled or remotely controlled airborne device capable of sustained movement through the atmosphere and includes helicopters and monitoring devices."

- (b) in the definition of the term "artisanal fishing vessel" by deleting the expression "25 horsepower" and substituting therefor the expression "40 horsepower";
- (c) in the definition of the term "aquaculture establishment" by inserting the word "system" immediately after the words "or other";
- (d) by inserting the following new definition in the proper alphabetical sequence—

"barter" means trade of fish and fish products by two or more persons with or without use of money;

- (e) by deleting the definition of the term "buy" and substituting therefor the following new definition—

"buy" includes—

- (i) barter;
- (ii) purchase;
- (iii) attempt to barter;
- (iv) attempt to purchase;
- (v) receive on account or consignment in consideration for value;
- (vi) receive in order to send, forward or deliver for sale;
- (vii) broker a sale;
- (viii) purchase or barter for future goods or for any consideration of value; and
- (ix) purchase or barter as an agent for another person"

- (f) by deleting the definition of the term "buyer" and substituting therefor the following new definition "buyer" means any person who buys;.

- (g) in the definition of the term "export" by—

- (i) deleting paragraph (b);
- (ii) deleting paragraph (c); and
- (iii) in paragraph (d) by deleting the words "for the purpose of (a) or (b), when associated with any buying or selling of fish or fish products" and substituting therefor the words "out of the country".

- (h) in the definition of the term "export facility" by deleting the word "food" and substituting therefor the words "fish and fish products";

- (i) in the definition of the term "fish processing" by inserting the words "drying, chilling, salting, gutting, smoking," immediately after the word "freezing";

- (j) in the definition of the term "fishery" by inserting the words "existing in a delineated area" immediately after the words "or parts thereof" appearing in paragraph (a);

- (k) by inserting the following new definition in its proper alphabetic sequence—

"fish landing station" means a point on the shore of any waters or coastline of which the Director-General has by notice in the gazette designated as a point to land fish";

- (l) by inserting the following new definition in proper alphabetical sequence—

"illegal fishing" includes—

- (a) activity conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations;
 - (b) activities conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which those states are bound, or relevant provisions of international law; and
 - (c) activities carried out in violation of national laws or international obligations, including those undertaken by co-operating states to a relevant regional fisheries management organization."
- (m) in the definition of the term "international agreement" by inserting the words "that Kenya is a party to pursuant to the Treaty Making and Ratification Act, 2013" immediately after the word "arrangements";
- (n) in the definition of the term "master" by—
- (i) inserting the word "means" immediately after the words "in relation to a vessel, aircraft or vehicle";
 - (ii) deleting the words "in relation to a vessel, aircraft or vessel the".
- (o) by inserting the following new definition in proper alphabetical sequence—
- "management" means an integrated process of information gathering, analysis, planning, consultation, decision making, allocation of resources, formulation and implementation of rules and regulation which govern fisheries activities in order to ensure the continued production of the resources and accomplishment of other fisheries objectives;
- (p) by deleting the definition of the term "operator" and substituting therefor the following new definition—
- "operator" means any person responsible for the operations of, directs or controls a vessel, including the owner, charterer and master of the vessel;
- (q) by deleting the definition of the term "sell" and substituting therefor the following new definition—
- "sell" includes—
- (a) any method of disposition for consideration, of anything which has value or which can be exchanged for cash or barter;
 - (b) disposition to an agent for sale on consignment;
 - (c) offering or attempting to dispose of for value or receiving or having in possession for disposal for value or displaying for disposal for value, or sending or delivering for disposal for value, or causing or permitting to be disposed for value, offered or displayed for disposal for value; and
 - (d) disposition by way of raffle, lottery or other game of chance under the Betting Control and Licensing Act, 2012.

- (r) by deleting the definition of the term "semi-industrial fishing vessel" and substituting therefor the following new definition—

"semi-industrial fishing vessel" includes—

- (a) a decked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by an inboard engine; and
- (b) an undecked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by engines of at least forty horsepower.

- (s) by deleting the definition of the term "support vessel" and substituting therefor the following new definition—

"support vessel" means a vessel carrying out operations in connection with and support of a fishing vessel including transport or supply;

- (t) by deleting the repeated set of definitions of the terms "subsistence fishing", "support vessel", and "surveillance"

- (u) by inserting the following new definition in the proper alphabetical sequence—

"unregulated fishing includes—

- (a) activities conducted by vessels without nationality, or by those flying the flag of a state not party to that organization, or by a fishing identity in a manner that is not in consistent with the conservation and management measures; and
- (b) activities carried in areas or fish stocks in relation to which there are no applicable conservation or management measures in where the fishing activity is conducted."

- (v) by inserting the following new definition in the proper alphabetical sequence—

"unreported fishing includes activities which the relevant authority has not been notified ;"

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT clause 2 of the Bill be amended—

- (a) by deleting the definition of the term "aircraft" and substituting therefor the following new definition—

"aircraft" means any propelled or remotely controlled airborne device capable of sustained movement through the atmosphere and includes helicopters and monitoring devices."

(b) in the definition of the term "artisanal fishing vessel" by deleting the expression "25 horsepower" and substituting therefor the expression "40 horsepower";

(b) in the definition of the term "aquaculture establishment" by inserting the word "system" immediately after the words "or other";

(d) by inserting the following new definition in the proper alphabetical sequence—
"barter" means trade of fish and fish products by two or more persons with or without use of money;

(e) by deleting the definition of the term "buy" and substituting therefor the following new definition—

"buy" includes—

- (i) barter;
- (ii) purchase;
- (iii) attempt to barter;
- (iv) attempt to purchase;
- (v) receive on account or consignment in consideration for value;
- (vi) receive in order to send, forward or deliver for sale;
- (vii) broker a sale;
- (viii) purchase or barter for future goods or for any consideration of value;
- and
- (ix) purchase or barter as an agent for another person"

(f) by deleting the definition of the term "buyer" and substituting therefor the following new Definition "buyer" means any person who buys;.

(g) in the definition of the term "export" by—

- (i) deleting paragraph (b);
- (ii) deleting paragraph (c); and
- (iii) in paragraph (d) by deleting the words "for the purpose of (a) or (b), when associated with any buying or selling of fish or fish products" and substituting therefor the words "out of the country".

(h) in the definition of the term "export facility" by deleting the word "food" and substituting therefor the words "fish and fish products";

(i) by inserting the following new definition in its proper alphabetic sequence—

"fish aggregating device" means a man-made, permanent, semi-permanent or temporary structure or object made from any material used to attract fish;

(j) in the definition of the term "fish processing" by inserting the words "drying, chilling, salting, gutting, smoking," immediately after the word "freezing";

(k) in the definition of the term "fishery" by inserting the words "existing in a delineated area" immediately after the words "or parts thereof" appearing in paragraph (a);

- (l) by inserting the following new definition in its proper alphabetic sequence—
“fish landing station” means a point on the shore of any waters or coastline of which the Director-General has by notice in the gazette designated as a point to land fish”;
- (m) by inserting the following new definition in its proper alphabetic sequence—
“fish port” means a place on a lake shore or sea front where fishing vessels may resort for shelter, servicing, loading and off-loading of fish and fishing equipment”;
- (n) by inserting the following new definition in proper alphabetical sequence—
“illegal fishing” includes—
- (d) activity conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations;
- (e) activities conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which those states are bound, or relevant provisions of international law; and
- (f) activities carried out in violation of national laws or international obligations, including those undertaken by co-operating states to a relevant regional fisheries management organization.”
- (o) in the definition of the term “international agreement” by inserting the words “that Kenya is a party to pursuant to the Treaty Making and Ratification Act, 2013” immediately after the word “arrangements”;
- (p) in the definition of the term “master” by—
- (i) inserting the word “means” immediately after the words “in relation to a vessel, aircraft or vehicle”;
- (ii) deleting the words “in relation to a vessel, aircraft or vessel the”.
- (q) by inserting the following new definition in proper alphabetical sequence—
“management” means an integrated process of information gathering, analysis, planning, consultation, decision making, allocation of resources, formulation and implementation of rules and regulation which govern fisheries activities in order to ensure the continued production of the resources and accomplishment of other fisheries objectives;
- (r) by deleting the definition of the term “operator” and substituting therefor the following new definition—
“operator” means any person responsible for the operations of, directs or controls a vessel, including the owner, charterer and master of the vessel;
- (s) by deleting the definition of the term “sell” and substituting therefor the following new definition—
“sell” includes—

(e) any method of disposition for consideration, of anything which has value or which can be exchanged for cash or barter;

(f) disposition to an agent for sale on consignment;

(g) offering or attempting to dispose of for value or receiving or having in possession for disposal for value or displaying for disposal for value, or sending or delivering for disposal for value, or causing or permitting to be disposed for value, offered or displayed for disposal for value; and

(h) disposition by way of raffle, lottery or other game of chance under the Betting Control and Licensing Act, 2012.

(t) by deleting the definition of the term "semi-industrial fishing vessel" and substituting therefor the following new definition—

"semi-industrial fishing vessel" includes—

(c) a decked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by an inboard engine; and

(d) an undecked fishing vessel with an overall length of not less than ten meters and not more than twenty meters, less than fifty GRT and powered by engines of at least forty horsepower.

(u) by deleting the definition of the term "support vessel" and substituting therefor the following new definition—

"support vessel" means a vessel carrying out operations in connection with and support of a fishing vessel including transport or supply;

(v) by deleting the repeated set of definitions of the terms "subsistence fishing", "support vessel", and "surveillance"

(w) by inserting the following new definition in the proper alphabetical sequence—
"unregulated fishing includes—

(c) activities conducted by vessels without nationality, or by those flying the flag of a state not party to that organization, or by a fishing identity in a manner that is not in consistent with the conservation and management measures; and

(d) activities carried in areas or fish stocks in relation to which there are no applicable conservation or management measures in where the fishing activity is conducted."

(x) by inserting the following new definition in the proper alphabetical sequence—
"unreported fishing includes activities which the relevant authority has not been notified ;"

(Hon. Millie Odhiambo)

Proposed further amendment dropped

Question put and agreed to;

Clause 2 - as amended agreed to

Long Title - amendment proposed –

THAT the long title of the Bill be amended by inserting the words “to enhance the livelihood of communities dependent on fishing” immediately after the words “aquatic resources”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT the long title of the Bill be amended by inserting the words “to enhance the livelihood of communities dependent on fishing” immediately after the words “aquatic resources”.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Long Title - as amended agreed to

Clause 1 - amendment proposed –

THAT, the Bill be amended by deleting Clause 1 and substituting therefor the following new clause—

“1.This Act may be cited as the Fisheries Management and Development Act, 2015, and shall come into force on the fourteenth day after publication in the Gazette”

(Chairperson, Departmental Committee on Agriculture Livestock & Fisheries)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT the Bill be amended by deleting Clause 1 and substituting therefor the following new clause—

“1.This Act may be cited as the Fisheries Management and Development Act, 2015, and shall come into force on the fourteenth day after publication in the Gazette”

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Question put and agreed to;

Clause 1 - as amended agreed to

Bill to be reported with amendments;

- (ii) **Consideration of Senate amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.33 of 2013)**

Schedule - amendment proposed –

(I) THAT, the Bill be amended in the Schedule-

(a) in the proposed amendments to the Transition to Devolved Government Act, 2012 (No. 1 of 2012) by deleting the proposed new subsection (5B) proposed to be inserted in section 23;

(The Deputy Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

THAT, the Bill be amended in the Schedule-

(b) in the proposed amendments to the County Governments Act, 2012 (No. 17 of 2012)-

(i) by deleting the proposed amendment to section 26(2);

(ii) by deleting all the proposed amendments to section 54;

(iii) by deleting the proposed new section 139;

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

(II) THAT, the Bill be amended in the Schedule in the proposed amendments to the Agriculture, Fisheries and Food Authority Act, 2013 -

(a) in the proposed amendment to section 5(1) by –

(i) deleting the word “chairman” in the proposed amendment to paragraph (i) and substituting therefor the word “chairperson”;

(ii) deleting the proposed amendments to paragraphs (f), (g), (h) and (k);

(iii) deleting the proposed amendment to paragraph (i);

(iv) inserting the following rows immediately after the proposed amendment to paragraph (a)–

Delete paragraphs (d), (f), (g), (h) and (k);

Delete paragraph (i) and substitute therefor the following new paragraph–

(i) eight persons, being farmers representing farmer organizations in the major crop subsectors in Kenya appointed by the Cabinet Secretary in consultation with the Council of County Governors;

(b) by inserting the following new rows immediately after the proposed amendment to section 5(1) –

s. 5(2) Delete.

s. 5(3) Delete.

s. 5(4) Delete the expression “(i)” appearing immediately before the word “shall” in the prefatory clause.

(c) in the proposed amendment to section 5(4) by deleting the proposed new paragraph (a) and substitute therefor the following new paragraph –

(a) be a person who –

(i) holds a degree from a university recognized in Kenya; and

(ii) has knowledge and experience in agriculture, finance, law, administration, human resource management or such other expertise as the appointing authority may consider relevant.

(d) by deleting the proposed amendment to section 10(2);

(e) in the proposed amendment to section 16 by inserting the words “and which shall not exceed ten percent of the levy” immediately after the words “Cabinet Secretary” in the proposed new subsection (4).

(f) in the proposed amendment to section 42 by inserting the words “subject to any other labor regulations made under this Act and” immediately after the words “Cabinet Secretary”.

(g) by deleting the proposed amendment to paragraph 9 of the First Schedule to the Act.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

- (III) **THAT** the Bill be amended in the Schedule in the proposed amendments to the Crops Act, 2013 by inserting the following new row immediately before the proposed amendment to section 9(2) –

Section 8(g) Delete the word “biodiversity” appearing immediately after the words “the National” and substitute therefor the word “Biosafety”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Progress Report

Motion made and Question proposed;

THAT, the Committee of the whole House has considered the Senate amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.33 of 2013) and seeks leave to sit again

(The Leader of the Majority Party)

Question put and agreed to;

9. **HOUSE RESUMED** - the First Chairperson in the Chair

- (i) **Consideration of Senate amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.33 of 2013)**

Progress reported

Motion made and Question proposed;

THAT, the Committee of the whole House has considered the Senate amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.33 of 2013) and seeks leave to sit again

(The Leader of the Majority Party)

Question put and agreed to;

- ii) **The Fisheries Management and Development Bill (National Assembly Bill No.20 of 2014)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(The Leader of the Majority Party)

Question put and agreed to.

Motion made and Question proposed -

THAT, the Fisheries Management and Development Bill (National Assembly Bill No.20 of 2014) be now read a Third Time

(The Leader of the Majority Party)

Debate arising;

Question of the Third Reading deferred to another day.

And the time being five minutes to Seven O'clock, the First Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at five minutes to Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, September 30, 2015 at 9.30 a.m.

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