



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 05, 2026 AT 2.30 P.M.

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

And there being no quorum present to commence business, the Honourable Speaker, ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, business commenced.

5. **PAPERS**

The following Papers were laid on the Table of the House—

- (a) Bilateral Air Services Agreements (BASAs) between the Government of the Republic of Kenya and Cabo Verde, Oman, Algeria, Brazil, Zimbabwe, Luxembourg, the Government of the Federal Republic of Somalia, Iceland, Dominican Republic, Russian Federation, Guinea, United Kingdom, South Korea, Morocco, Poland, Haiti, and Swaziland and the Explanatory memoranda from the Prime Cabinet Secretary and Cabinet Secretary for Foreign & Diaspora Affairs;
- (b) Twenty Third (23rd) Biannual Report on the status of alcohol and drug abuse control in Kenya for the period of July – December 2025 from the Ministry of Interior and National Administration; and
- (c) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024, 30th June 2025 and the certificates therein in respect of the following –
 - (i) F.G.C.K Kisima Secondary School – Meru;
 - (ii) Kabarnet Boys High School;
 - (iii) Kajuki Secondary School;
 - (iv) Kipini Secondary School;
 - (v) Myanga Secondary School;
 - (vi) Nthimbiri Secondary School;
 - (vii) Our Lady of Mercy Ngarariga Girls Secondary School;
 - (viii) St. Catherine Nthagaiya Girls Secondary School;
 - (ix) St. Mary's Girls Secondary School – Nakuru; and
 - (x) Wangapala Secondary School.

(Deputy Leader of the Majority Party)

- (d) Report of the Departmental Committee on Labour on its consideration of the County Assembly Services (Amendment) Bill (Senate Bill No. 34 of 2023).

(Chairperson, Departmental Committee on Labour)

6. STATEMENTS**(a) Requests for Statements pursuant to Standing Order 44(2)(c)—**

- (i) The Member for Isiolo County (Hon. Mumina Bonaya) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the rising cases of insecurity in Isiolo County;
- (ii) The Member for Kiambu (Hon. Machua Waithaka) requested for a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the status of the construction of two markets and students' hostels; and
- (iii) The Member for Embakasi Central (Hon. Benjamin Gathiru) requested for a Statement from the Chairperson of the Departmental Committee on Lands regarding the ownership status and intended use of land Plot No. B1/179 situated in Kayole, Embakasi Central Constituency.

(b) Responses to Statements pursuant to Standing Order 44(2)(c)—

- (i) The Chairperson of the Departmental Committee on Administration and Internal Security responded to the following:
 - a. a Statement requested by the Member for Luanda (Hon. Dick Maungu) regarding rising cases of insecurity in Luanda Constituency;
 - b. a Statement requested by the Member for Muhoroni (Hon. James K'oyoo) regarding circumstances surrounding the attack on Chemelil Sugar Academy;
- (ii) The Chairperson of the Departmental Committee on Regional Development responded to a Statement requested by the Nominated Member (Hon. Umulkher Harun) regarding the status of refugee integration and economic empowerment in the country; and
- (iii) The Chairperson of the Departmental Committee on Trade, Industry and Cooperatives responded to a Statement requested by the Member for Manyatta (Hon. Gitonga Mukunji) regarding status of the leather industry in the country.
- (iv) The response to the Statement requested by the Member for Shinyalu (Hon. Fredrick Ikana) regarding recurrent hit-and-run accidents at *Muraka* along the Kisumu-Kakamega Road by the Departmental Committee on Transport and Infrastructure was deferred.

7. THE ARCHITECTURAL AND QUANTITY SURVEYING PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2026)

(The Chairperson, Departmental Committee on Housing, Urban Planning & Public Works)

Order for First Reading read;

Bill read a First Time and committed to the relevant Committee pursuant to Standing Order 127(1).

8. MOTION - SECOND REPORT ON THE STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

Order read;

Order deferred.

9. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

Third Chairperson in the Chair

The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)

Clause 42 - amendment proposed;

THAT, clause 41 of the Bill be amended —

- (a) in subclause (1)(l) by inserting the words “and fishing methods” immediately after the word “gear”;
- (b) by inserting the following new subclause immediately after subclause (6)—
(7) The Cabinet Secretary shall develop guidelines on mesh size for fishing nets for specific water bodies and fish species.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 42 as amended - agreed to.

Clause 43 - agreed to

Clause 44 - amendment proposed;

THAT, clause 44 of the Bill be amended —

- (a) in subclause (1) by inserting the words “in Kenya” immediately after the words “threatened with extinction”; and
- (b) in subclause (2) by inserting the words “or fish products” immediately after the words “species of fish”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 44 as amended - agreed to.

Clause 45 - agreed to.

Clause 46 - amendment proposed;

THAT, clause 46 of the Bill be amended in subclause (1) by deleting the words “the Kenya Fisheries Advisory Council, stakeholders and the Board” appearing in the

opening statement and substituting therefor the word “the Board, Council of County Governors, beach management units and other relevant stakeholders”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)
Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 46 as amended - agreed to.

Clause 47 - amendment proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 47 as amended - agreed to.

Clause 48 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 48 as amended - agreed to.

Clause 49 - amendment proposed;

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

Fish
landing

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

stations,
etc.

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

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

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

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

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

(a) in the case of a fish landing stations to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both; or

(b) in case of designated fishing ports to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 49 as amended - agreed to.

Clauses 50, 51 & 52 - agreed to.

Clause 53 - amendment proposed;

THAT, clause 53 of the Bill be amended—

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 53 as amended - agreed to

Clause 54 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 54 as amended - agreed to.

Clause 55 - agreed to.

Clause 56 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 56 as amended - agreed to

Clause 57 - amendment proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 57 as amended - agreed to.

Clause 58 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 58 as amended - agreed to.

Clauses 59 & 60 - agreed to.

Clause 61 - amendment proposed;

THAT, clause 61 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause—
(1) The Cabinet Secretary shall, in consultation with the Service and county governments, prepare a national aquaculture development plan for promoting the sustainable development of aquaculture in Kenya in accordance with the principles and objectives of this Act.
- (b) inserting the following new subclause immediately after subclause (4)—
(5) Each county government may develop a county aquaculture development plan taking into consideration the national aquaculture development plan.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 61 as amended - agreed to.

Clause 62 - agreed to.

Clause 63 - amendment proposed;

THAT, clause 63 of the Bill be amended —

- (a) in subclause (1) by deleting the words “without good cause and without first consulting the affected community”; and
- (b) in subclause (2) by deleting the words “three hundred thousand” and substituting therefor the words “one million”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Clause 63 as amended - agreed to.

Clause 64 - amendment proposed;

THAT, clause 64 of the Bill be amended—

- (a) in subclause (1) by deleting the words “and mariculture”; and
- (b) in subclause (3) by deleting the words “local fisheries authority” and substituting therefor the words “respective county government”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 64 as amended - agreed to

Clause 65 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 65 as amended - agreed to.

Clause 66 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 66 as amended - agreed to.

Clause 67 - agreed to;

Clause 68 - amendment proposed;

THAT, clause 68 of the Bill be amended—

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 68 as amended - agreed to.

Clause 69 - agreed to.

Clause 70 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 70 as amended - agreed to.

Clause 71 - amendment proposed;

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

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 72 - agreed to.

Clause 73 - amendment proposed;

THAT, clause 73 of the Bill be amended –

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed;

THAT, clause 73 of the Bill be amended in subclause (2) by

- (i) inserting the words “including sizes, and navigation routes by artisanal fishers” immediately after the words “Kenya fishery waters” appearing in paragraph (c); and
- (ii) by inserting the following new paragraph;
 - (gg) excluded areas for establishment of aquaculture including areas located directly in front of existing commercial developments including hotels or other tourism facilities.

(Hon. Millie Odhiambo-Mabona)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Clause 73 as further amended - agreed to.

Clause 74 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)
Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 74 as amended - agreed to.

Clause 75 - agreed to.

Clause 76 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 76 as amended - agreed to.

Clauses 77 & 78 - agreed to.

Clause 79 - amendment proposed;

THAT, clause 79 of the Bill be amended –

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

(b) in subclause (3) by deleting the words “The Director-General” and substituting therefor the words “The Director-General or County Director as the case may be”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 79 as amended - agreed to.

Clauses 80 & 81 - agreed to

Clause 82 - amendment proposed;

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

Information
available to
the public.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 82 as amended - agreed to.

Clause 83 - amendment proposed;

THAT, clause 83 of the Bill be amended—

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by Member.

Clause 83 as amended - agreed to.

Clause 84 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by Member.

Clause 84 - agreed to.

Clause 85 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by Member.

Clause 85 as amended - agreed to.

Clause 86 - amendment proposed;

THAT, clause 86 of the Bill be amended—

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 86 as amended - agreed to.

Clause 87 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 87 as amended - agreed to.

Clause 88 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 88 as amended - agreed to.

Clause 89 - amendment proposed;

THAT, clause 89 of the Bill be amended —

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 89 as amended - agreed to.

Clause 90 - amendment proposed;

THAT, clause 90 of the Bill be amended—

- (a) in subclause (1) by deleting the words “the Employment Act 2007” and substituting therefor the words “applicable labour laws and any other laws governing safety at sea”;
- (b) by inserting the following new subclause immediately after subclause (3)—
(3A) Notwithstanding subsection (3), the operator of a foreign fishing vessel granted authorization or an access right under this Act, shall employ such number of Kenyan citizens as may be prescribed under section 97(3).

(c) in subclause (4) by inserting the words “or imprisonment for a term not exceeding three months or to both” immediately after the words “thousand shillings”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

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

(Hon. Caroli Omondi)

Proposed further amendment dropped.

Clause 90 as amended - agreed to.

Clause 91 - amendment proposed;

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 91 as amended - agreed to.

Clause 92 - amendment proposed;

THAT, clause 92 of the Bill be amended—

(a) in subclause (1) by inserting the words “or the county government” immediately after the word “Director-General” appearing paragraph (b); and

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

(1A) A levy prescribed under this section shall not be imposed on fish at the point of landing or on fish harvested from an aquaculture establishment.

(1B) Notwithstanding subsection (1A), the Cabinet Secretary may prescribe by regulations, a levy in respect of fish processing, value addition or other fish processing activities in relation to aquaculture carried out under this Act.

(1C) The Cabinet Secretary in prescribing a levy under subsection (1B), shall have regard to—

(a) the need to promote investment, competitiveness and sustainable development of fishing and aquaculture;

(b) the avoidance of multiple or duplicative fees, charges or levies payable under this Act or any other written law; and

(c) the costs of regulating the activity in respect of which the levy is imposed.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 92 as amended - agreed to.

Clause 93 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 93 as amended - agreed to.

Clause 94 - amendment proposed;

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

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 94 - agreed to.

Clause 95 - agreed to.

Clause 96 - amendment proposed;

THAT, clause 96 of the Bill be amended by—

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

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

(2) A person who is —

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

(b) aggrieved by a decision to suspend or cancel a licence or authorization, may appeal to the County Director within thirty days of receiving notification of such decision, and may further appeal to the County Executive Committee Member within thirty days of receiving notification of the County Director's decision.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 96 as amended - agreed to.

Clause 97 - amendment proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

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

(Hon. Caroli Omondi)

Proposed amendment dropped.

Clause 97 as amended - agreed to.

Clause 98 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Caroli Omondi)

Proposed amendment dropped.

Clause 98 as amended - agreed to.

Clause 99 - amendment proposed;

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

(a) in paragraph (a) by—

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

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

(va) by catches of non-target species;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 99 as amended - agreed to.

Clause 100 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 100 - agreed to.

Clauses 101,102, 103 & 104 - agreed to.

Clause 105 - proposed amendment;

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

Conditions
for
recreational
fishing
vessels.

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 105 as amended - agreed to.

Clause 106 - agreed to.

Clause 107 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 107 - agreed to.

Clause 108 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 108 - agreed to.

Clause 109 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 109 - agreed to.

Clause 110 - agreed to.

Clause 111 - amendment proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

Proposed amendment withdrawn by the Member.

Clause 111 as amended - agreed to.

Clause 112 - amendment proposed;

THAT, clause 112 of the Bill be amended—

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 112 as amended - agreed to.

Clause 113 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 113 as amended - agreed to.

Clause 114 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 114 as amended - agreed to.

Clause 115 - proposed amendment;

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

(2) Any person who—

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

(b) harvests the products of such an establishment without the authority of the owner thereof, commits an offence and shall be liable, for a first offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months, or to both, and for a second or subsequent offence, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 115 - agreed to.

Clauses 116 & 117 - agreed to.

Clause 118 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 118 as amended - agreed to.

Clauses 119 & 120 - agreed to.

Cause 121 - proposed amendment;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 121 as amended - agreed to.

Clause 122 - agreed to.

Clause 123 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 123 - agreed to.

Clause 124 - agreed to.

Clause 125 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 125 - agreed to.

Clause 126 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 126 - agreed to.

Clause 127 - amendment proposed;

THAT, clause 127 of the Bill be amended —

(a) by deleting subclause (1) and substituting therefor the following new subclause (1)—
(1) The Cabinet Secretary may, on the recommendation of the Director-General, on behalf of the Government of Kenya and in accordance with the provisions of this Act, any applicable international agreement and national policies and strategies, permit

access by foreign fishing vessels to the fishery waters for fishing or fishing related activities.

(b) in subclause (2)—

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

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

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

(i) maximum number of such rights to be granted for a given period of time;

(ii) maximum period of time not exceeding six months during which such right can be held;

(iii) the authorised fish catch quantity not exceeding three hundred metric tonnes;

(iv) fishery or fisheries to which rights-based access applies;

(v) qualifications of applicants for such rights;

(vi) procedures for application for such rights;

(vii) criteria for the grant of such rights;

(viii) conditions for the use of such rights;

(ix) transferability of such rights; and

(x) conditions for the cancellation or revocation of such rights; or

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Clause 127 as amended - agreed to.

Clause 128 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 128 as amended - agreed to.

Clause 129 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 129 as amended - agreed to.

Clause 130 - agreed to.

Clause 131 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 131 - agreed to.

Clause 132 - agreed to.

Clause 133 - amendment proposed;

THAT, clause 133 of the Bill be amended—

- (a) in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”; and
- (b) in subclause (2) by inserting the words “compensation to the crew of the fishing vessel for the loss of life or damage to their belongings on board as a consequence of a fishing vessel’s foundering, piracy, fire or other loss affecting the vessel” immediately after the words “violations against this Act”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 133 as amended - agreed to.

Clause 134 - amendment proposed;

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

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

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

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

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

Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 134 as amended - agreed to.

Clauses 135, 136, 137 & 138 - agreed to.

Clause 139 - amendment proposed;

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

Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 139 as amended - agreed to.

Clause 140 - agreed to.

Clause 141 - amendment proposed;

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

(a) in paragraph (a) by inserting the word “or” immediately after the word “Act;”;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 141 as amended - agreed to.

Clauses 142 & 143 - agreed to.

Clause 144 - amendment proposed;

THAT, clause 144 of the Bill be amended—

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Clause 144 as amended - agreed to.

Clause 145 - agreed to.

Clause 146 - amendment proposed;

THAT, clause 146 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” and substituting therefor the word “Director-General”;
- (b) in subclause (2) by deleting the words “Observers may” and substituting therefor the words “An observer may”; and
- (c) by inserting the following new subclause immediately after subclause (2)—
 - (1) An observer shall provide proof of identification to the person in control of a vessel under subsection (2).

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 146 as amended - agreed to.

Clause 147 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 147 as amended - agreed to.

Clauses 148, 149, 150, 151 & 152 - agreed to.

Clause 153 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Clause 153 as amended - agreed to.

Clause 154 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 154 as amended - agreed to.

Clause 155 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 155 as amended - agreed to.

Clause 156 - amendment proposed;

THAT, clause 156 of the Bill be amended—

(a) in subclause (4) by deleting the words “four hours” and substituting therefor the words “one hour”;

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

(da) accuracy requirements.

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 156 as amended - agreed to.

Clause 157 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 157 - agreed to.

Clause 158 - amendment proposed;

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

Vessels may be prohibited from entering port.	1158. (1) A vessel seeking to enter a port may be denied entry, where there is evidence that the vessel— (a) has engaged in illegal, unreported and unregulated fishing, or in fishing-related activities in support of such fishing; or (b) it appears on a list of vessels which have engaged in illegal, unreported and unregulated fishing or fishing related activities in support of such fishing adopted by a regional fisheries management organization. (2) Without prejudice to subsection (1), the vessel may be allowed to enter the port for the purpose of – (a) inspecting the vessel; and (b) taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring or eliminating illegal, unreported and unregulated fishing and fishing-related activities in support of such fishing. (3) The Director-General shall communicate any decision taken under this section to the vessel or its representative. (4) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not less than fifty million shillings or to imprisonment for a term not less than ten years or to both.
--	--

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

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

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 159 as amended - agreed to.

Clause 160 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 160 as amended - agreed to.

Clauses 161, 162, 163, 164 & 165 - agreed to.

Clause 166 - amendment proposed;

THAT, clause 166 of the Bill be amended—

(a) in subclause (1) by inserting the words “or County Director as the case may be” immediately after the word “Director-General”;

(b) in subclause (2)—

(i) in the opening statement by inserting the words “or County Director as the case may be” immediately after the word “Director-General”; and

(ii) in the proviso by inserting the words “or County Director as the case may be” immediately after the word “Director-General”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Clause 166 as amended - agreed to.

Clauses 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177 & 178 - agreed to.

Clause 179 - amendment proposed;

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

(a) in subclause (2) by deleting the expression “127” and substituting therefor the expression “126”; and

(b) in subclause (3) by deleting the expression “80” and substituting therefor the expression “79”.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 179 as amended - agreed to.

Clause 180 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 180 as amended - agreed to.

Clause 181 - agreed to.

Clause 182 - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 182 as amended - agreed to.

Clauses 183, 184, 185, 186, 187, 188, 189 & 190 - agreed to.

Clauses 191, 192, 193, 194 & 195 - agreed to.

Clause 196 - amendment proposed;

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

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 196 as amended - agreed to.

Clause 197 - agreed to.

Clause 198 - amendment proposed;

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

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

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

(a) a Chairperson who shall be a person qualified for appointment as a judge of the High Court;

(b) two advocates of the High Court of Kenya, with experience of not less than seven years; and

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 198 as amended - agreed to.

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 198.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 198 as amended – agreed to.

Clause 199 – amendment proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 199.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 199 as amended – agreed to.

Clause 200 – amendment proposed;

THAT, the Bill be amended by deleting Clause 200.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Further amendment proposed;

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 200 as amended - agreed to.

Clause 201 - amendment proposed;

THAT, the Bill be amended by deleting Clause 201.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Further amendment proposed;

THAT, clause 201 of the Bill be amended—

- (a) in subclause (6) by deleting the words “the minister responsible for matters relating to finance” and substituting therefor the words “Salaries and Remuneration Commission”; and
- (b) by inserting the following new subclause immediately after subclause (5)—
(6)The Cabinet Secretary shall, in making appointments under subsection (1)(f) and (h), have regard to the principle of gender parity, age, regional and ethnic balance, and as reasonably possible ensure an equitable representation of different subsectors of the fisheries sector.

(Hon. Millie Odhiambo-Mabona)

Proposed amendment withdrawn by the Member.

Clause 201 - agreed to.

Clause 202 - amendment proposed;

THAT, the Bill be amended by deleting Clause 202.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 202 - agreed to.

Clause 203 - amendment proposed;

THAT, the Bill be amended by deleting Clause 203.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 203 - agreed to.

Clause 204 - amendment proposed;

THAT, the Bill be amended by deleting Clause 204.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 204 - agreed to.

Clause 205 - amendment proposed;

THAT, the Bill be amended by deleting Clause 205.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 205 - agreed to.

Clause 206 - amendment proposed;

THAT, the Bill be amended by deleting Clause 206.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 206 - agreed to.

Clause 207 - amendment proposed;

THAT, the Bill be amended by deleting Clause 207.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Clause 207 - agreed to.

Clause 208 - agreed to.

Clause 209 - amendment proposed;

THAT, the Bill be amended by deleting clause 209.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 209 as amended - agreed to.

Clause 210 - amendment proposed;

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

Repeals
and
transitional
provisions.
Cap. 378.

- 210.(1) The Fisheries Management and Development Act is repealed.
- (2) Notwithstanding the provisions of subsection (1)—
- (a) any statutory instruments issued under the provisions of the Fisheries Management and Development Act (Repealed), before the commencement of this Act shall be deemed to be statutory instruments granted by the under the provisions of this Act and shall remain in force until specifically revoked under this Act;
 - (b) anything done under the provisions of the Fisheries Management and Development Act (Repealed), before the commencement of this Act shall be deemed to have been done under the provisions of this Act;
 - (c) any licence, certificate of approval, approval or permission issued or given by the Kenya Fish Marketing Authority before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary responsible for fisheries under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in
 - (d) accordance with the Act subject to any terms set out in the licence, certificate of approval, approval or permission;
 - (e) any application for a licence, certificate of approval, approval or permission made to the Kenya Fish Marketing Authority before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary;
 - (f) the Cabinet Secretary to the National Treasury shall by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—
 - (i) the Cabinet Secretary for the National Treasury; and
 - (ii) the relevant Ministry;
 - (g) a notice under paragraph (e) shall specify the assets and liabilities of the Kenya Fish Marketing Authority which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be;
 - (h) references in this section to assets and liabilities of the Kenya Fish Marketing Authority shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the Kenya Fish Marketing Authority;
 - (i) all rights, duties, obligations, and liabilities of the Kenya Fish Marketing Authority shall be automatically and fully transferred to the Principal Secretary responsible for fisheries and any reference to the Kenya Fish Marketing Authority in any contract or document shall for all

- (j) purposes be deemed to be a reference to the Principal Secretary;
- (k) any legal proceedings pending immediately before the commencement of this Act to which the Kenya Fish Marketing Authority was a party shall be continued as if the Cabinet Secretary is a party thereto in lieu of the Kenya Fish Marketing Authority;
- (l) a person who, immediately before the commencement of this Act, was an employee of the Kenya Fish Marketing Authority and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service;
- (m) at the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute, former Service and former Fund shall vest in the Institute, the Service and the Fund respectively;
- (n) all rights, obligations, powers and duties whether arising under any written law or otherwise which immediately before such day were vested in or imposed on the former Institute, former Service and former Fund shall, be deemed to be vested in or imposed on the Institute, the Service and the Fund respectively;
- (o) all actions, suits or legal proceedings by or against the former Institute, former Service and former Fund shall be carried on or prosecuted by or against the Institute, the Service and the Fund respectively and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act;
- (p) all directions, orders and authorizations given, or licenses or permits issued or registrations made by the former Institute, former Service and former Fund and subsisting or valid immediately before the commencement day, shall be deemed to have been given, issued, or made by the Institute, the Service and the Fund respectively under this Act;
- (q) any administrative directions made by the former Institute, former Service, former Fund or by the Cabinet Secretary which were in force immediately before the coming into operation of this Act shall, on and after such day, have force as if they were directions made by the Board of the Institute, the Service the Fund and the Cabinet Secretary respectively under this Act;
- (r) a contract subsisting between former Institute, former Service or former Fund and another person or entity before the commencement of this Act shall subsist between the Institute, the Service and the Fund respectively, and that person or entity;
- (s) any reference in any written law or in any document or instrument to the former Institute, former Service and former Fund shall on and after the commencement of this Act, be construed to be a reference to the Institute;
- (t) the Chairperson and members of the Board of the former Institute, former Service and former Fund respectively, shall, at the commencement of this Act, be deemed to be the Chairperson and members of the Board of the

Cap.189.

- Institute, the Service and the Fund respectively, for the unexpired period of their term;
- (u) the Director-General of the former Institute and the former Service shall at the commencement of this Act, assume the duties of the Director-General of the Institute and the Service respectively for the remainder of the existing term of contract;
 - (v) the Managing Trustee of the former Fund shall at the commencement of this Act, assume the duties of the Chief executive Officer of the Fund for the remainder of the existing term of contract;
 - (w) a person who, immediately before the commencement of this Act, was a member of staff of the former Institute, former Service and former Fund shall be deemed to be a member of staff of the Institute, the Service and the Fund respectively subject to such terms of service as the Board of the Institute, the Board and the Board of Trustees may, on the advice of the Salaries and Remuneration Commission, determine,
- Provided that a member of staff of the Institute, the Service and the Fund may exercise the option not to continue in the service of the Institute, the Service and the Fund respectively;
- (x) where, where at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the former Institute, former Service or former Fund pursuant to disciplinary proceedings against the employee, and the penalty has not been or remains to be served by such employee, such employee shall, on their transfer to the Institute, the Service and the Fund serve or continue to serve such penalty to its full term as if it had been imposed by the Institute, the Service and the Fund respectively; and
 - (y) nothing in this Act shall affect the pension rights of any employee under the Pensions Act.

(3) In this section—

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Clause 210 as amended - agreed to.

Clause 211 - amendment proposed;

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

New Clause 5A proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 5A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 5A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 5A - agreed to.

New Clause 5B proposed;

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

National
Blue
Economy
strategy.

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 5B be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 5B be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 5B - agreed to.

New Clause 5C proposed;

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

Directorates.

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 5C be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

Motion made and question proposed;

THAT, New Clause 5C be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 5C - agreed to.

New Clause 5D proposed;

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

Role of the
Directorates.

5D. The Directorates established under section 5C shall—

- (a) formulate and monitor the implementation of policies regarding the conservation, management and utilization of all fisheries resources and blue economy within the scope of this Act;
- (b) co-ordinate the development of national blue economy strategy and policy;
- (c) promote the sustainable transformation and diversification of the ocean's economy by promoting research and innovation;
- (d) formulate policy on the development of fishing ports and related infrastructure.
- (e) conduct capacity building for sustainable exploitation of agro-based marine resources;
- (f) coordinate matters of regional and international blue economy protocols, conventions, declarations and standards for shared blue economy resources;
- (g) coordinate inter-governmental relations in between the national government, county governments, relevant stakeholders and internationally in blue economy development;
- (h) co-ordinate mobilization of resources and implementation of programmes, projects for the blue economy Development;

Cap.4D.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 5D be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

Motion made and question proposed;

THAT, New Clause 5D be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 5D - agreed to.

New Clause 13A proposed;

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

Conduct of business and affairs of the Board.	13 A. (1) The conduct and regulation of the business of the Board shall be as provided in the First Schedule. (2) Except as provided in the First Schedule, the Board may regulate its own procedure and the procedure of any committee constituted under this Act.
---	---

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 13A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

Motion made and question proposed;

THAT, New Clause 13A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 13A - agreed to.

New Clause 15A proposed;

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

Corporation Secretary.	15A. (1) There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board on such terms as the Board may, on the advice of the Salaries and Remuneration Commission, determine. (2)A person qualifies for appointment as the Corporation Secretary if that person— (a)holds a bachelor's degree in law from a university recognized in Kenya; (b)is an Advocate of the High Court of Kenya;
---------------------------	---

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

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

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

(a) in consultation with the Chairperson of the Board, issue notices for meetings of the Board;

(b) provide guidance to the Board on their duties and responsibilities on matters relating to governance

(c) ensure the timely preparation and circulation of documents and minutes of the Board;

(d) be the custodian of the seal of the Institute and account to the Board on its use;

(e) ensure that members of the Board are aware of all relevant laws affecting the Institute;

(f) except in exceptional circumstances, ensure that Board papers are circulated in advance of any meeting; and

(g) perform any other function that may be assigned by the Board.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 15A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

Motion made and question proposed;

THAT, New Clause 15A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 15A - agreed to.

New Clause 27A proposed;

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

Establish
ment of
the Kenya
Marine
and
Fisheries
Research
Institute.
Cap.511.

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27A - agreed to.

New Clause 27B proposed;

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

Functions
of the
Institute.

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

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

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

- (a) conduct research in order to generate scientific data and information in marine and freshwater fisheries, aquaculture, socioeconomics, environmental and ecological studies, and marine research including chemical and physical oceanography and hydrography, marine geology, minerology, bio-prospecting, and energy, for sustainable development of the blue economy;
- (b) participate in the development and monitoring of national standards for fisheries and blue economy;
- (c) collect and disseminate scientific information on fisheries and other aquatic resources and related natural products;
- (d) study and identify suitable species for culture including development, adoption and transfer of rearing technology and procedure;
- (e) assess, map, control and develop procedures for the control of invasive fish species;
- (f) carry out socio-economic research on aspects relevant to fisheries, marine and other aquatic resources;
- (g) offer training facilities to aquatic scientists;
- (h) conduct research on fish quality control, post-harvest preservation and value addition technologies;
- (i) conduct research on blue economy;
- (j) collaborate with other organizations and institutions of higher learning in competitive capacity development for exploitation of the blue economy;
- (k) develop and promote technologies for upscaling commercial aquaculture and industrial fishing;
- (l) maintain a database for scientific blue economy research information;
- (m) undertake policy research in marine, fisheries and blue economy resources;
- (n) transfer of scientific knowledge and appropriate technologies in the blue economy, marine and freshwater fisheries and aquaculture including information on appropriate fishing methods and gears to relevant stakeholders for the promotion of sustainable conservation and management of fishing in Kenya;
- (o) conduct capacity development on fisheries resources including community participation and outreach programmes;
- (p) conduct research and develop models and methodologies of blue economy carbon trading, quantification, financing and fish marketing in collaboration with relevant stakeholders;

- (q) promote local, regional and international collaboration and partnerships blue economy research including marine and freshwater fisheries and aquaculture;
 - (r) report annually to the Cabinet Secretary on matters related to marine and fisheries research and development; and
 - (s) perform such other functions as may be assigned to it by this Act or any other written law.
- (3) The Institute, in consultation with the Ministry responsible for matters related to education, may establish a fisheries research graduate school, to facilitate research components of master's and doctorate levels academic programmes on marine, fisheries, aquaculture and blue economy.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27B be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27B be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27B - agreed to.

New Clause 27C proposed;

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

Board of
the
Institute.

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

- (a) a chairperson recruited through a competitive process and appointed by the President;
- (b) the Principal Secretary responsible for matters relating to fisheries and blue economy or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Attorney-General or a representative designated in writing;
- (e) the Director-General of the Kenya Fisheries Service or a representative designated in writing;

- (f) the Director-General of the National Commission for Science, Technology and Innovation or a representative designated in writing;
- (g) three other persons, not being public officers, with knowledge and experience relevant to the Institute's functions, appointed by the Cabinet Secretary; and
- (h) the Director-General, who shall be an *ex-officio* member of the Board with no right to vote.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27C be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27C be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27C - agreed to.

New Clause 27D proposed;

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

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

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

- (a) has a post graduate degree in a relevant field from a university recognised in Kenya;
 - (b) has proven management or other relevant professional experience;
 - (c) has served in a senior management position for at least six years; and
 - (d) meets the requirements of Chapter Six of the Constitution.
- (2) The appointment of the Chairperson and members of the Board of the Institute shall be by name and by notice in the *Gazette*.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27D be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27D be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27D - agreed to.

New Clause 27E proposed;

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27E be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27E be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27E - agreed to.

New Clause 27F proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27F be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27F be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27F - agreed to.

New Clause 27G proposed;

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

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

(a) dies;

- (b) is absent from three consecutive meetings of the Board of the Institute without reasonable cause;
 - (c) resigns from office by notice in writing addressed to the appointing authority;
 - (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
 - (e) is negligent or incompetent in the performance of his or her functions;
 - (f) is adjudged or otherwise declared bankrupt by a competent court;
 - (g) violates Chapter Six of the Constitution; or
 - (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.
- (2) Where a vacancy occurs in the membership of the Board of the Institute under subsection (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27G be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27G be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27G - agreed to.

New Clause 27H proposed;

Functions of **27H.** The Board of the Institute shall—
the Board of
the Institute.

review, approve and oversee the implementation of research programs, strategies, policies and plans of the Institute;
consider and approve the budget of the Institute;
facilitate the mobilisation of resources for the Institute.

- (d) approve the organisational structure and other human resources management policies, guidelines, procedures and manuals of the Institute;

- (e) monitor and evaluate the performance and ensure the sustainability of the Institute;
- (f) formulate policies for the administration and management of the graduate school;
- (g) enhance the corporate image of the Institute and ensure effective communication with stakeholders; and
- (h) carry out any other function for the purposes of promoting and facilitating the objects of the Institute.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27H be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27H be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27H - agreed to.

New Clause 27I proposed;

Powers of the Board of the Institute.

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27I be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27I be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27I - agreed to.

New Clause 27J proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27J be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27J be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27J - agreed to.

New Clause 27K proposed;

Delegation by the Board of the Institute.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27K be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27K be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27K - agreed to.

New Clause 27L proposed;

Committees of the Board of the Institute.

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

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27L be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27L be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27L - agreed to.

New Clause 27M proposed;

Director-
General of
the
Institute.

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

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

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

(i) fisheries;

(ii) aquaculture;

(iii) aquatic sciences;

(iv) marine sciences;

(v) environmental science;

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

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

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

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

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

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

- (a) implementation of the decisions of the Board;
 - (b) the day-to-day management of the Institute;
 - (c) overall responsibility for the objectives, policy direction, administration and programs of the Institute;
 - (d) preparation of the strategic plan, annual plan, budget and audited accounts of the Institute for the approval of the Board; and
 - (e) perform such other duties as may be assigned by the Board.
- (4) The Director-General of the Institute shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (5) The Director-General of the Institute may be removed from office for—
- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
 - (b) gross misconduct;
 - (c) incompetence or negligence of duty; or
 - (d) any other ground that would justify the removal from office under the terms and conditions of service or under any written law.
- (6) Where the question of the removal of the Director-General of the Institute under subsection (5) arises, the Board of the Institute shall—
- (a) inform the Director General of the Institute in writing of the reasons for the intended removal; and
 - (b) give the Director-General of the Institute an opportunity to be heard in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

Cap. 7L.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27M be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27M be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27M - agreed to.

New Clause 27N proposed;

Corporati
on
Secretary
of the
Institute.

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

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

- (a) holds a degree in law from a university recognized in Kenya;
- (b) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27N be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27N be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27N - agreed to.

New Clause 27O proposed;

Officers
and staff
of the
Institute.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27O be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27O be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27O - agreed to.

New Clause 27P proposed;

Protection
from
personal
liability.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27P be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27P be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27P - agreed to.

New Clause 27Q proposed;

Funds of the Institute. **27Q.** The funds of the Institute shall include—

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27Q be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27Q be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27Q - agreed to.

New Clause 27R proposed;

Annual estimates **27R.** (1) At least two months before the end of each financial year, the Board of the Institute shall cause to be prepared

of the Institute. estimates of the revenue and expenditure of the Institute for that financial year.

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27R be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

New Clause 27R - agreed to.

New Clause 27S proposed;

Investment of the surplus funds.

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27S be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27S be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27S - agreed to.

New Clause 27T proposed;

Award to inventor or innovator.	27T. (1) Where the rights to any invention or innovation have been vested in the Institute, the Board of the Institute may award to the inventor or innovator such bonus as it may deem fit or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation.
Cap. 130. Cap. 509.	(2) The Institute may apply for a patent in respect of any invention or innovation contemplated in subsection (1) and shall for purposes of the Copyright Act, and the Industrial Property Act, be regarded as the assignee of the inventor or innovator of the invention or innovation.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27T be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27T be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27T - agreed to.

New Clause 27U proposed;

Discoveries, inventions, etc. to vest in the Institute.	27U. (1) All rights in any discoveries, inventions, innovations, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute. (2) Without prejudice to the generality of subsection (1), the Institute and any other entity may jointly own any discoveries, inventions, innovation, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity
---	--

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27U be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27U be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27U - agreed to.

New Clause 27V proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 27V be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 27V be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 27V - agreed to.

New Clause 35A proposed;

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

Harmonization
of taxes, fees
and charges.

35A. (1) The National Government and County Governments shall, in the exercise of their respective functions under this Act, coordinate and harmonize taxes, fees, charges and licensing requirements applicable to fisheries activities in accordance with the Constitution.

(2) In carrying out their functions under subsection (1), the National Government and County Governments shall take measures to—

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 35A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 35A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 35A - agreed to.

New Clause 35A further proposed;

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

Harmonisation
of taxes, fees
and charges.

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

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

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

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

Cap. 265F.

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

(Hon. Millie Odhiambo-Mabona)

New Clause 35A withdrawn by the Member.

New Clause 36A proposed:

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

Role of
County
Governments
in provision
of social
amenities.

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 36A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 36A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 36A - agreed to.

New Clause 36A further proposed;

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

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

New Clause 36A dropped.

New Clause 41A proposed;

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

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

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

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

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

(a)importers of fishing gear; and

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 41A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 41A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 41A - agreed to.

New Clause 67A proposed;

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 67A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 67A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 67A - agreed to.

New Clause 74A proposed;

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

Recognition
of artisanal
fishers.

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74A be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74A be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74A - agreed to.

New Clause 74B proposed;

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

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74B be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74B be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74B - agreed to.

New Clause 74C proposed;

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

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

of fish
stocks.

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74C be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

Debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74C be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74C - agreed to.

New Clause 74D proposed;

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

Resolution
of fishing
space
conflicts.

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74D be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74D be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74D - agreed to.

New Clause 74E proposed;

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

Protection
against
theft and
destruction
of fishing
gear.

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74E be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74E be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74E - agreed to.

New Clause 74F proposed;

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

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74F be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74F be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74F - agreed to.

New Clause 74G proposed;

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

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

(2)A fisher employed under subsection (1) shall comply with lawful instructions, observe safety requirements, exercise reasonable

care in the handling of fishing equipment and catch and refrain from theft, fraud, negligence, or misconduct.

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74G be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74G be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74G - agreed to.

New Clause 74H proposed;

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

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74H be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74H be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74H - agreed to.

New Clause 74I proposed;

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

Cross-border
fisheries
cooperation.

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

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74I be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74I be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74I - agreed to.

New Clause 74J proposed;

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

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

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74J be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74J be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74J - agreed to.

New Clause 74K proposed;

Subsidies **74K.** (1) The National Government and County Governments may
and establish subsidy programs for artisanal fishers including

financial support.

women, youth, persons with disabilities and other vulnerable groups.

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

(Hon. Millie Odhiambo-Mabona)

Motion made and Question proposed;

THAT, New Clause 74K be Read a Second Time.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 74K be part of the Bill.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

New Clause 74K - agreed to.

New Clause 74L proposed;

Artisanal Fisheries Development Fund.

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

(2)The purpose of the Fund is to—

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

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

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

(Hon. Millie Odhiambo-Mabona)

New Clause 74L withdrawn by the Member.

New Clause 80A proposed;

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

Registers of
licenses and
authorizations.

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

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

(a) information on applications for licences and authorizations under this Act;

(b) information on each licence and authorization issued, renewed, suspended or cancelled under this Act, including the activity, date and duration;

(c) information on each licensed or authorized person;

(d) information on the relevant vessel, facility and licensed or authorized activity;

(e) any record of non-compliance with the licence or authorization; and

(f) any record of action taken as a result of such other information that may be prescribed or required by the County Director.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 80A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 80A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 80A - agreed to.

New Clause 156A proposed;

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 156A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 156A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 156A - agreed to.

New Clause 210A proposed;

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

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

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

The Cabinet Secretary to the National Treasury shall by notice in the *Gazette*, specify the date or dates and the

manner in which the assets and liabilities of the Kenya Fish Marketing Authority shall be transferred to and vested in—

the Cabinet Secretary for the National Treasury; and the relevant Ministry.

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

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

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

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

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

(Leader of the Majority Party)

Proposed New Clause 210A withdrawn by the Member.

New Clause 211A proposed;

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

THAT, New Clause 211A be Read a Second Time.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

Motion made and question proposed;

THAT, New Clause 211A be part of the Bill.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question put and agreed to.

New Clause 211A - agreed to.

First Schedule - amendment proposed;

THAT, First Schedule to the Bill be amended—

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

SECOND SCHEDULE s.16(1)

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

Representative of Kenya Member	Co-opted
Coast Guard Service	

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

First Schedule as amended - agreed to.

Second Schedule - amendment proposed;

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

THIRD SCHEDULE s.49(1)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Second Schedule as amended - agreed to.

Third Schedule - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Third Schedule - deleted.

Further amendment proposed;

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

(Leader of the Majority Party)

Proposed amendment dropped.

Fourth Schedule - amendment proposed;

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to.

Fourth Schedule - deleted.

New Schedule proposed;

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

FIRST SCHEDULE

s. 13A

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

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

(1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

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

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

2. Meetings of the Board

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

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

(2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

(3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(4) The Chairperson shall preside over all meetings of the Board in which the Chairperson is present, but in their absence, the vice-chairperson shall preside, and in the absence of the vice-chairperson the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

(5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

(6) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(7) For purposes of this Schedule the word "Board" includes the Board of the Institute and the Board of Trustees of the Fund.

3. Disclosure of interests

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

4. Board may regulate procedure

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Motion made and Question proposed;

There being no debate arising;

Question put and agreed to.

New Schedule - agreed to.

Clause 2 - amendment proposed;

THAT, clause 2 of the Bill be amended—

- (a) in the definition of “aquaculture” by deleting the words “or lawfully imported into Kenya”;
- (b) in the definition of “barter” by inserting the words “but excludes exploitative practices against women” immediately after the word “money”;
- (c) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (d) by deleting the definition of “buy” and substituting therefor the following new definition—
“buy” includes—
 - (a) barter;
 - (b) purchase;
 - (c) receive on account or consignment;
 - (d) broker a sale;
 - (e) purchase or barter for future goods or for any consideration of value; and
 - (f) purchase or barter as an agent for another person;
- (e) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (f) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (g) in the definition of “fishery” by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) any designated fish habitat with fish stock;
- (h) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (i) in the definition of “person” by deleting the words “any foreign government”;
- (j) in the definition of “sell” by deleting the words “or attempting to dispose of” appearing in paragraph (c);
- (k) by deleting the definition of “subsistence fishing” appearing first in time; and
- (l) by inserting the following new definitions in their proper alphabetical sequence—
“designated fish habitat” means any areas on which fish depend directly or indirectly in order to carry out their life processes including spawning grounds, nursery, rearing, food supply areas and migration routes;

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

(Hon. Millie Odhaimbo-Mabona)

Proposed amendment withdrawn by the Member.

Further amendment proposed;

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “Authority”;
- (b) by deleting the definition of the expression “Board of Directors”.

(Leader of the Majority Party)

Proposed amendment withdrawn by the Member.

Further amendment proposed;

THAT, clause 2 of the Bill be amended—

- (m) by deleting the definition of the term “Authority”;
- (n) by deleting the definition of the expression “authorized officer” and substituting therefor the following new definition—

“authorised officer” means a fisheries officer, fish inspector, coast guard officer, a police officer of or above the rank of inspector, an officer of the Kenya Navy or any other person appointed by the Cabinet Secretary under section 17;
- (o) by deleting the definition of the expression “Board of Directors”;
- (p) in the definition of “beach management unit” by inserting the words “including local communities” immediately after the words “other beach stakeholders”;
- (q) by deleting the definition of the term “Council”;
- (r) in the definition of “dealing in fish” by inserting the word “drying” immediately after the word “storing”;
- (s) in the definition of “export” by deleting the word “anything” appearing in paragraph (b);
- (t) in the definition of “fishing related activity” by inserting the words “or in the lake” immediately after the words “supplies at sea” appearing in paragraph (c);
- (u) by deleting the definition of the expression “foreign fishing vessel” and substituting therefor the following new definition—

“foreign fishing vessel” means a fishing vessel not registered in Kenya;
- (v) by deleting the definition of the expression “Kenya Marine and Fisheries Research Institute”;
- (w) by deleting the definition of “subsistence fishing” appearing first in time;
- (x) by deleting the definition of “subsistence fishing” appearing second in time and substituting therefor the following new definition—

“subsistence fishing” means local or non-commercial fishing, not for recreation but for sourcing of fish for consumption by the fishers, their dependants or community;
- (y) by deleting the definition of the term “surveillance” appearing immediately after the definition of “support vessel”;
- (z) in the definition of the expression “territorial waters” by deleting the words “and includes the territorial sea”;
- (aa) by deleting the definition of the term “transshipment” and substituting therefor the following new definition—

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

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

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

“commercial fishing” means fishing for sale, barter or trade;

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

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

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

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

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

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

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

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

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

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

THAT, Clause 2 be further amended by deleting the word “barter” in clause (a) and (c).

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

Question of the amendment to the amendment proposed;

Debate arising;

Question of the amendment to the amendment put and agreed to;

Clause 2 as further amended - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

HOUSE RESUMED - Fifth Chairperson of Committees

The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)

Bill reported with amendments;

Motion made and Question proposed;

THAT, the House do agree with the Committee in the said Report.

(Hon. Bowen Kangogo on behalf of the Leader of the Majority Party)

There being no debate arising;

Amendment proposed;

THAT, the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words “subject to Recommittal of Clause 39 and Part XVIII comprising clauses 198, 199, 200, 201, 202, 203, 204, 205, 206 & 207.

(Hon. Bowen Kangogo on behalf of the Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Thereupon the House dissolved into Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Fifth Chairperson in the Chair

The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)

Recommittal of Clause 39

Clause 39 - amendment proposed;

THAT, Clause 39 of the Bill be amended in sub-clause (1) by deleting paragraph (a).

(Hon. Eve Obara)

Debate arising;

Question of the amendment put and agreed to.

Further amendment proposed;

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

- (a) deleting the opening statement and substituting therefor the following new opening statement—
- (4) The Director-General shall in accordance with the best scientific advice and such other relevant information as may be available, with the approval of the Cabinet Secretary and in consultation with county governments and after public participation, by notice in the Gazette, impose, among others, any measures for the conservation and management of any fishery including—

deleting the word “including” appearing in paragraph (f) and substituting therefor the word “and”; and

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

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

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

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question on the amendment to the amendment put and agreed to;

Clause 39 as further amended - agreed to.

Recommittal of Part XVIII

Part XVIII comprising Clauses 198, 199, 200,

201, 202, 203, 204, 205, 206 & 207 - amendment proposed

THAT, the Bill be amended by deleting Part XVIII comprising Clauses 198, 199, 200, 201, 202, 203, 204, 205, 206 & 207 and substituting therefor the following new Part—

PART XVIII—ESTABLISHMENT OF THE FISHERIES TRIBUNAL

Establishment
of the
Fisheries
Tribunal.

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

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

(a) a Chairperson who shall be a person qualified for appointment as a judge of the High Court;

(b) two advocates of the High Court of Kenya, with experience of not less than seven years; and

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

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

- (4) The Chairperson and members of the Fisheries Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.
- Staff of the Tribunal. **199.** The staff of the Tribunal shall be appointed, removed from office or otherwise disciplined by the Judicial Service Commission in accordance with Article 172(1)(c) of the Constitution.
- Jurisdiction of the Tribunal. **200.** (1) The Tribunal shall exercise the powers and functions set out in this Act and in particular shall hear and determine appeals at the instance of any person directly affected by the decision or order of the Cabinet Secretary, Director-General, the Service or of any person acting pursuant to the provisions of this Act.
- (2) In addition to the powers set out in subsection (1), the Tribunal shall have the power to hear and determine any dispute concerning fisheries and aquaculture where there is a business contract, unless the parties have otherwise agreed to an alternative dispute resolution mechanism.

(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)

There being no debate arising;

Question of the amendment put and agreed to.

PART XVIII as amended - agreed to.

Bill to be reported with amendments.

HOUSE RESUMED - The Third Chairperson in the Chair

The Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023)

Bill reported with amendments.

Motion made and Question proposed;

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

(Hon. Bowen Kangogo on behalf of the Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed;

THAT, the Fisheries Management and Development Bill (National Assembly Bill No. 39 of 2023) be now read a Third Time.

(Hon. Bowen Kangogo on behalf of the Leader of the Majority Party)
Debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**.

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

Order for Second Reading read;

Order deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order for Second Reading Read;

Order Deferred.

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

Order Read;

Order Deferred.

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

Order Read;

Order Deferred.

And the time being fifteen minutes to Nine O'clock, the Third Chairperson of Committees adjourned the House without Question put pursuant to the Standing Orders.

20. HOUSE ROSE – at fifteen minutes to Nine O'clock.

MEMORANDUM

The Speaker will take the Chair on,
Thursday, 6th August 2026 at 2.30 p.m.

--X--