

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TWELVETH PARLIAMENT – SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON THE IRRIGATION BILL, 2017

CLERKS CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

APRIL, 2018

TABLE OF CONTENTS

ABBREVIATIONS	3
CHAIRPERSON'S FOREWORD.....	4
EXECUTIVE SUMMARY	6
MANDATE OF THE COMMITTEE.....	7
1.1.0 COMMITTEE MEMBERSHIP.....	8
1.1.1 COMMITTEE SECRETARIAT.....	8
1.1.2 CONSIDERATION OF THE BILL	8
1.0. BACKGROUND INFORMATION	1
2.0. ANALYSIS OF THE CLAUSES OF THE IRRIGATION BILL, 2017	1
3.0 SUBMISSIONS FROM THE STAKEHOLDERS.....	15
3.1 STATE DEPARTMENT FOR IRRIGATION	15
3.2 NATIONAL IRRIGATION BOARD (NIB).....	18
3.3 MWEA IRRIGATION WATER USERS ASSOCIATION	24
3.4 MWEA IRRIGATION SCHEME	26
3.5 NATURE KENYA	32
3.6 COUNCIL OF GOVERNORS	33
4.0 COMMITTEE OBSERVATIONS	34
5.0 COMMITTEE RECOMMENDATIONS.....	36
ANNEXES.....	41
ANNEX 1: MINUTES.....	4

ABBREVIATIONS

NIB:	National Irrigation Board
CoK:	Constitution of Kenya
IWUA	Irrigation Water Users Association
SEA	Strategic Environmental Association
NIDA	National Irrigation Development Authority
CIDU	County Irrigation Development Unit

CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings of the consideration of the Irrigation Bill, 2017 which was committed to the Committee on Wednesday 14th February, 2017 pursuant to Standing Order 127.

The proposed legislation is meant to promote and regulate the development and management of irrigation in Kenya. It further states that the provisions of this bill if enacted shall apply, as more specifically provided for in the bill, to regulation, development, management, financing, and the provision of support services of and in the entire irrigation sub-sector in Kenya.

The Bill further states that upon the enactment of this bill, no irrigation development may be carried out in Kenya other than as provided for under this bill and the provisions of this bill shall prevail in the case of any inconsistency between this Act and any other legislation in matters relating to irrigation.

The Bill under clause 6 also provides that the Cabinet Secretary in consultation with the county governments shall regulate and promote the development and proper management of irrigation throughout Kenya.

The Bill further seeks (in clause 7) to establish the National Irrigation Development Authority as a successor of the National Irrigation Board and the Authority shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name be capable of suing and being sued; taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property, borrowing or lending money, entering into contracts; and doing such other acts necessary for the proper performance of the functions of the Authority. Clause 8 of the Bill further sets out powers and functions of the Authority

The Bill further (in clause 9) establishes a Board that will have a chairperson appointed by the President subject to subsection(5), the Principal Secretary in the State Department of Irrigation or his representative, the principal Secretary responsible for finance or his representative, the Principal Secretary responsible for Agriculture or his representative and six other members appointed by Cabinet Secretary and approved by the President taking into account the various stakeholder interests in irrigation development and management.

The Committee notes that the bill also in clause 34 repeals cap 347 and provides for transition of assets, liabilities, rights and powers of the board created under cap 347 to the proposed Authority

The enactment of the bill may not necessitate incurring of additional cost on the exchequer with regards to establishment of office infrastructure and human resource for the Authority since the Authority will inherit the existing infrastructure of National Irrigation Board.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Irrigation Bill, 2017.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank the stakeholders and the Ministry of Agriculture and Irrigation for their participation in scrutinizing the Bill.

Finally, I wish to express my appreciation to the Honorable Members of the Committee who made useful contributions towards the preparation and production of this report.

HON. ADEN HAJI ALI, MP

EXECUTIVE SUMMARY

The Irrigation Bill, 2017 was introduced in the National Assembly by the Leader of the majority Party, National Assembly on Wednesday 14th February, 2018 and therefore committed to the Departmental Committee on Agriculture and Livestock for consideration in line with the Standing Order 127. The Committee engaged the Ministry of Agriculture and Irrigation, the National Irrigation Board (NIB), the Council of Governors and the Nature Kenya whose views are contained in this report.

The Irrigation Bill, 2017 contains a total of 34 clauses which proposes to amend various Sections of the Principal Act in order to seal some legislative gaps cited in the law and align them with the Constitution. The amendment sets off by proposing to recognize County Government in the application of the Act replacing the defunct "Local Authority".

The proposed legislation is meant to promote and regulate the development and management of irrigation in Kenya. It further states that the provisions of this bill if enacted shall apply, as more specifically provided for in the bill, to regulation, development, management, financing, and the provision of support services of and in the entire irrigation sub-sector in Kenya.

The Bill under clause 6 also provides that the Cabinet Secretary in consultation with the county governments shall regulate and promote the development and proper management of irrigation throughout Kenya.

The Committee notes that the bill also in clause 34 repeals cap 347 and provides for transition of assets liabilities, rights and powers of the board created under cap 347 to the proposed Authority.

MANDATE OF THE COMMITTEE

The Committee on Agriculture and Livestock is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) Study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- (c) study and review all legislation referred to it;
- (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and
- (g) Reports and makes recommendations to the House as often as possible, including recommendation of proposed legislation.

1.1.0 COMMITTEE MEMBERSHIP

1. Hon. Adan Haji Ali, M.P.
2. Hon. Emmanuel Wangwe, MP.
3. Hon. Florence Mutua, MP.
4. Hon. Maison Leshoomo, MP.
5. Hon. Silas Kipkoech Tiren, M.P.
6. Hon. Ferdinard Wanyonyi, MP
7. Hon. Francis Munyua Waititu, M.P.
8. Hon. Simba Arati, MP.
9. Hon. Dr. John Kanyuithia Mutunga, M.P.
10. Hon. Yegon Brighton Leonard, MP
11. Hon. Gabriel Kago Mukuha, M.P.
12. Hon. John Paul Mwirigi, M.P.
13. Hon. Adan Haji Yussuf, M.P.
14. Hon. Janet Jepkemboi Sitienei, M.P.
15. Hon. Dr. Daniel Kamuren Tuitoek, M.P.
16. Hon. Joyce Kamene, MP.
17. Hon. Fred Ouda, M.P.
18. Hon. Justus Makokha Murunga, MP.

Chairperson
Vice- Chairperson

1.1.1 COMMITTEE SECRETARIAT

First Clerk Assistant	-	Ahmad Kadhi
Third Clerk Assistant	-	Nicodemus Maluki
Legal Counsel II	-	Colletah Sigilai
Fiscal Analyst	-	Omar Abdirahim
Research Officer III	-	Eric Kariuki
Sergeant At arms	-	Alex Mutuku
Sergeant At arms	-	Faith Makena

1.1.2 CONSIDERATION OF THE BILL

The Irrigation Bill, 2017, was published on 1st December , 2017 and Read a First time on Wednesday 14th February , 2017 and thereafter committed to the Departmental Committee on Agriculture and Livestock for consideration pursuant to Standing Order 127.

The proposed legislation is meant to promote and regulate the development and management of irrigation in Kenya. The provisions of this bill if enacted shall apply, as more specifically provided for in

the bill, to regulation, development, management, financing, and the provision of support services of and in the entire irrigation sub-sector in Kenya.

Upon the enactment of this bill, no irrigation development may be carried out in Kenya other than as provided for under this bill and the provisions of this bill shall prevail in the case of any inconsistency between this Act and any other legislation in matters relating to irrigation.

The Bill under clause 6 also provides that the Cabinet Secretary in consultation with the county governments shall regulate and promote the development and proper management of irrigation throughout Kenya.

The Bill (in clause 9) establishes a Board that will have a chairperson appointed by the President subject to subsection(5), the Principal Secretary in the State Department of Irrigation or his representative, the principal Secretary responsible for finance or his representative, the Principal Secretary responsible for Agriculture or his representative and six other members appointed by Cabinet Secretary and approved by the President taking into account the various stakeholder interests in irrigation development and management.

The Committee notes that the bill also in clause 34 repeals cap 347 and provides for transition of assets, liabilities, rights and powers of the board created under cap 347 to the proposed Authority.

In processing the Bill, the Committee invited comments from the public by placing advertisements in the Daily Nation and Standard newspapers on Friday 16th February, 2018 pursuant to Article 118 of the Constitution. The Committee received and consolidated submissions from Ministry of Agriculture and Irrigation, the National Irrigation Board (NIB), the Council of Governors and the Nature Kenya, Mwea Irrigation Water Users and Mwea Irrigation Scheme whose views and comments are captured and contained in the body of the report.

1.0. BACKGROUND INFORMATION

The principal objective of the Irrigation Bill, 2017 is to promote and regulate the development and management of irrigation in the Country. The importance of this law is to establish mechanisms for regulation, development, management, financing and provision of support services of and the entire irrigation subsectors in Kenya. A strong law on irrigation is desirable as it promotes and regulates the development and management of sustainable irrigation in Kenya through exploitation of the Irrigation potential and efficient utilization of available resources.

The irrigation Bill 2017 provides for establishment of the regulation function of the Irrigation in the State Department for Irrigation. This includes formulation and review of policies, provision of sector regulation, coordination and guidance, monitoring, evaluation and establishment of national, public or strategic schemes.

The Irrigation Bill, 2017 seeks to repeal the current Irrigation Act, 347 of the law of Kenya. The Bill proposes to provide for the establishment of the National Irrigation Development Authority (NIDA) which will be responsible for development and management of public irrigation schemes, strategic irrigation schemes, trans-boundary and trans-county schemes through Agency Contracting.

The Bill recognizes the importance of irrigation research, innovation and training with the responsibility given to the ministry responsible for irrigation.

This Bill also recognizes the key role played by the County Governments in the irrigation Development units (CIDU) which will be responsible for smaller holder Irrigation for development and management.

2.0. ANALYSIS OF THE CLAUSES OF THE IRRIGATION BILL, 2017

Clauses	Provision Clauses	Remarks
1	Provides for a short title and commencement of the Act	The title of the Act is referenced as "Irrigation Bill, 2017.
2	Provides for interpretation of terms and phrases used in the Bill	The terms and phrases in the Bill are clearly defined.
3	Outlines the scope of the bill as regulation, development, management, financing and the provision of support services in the entire irrigation Sub-sector.	The scope of the bill is well-defined.
4	Provides for how to mitigate inconsistency between the proposed irrigation act and any other law.	Allows the act to prevail if any conflicts arise with other legislation on irrigation.
5	Provides for guidelines while discharging functions under this Act	Principles and values set out in Articles 10, 43, 60 and 232 of the Constitution to guide the administering and discharging of functions under this Act.
6	Establishes the regulation of irrigation.	Role of the Cabinet Secretary are well outlined.
7	Provides for establishment of the National Irrigation Development Authority	Shall be a body corporate with perpetual succession and a common seal.
8	Provides for functions of the Authority	The functions of the National Irrigation Development Authority are well defined.
9	Provides for the establishment of Board of the Authority	Consists of the Chairperson, Principal Secretary and six other members.
10	Outlines the mandate of the Board	The conduct of business of the Board in accordance with the schedule.
11	Provides for the powers necessary for the proper performance of the functions of the Authority under this Act	Power of the Board is well defined without prejudice.
12	Provides for qualifications for one to be appointed as a Chief Executive Officer	Qualifications for one to be appointed as a Chief Executive are well defined.
13	Provisions regarding transitional arrangements in line with section 34	Terms and conditions are as provided in approved establishment.

Clauses	Provision Clauses	Remarks
14	Outlines the responsibility of the county Governments in establishing a County Irrigation Development Unit	Functions of County Irrigation Development units are well defined.
15	Provides for consultations by Cabinet Secretary with County Governments and other stakeholders to ensure adequacy and quality of water for irrigation purposes	The Cabinet Secretary will put in place measures and guidelines incorporation with County Government and other Stakeholders.
16	Provides for consultations by the Cabinet Secretary with the National Lands Commission, the Board and County Governments by notice in the Kenya gazette to designate an area of land with an irrigation water permit issue by the Water Resources Authority	Procedures for issuing of permit and licenses by Water Resources Authority are well defined.
17	Provides for established of administrative and regulatory framework by the Cabinet Secretary	Planning and implementation of framework of integrated water resources management are well defined.
18	Provides for legislative and administrative measures to ensure that irrigation research, innovation and training functions are carried out and appropriately coordinated	Clearly defined roles on irrigation research, innovation and training functions.
19	Provides f for management of existing and new national or public schemes with exception of those under the county government	Clearly defined roles of the cabinet Secretary on management of existing and new national or public schemes.
20	Provides for terms and conditions for a resident to join an irrigation water users Association	Terms and conditions for a resident to join an irrigation water users Association well defined.
21	Provides for the funds and assets of the Authority	Financial provisions for the Authority are clearly defined.
22	Allows for the Authority to prepare estimates of the revenue and expenditure for that year at least five months prior	The procedure for preparing estimates of the revenue and expenditure are well defined.

Clauses	Provision Clauses	Remarks
23	Allows the Board to ensure proper books of account of the income, expenditure, assets and liabilities of the authority are well kept in line with the provisions of the state corporations Act	The Board responsibility in terms of proper books of accounts is well defined.
24	Provides for mandates of the Board in relation to reports on the operations of the board each financial year, audit reports, statements with specifications from the Cabinet Secretary	The Board mandate in terms of publishing reports for each financial year is well defined.
25	Provides for resolution of disputes through water User's Association	Functions of Dispute Resolution Committee well outlined.
26	Provides for appeal in the regional Committee if not satisfied with the decision of the dispute resolution Committee	Well defined resolutions of disputes.
27	Provides for implementation of a Monitoring and Evaluation system for the development, governance, management and financing of irrigations at all levels	The procedure for implementation of Monitoring and Evaluation systems are well defined.
28	Provides for grounds on which the authority won't own up for liabilities caused by a staff or members of the Board	The grounds for good conduct of office are well defined.
29	Provides for legal measures on anyone who wilfully damages any irrigation infrastructure or equipment	The grounds for punishment are satisfactory.
30	Provides for punishment for offences on damaging water catchment areas	The procedure for imprisonment and fines are clearly defined.
31	Provides for punishment for offences pertaining fire on an Irrigation Scheme	The grounds for punishment are satisfactory.
32	Provides for punishment on offences of any illegal application of chemicals not permitted by this act	The procedure for imprisonment and fines are satisfactory.
33	Provides for exercising delegated powers	Its standard procedures in all Acts.

Clauses	Provision Clauses	Remarks
34	Provides for repeals and transitional of the Irrigation Act	The Irrigation Act is repealed.

3.0 SUBMISSIONS FROM THE STAKEHOLDERS

The submissions from the stakeholders and the subsequent views of the State Department for Irrigation on some of the clauses of the bill are as presented here below:

3.1 STATE DEPARTMENT FOR IRRIGATION

On Tuesday 20th March, 2018 the Principal Secretary State Department for Irrigation, Prof. Fred Sigor appeared before the Committee and presented on the proposed amendments on the Bill as follows:-

Clause 2 (Interpretations)

Proposal: to include definition of “State Agency”

“State agency means a public corporation, commission, office or other body established under the Constitution or Act of Parliament;”

Justification

This is for the avoidance of doubt as to what a “State Agency” referred to in the Bill means. Amend definition of “License” as follows:

Proposal: Amend definition of “license” as follows:

“License” means a license issued by the Cabinet Secretary, Authority or county government under this Act;”

Justification

The current definition makes reference to license by “Director” and yet there is no reference to that office in the Bill: licensing is by Cabinet Secretary, Authority or county government as appropriate.

Clause 6 (1) Role of National Government

Proposal: Include new sub clauses:

- (h) in collaboration with county governments, gather information and maintain databases on irrigation development and management, including data on irrigation water supplies, demands, projects, irrigated areas, management performance, potential for expansion and human resources;
- (i) conduct periodic technical and management audits of irrigation schemes to identify problems with scheme infrastructure, governance, management and financing;

re-arrange the sub clauses as follows :(h) becomes (j), (i) becomes (k) and (j) becomes (l)

Justification

Gathering of information and maintenance of databases on irrigation development and management is a regulatory function to be undertaken by the Cabinet Secretary who may wish to delegate aspects of this function to the Authority.

Technical and management audits of irrigation schemes generally is a regulatory function which is a role of National Government - Cabinet Secretary, who may wish to delegate aspects to Authority as appropriate.

Clause 8 (2) Powers and Functions of the Authority

Proposal: Delete sub clauses (e) and (i):

- (i) conduct periodic technical and management audits of irrigation schemes to identify problems with scheme infrastructure, governance, management and financing, and recommend solutions to the irrigation water users associations;
- (ii) in collaboration with county governments, gather information and maintain databases on irrigation development and management, including data on irrigation water supplies, demands, projects, irrigated areas, management performance, potential for expansion and human resources;

Justification

Ditto above. These functions, being regulatory, have been moved to clause 6(2) (h) and (i).

Clause 8. (3)

Proposal: Delete word “shall” appearing immediately after the word Authority in the first line And Replace with *The word “may”*

Proposal: Delete word and phrase:

The word “primarily” appearing after the word “section” in the second line.

The whole of the phrase appearing immediately after the word “contracts” on the third line.

Revised sub clause 3 should therefore read as follows:

“The Authority may exercise its various powers and functions under this section through the mechanism of agency contracts.”

Justification

The import of sub clause 3 is that the Authority can only exercise its various powers and functions through the mechanism of Agency contracts. This is not correct. However, the Authority may wish to carry out certain function through Agency contracts.

Clause 9. (1) The Board of Authority

Proposal: Include phrase”

(e) The Principal Secretary responsible for Water or his representative

Proposal: Delete word

the word “six” at the start of paragraph (e).

Proposal: Replace with word:

the word “five” at the start of the paragraph (e)

Paragraph (e) becomes paragraph (f) and reads “five other members, who shall appointed by the Cabinet Secretary, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.”

Proposal: Delete phrase:

The phrase “and approved by the President” appearing immediately after the word “Secretary” on the second line.

Justification

Water is such a vital requirement for irrigation that this sector must be represented in the Board. In addition, the Mwongozo requirement is that the maximum number of Board Members is 9 and therefore the other Members are reduced from six to five.

It is not a requirement under Mwongozo that Board Members other than the Chairperson are approved or appointed by the President.

Clause 12 (2) Chief Executive Officer

Proposal: Delete phrase:

the phrase “an advanced” appearing in paragraph (c) immediately after the word including on the second line and replaced it with the word ”a”.

The whole section (d) and replace it with the following wording:

(d)“has at least ten years knowledge and experience in a relevant field, has served in a position of senior management for a period of at least five years, and meets the requirements of the fit and proper test”

Justification

Paragraphs (c) and (d) limit the pool of potential Chief Executive Officers. The guidance given in Mwongozo is preferred.

Clause 19 (2) Management of irrigation schemes

Proposal: Include phrase:

The phrase “or public entity” (state agency, private sector entity) immediately after the word associations on the fourth line of paragraph (2)

Justification

The agency contracts with the Authority should not be limited to Irrigation Water Users Associations and Farmer Associations. There should be scope for involvement of state agencies and private sector.

3.2 NATIONAL IRRIGATION BOARD (NIB)

On 23rd February, 2018 the National Irrigation Board (NIB) wrote to the Committee through the Clerk of the National Assembly and submitted its proposed amendments to the Bill as follows: -

1. Object

Proposal: to delete the object of the Bill and substitute with the following wordings “An Act of Parliament to provide for the development, management and regulation of irrigation, to support sustainable food security and socio-economic development in Kenya, and for connected purposes”

Justification

To approach this legislation from a positive angle factoring in the national development priorities of food security and social economic growth. This consistent with Article 43 (c) of the constitution that prescribes freedom from hunger and adequacy of acceptable quality of food. In addition, article 10 (2) (d) that espouses the value sustainable development.

2. Definition “Authority”

Proposal: to delete definition of the “Authority” and substitute with the following new definition “Authority” means the National Irrigation Authority established under section 7;

Justification

To ensure coverage of all items in the object above without over emphasis on development alone.

3. Definition “Irrigation”

Proposal : to delete definition of the “ irrigation” and substitute with the following new definition “irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plans, livestock, aquaculture and desired forest trees

Justification

To conform to the letter and spirit of the constitution in as far as irrigation is accommodated in the distribution of functions under schedule 4. Also provide for hydraulic processes pertaining irrigation water.

4. Definition “Large Scale Irrigation Schemes”

Proposal: to delete definition of the “Large Scale Irrigation Schemes” and substitute with the following new definition “Large Scale Irrigation Schemes” means a scheme which acreage size covers over three thousand acres, and is developed and managed by the authority and is established for national strategic purposes or such schemes as implemented by the private sector

Justification

To secure the national strategic interests and provide avenues for strategic interventions on account of irrigation.

5. Definition “Licence”

Proposal: to delete definition of the “Licence” and substitute with the following new definition “Licence” means a licence issued by the Cabinet Secretary as otherwise upon delegation.

Justification

To centralize the issuance of licencing instruments with a window for delegation in order to ensure effective regulation

6. Definition “Storage”

Proposal: to delete definition of the “Storage” and substitute with the following new definition “Storage” means infrastructure and practices designed to capture and store water for use in irrigation.

Justification

To be constituent with the object of the act citing irrigation and not agriculture

7. Section 3 (1): Scope of application

Proposal: to delete Section 3(1) on the Scope of application and substitute with the following new section 3(1) on the Scope of application to appear as “The provision of the act shall apply as more specifically provided in the act, to regulation, development, management, financing, and the provision of support services and of the entire irrigation sub-sector in Kenya”

Justification

To align with the statement of the object of the act and conform to requirements of article 6 (3) of the constitution that provides for access to services all over the Republic.

8. PART II

Proposal: Delete regulation Irrigation and substitute with Development, Management and Regulation of Irrigation

Justification

To align with the statement of the object of the act and be consistent with content and framing of section 6 (1) below

9. Section 6 (1) Role of National government

Proposal: delete section 6(1) on the role of National Government and substitute with the following new section 6(1) on role of National Government to read as “The Cabinet Secretary shall, develop, manage and regulate irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage including water harvesting and storage for irrigation.”

Justification

To observe the provisions of article 6 (2) of CoK 2010 which establishes the constitutional arrangement between the National and County levels of Government on account of consultation and cooperation.

10. Section 6 (2) (b) Role of National government

Proposal: delete Section 6 (2) (b) and substitute with the new section 6(2) (b) to appear as “2) (b) Develop general principles, guidelines and standards for promoting development and for coordination of planning”.

Justification

To make this provision all-encompassing and not limited to counties.

11. Section 6 (2) (d) Role of National government

Proposal: delete Section 6 (2) (d) and substitute with the new section 6(2) (d) to appear as “Facilitate the use of efficient irrigation system across the country”

Justification

To give a wider responsibility on adoption of efficient irrigation systems

12. Section 6 (2) (j) Role of National government

Delete

Proposal: Delete *Section 6 (2) (j)* and Substitute with the new section 6 (2) (j) to appear as “6 (2) (j) *Carry out other mandate as may be specified in this and any other Acts*”

Justification

To provide for any roles assigned to the Cabinet Secretary through legislation at both levels of government

13. Section 6 (4) Role of National government

Proposal: Delete Section 6 (4) and replace with a new section 6(4) to appear as “The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the Kenya Gazette, a national irrigation services strategy, based on, among others, the national irrigation policy for the time being in force”

Justification

To synchronize with planning policy cycle of five years applicable to government development blue print

14. Section 6 (5) Role of National government

Proposal: delete section 6 (5) and replace with a new a new section 6(5) to appear as “The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute periodic review of the strategy.

Justification

To synchronize with planning policy cycle of five years applicable to government development blue print

15. PART III and Section 7 (1) Power and functions of the Authority

Proposal: Delete section 7(1) and replace with the new section 7(1) to appear as “the National Irrigation Authority”

Justification

To ensure coverage of all items in the object above without over emphasis on development alone.

16. Section 7 (3) Power and functions of the Authority

Proposal: Delete section 7(3)

Justification

Creation of the Authority in section 7 (1) is to provide for a public institution to deliver the object of this act. This section 7 (3) creates an amorphous arrangement without due structures and upon which oversight cannot be guaranteed outside the confines of article 6 (3) of CoK.

17. Section 9 (1): The Board of Authority

Proposal: Delete section 9(1) (e) and Add new section 9(1) e and f to appear as

- (e) The Principal Secretary, State Department of Water or his representative;
- (f) five other members, who shall be appointed by the Cabinet Secretary, and approved by the President taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.

Justification

- To provide for all state departments critical to irrigation
- To provide for a balance between independent and non-independent members of the board for objectivity and effectiveness of governance. In addition, diversity in professional representation can be realized.

18. Section 9(5) (c): The Board of Authority

Proposal: Delete section 9 (5) (c) and substitute with new section 12(5) (c) to appear as “(c) holds relevant academic and professional qualifications including a university degree in any field relevant to or related to irrigation, agriculture, finance, law or business.

Justification

This increases the pool of professionals available to bring diverse knowledge in matters of agriculture, finance and law.

- i. Agriculture to ensure that policies are with an aim of optimum and sustainable utilization of installed infrastructure for agricultural production
- ii. Finance, business and law for prudent financial management for effective and proper governance as prescribed in the governing instruments of state corporations.

19. Section 12 (2): The Board of Authority

Proposal: delete section 12(2) c, d and substitute with the following new section 12(2) c, d to appear as follows

(c) holds relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; or

(d) in addition to relevant academic and professional qualifications, has at least fifteen years' experience in the management of a public or private institution, five of which should be at senior management level, or is a distinguished practitioner in a discipline relevant to irrigation.

Justification

This provides for a wider coverage of eligible professionals consistent with the board scope of elements within irrigation covering agriculture, irrigation, business among others

20. Section 14 (1): Role of county government.

Proposal: Delete Section 14 (1) and substitute with new section 14(1) to appear as “Each county government may within its area of jurisdiction establish a county irrigation development unit for the better carrying out irrigation function delegated by the cabinet secretary as prescribed in the regulations”

Justification

- This is to conform with the distribution of functions as provided for in the Fourth Schedule of the Constitution and provisions of article 6 (2)
- Irrigation is not agriculture hence it is not a devolved function since it is not included in Part 2 of the fourth Schedule of the constitution.
- Subsequent thereto, irrigation is a residual function of national government in accordance with article 186 (3) which provides for functions not assigned by the constitution or national legislation to a county being retained as functions of National Government.

21. Section 19 (1): Management of irrigation schemes.

Proposal: delete section 19 (1) and substitute with new section 19(1) to appear as “ The Cabinet Secretary shall, through the Authority, oversee management of existing and new national or public schemes, except those under county governments, and particularly storage dams, intake, main and secondary systems as necessary”

Justification

- This is to conform with the distribution of functions as provided for in the Fourth Schedule of the Constitution and provisions of article 6 (2)
- The Cabinet Secretary having appointed the Board to the Authority ceases to exercise direct management over the schemes
- Subsequent thereto, the Cabinet Secretary can only exercise oversight in the management of the schemes.

22. Section 33 (2) (f): Management of irrigation schemes.

Proposal: delete section 33 (2) (f) and substitute with new section 33(2) (f) to appear as “any person who, immediately before the commencement of this Act, was an officer, agent, or member of staff appointed, seconded or deployed or otherwise employed by the National Irrigation Board shall become an employee or otherwise seconded or deployed to the Authority on similar terms and conditions of service or as may be provided by the law”

Justification

This brings clarity and guarantees smooth transition that ensures continuity with respect to staff

3.3 MWEA IRRIGATION WATER USERS ASSOCIATION

The Mwea Irrigation Water Users Association representatives appeared before the Committee and submitted the following proposed amendments:-

IRRIGATION BILL 2017	Proposed Amendments	Justification
Section 20 (2)	<p>Delete: The word “MAY” immediately after the word association and replace with the word “SHALL”</p> <p>The words immediately after the word “coverage”</p> <p>Rectify a typo: Insert the word “in” immediately after the word “pre-exists”</p>	<ul style="list-style-type: none"> - To create certainty and protect the pre-existing associations - To create multiple entities in one scheme and similar mandates is likely to result in anarchy due to unhealthy competition
Section 20 (3)	<p>Delete: The entire clause 3 and replace with : “An irrigation water users association shall be entitled to collect from its members, irrigation service fees based on the tariff structures set by the scheme management committee established under section 20 (4) below</p> <p>It is important at this point to provide for the specific functions of the irrigation water users’ association as has been provided for the Authority</p>	<ul style="list-style-type: none"> - The management committee has representatives of the Authority, water users and farmer based stakeholder and thus is best suited to set the tariffs taking into account the interests of all parties
Section 20 (4) (a)	<p>Insert a new clause: There is established a scheme management committee for every national or public irrigation scheme comprising of representatives</p>	<ul style="list-style-type: none"> - To promote transparency use of funds, award of tenders and engagement of

	of farmers, irrigation based stakeholders, irrigation water user associations and the Authority to oversee the utilization of the funds in 20 (3) above and any other funds due to the Authority	<ul style="list-style-type: none"> - casual labourers - Will serve as the communication link/channel between the authority and farmers which has been lacking since liberalization of rice farming in 1998 - To effectively operationalize participatory irrigation management approach advocated by the Authority - To comply with Art. 10 of the constitution of Kenya and in that context promote transparency, accountability and involvement of the people
Section 20 (4) (b)	Just as the functions of the Authority have been defined, let the committee define the specific functions of the scheme management committee	<ul style="list-style-type: none"> - This will avoid role-conflict with the Authority and the irrigation water users' association
Section 20 (5)	<p>Delete: The entire clause</p> <p>The current clause 20(4) becomes clause 20(5)</p>	<ul style="list-style-type: none"> - The pre-existing associations have their own by-laws and those that will be formed will write their own by-laws - It is important to maintain the independence of these associations so that they play their role effectively in the scheme management committees - For proper arrangement of clauses
Section 25(1)	<p>Delete: The word "property" immediately after the comma after the word "financing"</p>	<ul style="list-style-type: none"> - Disputes relating to property management, control and ownership, particularly land, are sensitive and emotive and require a broad-based

		approach and mechanism to resolve
Section 25(3)	Insert new clause 25(3): Each national or public irrigation scheme shall have a Dispute Resolution Committee appointed by the scheme management committee from among farmers, the Authority, and other stakeholders, including county and national government leaders, to resolve disputes relating to property and appeals from the irrigation water users' association	<ul style="list-style-type: none"> - Provides a mechanism that is inclusive and broad-based for resolution of property disputes - Clarifies the provision in section 25(1) relating to dispute resolution at scheme level
Section 25(4)	The current clause 25(3) becomes clause 25(4)	<ul style="list-style-type: none"> - This for orderly arrangement of clauses
Section 26	Delete: Clauses 26(1,2,3,5 and 6) Clause 26(4) becomes 26(1) Introduce a new clause 26(2): 'Any party aggrieved by the decision of the Scheme Management Committee may apply for review to the Environment and Land Court which is the superior court competent in irrigation matters.'	<ul style="list-style-type: none"> - The idea of regional committees is alien to the Bill since there is no express provision for the establishment or citation of their establishment in existing statutes. This is likely to create confusion - This is to harmonise the dispute resolution mechanism because the current provisions provide different mechanisms for resolving appeals relating to water and other agricultural matters relating to irrigation and drainage development, management, financing, property, operation and maintenance and other matters

3.4 MWEA IRRIGATION SCHEME

The Mwea Irrigation Scheme submitted the following proposed amendments on the Bill:-

IRRIGATION BILL 2017	Proposed Amendments	Justification
1. Definition "irrigation"	Delete means the rates to be charged to water users for	<ul style="list-style-type: none"> • This is to comply with provisions of

service fees”	receiving irrigation services; Replace with means the rates to be charged to any recipient of irrigation services;	article 6 (3) of the constitution of Kenya and in that context uphold the universality of irrigation services
Section 8 (2) Powers and Functions of the Authority.	Delete (j) provide land in national irrigation schemes for public purposes; Replace with (j) Provide, manage and administer land in national or public irrigation schemes, as well as schemes which traverse or straddle more than one county for public use.	<ul style="list-style-type: none"> • To conform to the interpretation of “Land” under CoK2010 this includes anybody of water on or under the surface. • Apply the Principles of Land Policy which include sustainable & productive management of land as well as transparent and cost effective administration of land
PART V	Delete IRRIGATION SERVICES Replace with IRRIGATION SERVICES AND RESEARCH	<ul style="list-style-type: none"> • This is to reposition irrigation research in its current context.
Section 15 Sub section title	Delete water for irrigation Replace with Irrigation Services and water for irrigation	<ul style="list-style-type: none"> • This is to comply with provisions of article 6 (3) of the constitution of Kenya
Section 15	Delete 15. (1) The Cabinet Secretary shall, subject to water and other resource constraints, and in consultation with county governments, and other stakeholders ensure the adequacy and quality of water for irrigation purposes throughout the country. (2) In pursuance of subsection (1), the Cabinet	<ul style="list-style-type: none"> • This is to comply with provisions of article 6 (3) of the constitution of Kenya

Secretary shall take measures to—

- (a) approve appropriate tariff structures and make arrangements with the Water Resources Authority in respect of requisition of irrigation water in bulk;
- (b) seek advice of the Water Resources Authority on the development of new irrigation water sources, including water harvesting, flood control and storage for irrigation;
- (c) approve appropriate arrangements on inter-catchment transfers of irrigation water in consultation with county governments and Water Resources Authority;
- (d) develop a mechanism on return on investment formula resulting from construction of irrigation schemes using public funds; and
- (e) develop guidelines on private sector involvement at various stages of the irrigation project implementation cycle.

Replace with

15. (1) The Cabinet Secretary shall, through the authority ensure provision irrigation services throughout the country. The irrigation services shall comprise the following: -

- (a) Development and improvement of

irrigation infrastructure.

- (b) Operation and management of irrigation installations
- (c) Irrigation research and production support
- (d) Any other associated herewith

(2) The Cabinet Secretary shall, subject to water and other resource constraints, and in consultation with county governments, and other stakeholders ensure the adequacy and quality of water for irrigation purposes throughout the country.

(3) In pursuance of subsection (2), the Cabinet Secretary shall take measures to—

- (e) approve appropriate tariff structures and make arrangements with the Water Resources Authority in respect of requisition of irrigation water in bulk;
- (f) seek advice of the Water Resources Authority on the development of new irrigation water sources, including water harvesting, flood control and storage for irrigation;
- (g) approve appropriate arrangements on inter-catchment transfers of irrigation water in consultation with county governments and Water Resources Authority;
- (h) develop a mechanism on return on investment formula resulting from construction of irrigation schemes using public funds; and

		(i) develop guidelines on private sector involvement at various stages of the irrigation project implementation cycle.	
Section 20 (1) Formation of Irrigation Water Users' Associations.	Delete A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or a small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source may , together with other members or persons resident in the same area, form or join an irrigation water user association. Replace with A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or a small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source shall , together with other members or persons resident in the same area, form or join an irrigation water user association.		This is to compel members to form and join the associations so as the function within the regulatory framework of utilizing the resources.
Section 20 (2) Formation of Irrigation Water Users' Associations.	Delete Where an association pre-exists an irrigation scheme, the said association may be recognized as the bona fide association to operate and maintain a scheme established in the association's area of coverage, and more than one association may operate and maintain a scheme on appropriate and mutually agreed terms. Replace with Where an association pre-exists an irrigation scheme, the said association may be recognized as the bona fide association to operate and maintain a scheme established in the association's area of coverage subject to agreed terms and conditions with the authority.		<ul style="list-style-type: none"> • Presence of more than one association working in a scheme is potential source of conflict. • To protect the authority from assuming responsibility of debts and any dues accumulated by an existing association.
Section 20 (3) Formation of Irrigation Water Users' Associations.	Delete An irrigation water users association shall be entitled to set and collect from its members, irrigation services fees based on the actual cost of operation and full maintenance of the scheme:		<ul style="list-style-type: none"> • This provide a legal framework of establishment and collection of operation and

	<p>Provided that the fees referred to in this subsection shall be agreed upon with the members of the association.</p> <p><u>Replace with</u></p> <p>The authority in consultations with irrigation water users association shall be set operation and maintenance fees the case of Public/National irrigation schemes based on the actual cost of operation and full maintenance of the scheme. Irrigation water users association shall collect from its members the operation and maintenance fees and remit to the authority.</p> <p>Provided that the fees referred to in this subsection shall be agreed upon with the members of the association</p>	<p>maintenance fees for the national irrigation schemes.</p>
<p>Section 20 (5) Formation of Irrigation Water Users' Associations.</p>	<p><u>Delete</u></p> <p>The Cabinet Secretary, in consultation with the county governments, may make rules for the establishment and governance of irrigation water users' associations under this section</p> <p><u>Replace with</u></p> <p>The Cabinet Secretary through the Authority, in consultation with the county governments, shall make rules for the establishment and governance of irrigation water users' associations under this section</p>	<ul style="list-style-type: none"> • To ensure that the rules for establishment and governance of irrigation water users' are made.
<p>Section 20 Formation of Irrigation Water Users' Associations.</p>	<p><u>Include</u></p> <p>(6) The Functions of the Irrigation Water Users' Association (IWUA) should be defined as;</p> <p>(a) Distribute irrigation water equitably to all its members</p> <p>(b) Operate and maintain tertiary irrigation system on behalf of its' members</p> <p>(c) Collect operation and maintenance from its' members and remit to the authority in the case of public or national irrigation system</p> <p>(d) Apply for and hold the water abstraction permit for the irrigation scheme on behalf of its member and ensure that the permit is renewed annually.</p> <p>(e) Collect the water use charges and remit to water</p>	<p>To provide for the scope of responsibilities to be covered by the Irrigation Water Users' Association (IWUA)</p>

	resources authority on behalf of its members. (f) Resolution of disputes related to irrigation and drainage scheme development, management, irrigation water allocation and delivery, financing, property, operation and maintenance.	
PART VIII MISCELLANEOUS AND OFFENCES PROVISIONS	Include Section 34. abstraction of water Any person who (a) is not a member of the IWUA therefore illegally abstracts water from the irrigation system; or (b) is a member of the IWUA but abstracts water from the irrigation system against the water distribution plan, that person commits an offence and shall be liable upon conviction to a fine of not more than two hundred and fifty thousand shillings or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.	To ensure compliance with set water management rules in an irrigation scheme.

3.5 NATURE KENYA

On Thursday, 22nd February, 2018 Nature Kenya submitted their written memoranda through the Clerk of the National Assembly and proposed the following amendments;

1. Section 15 (2) (C)

Proposal: to Amend Section 15(2) (C) to appear as “Require a Strategic Environmental Assessment (SEA) on both the supplying and receiving basins for any inter-catchment transfer of water. Any arrangement on inter-catchment transfer of irrigation water to be approved only after a Strategic Environmental Assessment and in consultation with county governments, Water Resources Authority, and relevant stakeholders”

Justification

It is critical that inter catchment water transfers be kept to a minimum and be informed by a strategic environmental assessment (SEA) to be conducted on both the supplying and receiving basins. Such SEAs should establish water demand for all downstream users, including environmental flows.

2. Section 16 (1)

Proposal : To amend by inserting ‘ through public participation’ to read as "The Cabinet Secretary may, may in consultation with National Land Commission, the Board, County government and through public participation, and by notice in Kenya Gazette, designate an area of land for which an irrigation water permit may be issued by the Water Resources Authority and irrigation license may be issued."

Justification

To allow public participation

3. Section 16 (6)

Proposal: to amend by inserting ‘**environmental requirements**’ to as “ The Cabinet Secretary shall in consultation with county governments, ensure that the design of national or public irrigation schemes and others, take into account the needs of various irrigation water users, including livestock, fish producers and environmental requirements."

4. Section 20 (1)

Proposal: Clearly define the mandate /synergy of Irrigation Water Users Associations and the Water Resource Associations defined in the Water act 2016 (Sect 29) to reduce role and governance conflict.

5. Section 20(5)

Proposal: The Cabinet Secretary, in consultation with county governments and relevant stakeholders, may make rules for the establishment and governance of irrigation of water user’s association under this section

3.6 COUNCIL OF GOVERNORS

On Friday, 23rd February, 2018 the Council of Governors submitted their written memoranda through the Clerk of the National Assembly and proposed the following amendments;

The Council of governors submitted as follows: -

Clause 8(2) c: Powers and functions of the Authority

Proposal: to amend clause 8(2) c to read as follows “ in consultation with the Cabinet Secretary, the Cabinet Secretary for the time being responsible for finance **and County Government**, raise funds for the development of infrastructure in national, public and smallholder schemes under appropriate mechanisms, including under agency contracts”

Justification

It is critical to involve county governments in the raising of finances for the development of irrigation schemes to ensure synergy as it is at the county that the projects are undertaken.

Clause 15: Water for Irrigation

Proposal: Amend clause 15 (2) to read as follows “ In pursuance of subsection (1), the Cabinet Secretary shall, **in consultation with county governments** take measures to approve appropriate tariff structures and make arrangements with the Water Resources Authority in respect of requisition of irrigation water in bulk”

Justification

It is important to ensure that county government are involved in setting of tariff structures, this is ensure that the irrigation schemes meets their objective

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee observed that:

1. The proposed legislation is meant to promote and regulate the development and management of irrigation in Kenya
2. Upon the enactment, no irrigation development will be carried out in Kenya other than as provided for under the bill, and the provisions shall prevail in the case of any inconsistency between the Act and any other legislation in matters irrigation.
3. Clause 6 of the Bill provides that the Cabinet Secretary in consultation with the county governments shall regulate and promote the development and proper management of irrigation throughout Kenya.
4. The Bill further seeks (in clause 7) to establish the National Irrigation Authority as a successor of the National Irrigation Board and the Authority shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name be capable of:
 - Suing and being sued
 - Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property
 - Borrowing or lending money
 - Entering into contacts and doing such other acts necessary for the proper performance of the functions of the Authority.
5. Clause 9 of the Bill establishes a Board that will have a chairperson appointed by the President subject to subsection(5), the Principal Secretary in the State Department of Irrigation or his

representative, the principal Secretary responsible for finance or his representative, the Principal Secretary responsible for Agriculture or his representative and five other members appointed by Cabinet Secretary, Principal Secretary for Water or his representative and approved by the President taking into account the various stakeholder interests in irrigation development and management.

6. The bill also in clause 34 repeals cap 347 and provides for transition of assets, liabilities, rights and powers of the board created under cap 347 to the proposed Authority.
7. The enactment of the bill may not necessitate incurring of additional cost on the exchequer with regards to establishment of office infrastructure and human resource for the Authority since the Authority will inherit the existing infrastructure of National Irrigation Board.

5.0 COMMITTEE RECOMMENDATIONS

Having considered the Bill and the proposed amendment by the stakeholders the Committee adopted the following amendments in readiness for the Committee of the whole House: -

CLAUSE 2

THAT clause 2 of the Bill be amended by in the definition of the term “authority” by deleting the word “development”.

CLAUSE 6

THAT clause 6 of the Bill be amended in sub clause (2) by—

- (a) deleting the words “by the counties” appearing in paragraph (b);
- (b) deleting the word “promote” and substituting therefor the word “facilitate”; and
- (c) inserting the following new paragraphs immediately after paragraph (h)—

“(ha) in collaboration with county governments, gather information and maintain data bases on irrigation development and management including data on irrigation water supplies, demands, projects, irrigated areas, management performance, potential for expansion and human resources;”

“(hb) conduct periodic technical and management audits of irrigation schemes infrastructure, governance, management and financing.”

PART III TITLE

THAT the title of Part III of the Bill be amended by deleting the word “development” appearing immediately after the word “irrigation”.

CLAUSE 7

THAT clause 7 of the Bill be amended in sub clause (1) by deleting the word “development” appearing immediately after the word “irrigation”.

CLAUSE 8

THAT clause 8 of the Bill be amended—

- (a) in sub clause (2) by

- (i) inserting the words “the county government” immediately after the word “finance” appearing in paragraph (c)
- (ii) deleting paragraph (e); and
- (iii) deleting paragraph (i).

(b) in sub clause (3) by —

- (i) deleting the word “shall” and substituting therefor the word “may”
- (ii) deleting the words “primarily through the Authority and with the permission of the Cabinet Secretary, such powers and functions are best performed directly by the authority” appearing immediately after the word “contracts”.

CLAUSE 9

○ **THAT** clause 9 of the Bill be amended —

(a) in sub clause (1) by—

- (i) inserting the following new paragraph immediately after paragraph (d)
“(da) the Principal Secretary responsible for water or his representative;” —
- (ii) deleting the word “President” appearing immediately after the words “appointed by the”;
and

(b) in sub clause (5) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds relevant academic and professional qualification including a university degree or its equivalent in any field.”

○ CLAUSE 12

THAT clause 12 of the Bill be amended in sub clause (2) by—

(a) deleting paragraph (c) and substituting therefor the following new paragraph

“(c) holds a relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; and” and

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

“(d) has at least fifteen years’ experience in the management of a public or private institution, five of which should be at senior management level or is a distinguished scholar in a discipline relevant to irrigation.”

CLAUSE 15

THAT clause 15 of the Bill be amended in sub clause (2) by deleting the words “in pursuant” and substituting therefor the words “pursuant to”.

CLAUSE 19

THAT clause 19 of the Bill be amended in sub clause (1) by deleting the word “manage” appearing before the word “existing” and substituting therefor the word “oversee”.

CLAUSE 20

THAT clause 20 of the Bill be amended by deleting in sub clause (3).

CLAUSE 25

THAT clause 25 of the Bill be amended in sub clause (1) by —

- (a) deleting the word “property” appearing before the word “operation”; and
- (b) inserting the word “irrigation” immediately after the words “association or at”.

CLAUSE 26

THAT the Bill be amended by deleting Clause 26 and substituting with the following new clause—
“26. Where the water users association or at the irrigation scheme level is unable to resolve a dispute, the same shall be referred to the Dispute Resolution Committee at the first instance to consider and determine the matter before the same is referred to Court.”

NEW CLAUSE

THAT the Bill be amended by introducing the following new clause immediately after clause 32

32A. Abstraction of water.

32A. Any person who abstracts water from an irrigation system or disrupts the distribution plan of a scheme commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term of one year or to both such fine and

imprisonment.

CLAUSE 33

THAT Clause 33 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

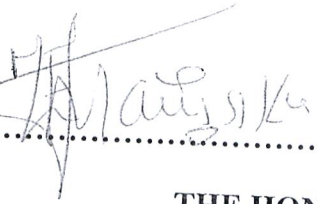
“(fa) prescribe fees payable by irrigation water users based on costs of operation and maintenance of the scheme;”

CLAUSE 34

THAT Clause 34 be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) The members of the National Irrigation Board established under the Irrigation Act Cap 347, shall continue in office as members of the Board until the expiry of their existing terms”.

SIGNED.....



.....DATE.....

10th / APR / 18

THE HON. EMMANUEL WANGWE, MP

VICE CHAIRPERSON

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ANNEXES

ANNEX 1: MINUTES