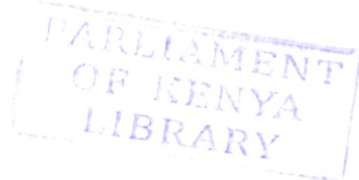




*Approved for tabling -  
SNA.  
15/2/24*

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND  
IRRIGATION

REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILLS NO. 67 OF 2023)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	15 FEB 2023
	DAY: THURS
TABLED BY:	Chairperson, Justice & Legal Affairs Hon George Mwangira, MP
CLERK-AT THE TABLE:	A. Shabaka

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

DECEMBER , 2023

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## PART 1

### 1.0 PREFACE

#### 1.1 Establishment of the Committee

1. The Departmental Committee on Blue Economy, Water and Irrigation is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. *To study and review all legislation referred to it;*
  - v. *To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To 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;*
  - vii. *To 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);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Subject of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of: use and regulation of water resources, irrigation, fisheries development including promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
3. In executing its mandate, the Committee oversees the following government ministries and departments and agencies (MDAs), namely:
  - i. The State Department for Water and Sanitation
  - ii. The State Department for Irrigation
  - iii. The State Department for Blue Economy and Fisheries

### 1.3 Committee Membership

4. The Departmental Committee on Blue Economy, Water and Irrigation was constituted by the House on 27<sup>th</sup> October, 2022 and comprises of the following Members:

#### **Chairperson**

Hon. Bowen David Kangogo, MP - **Chairperson**  
Marakwet East Constituency  
**United Democratic Alliance Party**

#### **Vice- Chairperson**

Hon. Kemero Maisori Marwa, MP - **Vice- Chairperson**  
Kuria East Constituency  
**United Democratic Alliance Party**

Hon. Stanley Muiruri Muthama, MP  
Lamu West Constituency  
**Jubilee Party**

Hon. Tandaza Kassim Sawa, MP  
Matuga Constituency  
**Amani National Congress**

Hon. Chepkwony Charity Kathambi, MP  
Njoro Constituency  
**United Democratic Alliance Party**

Hon. William Kamket, MP  
Tiaty Constituency  
**KANU**

Hon. Buyu Rozaah Akinyi, MP  
Kisumu West Constituency  
**Orange Democratic Party**

Hon. Eng. Paul Nzengu, MP  
Mwingi North Constituency  
**Wiper Democratic Party**

Hon. Were Charles Ong'ondo, MP  
Kasipul Constituency  
**Orange Democratic Party**

Hon. Dorothy Muthoni Ikiara, MP  
Nominated  
**United Democratic Alliance Party**

Hon. Nebart Bernard Muriuki, MP  
Mbeere South Constituency  
**Independent Member**

Hon. Mnyazi Amina Laura, MP  
Malindi Constituency  
**Orange Democratic Movement**

Hon. Adow Mohamed Aden, MP  
Wajir South Constituency  
**Orange Democratic Party**

Hon. Eric Mwangi Kahugu, MP  
Mathira Constituency  
**United Democratic Alliance Party**

Hon. George Gachagua, MP  
Ndaragwa Constituency  
**United Democratic Alliance Party**



**1.4 Committee Secretariat**

5. The Committee is facilitated by the following staff:

Mr. Nicodemus K. Maluki  
**Clerk Assistant II/Head of Secretariat**

Ms. Ivy Kageha  
**Clerk Assistant III**

Dr. Benjamin Ngimor  
**Senior Fiscal Analyst**

Ms. Lynette A. Otieno  
**Senior Legal Counsel**

Mr. Eugene Apaa  
**Research Officer II**

Ms. Veron D. Aluoch  
**Research Officer III**

Ms. Lilian Mburugu  
**Media Relations Officer III**

Mr. Wilson Angatangoria  
**Serjeant-at-Arms**

Mr. Bernard Omondi  
**Senior Serjeant-at-Arms**

Mr. Cosmas Akhoye  
**Audio Recording Officer III**

## 1.5 CHAIRPERSON'S FORWARD

6. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) was read a first time on 15<sup>th</sup> November, 2023 and was subsequently committed to various Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill proposes amendments to various pieces of legislation including those relating to the Fisheries Management and Development Act, 2016 which was committed to the Departmental Committee on Blue Economy, Water and Irrigation.
7. The Clerk of the National Assembly placed adverts in the print media on 18<sup>th</sup> November 2023 seeking for comments from the public on the Bill pursuant to Article 118 ( 1) ( b) of the Constitution and the Standing Order 127 ( 3) of the National Assembly.
8. The Committee received comments from the State Department for Blue Economy and Fisheries on the proposed amendments to the Fisheries Management and Development Act, 2016 (No. 35 of 2016)
9. 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 the consideration of the Bill.
10. On behalf of the Departmental Committee on Blue Economy, Water and Irrigation and pursuant to provisions of Standing Order 199 ( 6) of the National Assembly, it is my pleasant privilege and honour to submit this report of the Committee on its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023)

**Hon. Bowen Kangogo, M.P.**

## PART II

### 2.0 INTRODUCTION

11. The Statute Law (Miscellaneous Amendments) Bill, 2022 (National Assembly Bills No. 67 of 2023) sponsored by the Leader of the Majority Party was published on 30<sup>th</sup> October 2022 and Read a First Time on 15<sup>th</sup> November, 2023. The Bill which seeks to make various amendments to various statutes while keeping with the practice of making various amendments which do not merit the publication of separate Bills into one Bill. The Fisheries Management and Development Act, 2016 (No. 35 of 2016) is amongst legislations being proposed for amendments.

### 2.1 PUBLIC PARTICIPATION

12. In accordance with Article 118(1)(b) of the Constitution and the Standing Order 127 (3) of the National Assembly that provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees, an advertisement was published inviting for public participation and submission of memoranda by 30<sup>th</sup> November, 2023. The Committee received comments from the State Department for Blue Economy and Fisheries.
13. The State Department for Blue Economy and Fisheries were in support of the proposed amendments to the Fisheries Management and Development Act, No 35 of 2016.
14. The Committee extensively considered the contents of the submission on the Bill and the details of the deliberations and the Committee's observations and resolutions as relates to specific section is captured in this report.

### PART III

#### 3.0 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) NATIONAL ASSEMBLY BILL NO. 67 OF 2023

15. The Committee considered the proposed amendments to the Statute Law (Miscellaneous Amendments) National Assembly Bill No. 67 of 2023 on the Fisheries Management and Development Act No. 35 of 2016 as follows :
16. **Amend section 6 (1)**

**By deleting paragraph (a) and substitute therefor the following new paragraph—**

- (a) the Cabinet Secretary responsible for matters relating to fisheries, who shall be the chairperson

#### **Committee Observation**

The proposal seeks to provide that the Chairperson of the Council shall be the Cabinet Secretary (CS) responsible for fisheries.

#### **Committee Recommendation**

Agreed to proposed amendment

17. **Amend section 6 (3)** that provides that the chairperson of the Council shall be appointed by the President from persons nominated under clause (6) (2) not being a Cabinet Secretary, upon recommendation by the Cabinet Secretary responsible for fisheries.

By deleting 6 (3)

#### **Committee Observations**

The proposal seeks to provide that the Chairperson of the Council shall be the Cabinet Secretary (CS) responsible for fisheries.

#### **Committee Recommendation**

Agreed to proposed amendment



## PART IV

### 4.0 COMMITTEE OBSERVATIONS

18. Having considered the Bill the Committee made the following observations :
- i. The Fisheries Management and Development Act, 2016 establishes the Kenya Fisheries Advisory Council whose main function is to review and advise the national Government on policies in relation to the co-ordination of fisheries management.
  - ii. The Fisheries Management and Development Act, 2016 currently provides that the chairperson of the Council shall be appointed by the President from persons nominated under section (6)(2) not being a Cabinet Secretary, upon recommendation by the Cabinet Secretary responsible for fisheries.
  - iii. In this regard, the Chairperson may be appointed from amongst the representative from a university or research institution with expertise in fisheries nominated by the University council; representative from the consumer federation nominated by the national consumer federation; the designate from the Council of Governors with expertise in fisheries who shall be nominated by the Council of governors; or the representative of fisheries nominated by a national umbrella of body fisheries.
  - iv. The current provision on appointment of the Chairperson poses a governance challenge noting that the Council is mainly composed of Cabinet Secretaries.
  - v. The Bill consequently seeks to provide that Cabinet Secretary responsible for matters relating to fisheries shall be the Chairperson of the Council.

**PART V**

**5.0 COMMITTEE RECOMMENDATIONS**

Having considered the Bill the Committee recommends that the House **approves** the Second reading of the proposed amendments to the Fisheries Management and Development Act, 2016 as contained in Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023).



SIGNED .....

HON. BOWEN KANGO GO, M.P.

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION)

06/12/2023

DATE.....





REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - SECOND SESSION – 2022

MINUTES OF THE 54<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION HELD ON TUESDAY 5<sup>TH</sup> DECEMBER, 2023 AT THE LOUNGE, SMALL DINING, NEW WING, PARLIAMENT BUILDINGS AT 12.00 NOON

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**PRESENT**

1. Hon. Kemero Maisori Marwa Kitayama, MP - Vice- Chairperson
2. Hon. William Kamket, MP
3. Hon. Eng. Nzengu Paul Musyimi, MP
4. Hon. Tandaza Kassim Sawa, MP
5. Hon. Were Charles Ong'ondo, MP
6. Hon. Dorothy Muthoni Ikiara, MP
7. Hon. Nebart Bernard Muriuki, MP
8. Hon. Muiruri Muthama Stanley, MP
9. Hon. Mnyazi Amina Laura, MP

**APOLOGIES**

1. Hon. Bowen David Kangogo, MP - Chairperson
2. Hon. Chepkwony Charity Kathambi, MP
3. Hon. Buyu Rozaah Akinyi, MP
4. Hon. Gachagua George, MP
5. Hon. Eric Mwangi Kahugu, MP
6. Hon. Adow Mohamed Aden, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

1. Mr. Nicodemus Maluki Second Clerk Assistant
2. Ms. Ivy Kageha Third Clerk Assistant
3. Ms. Lynette Otieno Senior Legal Counsel
4. Dr. Benjamin Ngimor Senior Fiscal Analyst
5. Ms. Lillian Mburugu Media Relations Officer III
6. Ms. Veron Aluoch Research Officer III
7. Ms. Lilian Aluga Public Communications Officer III

**MIN.NO.DC/ BEW&I/182/2023: PRELIMINARIES**

The Vice- Chairperson called the meeting to order at twenty-five minutes past twelve o'clock and prayed. He thereafter welcomed Members and the Secretariat into the meeting and requested all present to make a self-introduction.

**AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson



3. Confirmation of Minutes/Matters Arising
4. **Agenda:**
  - i. **Consideration of the Statutes Law (Miscellaneous Amendments) Bill (No. 67 of 2023)**
  - ii. **Consideration of the Budget Implementation for FY 2022/23 Under the Purview of the Committee**
5. Any other Business
6. Adjournment/Date of the next meeting

**MIN.NO.DC/ BEW&I/183/2023:                    ADOPTION OF THE AGENDA**

The agenda was adopted after being proposed by Hon. Amina Mnyazi, MP and seconded by Hon. Eng. Paul Nzengu, MP respectively.

**MIN.NO.DC/ BEW&I/184/ 2023:                    CONFIRMATION OF PREVIOUS MINUTES**

This agenda item was deferred to the next meeting

**MIN.NO.DC/ BEW&I/185/2023:                    CONSIDERATION OF THE COMMITTEE REPORTS ON THE CONCLUDED INSPECTIONS VISITS TO THE KEY PROJECTS**

The Committee was taken through various reports of Sub- Committees on the concluded inspection/ site visits and suggested areas of improvement to the report for the Secretariat to incorporate and brief in the next meeting.

**MIN.NO.DC/ BEW&I/185/2023:                    CONSIDERATION OF THE STATUTES LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)**

The Legal Counsel took the Committee through the proposed amendments to the Statute Law (Miscellaneous Amendments) National Assembly Bill No. 67 of 2023 on the Fisheries Management and Development Act No. 35 of 2016 as follows:

**Amend section 6 (1)**

**By deleting paragraph (a) and substitute therefor the following new paragraph—**

- (a) the Cabinet Secretary responsible for matters relating to fisheries, who shall be the chairperson

**Committee Observation**

The proposal seeks to provide that the Chairperson of the Council shall be the Cabinet Secretary (CS) responsible for fisheries.

**Committee Recommendation**



Agreed to proposed amendment

**Amend section 6 (3)** that provides that the chairperson of the Council shall be appointed by the President from persons nominated under clause (6) (2) not being a Cabinet Secretary, upon recommendation by the Cabinet Secretary responsible for fisheries.

By deleting 6 (3)

#### **Committee Observations**

The proposal seeks to provide that the Chairperson of the Council shall be the Cabinet Secretary (CS) responsible for fisheries.

#### **Committee Recommendation**

Agreed to proposed amendment

**MIN.NO.DC/ BEW&I/186/2023:**

**ADOPTION OF THE COMMITTEE  
REPORT ON THE STATUTES LAW  
(MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILL NO. 67 OF  
2023)**

The Committee unanimously adopted the report with the following Observations and Recommendation

#### **Committee Observations**

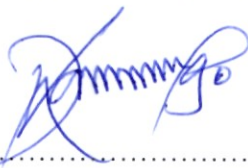
- i. The Fisheries Management and Development Act, 2016 establishes the Kenya Fisheries Advisory Council whose main function is to review and advise the national Government on policies in relation to the co-ordination of fisheries management.
- ii. The Fisheries Management and Development Act, 2016 currently provides that the chairperson of the Council shall be appointed by the President from persons nominated under section (6)(2) not being a Cabinet Secretary, upon recommendation by the Cabinet Secretary responsible for fisheries.
- iii. In this regard, the Chairperson may be appointed from amongst the representative from a university or research institution with expertise in fisheries nominated by the University council; representative from the consumer federation nominated by the national consumer federation; the designate from the Council of Governors with expertise in fisheries who shall be nominated by the Council of governors; or the representative of fisheries nominated by a national umbrella of body fisheries.
- iv. The current provision on appointment of the Chairperson poses a governance challenge noting that the Council is mainly composed of Cabinet Secretaries.
- v. The Bill consequently seeks to provide that Cabinet Secretary responsible for matters relating to fisheries shall be the Chairperson of the Council.

**Committee Recommendations**

Having considered the Bill the Committee recommended that the House **approves** the Second reading of the proposed amendments to the Fisheries Management and Development Act, 2016 as contained in Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023).

**MIN.NO.DC/ BEW&I/187/2023: ADJOURNEMENT**

There being no other business, the Chairperson adjourned the meeting at twenty- five minutes past one o'clock. The next meeting will be held on Thursday, 7<sup>th</sup> December, 2023.



Signed.....

**HON. BOWEN DAVID KANGOGO, MP  
(CHAIRPERSON)**

*06/12/2023*

Date.....