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SNA
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**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

PARLIAMENT
OF KENYA
LIBRARY

**REPORT ON THE CONSIDERATION OF THE FIRE AND RESCUE SERVICES
PROFESSIONALS BILL, 2023 (SENATE BILL NO. 55 OF 2023)**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 DEC 2025	DAY: THURSDAY
TABLED BY:	HON. LIZA CHELULE, MP VICE CHAIRPERSON REG. DEVT. COMMITTEE
CLERK AT FOOT-TABLE:	FINLAT

**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

NOVEMBER 2025

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LIST OF ABBREVIATIONS AND ACRONYMS

CFOA-K	-	Chief Fire Officers Association-Kenya
COG	-	Council of Governors
H.E.	-	His Excellency
KENFIBA	-	Kenya National Fire Brigades Association
KLRC	-	Kenya Law Reform Commission (KLRC).
ODM	-	Orange Democratic Movement
PAA	-	Pamoja African Alliance (PAA)
PS	-	Principal Secretary for matters relating to Special Programmes
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement

ANNEXURES

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Regional Development on the consideration of the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023).. The Bill was passed in the Senate on 5th December, 2024 and referred to the National Assembly for consideration pursuant to Article 110(4) of the Constitution. The Bill was then read in the National on 13th February, 2025 and referred to the Departmental Committee on Regional Development for consideration and reporting to the House, pursuant to Standing Order 127(1).

The Bill which is sponsored by Senator Mohammed Abass Sheikh, M.P., Senator for Wajir seeks to establish a regulatory and institutional framework for fire and rescue services professionals and provide for their registration, licensing, and training. It also aims to provide uniform professional standards for the regulation of fire and rescue services professionals across all counties.

Pursuant to Article 118(1)(b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the "Daily Nation" and the "Standard" newspapers on 19th February, 2025, inviting interested members of the public to submit any representations they may have on the Bill. The Committee received written submissions from the Kenya Law Reform Commission (KLRC).

Further, in consideration of the Bill, the Committee held a total of four (4) meetings to receive and consider submissions from the Office of the Attorney General, the State Department for Special Programmes, the Kenya National Fire Brigades Association, and the Chief Fire Officers Association-Kenya (CFOA-K).


The Committee, having considered the Bill clause by clause and taking into consideration the views and recommendations of the stakeholders, made observations and recommendations contained in sections 4.0 and 5.0 of this Report.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, and the Clerk of the National Assembly, Director, Departmental Committees, and the Committee Secretariat for the technical and logistical support extended during the consideration of the Bill.

I acknowledge and appreciate the Members of the Committee for their diligence and commitment, which enabled the Committee to effectively undertake its legislative mandate.

On behalf of the Departmental Committee on Regional Development and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Regional Development on the consideration of the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023).


HON. PETER LOCHAKAPONG, MP
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Regional Development is one of the 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 analyse 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 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to oversee:
 - (a) Regional development, including regional development authorities;
 - (b) Refugee affairs;
 - (c) Devolution;
 - (d) Inclusive growth;
 - (e) Arid and semi-arid areas;
 - (f) Disaster risk management;
 - (g) Drought, famine, and disaster response; and
 - (h) Post-disaster recovery and rehabilitation.
3. In executing its mandate, the Committee oversees the State Department for the ASALS and Regional Development, the State Department for Devolution, the State Department for Special Programmes, and the Department of Refugee Affairs.

1.3 Committee Membership

4. The Departmental Committee on Regional Development was first constituted by the House on Thursday, 27th October 2022, and further reconstituted on 6th March 2025, and comprises of the following Members:

Chairperson

Hon. Lochakapong Peter, M.P.
Sigor Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Liza Chelule, M.P.
Nakuru County Woman Representative
United Democratic Alliance (UDA)

Members

Hon. Sudi Oscar Kipchumba, M.P.
Kapseret Constituency
United Democratic Alliance (UDA)

Hon. Mawathe Julius Musili, M.P.
Embakasi South Constituency
Wiper Democratic Movement–Kenya

Hon. Kalasinga Joseph Majimbo, M.P.
Kabuchai Constituency
Ford-Kenya Party

Hon. Nabulindo Peter Oscar, M.P.
Matungu Constituency
Orange Democratic Movement (ODM)

Hon. Munyoro Joseph Kamau, M.P.
Kigumo Constituency
United Democratic Alliance (UDA)

Hon. Njeru Pamela Njoki, M.P.
Embu County Women Representative
United Democratic Alliance (UDA)

Hon. Maina Mwago Amos, M.P.
Starehe Constituency
Jubilee Party

Hon. Abdi Khamis Chome, M.P.
Voi Constituency
Wiper Democratic Movement–Kenya

Hon. Tungule Charo Kazungu, M.P.
Ganze Constituency
Pamoja African Alliance (PAA)

Hon. CPA Geoffrey Wandeto, M.P.
Tetu Constituency
United Democratic Alliance (UDA)

Hon. Paul Abuor, M.P.
Rongo Constituency
Orange Democratic Movement (ODM)

Hon. Umul Ker Kassim Sheikh, M.P.
Mandera County Women Representative
United Democratic Movement (UDM)

Hon. Basil Robert Ngui, M.P.
Yatta Constituency
Wiper Democratic Movement–Kenya

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Mohamed Boru
Clerk Assistant I/Head of Secretariat

Mr. Sisto Macharia
Clerk Assistant III

Ms. Agnes Ibara
Hansard Reporter II

Mr. Moses Mwariri
Legal Counsel II

CPA. Cyrille Mutali
Fiscal Analyst II

Ms. Rose Tabuke
Research Officer III

Ms. Mwanasha Juma
Assistant Sergeant-at-Arms

Ms. Deborah Mupusi
Media Relations Officer II

Mr. Kelvin Lengasi
Audio Officer II

Mr. Jared Onyancha
Public Communication Officer III

CHAPTER TWO

2.1 OVERVIEW OF THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE BILL NO. 55 OF 2023)

6. The Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023) is a Senate Bill published in the Kenya Gazette No. 239 of 2023. The Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals and provide for their registration, licensing, and training. It also aims to provide uniform professional standards for the regulation of fire and rescue services professionals across all counties.
7. The term “Fire and Rescue Services Professional” means a person registered under section 17 of the Bill.
8. The Bill provides for the establishment of a Board which shall consist of a non-executive Chairperson appointed by the President; Principal Secretaries for matters relating to fire and rescue services, finance, technical and vocational education and training; three persons nominated by the Council of Governors and four other persons nominated by professional firefighters, emergency responders and private sector organizations. A Registrar shall be appointed, who will be the secretary to the Board.
9. The functions of the Board shall include among other things; protect public interest by ensuring that members observe highest standards of professional and ethical conduct; advise the national and county governments on fire prevention and fire and rescue services matters; license and regulate fire and rescue services professionals; and register fire and rescue services professionals who meet the required professional requirements. Further the Board shall supervise and discipline fire and rescue services professionals and develop a code of conduct for fire and rescue services professionals in Kenya.
10. The qualifications and procedure for application, registration and issuance of a certificate as a fire and rescue services professional and grounds for disqualification for registration or removal have been provided for in the Bill. It is further stated that no person shall practice as a registered fire and rescue services professional unless the person has been issued with a practicing certificate.
11. Professional misconduct has been provided for and complaints and disciplinary procedures by the Board have been established. The Bill further provides for the source of funds and consequently obligates the Board to prepare the estimates of revenue and expenditure of the Board, before the commencement of the financial year to which they relate.
12. A person who willingly procures or attempts to procure registration and licensing under the provisions of the Act commits an offence and shall be liable upon conviction to a fine of not more than two hundred thousand shillings or to imprisonment to a term not exceeding three years or both.
13. Further, a person who is in charge of a training institution which is not recognised by the Board as an institution registered or seeking registration and admits or purports to be conducting a course or training or examination of persons commits an offence and shall

be liable upon conviction to a fine of one million shillings or to imprisonment to a term not exceeding three years or both.

14. The Bill provides for a transition clause and stipulates that within twelve months of the commencement of the Act, a person practising as a fire and rescue services professional and holds the prescribed academic qualifications shall apply for registration, and a person who does not hold the prescribed academic qualifications for registration shall comply with the requirements of the Act.

REVIEW OF THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2025

15. The Fire and Rescue Services Professionals Bill, 2023 is a Bill originating from the Senate sponsored by Senator Mohammed Abass Sheikh, M.P., Senator for Wajir County. The Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals and provide for their registration, licensing, and training. It also aims to provide uniform professional standards for the regulation of fire and rescue services professionals across all counties. The Bill is divided into seven (7) parts composed of (37) clauses, one Schedule, and contains the following provisions—
16. **Part 1 of the Bill** consists of preliminary provisions. Clauses 1-2 of the Bill contain the short title and the interpretation clause. The interpretation clause provides for the definition of terms used in the Bill, including the Board, Cabinet Secretary, fire and rescue services consulting firm, fire and rescue services professional, private fire brigade firm, Register, and the Registrar. Clause 3 provides for the objects of the Bill which are to –
- (a) provide a framework for standards for professional practice and their enforcement;
 - (b) facilitate the delivery of quality fire and rescue professional services;
 - (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
 - (d) protect the public from unethical professional practice in fire and rescue services; and
 - (e) promote the realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters, and calamities.
17. **Part II of the Bill** provides for administration. Clause 4 of the Bill establishes a Board known as the Fire and Rescue Services Professionals Board which shall be a body corporate with perpetual succession and a common seal capable of suing and being sued; taking, purchasing, holding, charging, or disposing of movable and immovable property; receiving, borrowing, and lending money; entering into contracts; and doing or performing all such other things or acts necessary for the proper performance of its functions under the Act, which may lawfully be done or performed by a body corporate.
18. Clause 5 of the Bill provides for the composition of the Board. The Bill provides that the Board shall comprise –
- (a) a non-executive Chairperson who shall be appointed by the President;

- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
 - (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary,
 - (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
 - (e) three persons nominated by the Council of County Governors;
 - (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
 - (g) one person nominated by the umbrella body of emergency responders in Kenya;
 - (h) one person representing private sector organizations in Kenya; and the registrar who is an ex-officio member.
19. The Bill further provides that persons nominated by the Council of Governors, the association representing the largest number of professional firefighters in Kenya, the person nominated by the umbrella body of emergency responders and private sector organizations shall all be appointed by the Cabinet Secretary by notice in the *Gazette*.
20. Clause 6 provides that the headquarters of the Board is situated in Nairobi, while Clause 7 provides for the functions of the Board. The functions of the Board shall include —
- (a) protect the public interest by ensuring that its members observe the highest standards of professional and ethical conduct;
 - (b) advise the National and County Governments on fire prevention and fire and rescue services matters;
 - (c) collaborate with fire and rescue services training institutions, professional associations, fire brigade organizations, and other relevant bodies in matters relating to the training and professional development of fire and rescue services professionals;
 - (d) license and regulate fire and rescue services professionals in Kenya;
 - (e) register fire and rescue services professionals in Kenya;
 - (f) supervise and discipline fire and rescue services professionals in Kenya;
 - (g) develop a code of conduct for fire and rescue services professionals in Kenya;
21. Clause 8 of the Bill provides for the powers of the Board. It provides that the Board shall have powers as necessary for the proper discharge of its functions.
22. Clause 9 of the Bill gives the Board the power to establish committees consisting of such number of persons as the Board may deem appropriate to perform its duties and functions. The Bill requires that the Board shall appoint the chairperson of the committees

from among its members, and may, where it considers appropriate co-opt persons from outside the members of the Board to be members of the Committees.

23. Clause 10 of the Bill provides for the delegation of powers by the Board. It provides that by resolution the Board may delegate to any committee of the Board or any member, officer employee, or agent of the Board the exercise of any of the functions and duties.
24. Clause 11 of the Bill provides that the conduct and business affairs of the Board shall be in accordance with the Schedule.
25. Clause 12 of the Bill provides for the tenure and vacation of office. The Bill provides that a member of the Board except the ex-officio member shall hold office for a term of three years but shall be eligible for one further term. However, the Bill provides that a member may be removed from office by the Cabinet Secretary on the recommendation of the Board if the member has been convicted of a criminal offence or sentenced for a term of six months without an option of fine or ceases to be a registered person under the Act. The Bill further provides that a person may be removed if they have been absent from three consecutive meetings of the Board, or the person is incompetent or otherwise resigns from office in writing to the Cabinet Secretary.
26. Clause 13 of the Bill provides that the Board shall pay its member's such remuneration or allowances as the Cabinet Secretary in consultation with the Salaries and Remuneration Commission may determine.
27. Clause 14 of the Bill provides for the appointment of the Registrar. The Bill provides that the Registrar shall be competitively recruited by the Board and appointed by the Cabinet Secretary. The Bill further requires that the Registrar shall hold office for such period of term as the Board may determine and that the Registrar shall be the chief executive officer responsible for the day-to-day management of the Board. In addition, the Bill provides that a person shall not be appointed as a Registrar unless the person—
 - (a) is registered as a fire and rescue services professional;
 - (b) is of good professional standing;
 - (c) has a degree recognized in Kenya in fire management or fire rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health, and physical planning;
 - (d) have at least ten years of experience in the field of fire and rescue, five years of experience in leadership in the public or private sector,
 - (e) has knowledge and experience in policy formulation; and
 - (f) meets the requirements of Chapter Six of the Constitution.
28. Clause 15 of the Bill provides for the functions of the Registrar. The Bill provides that the Registrar shall—
 - (a) maintain the Register of persons registered in accordance with this Act;
 - (b) sign, issue, renew, and cancel certificates of registration and licenses as may be directed by the Board;

- (c) keep all documents and records including records of all assets of the Board; prepare all documents due for *gazettement* as directed by the Board;
- (d) take and keep minutes of the Board meetings;
- (e) enforce decisions of the Board; keep the seal of the Board in such custody as the Board may direct;
- (f) in consultation with the Board, be responsible for the affairs and transactions of the Board;
- (g) be responsible for the management of the staff of the Board;
- (h) manage the budget of the Board to ensure that its funds are properly expended and accounted for; and
- (i) exercise and perform any other functions which the Board may determine from time to time.

29. Clause 16 of the Bill provides for limitation of liability. It provides that a member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the functions or exercising the powers conferred upon the Board under the Bill. Further, the Bill provides that the Board shall not be relieved its liability to pay compensation to any person for any injury caused as a result of the exercise of any power conferred by the Act.

30. **Part III of the Bill** provides of the registration of fire and rescue services professionals. Clause 17 of the Bill provides for the registration of fire and rescue services professionals. The Bill provides that a person shall not practice as a Fire and Rescue Service professional, manage a fire and rescue services consulting firm, or provide fire and rescue consultancy and advisory services unless the person is registered in accordance with this Act. Further, the Bill provides that to practice as a fire and rescue service professional, the same shall include—

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

31. Clause 18 of the Bill provides that a person shall be qualified as a fire and rescue services professional if the person has a degree, diploma, or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign Institution and has undertaken and received practical and experiential learning in fire and rescue service practice for a period.

32. Clause 20 of the Bill provides for the registration of the Fire and Rescue Services Consulting Firm. The Bill provides that a person may register a fire and rescue services consulting firm if the firm has a certificate of registration of a business name or a certificate of incorporation and has at least one partner or principal shareholder who is registered as

a fire and rescue services professional. Further, the Bill provides that the Board may register fire and rescue services consulting firms in different categories and disciplines based on the criteria as shall be established by the Board.

33. Clause 21 of the Bill provides for the consideration of the application for registration. The Bill requires that the Registrar shall bring before the Board every application for consideration and that the decision of the Board on an application for registration shall be communicated in writing to the applicant by the Registrar within 21 working days from the date of such decision. The Bill further requires that a person who has complied with the provisions of the act be registered and issued with a certificate bearing the seal of the Board.
34. Clause 23 of the Bill provides for the custody of the Register. It provides that the Registrar shall keep and maintain a Register of all registered persons and firms in such a manner as the Board may prescribe. The Bill further provides that any person may inspect the Register and obtain from the Registrar a copy of or an extract from the Register, on payment of a prescribed fee.
35. Clause 24 of the Bill provides that the Registrar may alter or make changes to the Register, which shall be made after receiving the authenticated notification.
36. Clause 25 of the Bill provides for the removal of persons from the Register. It provides that the Registrar shall remove from the Register the name of any person found to be of unsound mind; a person who requests that his name be removed from the register; a person convicted of an offence, declared bankrupt, whose registration has been revoked through a disciplinary process and whose name has been fraudulently entered in the Register.
37. **Part IV of the Bill** provides for the Financial Provisions. Clause 26 sets out that the funds of the Board shall consist of—
 - (a) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or performance of its functions under this Act;
 - (b) such monies as may be payable to the Board under this Act or any other written law;
 - (c) donations, gifts, and endowments from lawful organizations or sources;
 - (d) proceeds of any investments by the Board; and
 - (e) grants.
38. Clause 27 of the Bill provides for the preparation of annual estimates. It provides that at least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure for that financial year. The Bill further provides that the estimates shall make provisions for all estimated expenditure of the Board which shall include among others payment of allowances of the Board and the members of the Board.
39. Clause 28 of the Bill provides that the Board shall cause to be kept, proper books of account, assets, and other liabilities of the Board. The Bill requires that the Board shall

submit to the Auditor-General the accounts of the Board within three months after the end of each financial year.

40. **Part V of the Bill** provides for offences and penalties. Clause 29 of the Bill provides for false registration and licensing. The Bill proposes that any person who willfully procures or attempts to procure registration by making false or fraudulent representation or declaration commits an offence and shall be liable upon conviction to a fine not exceeding two hundred thousand or to imprisonment for a term not exceeding three years or both. The Bill further proposes that where an offence has been committed by a legal person, that legal person shall be liable on conviction to a fine of not less than five hundred thousand shillings.
41. Clause 30 of the Bill provides for offences relating to professional misconduct. The Bill proposes that a person who is licensed as a fire and rescue services professional commits an offence of professional misconduct if that person—
 - (a) deliberately fails to follow the standards of conduct and practice of the fire and rescue services profession set by the Board;
 - (b) commits gross negligence in the conduct of his professional duties;
 - (c) allows another person to practice in his name, where that person—
 - (i) is not registered or a holder of a license under this Act;
 - (ii) takes advantage of any person by abusing their position of trust, expertise, or authority;
 - (iii) lacks regard or concern for the client's needs or rights; or
 - (iv) shows incompetence or inability to render professional fire and rescue services;
42. The Bill further requires that a person who commits an offence under this clause, shall be de-registered, or suspended and his name removed from Register for such a period as the Board may determine.
43. Clause 31 of the Bill provides for offences by persons or training institutions. The Bill proposes that a person in charge of an institution which is not recognized by the Board as an institution registered or seeking registration under the Bill commits an offence and is liable upon conviction to a fine of one million shillings or to imprisonment for a term not exceeding three years, or both.
44. Clause 32 of the Bill provides for the prohibition of the use of the term “fire and rescue services professional by unregistered persons. The Bill requires that the term fire and rescue services professional” and “fire and rescue services consultant” are protected under the Act and shall only be applied to persons or bodies fulfilling the requirements of the Act.
45. Clause 33 of the Bill provides for the prohibition of employment of unregistered persons. It requires that a person shall not employ or continue to employ any person to offer professional fire and rescue services if that person is not registered under the Bill. The Bill further provides that a person who contravenes the above provision commits an offence.

46. **Part VI of the Bill** provides for complaints and discipline by the Board. Clause 34 of the Bill provides for complaints and disciplinary proceedings of the Board. The Bill provides that a person who is dissatisfied with any professional fire and rescue services offered or alleging a breach of the standards of conduct may make a written complaint to the Board. The Bill further provides that where the Board is satisfied that any person registered or licensed has committed an offence or is guilty of negligence, the Board may direct that the name of such person be removed from the Register or issue a written warning or reprimand. The Bill further provides that the person whose conduct is being inquired into shall be accorded an opportunity to be heard.
47. Clause 35 of the Bill provides for an appeal mechanism. The Bill provides that a person who aggrieved by the decision of the Board may appeal to the High Court within thirty days from the date of the Board's decision. The Bill further provides that the High Court may either annul or vary the decision as it considers necessary.
48. Clause 36 of the Bill provides provisions relating to delegated powers. For the purposes of Article 94(6) of the Constitution, the purpose and objective of delegation is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of the Act.
49. Clause 37 of the Bill provides for transition provisions. The Bill provides that a person who before the date of commencement of the Act, was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under the Act shall have one year to comply with the requirements of the Act. The Bill further provides that a person who before the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications shall apply for registration within one year of coming into force of the Act.
50. **The Schedule to the Bill** provides for provisions as to the conduct of business and affairs of the Board. It gives effect to Clause 11 of the Bill. The Schedule proposes that the Board at its first meeting shall elect a vice-chairperson from among its members and that the Board shall meet at least four times in each financial year and not more than four months shall elapse between one meeting and the next meeting. The quorum for conduct of business of the Board shall be six members and the decision of the Board shall be by a majority of votes, with the presiding person having the casting vote. Further, the Schedule provides for a declaration of conflict of interest where a member or a staff of the Board is required to declare personal interests that conflict with their official duties.

CHAPTER THREE

3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

3.1 Committal of the Bill

51. The Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023) was read a First time in the National Assembly on 13th February, 2025, and referred to the Departmental Committee on Regional Development to facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in a sector; and
- (d) consulting experts on technical subjects.

3.2 Public Participation on the Bill

52. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the “Daily Nation” and the “Standard” newspapers on 19th February, 2025 inviting members of the public to submit memoranda on the Bill. The Committee received and considered written submissions from the Kenya Law Reform Commission (KLRC).

53. Further, in considering the Bill, the Committee held a total of four (4) meetings to receive and consider submissions from the Office of the Attorney General, the State Department for Special Programmes, the Kenya National Fire Brigades Association, and the Chief Fire Officers Association-Kenya (CFOA-K).

3.3 Submissions by the State Department for Special Programmes

Mr. Ismail Maalim, the Principal Secretary in the State Department for Special Programmes, appeared before the Committee on 2nd September, 2025 to make submissions on the Bill.

54. The Committee was informed that Kenya does not have a national law that sets up and regulates fire as a disaster. The State Department for Special Programmes proposed the following amendments to the Bill:-

55. **Clause 2**

Amend the definition of “fire and rescue services professional” by refining it to clearly incorporate Disaster Risk Management (DRM) competencies as follows: “fire and rescue services professional” means a person who is duly trained, registered, and licensed under this Act to provide fire suppression, rescue, emergency response, and related services, and who possesses recognized competencies in disaster risk management, including prevention, preparedness, mitigation, response, and recovery capabilities.”

Justification: This would enable professionals to handle multi-hazard emergencies, covering prevention, preparedness, response, and recovery; align the Bill with global standards, including the Sendai Framework for Disaster Risk Reduction (2015–2030); and assist regulators to set consistent training, accreditation, and licensing standards.

Amend the definition of “Disaster Risk Management (DRM) Competencies” to mean:

“The skills, knowledge, and qualifications required of fire and rescue services professionals to undertake DRM tasks, including fire risk assessment, incident command, multi-agency coordination, search and rescue, and rapid needs assessment.”

Justification: By defining “Disaster Risk Management (DRM) competencies”, the Bill specifies the DRM skills and knowledge required of fire and rescue professionals thus ensuring that professionals can manage fire-related disasters effectively.

Clause 5

56. On Clause 5, the State Department recommended an amendment to include the Principal Secretary in the Ministry responsible for matters relating to Internal Security in the composition of the Board.

Justification: Including the Ministry would ensure that fire and rescue operations adequately integrate security measures, enhance inter-agency coordination during emergencies and safeguard both people and property in disaster situations.

Clause 6

57. On Clause 6, the State Department for Special Programmes recommended provision for the establishment of county or regional liaison offices of the Board to facilitate licensing, compliance monitoring, and coordination with county governments.

Justification: Decentralizing the Board’s operations would improve responsiveness and ensure equitable access to regulatory services across all counties.

Clause 7

58. On Clause 7, they recommended that the functions of the Board be expanded to include—

- (a) establishment and maintenance of a national fire and rescue training institution for the development of professional skills, certification, and continuous capacity building of fire and rescue personnel in collaboration with relevant stakeholders;
- (b) ensuring the integration of fire and rescue services into the broader disaster risk management framework at national and county levels;
- (c) coordinating with the National Disaster Risk Management agencies and other relevant agencies to ensure integration of fire and rescue services within the national disaster risk management frameworks;
- (d) setting minimum operational standards, incident command structures, safety protocols, and multi-agency response mechanisms for fire and rescue services;
- (e) prescribing, approving, and regulating fees chargeable by fire and rescue professionals; publishing fee schedules in the Gazette; conducting annual reviews in consultation with the Cabinet Secretary and National Treasury; and enforcing compliance by imposing penalties on professionals or institutions that charge unapproved fees.

Justification: These provisions would ensure uniform training standards, enhance professionalism, build a competent, well-coordinated workforce, avoid fragmented emergency response, strengthen inter-agency collaboration, ensure consistent response

quality, and align professional fees with fairness, transparency, and protection of the public from exploitation.

59. The State Department further recommended the addition of a clause empowering the Board to appoint staff or second personnel from relevant government institutions, with terms of service set in consultation with the appropriate government agencies.

Justification: Granting the Board explicit authority to appoint staff would ensure it had the administrative and technical capacity to perform its functions effectively and align with best practices in governance of regulatory bodies.

Clause 18

60. On Clause 18, they recommended an amendment to allow registration of individuals with proven practical experience in fire and rescue operations, including volunteers, subject to assessment or competency-based certification by the Board.

Justification: This would ensure that skilled practitioners and committed volunteers were not excluded, promote inclusivity, retain valuable human resources, and enhance operational capacity in fire and rescue services.

Clause 25

61. On Clause 25, the State Department recommended an amendment to expressly include “dies” as one of the circumstances under which a person could be removed from the register, and further recommended deletion of bankruptcy as a ground for removal from the register.

Justification: Adding “dies” would ensure the register remained current and accurate by providing for automatic removal in case of death, while removal of bankruptcy would protect qualified professionals from unfair exclusion due to financial hardship unrelated to their work.

62. The State Department further recommended that the Board collaborate with relevant disaster risk management authorities in the certification of fire and rescue professionals.

Justification: This would align certification standards with national DRM frameworks, enhance inter-agency coordination and ensure that certified professionals were fully prepared to operate within the broader disaster response system.

63. In addition, the State Department for Special Programmes recommended the addition of a clause setting out the statutory duties of fire and rescue professionals, such as adherence to professional standards, compliance with safety protocols and observance of ethical and operational codes.

Justification: Defining statutory duties would ensure accountability, promote professionalism and provide a legal basis for enforcing discipline and maintaining high standards of service delivery nationwide.

64. They also recommended the addition of a clause granting indemnity to fire and rescue professionals for acts or omissions done in good faith, without gross negligence or misconduct, during emergency response operations.

Justification: Providing legal protection would encourage responders to act decisively in emergencies without fear of personal liability, align the Bill with best practices for emergency services, and ensure public safety was prioritized during disasters.

Part IV – Financial Provisions (Clause 26)

65. On this Part, the State Department recommended the addition of a sub-clause providing that any money appropriated by Parliament should form part of the Board's funds.
66. **Justification:** Express inclusion of parliamentary appropriations would secure predictable funding for the Board, ensure uninterrupted implementation of its mandate, and strengthen accountability in resource management.

Part V – Offences and Penalties

67. On Clause 31, they recommended an amendment to empower the Board to review, monitor, and enforce compliance by training institutions, including suspending or revoking accreditation where institutions failed to meet required curriculum standards.

Justification: This would safeguard the quality of professional training, uphold the integrity of certification and ensure that the professionals met uniform national competency requirements.

68. On Clauses 32 and 33, they recommended an amendment to include specific penalties for breaches, such as fines, suspension, or cancellation of licenses and certificates.

Justification: Including clear penalties would deter non-compliance, enhance accountability of fire and rescue professionals and training institutions, and ensure effective enforcement of the law.

Part VI – Complaints and Discipline (Clause 34 and related provisions)

69. The State Department recommended an amendment to Clause 34 to expressly authorize the Board to initiate investigations on its own motion, in addition to acting on formal complaints.

Justification: Granting the Board this mandate would strengthen regulatory enforcement, allow early detection of malpractice and enhance accountability in the fire and rescue profession.

70. They further recommended provision of a sub-clause specifying the period within which the licence or certificate must be surrendered and requiring the Board to publish in the Kenya Gazette all cancelled licences or certificates.

Justification: Gazettement would provide an official public record and prevent unauthorized practice using invalid credentials thus enhancing regulatory enforcement.

71. They recommended inclusion of a provision expressly defining the nature and extent of disputes the Board could handle.

Justification: Clarifying the Board's dispute-resolution jurisdiction would prevent overlaps with other regulatory or judicial bodies, ensure legal certainty and streamline resolution of sector-specific matters.

72. They further recommended provision of statutory timelines for filing complaints with discretion for extensions in justified cases and clear timelines for the Board to investigate and resolve complaints.

Justification: Establishing timelines for both lodging and resolving complaints would promote procedural fairness, prevent indefinite exposure to liability, enhance confidence in the regulatory framework, and ensure accountability through efficient decision-making.

Part VII – Miscellaneous Provisions

73. On Clause 37 (Transitional provisions), the State Department recommended introduction of a clause requiring the Board to oversee all personnel operating under transitional arrangements by conducting interim vetting, issuing temporary permits or mandating supervised practice until full registration and certification took effect.

Justification: The Board oversight would ensure that only competent personnel delivered services during the transition thus safeguarding public safety.

74. On the Schedule, they recommended replacement of every instance of the word “Secretary” with “Registrar.”

Justification: Ensuring consistent terminology would avoid confusion, align with the structure of the Bill and clearly identify the responsible office

Constitutionality Issues (Clauses 2 and 22)

75. The State Department recommended amendment of the definition of “private fire brigade firm” to remove “licensing by County Government.”
76. They further recommended the deletion of the provision in Clause 22 that required professionals to obtain trade licenses from the respective county governments.

Justification: Paragraph 7(b) of Part 2 of the Fourth Schedule of the Constitution excludes the regulation of professionals by Counties. The definition of “private fire brigade firm” and the provisions of Clause 22 were therefore unconstitutional since whenever a profession is governed by a specific national law or licensing body, county governments could not charge trade licences or single business permit fees to those practitioners.

77. In conclusion, the State Department stated that its review of the Fire and Rescue Professionals Bill, 2023, highlighted significant gaps that undermine its ability to establish an effective, professional, and accountable fire and rescue framework in Kenya namely:

- (a) Lack of a unified national law treating fire as a distinct disaster risk;
- (b) Inadequate clarity on professional duties;
- (c) Insufficient oversight mechanisms;
- (d) Limited powers of the Board;
- (e) Absence of operational standards;
- (f) Gaps in training regulation;
- (g) Weak enforcement provisions; and
- (h) Inadequate integration with the broader disaster risk management systems.

78. To address these shortcomings, the State Department proposed the following amendments to the Bill:

- (a) establish a comprehensive legal framework aligned with national disaster risk management systems and global standards;
- (b) strengthen the Board's mandate in regulation, enforcement, training, fee control, and staffing;
- (c) ensure decentralization to improve service delivery;
- (d) Provide clear professional duties, statutory indemnity, and strict certification requirements; and
- (e) introduce timelines, penalties, and proactive oversight measures to ensure compliance and accountability.

79. The State Department noted that implementing these recommendations would create a coherent and robust legal and institutional framework, improve professionalism, enhance coordination across agencies and levels of government, and ensure public safety.

3.4 Submissions by the Office of the Attorney General

80. Representatives from the Office of the Attorney General appeared before the on.... Committee and submitted as follows—

81. **Clause 2 (Definition).** The Office of the Attorney General recommended deletion of the term “*volunteer firefighter*” from the definition of *fire rescue services professional*, since volunteers are not ordinarily considered as professionals.

82. **Clause 5 - Membership of the Board.** They proposed that the Chairperson of the Board should be appointed by the President, not the Cabinet Secretary, to align with the State Corporations Act and the Mwongozo Code of Governance.

83. Proposed deletion of Clause 5(d) as Clause 5(b) already covers the responsible ministry.

84. Recommended inclusion of the Office of the Attorney-General in the membership of the Board, to align with the State Corporations Act and the Mwongozo Code of Governance.

85. **Clause 7 - Functions of the Board.** Proposed functions relating to the regulation of professionals to be listed first to reflect the principal object of the Bill.

86. **Clause 8 - Powers of the Board.** The Current provision is too general. The Office recommended breaking down the powers to ensure specificity and alignment with governance codes.

87. **Clause 9 - Committees of the Board.** Suggested clarity on whether co-opted members have voting rights, as this would ensure proper governance on the conduct of affairs of the Board.

88. **Part II - Establishment of the Board.** The Bill does not provide for the appointment of staff or a Corporation Secretary despite referencing salaries and governance. Recommended explicit provisions on both for efficient management of the functions of the Board.

89. **Clause 17 - Registration of Professionals.** Proposed for the definition of the term “*fire and rescue service consultant*” for ease of interpretation.

90. **Clause 26 - Funds of the Board.** Recommended inclusion of Parliamentary appropriations as a source of funds for the Board, since the Bill is establishing a corporation.
91. **Clause 27 - Annual Estimates.** Identified an editorial error with repeated words (“*payment of allowances of the members of the Board*”). Recommended deletion of the repeated words.
92. On being asked by the Committee whether the regulation of the Fire and Rescue Services Professionals Bill falls within the mandate of the national government or county governments, the Office of the Attorney General submitted that the regulation of professionals is an exclusive function of the national government. However, they noted that the question about the originality of the Bill is subject to the concurrence of Speakers of both Houses.

3.2 Submissions by the Chief Fire Officers Association

The Chairperson of the Chief Fire Officers Association, Mr. Samuel Kahura, accompanied by policy analyst, Mr. Kiragu Wachira, appeared before the Committee and submitted that:

Clause 2

93. That Clause 2 of the Bill be amended as follows—
- 1) By deleting the words “and disaster risk management” in the definition of the term “Cabinet Secretary”—
 - 2) By inserting a definition of the term “Institute” as follows—
“Institute” means the Institute of Fire and Rescue Service Professionals” established under section 26;

Justification- Administration of the Bill should be placed specifically under the Cabinet Secretary responsible for fire and rescue services. Fire and rescue services is not the same as disaster management hence the two fields should not be included together in assigning the administration to the Cabinet Secretary. There is proposed establishment of the Institute, hence the need to provide for definition of the term. This memorandum proposes the establishment of the Institute of Fire and Rescue Professionals. The Bill should define the term.

Clause 3

94. That clause 3 of the Bill be amended by inserting the following new paragraphs after paragraph (e) as follows—
- (f) promote development and advancement of knowledge in the field of practice for fire and rescue service; and
 - (g) to provide for institutional framework for representation and participation of fire and rescue professionals to participate.

Justification- Pursuant to the proposed establishment of the Institute of Fire and Rescue Professionals, the additional two objectives are necessary. In addition, the Bill should create a framework for the advancement of the fire and rescue profession and practice.

Clause 5

95. That clause 5 of the Bill be deleted and substituted therefor as follows—

- (a) In paragraph (e), by deleting the word “three” and substituting therefor the words “two” and by adding the words
“Provided that such persons shall be qualified on matters fire and rescue services, disaster management, engineering, medicine, physical planning, public safety or any other related matter”.
- (b) By deleting paragraph (f) and substituting therefor the following—
 - (f) two persons nominated by the Institute.
- (c) In paragraph (h) by inserting the words “providing fire and rescue services, appointed the Cabinet Secretary from among persons nominated by the private sector organizations” after the word “organization”.
- (d) In paragraph (g) by inserting the words “appointed by the Cabinet Secretary” after the word “Kenya”
- (e) By inserting a new paragraph (i) and renumbering the subsection accordingly as follows—
 - (i) one person who is a professional and an expert in matters related to fire and rescue services, who is not a public officer.
- (f) In paragraph (i) by inserting the words “and shall be the secretary to the Board” after the word “member”
- (g) By inserting a new subsection (3), (4) and (5) as follows—
 - (3) For a person to be appointed as a chairperson, the person shall —
 - (a) hold at least a bachelor’s degree in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification from a recognised institution;

- (b) hold at least a diploma in fire management or fire and rescue management from a recognized institution or its equivalent, where a person is not a holder of a Bachelor's degree in Fire and Rescue management or its equivalent;
- (c) be a member of the Institute in good professional standing;
- (d) have at least ten years experience in leadership in public or private sector;
- (e) meet the requirements of Public Officer and Ethics Act; and
- (f) not be an office bearer in any political party.

(4) For a person to be appointed under subsection 1 (f), the person shall –

- (a) hold at least a bachelor's degree in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification from a recognised institution;
- (b) hold at least a diploma in fire management or fire and rescue management from a recognized institution or its equivalent, where a person is not a holder of a Bachelor's degree in Fire and Rescue management or its equivalent;
- (c) be a member of the Institute in good professional standing;
- (d) have at least five years experience in leadership in public or private sector;
- (e) meet the requirements of Public Officer and Ethics Act; and
- (f) not be an office bearer in any political party.

(5) For a person to be appointed under subsection (1) (g), (h) and (i) the person shall–

- (a) hold at least a bachelor's degree in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other

- equivalent qualification from a recognised institution;
- (b) hold at least five years experience in leadership in public or private sector;
- (c) be in good professional standing with the relevant professional body
- (d) meet the requirements of the Public Officer Ethics Act; and
- (e) not be a holder of an office of a political party.

Justification

The Board, being a professionals' regulatory board should align to the best practices for such Boards. The membership of the professional body i.e. the Institute should be a member of the Board with substantial representation. A private association cannot be deemed to be a representative of the professionals. The best practice is to have the Institute, which is created under the act as proposed in this memorandum, and which will have the statutory mandate to manage professional practice matters.

Further, it is necessary that the Bill provide for the required professional qualifications for Board members who are not public or state officers. A representation of two members from the Council of Governors is sufficient. There is a need to include a professional who is an expert in matters related to fire and rescue services and who is not a public officer. This will enhance the regulatory mandate of the Board.

The Bill should expressly provide that the Registrar will be the secretary of the Board.

Clause 7

96. That Clause 7 of the Bill be amended as follows –

- (a) by deleting paragraphs (a), (b), (f), (h) and (j)
- (b) in clause (g) by deleting the word “develop” and substitute with the word “approve”

Justification

The Board should be responsible specifically for core regulatory matters such as registration and licensing of members and standards setting. The proposed Institute should be responsible for the matters provided for under clause (a), (b), (f), (g), (h) and (j), which is the best practice for the professional bodies such as ICPAK, ICS (ICPSK) and LSK among others.

The Board should be responsible for regulating the industry and not providing training to professionals, setting training standards since this is the responsibility of education regulators. The proposed Institute would be responsible for providing continuous professional development for members, which is the case for other professional bodies. In addition, the Board's role should not providing advise on provision of fire and rescue services since its mandate is regulation of professionals and not industry practice. This is a matter to be handled by the proposed Institute.

Clause 20

97. That Clause 20 (1) be amended by deleting paragraph (c).

Justification

The requirement that consulting firms should have at least 51% shareholding by Kenyan citizens is trade restrictive and does not conform with the current trade agreements and protocols on freedom of establishment of commercial presence by foreigners. The requirement that a person, whether a national or foreigner must be registered with the Board in order to be permitted to practice is sufficient requirement. This requirement limits or inhibits establishment of professional services firms or investment by foreign experts, therefore limiting transfer of expertise in the field. Kenya does not have advanced professional expertise and training in the field of fire and rescue services. allowing foreign experts to establish commercial presence in Kenya without restriction on shareholding would be more beneficial to Kenya and the professionals.

Proposed New Part IV

98. That the Bill be amended by inserting a new Part IV after Part III and renumbering the Bill accordingly as follows—

PART IV – THE INSTITUTE OF FIRE AND RESCUE SERVICES PROFESSIONALS

Establishment of the Institute.

26. (1) There is established the Institute of Fire and Rescue Services Professionals.

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

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

Functions of the Institute.

27. (1) The function of the Institute shall generally be to promote the professional development, competence, professionalism in the practice and welfare of its members.

(2) Specifically, the Institute shall be responsible for —

- (a) promoting and participating in the development of policies, laws, standards, protocols and code of practice for fire and rescue service practice;
- (b) promoting and supervising ethical and professional practice among fire and rescue service professionals;

- (c) promoting, facilitating and ensuring compliance by its members with the standards, protocols and code of conduct and practice for fire and rescue service professionals;
- (d) promoting advancement of knowledge in the field of fire and rescue service practice through carrying out research and development in the field and through other related processes;
- (e) promoting the welfare of its members;
- (f) advocating and promoting the development of fire and rescue services field;
- (g) promoting, facilitating, providing and accrediting continuous professional development and training for its members;
- (h) carryout disciplinary measures for members who fail to comply with the code of practice in accordance with this Act;
- (i) maintaining a register of fire and rescue service professionals;
- (j) providing certification for processes, practices, including certification for good professional standing as may be prescribed under this Act;
- (k) promoting and facilitating collaboration and networking between the Institute and its members with other international organizations involved in fire and rescue services and related practice as well as other professionals in the field at regional and global level;
- (l) promoting and facilitating where appropriate coordination and collaboration with other public or private entities involved in fire and rescue services;
- (m) advising the Board and institutions providing education and learning on fire and rescue services on the provision of appropriate education and learning for persons undertaking courses for qualification as fire and rescue service profession;
- (n) advising the national and county governments on development and management of fire and rescue professionals practice in their jurisdictions; and
- (o) advising the Board and the cabinet secretary generally on the implementation of this Act and any matter related to fire and rescue services practice.

Membership

Membership of
the Institute.

28. The membership of the Institute shall consist of—

- (a) any fire and rescue services professional registered with the Board and whose name has been entered in the register stipulated under this Act;
- (b) a person admitted to membership under section 29; and
- (c) a person admitted as a special member under section 30.

Honorary membership.

29. The Council may elect a person, who not being a member described under section 28 (a), to be an honorary member of the Institute where the person has made significant contributions to the advancement of knowledge and practice in fire and rescue service profession.

Special member.

30. A person who is registered as a qualified as a fire and rescue services professional in a foreign country and is registered under this Act may apply to the Institute to be admitted as a special member.

Fellows of the Institute.

31. (1) The Council may invite and admit, in the prescribed manner, a person who has been a member of the Institute for at least fifteen years and has made significant and distinguished contribution to the development and welfare of the Institute and the fire and rescue service practice, to be a fellow of the Institute.

(2) The Council shall prepare and maintain the Roll of Fellows of the Institute.

(3) The Council shall, upon a of a admitting a person to be a fellow under subsection (1) –

- (a) enter the name of each person admitted to the Roll of Fellows of the Institute;
- (b) confer to the person the title “Fellow of the Institute of Fire and Rescue Services Profession” which may be initialed as “F.I.F.R.S.P”.

(4) A person whose name has been entered into the Roll of the Fellow of the Institute under subsection (2) shall sign the Roll of Fellows of the Institute.

Application for membership.

32. (1) Subject to section 28, a person intending to be a member of the Institute shall apply to the Institute in the prescribed form.

(2) For a person applying for membership under this section shall submit the required documentation as may be prescribed.

(3) The Council shall where an applicant meets the requirements of this section register the person as a member.

Membership fees.

33. (1) A person who is qualified to be a member of the Institute shall not be required to pay any fee to become a member of the Institute.

(2) A member of the Institute shall pay an annual subscription to the Institute as shall be prescribed.

Members rights.

34. (1) A fully paid up member in good professional standing described under section 28 (a) shall have a right to –

- (a) participate in all activities of the Institute;
- (b) vote in any general meeting of the Institute where voting on decisions is required or meetings of the Council where the person is a member;
- (c) be eligible to be elected or appointed in any position or office in the Council or committees of the Council;
- (d) be informed on the processes, programmes and decisions of the Institute; and
- (e) represent the Institute in any forum or platform where such a member is qualified or authorized to.

(2) A member described under section 28 (b) and (c) shall –

- (a) have no voting rights in any meeting of the Institute;
- (b) not be eligible to be elected or appointed in any position or office in the Council or committees of the Council, chairperson or vice-chairperson of a Branch Committee; and
- (c) have the right to participate in the activities of the Institute and the general meetings of the Institute.

Governance organs and structures

Governance
organs
and
structures.

35. The institute shall be governed through the following organs and structures–

- (a) the general meeting;
- (b) the Council; and

(c) the Branches.

General meeting.

36. (1) The general meeting shall be the highest governance and decision-making organ of the Institute.

(2) A general meeting may be an ordinary general meeting which may be referred to as annual general meeting or extraordinary general meeting which may be referred to as special general meeting.

(3) An ordinary general meeting or extra ordinary meeting shall consist of the members of the Institute.

(4) There shall be convened the ordinary general meeting of the Institute in each financial year, which shall be held not later than thirty first day of March in each year.

(5) The Council shall convene the ordinary general meeting

(6) The agenda or business of the ordinary general meeting shall be –

- (a) consideration of minutes of the previous general meeting;
- (b) consideration and adoption of the financial statements of the Institute;
- (c) consideration and adoption of the budget in respect of the following financial year;
- (d) consideration and adoption of the chairperson's report;
- (e) election of office bearers and other Council members; and
- (f) appointment of the auditors of the Institute; and
- (g) any other matter as may be prescribed or as the Council may from time to time determine.

(7) The Institute may hold such extraordinary general meetings or special general meetings during the year in order to consider and dispense with specific business of the Institute as may be determined from time to time.

(8) An extraordinary general meeting or special general meeting shall be convened by the Council on its own motion or as a result of requisitioning by at least thirty members.

(9) The chairperson of the Institute shall preside over all the general meetings of the Institute:

Provided that the vice-chairperson shall preside over the general meetings in the absence of the chairperson, and in the absence the vice-chairperson, such other person as the Council may designate.

(10) The Secretary shall be the secretary of the general meetings.

(11) The quorum of a general meeting of the Institute shall be five percent of all members of the Institute.

(12) There shall be no proxies permitted to attend any general meeting of the Institute.

(13) Save for where decisions or resolutions at the general meeting requires a majority of all the members, decision at a general meeting shall be made by consensus or by simple majority of the members be present and voting.

(14) A general meeting may adopt such resolutions as may from time to time be deemed necessary.

(15) The Institute shall prescribe such rules and procedures for meetings in accordance with this Act:

Provided that such rules shall be approved by the Cabinet Secretary.

The Council

Establishment of the Council.

37. There is established the Council of the Institute of Fire and Rescue Services Profession.

Functions of the Council.

38. The Council shall be responsible for the management and administration of the affairs of the Institute.

Composition of the Council.

39. (1) The Council shall consist of –

- (a) the chairperson;
- (b) the vice-chairperson;
- (c) three representatives from the general membership, one of whom shall be a person who has practiced as a fire and rescue officer for at least twenty years standing; and
- (d) four representatives of the chairpersons of the Institutes branches elected from among the chairpersons of the branches;
- (e) the chief executive officer of the institute who shall be the secretary of the Institute and an ex-officio member of the Council.

(2) Save for the secretary, the Council members shall be elected directly by the members.

(3) A council member, other than the secretary shall hold office for a period of two years and may be eligible for re-election for a final term of two years.

Eligibility for election as a chairperson or vice

40. A person shall be eligible for election as a chairperson or vice chairperson if the person –

chairperson of the Council.

- (a) has been a member of the Institute for a period of not less than seven years;
- (b) has served as a member in any committee of the Council;
- (c) is in good professional standing in respect of the year when the election is being held; and
- (d) meets any other requirement as may be prescribed under this Act.

Eligibility for election as member of the Council.

41. A person shall be eligible for election as a member of the Council if the person –

- (a) has been a member of the Institute for a period of not less than three years;
- (b) has served as a member in any committee of the Council or a branch;
- (c) is in good professional standing in respect of the year when the election is being held; and
- (d) meets any other requirement as may be prescribed under this Act.

Election of member of the Council.

42. (1) The election of members of the Council shall be–

- (a) conducted in a transparent, free and fair manner;
- (b) be held once in each period of two years upon the expiry of the two-year term of a Council as stipulated under section 39 (3);
- (c) conducted by voting through secret ballot;
- (d) held in a manner that promotes advancement of the objects of the Institute; and
- (e) supervised by such body as the Institute may from time to time determine.

(2) Subject to the approval by the annual general meeting, the Council shall adopt such measures for utilization of electronic voting system.

Removal from office.

43. (1) Save for the secretary, a member of the Council may be removed from the office before the expiry of the term by the decision of a general meeting, by a vote of at least two thirds of the members present and voting on the ground of–

- (a) being absent from the four consecutive meetings of the Council without a good cause and without notification to the chairperson; or
- (b) gross violation of the code of conduct;
- (c) ceasing being in good professional standing;
- (d) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (e) physical or mental incapacity to perform the functions of the office; or

(f) incompetence in the performance of duties of the office or neglect of duty.

(2) Notwithstanding subsection (1), a person who –

(a) becomes a member of a governing body of a political party;

(b) is an undischarged bankrupt; or

(c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of fine;

shall cease to hold office.

(3) Prior to removal of a member under this section a person–

(a) shall be given a notice of not less than twenty one days, in writing; and

(b) be accorded an opportunity to present their case and defend themselves before a committee or panel constituted for that purpose as prescribed under this Act.

Committees.

44. (1) The Council may establish such committees as it may deem necessary for purposes of assisting it to effectively discharge its mandate.

(2) The Council may invite a member to participate in deliberations of a committee of the Council for such member to provide his or her expertise.

(3) The Council shall establish sectoral committees of the Institute where members shall participate in advancing realization of the functions of the Institute.

Conduct of business and financial management

Procedures of meetings and conduct of business.

45. (1) The Council shall meet at least once in each quarter of each year.

(2) Save as may be prescribed under this Act, the Council shall regulate the procedure of meetings and conduct of business.

Records of meetings.

46. The Council shall cause proper records of general meetings and Council meetings are taken and maintained.

Accounts.

47. (1) The Council shall cause proper records of the Institute's finances, assets and liabilities to be kept.

(2) The Council shall cause the accounts of the institute to be audited each year and shall submit the audited financial report to annual general meeting.

Remuneration of
Council members.

48. A member of the Council shall be paid such allowances for discharging duties of the Council or fees for providing services to the Council as shall be prescribed by the Institute.

Branches

Branches of the
Institute.

49. (1) There shall be the following branches of the Institute which shall consist of the counties set out in the Second Schedule—

- (a) Coast;
- (b) South Rift;
- (c) North Rift;
- (d) West Kenya;
- (e) South West Kenya;
- (f) Central Kenya;
- (g) South Eastern;
- (h) North Eastern; and
- (i) Nairobi.

(2) A branch shall be responsible for—

- (a) promoting and facilitating the realization of the objects of the Institute in the region assigned;
- (b) addressing issues related to practice within the region assigned;
- (c) promoting the welfare of the members in the region; and
- (d) liaising with the Council to address issues of concern among the members.

(3) There shall be a management committee for each branch, which shall consist of—

- (a) the chairperson;
- (b) the vice chairperson;
- (c) the secretary; and
- (d) not more than six members of the Institute who practice in the region covered by the branch.

(4) Elections of members of the management committee described under section (3) shall be in accordance with the guidelines issued by the Institute.

(3) Notwithstanding the provision under subsection (4), a branch shall —

- (a) ensure that each county in the branch is represented in the branch management committee; and
- (b) not elect a chairperson from the same county for more than two consecutive terms.

The Secretary and the Secretariat

The Secretary.

50. (1) There shall be the Secretary of the Institute who shall be the chief executive officer of the Institute and the head of the Secretariat.

(2) The Secretary shall be appointed by the Council through a competitive process and on such terms and conditions as the Council may determine.

(3) The Secretary shall –

- (a) be responsible for the day-to-day management of the affairs of the Institute;
- (b) be responsible for execution of the decisions and directives of the Council; and
- (c) be accountable to the Council; and
- (d) carry out any other function as may from time to time be assigned by the Council.

(4) For a person to qualify for appointment as the chief executive officer, the person shall –

- (a) has been a member of the Institute for a period of not less than five years;
- (b) has served as a member in any committee of the Council;
- (c) is in good professional standing; and
- (d) meets any other requirement as may be prescribed under this Act.

Secretariat.

51. (1) There shall be a secretariat of the Institute which shall consist of the secretary and such staff employed by the Council

(2) The secretariat shall, under the direction of the secretary be responsible for the day-to-day management and administration of the affairs of the Institute.

Staff.

52. The Council may employ such staff on such terms and conditions as it may determine for purposes of aiding it to achieve the objects of the Institute.

Financial year.

53. The financial year of the Institute shall be a calendar year commencing in the first day of January and ending on the last day of December.

Justification

In accordance with the best practice adopted in Kenya for the regulation and development of professions and practice, it is important to establish the Institute, which is constituted by the professionals registered to practice under the Act. The Institute is the professional body for

members to participate in promotion of industry's growth and development and members' welfare. As is the case for other professional bodies such as Law Society of Kenya (LSK), Institute of Certified Secretaries (ICS), Institute of Certified Public Accountants of Kenya (ICPAK) and Institute of Human Resources Management (IHRM), the membership of the Institute would be mandatory for all persons intending to practice as fire and rescue professionals.

The Institute, being a membership organization should include the branches in the governance structures and processes to avoid the professionals practicing in Nairobi dominating the membership in the Council and the governance process.

Clause 31

99. That Clause 31 of the Bill be deleted.

Justification

Regulation of accredited education training is the responsibility of the respective education regulators. Clause 31 would be in conflict with the statutory mandates of the Commission on University Education and the TVET Authority, which are the education regulators.

Clause 32

100. That Clause 32 of the Bill be amended by deleting the words "fire and rescue services consultant"

Justification

The main objective of the Bill is to govern the professional conduct of fire and rescue services professionals. There are various forms of practice, including the provision of consultancy services. Regardless of the chosen form of practice, regulatory requirements should prioritize essential aspects such as qualification, professional registration, and maintaining good professional conduct. For instance, in the legal, accounting, or certified secretaries professions, legislation does not emphasize the specific type of practice but rather focuses on the fundamental principle of professional registration. Additionally, it is important to note that the term "consultant" refers to a field of practice rather than a professional title, except within the medical field.

Clause 37

101. That Clause 37 of the Bill be amended as follows in sub-clause 1) by deleting the words "one year" and substituted therefor the words "four years"

Justification

Currently, save for the senior officers in government, majority of the fire and rescue professionals in the practice do not hold academic qualifications prescribed under the Act. In addition, there are very few accredited institutions that provide for the academic training in the field unlike other already developed fields. Consequently, there is need to provide for a 4-year transition period to enable all those professionals already employed to acquire necessary academic qualifications. The transition period will also enable more academic institutions to

be able provide the necessary education and training opportunities. The government is currently undertaking the prior learning recognition and certification for fire and rescue services professionals coupled with curriculum development.

If Clause 37 is implemented as proposed, over 90% of fire and rescue services currently serving in government and therefore providing the services in the whole country will be rendered non-compliant with the requirements under the Bill. This will substantially affect service delivery in the country.

3.3 Submissions by the Kenya National Fire Brigade Association

The Chairperson of the Kenya National Fire Brigade Association, Mr. Bernard Onyango, accompanied by Mr. Francis Liech (Secretary General) appeared before the Committee and made the following submissions on the Bill:

Clause 4 Establishment of the Board

102. The Association proposed an amendment to provide for the establishment of a National Fire Institute.

Justification: The institute shall; Standardize training of fire personnel

Clause 5 Board Composition

103. They proposed an amendment to Clause 5(g) to have Kenya National Fire Brigades Association (KENFIBA) nominate three representatives in the Board.

Justification: To ensure representation of fire fighters association representatives in the Board.

Clause 7 Functions of the Board

104. The Association further proposed an amendment to establish a National Framework for Fire Safety and Rescue Services.

Justification: To advise the government on policy matters relating to fire safety and standards of practice. To collaborate with other stakeholders, devise policies on fire safety standards and practices. To undertake research on, and advise the government on the current firefighting technologies. To plan, arrange, co-ordinate and oversee continuing professional training and development and facilitate skills acquisition for the fire brigades' professionals

Clause 8 Powers of the Board

105. The Association proposed an amendment to have the Board prepare a detailed curriculum for registration of Fire Brigade Professionals and conduct professional examinations/assessments for the purposes of registration

Clause 14 Appointment of the registrar

106. The Association proposed an amendment to Clause 14 to provide for the qualifications of the Registrar to have at least an undergraduate degree from a recognized institution or experience in any of the following fields: Fire safety; Physical Sciences/Engineering;

Economics/Data Science; Disaster management/Rescue mission; Corporate management; and to have at least five years proven experience at management level.

Clause 17 Registration of Fire and Rescue Services Professionals

107. The Association proposed an amendment to have the Board establish and manage one or more training centres for providing education and training in matters in relation to which Board have functions.

Clause 18 Qualifications of a Fire and Rescue Services Professional.

108. The Association further proposed inclusion of the qualification for Fire and Rescue Services Professionals to include the following:

109. Graduate firefighters: fresh certificate, diploma or degree holders from an accredited or approved institution.

110. Professional Fire Fighters: Persons who have been in practice for not less than 5 years

111. Fire-fighting consulting firms (will be registered upon satisfying the requirements set by the Board)

112. Individual/private fire protection consultants.

Clause 19 Application for registration.

113. The Association proposed an amendment to have a person or firm wishing to be registered under this Act apply to the Board for registration.

Clause 26 Funds for the Board.

114. Further, the Association proposed to have at least 2% of the county budget to be reserved for the board for its operations

Clause 29 False registration and licensing.

115. Proposed inclusion of punitive clause where a person who willfully procures a practicing certificate under the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and shall not be liable for compensation in case of injuries, death or any other bodily harm in the line of duty

Clause 31 Offences by persons or training institutions

116. A person/firm, alleging breach of the standards of professional conduct as may be specified by the Board, may from time to time make a written complaint to the Board in the prescribed manner.

Regulations

117. The Association proposed inclusion of regulations to provide for the following:

- (a) assign a fire inspector to all high-rise construction sites;
 - (b) certify and assess regularly both residential, worship places and work places/offices for the conformity with the fire safety standards and regulations;
 - (c) certify the storage and transportation of the explosive/combustible materials;
- and

- (d) offer advisory services to the government, insurance firms and other interested bodies on the possible cause of fire, and or extent of damage for the purposes of compensation;
- (e) provision of information, awareness campaigns on fire safety; and
- (f) the Board will, so far as practicable, enter into a reinforcement scheme with other rescue and law enforcement authorities.

Interim Board

118. In conclusion, the Association proposed that in the inception, there should be an interim board, composed of those who participated in the drafting of the Bill.

3.4 Submissions by the Kenya Law Reform Commission (KLRC)

119. In its written submission, the Kenya Law Reform Commission (KLRC) indicated that its core mandate is to review the law and recommend its reforms to ensure that the law conforms to the letter and spirit of the Constitution, considering the socio-economic, political, and technological developments. The Commission recommended the following amendments to the Bill—

120. **Clause 5** on the composition of the Board. The Commission submitted that the Principal Secretary in the Ministry of Interior and National Administration should be added in the composition of the Board.

Justification: Considering the nature of fire emergencies, the local administration will ensure seamless operation through proper coordination. Further, the local administration plays a significant role and is often at the forefront in securing scenes and rendering security.

121. **Clause 15 (b)** on the functions of the Registrar. The Commission noted that the provision contradicts the interpretation clause, which mandates county governments to issue licenses. It, however, noted that registration of professional bodies and persons can remain as a national mandate, while licenses can be undertaken by the individual county.

Justification: Fire-fighting is a devolved function, while disaster management is a cross-cutting or shared function under the Fourth Schedule of the Constitution. This, therefore, means that county governments have the legislative mandate to regulate firefighting services.

122. **Clause 23 (3)** on the Register. The Commission observed that the Registrar grants unlimited powers to anyone who pays a fee to access the information contained in the register, which may offend the spirit of the Data Protection Act.

Justification: Access to information held by the government must be weighed against the principle of legitimate limitation based on reasonableness and justifiability, existing law, and the necessity to protect privacy, national security, and public interest. Additionally, access to personal data held by the government must also be weighed against the purpose of the request and the extent of privacy invasion.

CHAPTER FOUR

4.0 OBSERVATIONS AND FINDINGS

Upon consideration of the Bill, the Committee observed the following—

- (a) Kenya does not have a law that regulates fire as a disaster in a centralized way, a significant gap in addressing the country's ability to address fire-related risks. As a result, fire safety is governed through multiple laws such as the—
 - (a) Occupational Safety and Health Act (OSHA), Cap. 236A, which provides for the safety, health and welfare of workers and all persons lawfully present at workplaces and further provides for the establishment of the National Council for Occupational Safety and Health;
 - (b) Public Health Act Cap. 242, which makes provision for securing and maintaining health;
 - (c) County Government Act Cap. 265 which gives effect to Chapter Eleven of the Constitution; to provide for county governments powers, functions and responsibilities to deliver services;
 - (d) Fire Inquiry Act (Cap. 103) which provides for the holding of inquiries into the origin or cause of fire;
 - (e) Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007 under the Occupational Safety and Health Act (OSHA), Cap. 236A a subsidiary legislation which provides comprehensive guidelines for the prevention of fire incidents and the protection of life and property in workplaces; and
National Building Code (2024) a subsidiary legislation under the National Construction Authority Act, Cap.118, which establishes standards and requirements across various aspects of construction.
- (b) The Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals and to provide for their registration, licensing, and training. It also aims to provide a uniform professional standard for the regulation of fire and rescue services professionals across all county governments;
- (c) The Bill establishes a Board which shall consist of a non-executive Chairperson appointed by the President; Principal Secretaries for matters relating to fire and rescue services, finance, technical and vocational education and training; three persons nominated by the Council of Governors and four other persons nominated by professional firefighters, emergency responders and private sector organizations. A Registrar shall be appointed, who will be the secretary to the Board;
- (d) The Bill does not provide for county or regional liaison offices of the Board despite firefighting being a devolved function. It centralizes the Board's operations in Nairobi. The Committee therefore observes that this may delay the operations, licensing, oversight and service delivery at the county level;
- (e) The Bill does not grant the Board any mandate to regulate fees charged by Fire and Rescue Professionals. The Committee observed that this may create a risk of arbitrary, excessive or inconsistent charges to the public;

- (f) The Bill fails to provide an indemnity clause for Fire and Rescue professionals against liability for actions or omissions made in good faith during emergency situations. The Committee observed that this omission may expose the professionals to personal legal risk while performing their duties;
- (g) The Bill poses implementation challenges. It does not establish an Institute to oversee the affairs and capacity development of Fire and Rescue Services Professionals. Further, the Bill does not confer the Board the mandate to appoint staff to support its functions and operations, though Clause 15 makes the Registrar responsible for staff, and Clause 27 provides for their salaries and allowances;
- (h) In addition, the Bill does not outline the qualifications required for the Chairperson and other appointed members of the Board, apart from the designated State officers, who are not subject to qualification requirements. Further, the Bill does not provide for an examination body for among other functions, preparing and administering examinations for persons seeking registration under the Act;
- (i) The structure of governance of the Fire and Rescue Services Professionals appears to be inconsistent with the cabinet resolution dated 16th May, 2025 to declassify professional bodies previously designated as State Corporations. The governance structure in the Bill would in effect, maintain a level of government direct control of the profession that the Cabinet decision sought to reduce, thereby running contrary to the intent of enhancing autonomy and self-regulation of professional bodies;
- (j) The composition of the Board governing the profession reflects an operational model of a statutory corporation governed under the State Corporations Act Cap. 446. The Committee observed that the government has encouraged professional bodies to be self-regulating and managed by officials elected by members of the profession, which is consistent with best practices that promote professional autonomy, independence and accountability;
- (k) Paragraph 7(b) of Part II of the Fourth Schedule to the Constitution excludes county governments from regulating professionals. The Committee observes that this is a function assigned exclusively to the national government. Accordingly, the Bill should have been introduced in the National Assembly in accordance with Article 109(3) of the Constitution; and
- (l) The Bill meets the criteria required to define it as a 'Money Bill' pursuant to Article 114(3) (c) of the Constitution. As such, the National Assembly is required to take into consideration the recommendations of the Budget and Appropriations Committee when debating the Bill. Further, a 'Money Bill' can only be introduced in the National Assembly pursuant to Article 109(5) of the Constitution. Therefore, the Bill should have been first introduced in the National Assembly and not in the Senate.

CHAPTER FIVE

5.0 RECOMMENDATIONS

The Committee, having considered the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023) and the observations above, recommends that the House **REJECTS** the Bill in its entirety.

SIGNED..........DATE..... 02/12/2025

**HON. PETER LOCHAKAPONG, MP
(CHAIRPERSON)**

DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

CHAPTER SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

In view of the above, the Committee proposed the following amendments to be considered by the House at the Committee Stage—

1. Clause 1: Delete
2. Clause 2: Delete
3. Clause 3: Delete
4. Clause 4: Delete
5. Clause 5: Delete
6. Clause 6: Delete
7. Clause 7: Delete
8. Clause 8: Delete
9. Clause 9: Delete
10. Clause 10: Delete
11. Clause 11: Delete
12. Clause 12: Delete
13. Clause 13: Delete
14. Clause 14: Delete
15. Clause 15: Delete
16. Clause 16: Delete
17. Clause 17: Delete
18. Clause 18: Delete
19. Clause 19: Delete
20. Clause 20: Delete
21. Clause 21: Delete
22. Clause 22: Delete
23. Clause 23: Delete
24. Clause 24: Delete
25. Clause 25: Delete
26. Clause 26: Delete
27. Clause 27: Delete
28. Clause 28: Delete
29. Clause 29: Delete
30. Clause 30: Delete
31. Clause 31: Delete
32. Clause 32: Delete
33. Clause 33: Delete
34. Clause 34: Delete
35. Clause 35: Delete
36. Clause 36: Delete
37. Clause 37: Delete
38. Schedule: Delete



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

ADOPTION LIST

DATE:

TIME: From 10:30am To 11:05am

VENUE:

AGENDA: Consideration and adoption of the Committee's Report on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023)

We, the undersigned, adopt the Committee's report on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023)

NO.	NAME	SIGNATURE
1.	Hon. Lochakapong Peter, CBS, M.P. – Chairperson	
2.	Hon. Chelule Liza Chepkorir, M.P. – Vice Chairperson	
3.	Hon. Sudi Oscar Kipchumba, M.P.	
4.	Hon. Mawathe Julius Musili, M.P.	
5.	Hon. Paul Abuor, M.P.	
6.	Hon. Kalasinga Joseph Majimbo, M.P.	
7.	Hon. Nabalindo Peter Oscar, M.P.	
8.	Hon. Khamis Chome Abdi, M.P.	
9.	Hon. Maina Amos Mwago, M.P.	
10.	Hon. Tungule Charo Kazungu, M.P.	
11.	Hon. Basil Robert Ngui, M.P.	
12.	Hon. CPA Geoffrey Wandeto, M.P.	
13.	Hon. Munyoro Joseph Kamau, M.P.	
14.	Hon. Njeru Pamela Njoki, M.P.	
15.	Hon. Umul Ker Kassim Sheikh, M.P.	

MINUTES OF THE FIFTY-THIRD (53RD) SITTING OF THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT HELD ON TUESDAY, 2ND DECEMBER 2025 AT 10:30 A.M. AT BUNGE TOWER, 5TH FLOOR, ROOM NO. 25, PARLIAMENT BUILDINGS

PRESENT

1. Hon. Lochakapong Peter, CBS, M.P. - **Committee Chairperson**
2. Hon. Chelule Liza Chepkorir, M.P. - **Vice-Chairperson**
3. Hon. Paul Abuor, M.P.
4. Hon. Kalasinga Joseph Majimbo, M.P.
5. Hon. Khamis Chome Abdi, M.P.
6. Hon. Tungule Charo Kazungu, M.P.
7. Hon. CPA Geoffrey Wandeto, M.P.
8. Hon. Munyoro Joseph Kamau, M.P.
9. Hon. Njeru Pamela Njoki, M.P.
10. Hon. Umul Ker Kassim Sheikh, M.P.

ABSENT WITH APOLOGY

1. Hon. Sudi Oscar Kipchumba, M.P.
2. Hon. Mawathe Julius Musili, M.P.
3. Hon. Nabalindo Peter Oscar, M.P.
4. Hon. Maina Amos Mwago, M.P.
5. Hon. Basil Robert Ngui, M.P.

IN ATTENDANCE (SECRETARIAT)

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Sisto Macharia - Clerk Assistant III
3. Mr. Moses Mwariri - Legal Counsel II
4. CPA Cyrille Mutali - Fiscal Analyst II
5. Ms. Deborah Mupusi - Media Relations Officer II
6. Ms. Rose Tabuke - Research Officer III
7. Mr. Brian Ojamaa - Media Relations Officer
8. Ms. Mwanasha Juma - Serjeant at Arms
9. Kelvin Lengasi - Audio Officer

AGENDA

1. Prayers;
2. Preliminaries;
3. Confirmation of the previous minutes;
4. Agenda;
 - a. **Consideration and adoption of the Committee's report on the Budget Implementation Oversight for the FY 2024/25 for the State Department for the ASALs & Regional Development and the State Department for Devolution.**
 - b. **Consideration and adoption of the Committee's report on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023).**
5. Any Other Business; and
6. Adjournment.

MIN. NO. NA/DC-RD/266/2025: PRELIMINARIES

The meeting was called to order at 10:30 a.m. by the Chairperson, followed by a word of prayer and introductions. The meeting agenda was then adopted, having been proposed by Hon. Njeru Pamela Njoki, M.P., and seconded by Hon. Paul Abuor, M.P.

MIN. NO. NA/DC-RD/267/2025: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the 49th sitting, held on 4th November 2025, were confirmed as a true record of the proceedings, having been proposed by the Hon. Paul Abuor, M.P., and seconded by Hon. Munyoro Joseph Kamau, M.P.

The minutes of the 50th sitting, held on 11th November 2025, were confirmed as a true record of the proceedings, having been proposed by the Hon. Tungule Charo Kazungu, M.P., and seconded by Hon. Umul Ker Kassim Sheikh, M.P.

The minutes of the 51st sitting, held on 18th November 2025, were confirmed as a true record of the proceedings, having been proposed by the Hon. Umul Ker Kassim Sheikh, M.P., and seconded by Hon. Lochakapong Peter, M.P.

The minutes of the 52nd sitting, held on 20th November 2025, were confirmed as a true record of the proceedings, having been proposed by the Hon. Umul Ker Kassim Sheikh, M.P., and seconded by Hon. Lochakapong Peter, M.P.

MIN. NO. NA/DC-RD/ 268/ 2025: MATTERS ARISING

No matter that arose.

MIN. NO. NA/DC-RD/ 270/ 2025: CONSIDERATION OF THE COMMITTEE'S REPORT ON THE BUDGET IMPLEMENTATION OVERSIGHT FOR THE FY 2024/25 FOR THE STATE DEPARTMENT FOR THE ASALS & REGIONAL DEVELOPMENT AND THE STATE DEPARTMENT FOR DEVOLUTION

The Committee considered the budget implementation report for FY 2024/25 and made the following observations:

Committee Observations

The Committee, having considered all the submissions and presentations by the respective State Departments made the following observations;

1. State Department for the ASALs and Regional Development

- (i) The approved budget for FY 2024/25 under the State Department was Kshs. 14.84 billion. As of June 30, 2024, the State Department's total expenditure stood at Kshs. 13.90 billion, which included Kshs. 10.56 billion for recurrent expenditure and Kshs. 3.34 billion for development expenditure. This expenditure reflects an overall absorption rate of 94 percent.
- (ii) The Committee noted that a total of Kshs. 4.6 billion was received under Article 223 of the Constitution to facilitate Emergency Relief interventions.
- (iii) The Committee noted that the recurrent expenditure absorption across the National Drought Management Authority and the Regional Development Authorities averaged 90%, with NDMA recording full absorption at 100%. However, the performance of the RDAs varied significantly, with KVDA

recording the lowest absorption at 55% and others such as ENSDA, CDA, and ENNDA attaining high absorption rates of between 91% and 96%. Overall, the authorities absorbed Kshs. 4.32 billion out of the allocated Kshs. 4.80 billion, reflecting an aggregate absorption rate of 90%.

- (iv) The Committee noted that the total development allocation stood at Kshs. 3.59 billion with expenditure amounted to Kshs. 3.29 billion, leaving a balance of Kshs. 300.51 million. NDMA accounted for the largest unspent amount at Kshs. 290.51 million, mainly from three partially implemented projects. In contrast, ENNDA (Kshs. 569.97 million), TARDA (Kshs. 25 million), ENSDA (Kshs. 145 million), LBDA (Kshs. 278 million), and KVDA (Kshs. 1.29 billion) fully absorbed their allocations. CDA recorded a small unspent balance of Kshs. 10 million.
- (v) The Committee observed that pending bills total Kshs. 10,327.42 million, with LBDA accounting for the largest share at Kshs. 9,110.09 million, followed by ENNDA at Kshs. 790.52 million and CDA at Kshs. 200.24 million.

2. State Department for Devolution

- (i) The approved budget for FY 2024/25 under the State Department was Kshs. 4.24 billion. As of June 30, 2024, the State Department's total expenditure stood at Kshs. 2.20 billion, which included Kshs. 1.42 billion allocated for recurrent expenditure and Kshs. 779 million for development expenditure. This expenditure reflects an absorption rate of 70 percent.
- (ii) The Committee observed that the State Department has pending bills of Kshs. 56.91 million for FY 2024/25, attributed to delays in exchequer releases, while an additional Kshs. 2.8 billion represents historical pending bills, which are presently under review by the National Treasury Verification Committee. The Committee notes that these unresolved obligations pose risks to service delivery and underscore the need for strengthened cash-flow planning and timely settlement of verified claims.
- (iii) The Committee observed that the relatively low absorption rate of the 47% allocation is primarily attributable to delays in the approval of the CGAAB which includes funding relating to the Kenya Devolution Support Programme (KDSP). This delay has affected the ability of counties to execute planned activities within the financial year.
- (iv) The Committee noted the long-standing Spencon matter dating back to 2010. It observes that the claim has significantly reduced from approximately Kshs. 3 billion to Kshs. 459 million. While this indicates progress in resolving the liability, there has been financial constraints in the resolution of this matter.
- (v) The Committee observed that there has been minimal progress with respect to the proposed divestiture of RDAs.
- (vi) The Committee noted that key functions—particularly in the areas of sports, sports activities, and fisheries—remain only partially unbundled. Unresolved issues continue to create uncertainty regarding county versus national responsibilities. The Committee further observes that the Intergovernmental

Relations Technical Committee (IGRTC) is expected to issue a substantive position to guide the finalization of the unbundling process.

- (vii) The Committee observed that several essential IGRTC activities remain unfunded, including the costing and transfer of resources for unbundled functions (KSh 60 million), the assessment of devolved functions in all 47 counties (KSh 25 million), service gratuity for exiting members (KSh 101 million), and the purchase of a motor vehicle (KSh 50 million). The Committee notes that failure to finance these obligations undermines IGRTC's ability to fulfil its statutory mandate, weakens support to intergovernmental structures, and hampers the effective implementation and monitoring of devolved functions.

Committee Recommendations

The Committee made the following recommendations;

- (i) The Treasury should always ensure timely and adequate exchequer releases to SAGAs to improve absorption rates, particularly for development budgets. Furthermore, delayed exchequer releases may lead to defaults on contractual obligations, exposing agencies to potential lawsuits or penalties.
- (ii) The National Treasury should implement robust financial planning to ensure predictable funding releases, thereby preventing interruptions in public service delivery. Additionally, this approach will help avoid the halting or slowing down of capital-intensive projects under SAGAs leading to cost overruns and inefficiencies.
- (iii) The State Department and Agencies should prioritize payment of pending bills in the subsequent fiscal year.

MIN. NO. NA/DC-RD/ 268/ 2025: ADOPTION OF THE COMMITTEE'S REPORT ON THE BUDGET IMPLEMENTATION OVERSIGHT FOR THE FY 2024/25 FOR THE STATE DEPARTMENT FOR THE ASALS & REGIONAL DEVELOPMENT AND THE STATE DEPARTMENT FOR DEVOLUTION

The Committee unanimously adopted its report on the Budget Implementation Oversight for the FY 2024/25 for the State Department for the ASALs & Regional Development, and the State Department for Devolution, having been proposed by Hon. Njeru Pamela Njoki, M.P., and seconded by Hon. Umul Ker Kassim Sheikh, M.P.

MIN. NO. NA/DC-RD/ 269/ 2025: CONSIDERATION OF THE COMMITTEE'S REPORT ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE BILL NO. 55 OF 2023)

The Committee, having considered the stakeholders' submissions and proposed amendments to the Bill, made the following observations:

Committee Observations

- i. Kenya does not have a law that regulates fire as a disaster in a centralized way, a significant gap in addressing the country's ability to address fire-related risks. As a result, fire safety is governed through multiple laws such as the—

- (a) Occupational Safety and Health Act (OSHA), Cap. 236A, which provides for the safety, health and welfare of workers and all persons lawfully present at workplaces and further provides for the establishment of the National Council for Occupational Safety and Health;
 - (b) Public Health Act Cap. 242, which makes provision for securing and maintaining health;
 - (c) County Government Act Cap. 265 which gives effect to Chapter Eleven of the Constitution; to provide for county governments powers, functions and responsibilities to deliver services;
 - (d) Fire Inquiry Act (Cap. 103) which provides for the holding of inquiries into the origin or cause of fire;
 - (e) Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007 under the Occupational Safety and Health Act (OSHA), Cap. 236A a subsidiary legislation which provides comprehensive guidelines for the prevention of fire incidents and the protection of life and property in workplaces; and
National Building Code (2024) a subsidiary legislation under the National Construction Authority Act, Cap.118, which establishes standards and requirements across various aspects of construction.
- ii. The Bill seeks to establish a regulatory and institutional framework for fire and rescue services professionals and to provide for their registration, licensing, and training. It also aims to provide a uniform professional standard for the regulation of fire and rescue services professionals across all county governments;
 - iii. The Bill establishes a Board which shall consist of a non-executive Chairperson appointed by the President; Principal Secretaries for matters relating to fire and rescue services, finance, technical and vocational education and training; three persons nominated by the Council of Governors and four other persons nominated by professional firefighters, emergency responders and private sector organizations. A Registrar shall be appointed, who will be the secretary to the Board;
 - iv. The Bill does not provide for county or regional liaison offices of the Board despite firefighting being a devolved function. It centralizes the Board's operations in Nairobi. The Committee therefore observes that this may delay the operations, licensing, oversight and service delivery at the county level;
 - v. The Bill does not grant the Board any mandate to regulate fees charged by Fire and Rescue Professionals. The Committee observed that this may create a risk of arbitrary, excessive or inconsistent charges to the public;
 - vi. The Bill fails to provide an indemnity clause for Fire and Rescue professionals against liability for actions or omissions made in good faith during emergency situations. The Committee observed that this omission may expose the professionals to personal legal risk while performing their duties;
 - vii. The Bill poses implementation challenges. It does not establish an Institute to oversee the affairs and capacity development of Fire and Rescue Services

Professionals. Further, the Bill does not confer the Board the mandate to appoint staff to support its functions and operations, though Clause 15 makes the Registrar responsible for staff, and Clause 27 provides for their salaries and allowances;

- viii. In addition, the Bill does not outline the qualifications required for the Chairperson and other appointed members of the Board, apart from the designated State officers, who are not subject to qualification requirements. Further, the Bill does not provide for an examination body for among other functions, preparing and administering examinations for persons seeking registration under the Act;
- ix. The structure of governance of the Fire and Rescue Services Professionals appears to be inconsistent with the cabinet resolution dated 16th May, 2025 to declassify professional bodies previously designated as State Corporations. The governance structure in the Bill would in effect, maintain a level of government direct control of the profession that the Cabinet decision sought to reduce, thereby running contrary to the intent of enhancing autonomy and self-regulation of professional bodies;
- x. The composition of the Board governing the profession reflects an operational model of a statutory corporation governed under the State Corporations Act Cap. 446. The Committee observed that the government has encouraged professional bodies to be self-regulating and managed by officials elected by members of the profession, which is consistent with best practices that promote professional autonomy, independence and accountability;
- xi. Paragraph 7(b) of Part II of the Fourth Schedule to the Constitution excludes county governments from regulating professionals. The Committee observes that this is a function assigned exclusively to the national government. Accordingly, the Bill should have been introduced in the National Assembly in accordance with Article 109(3) of the Constitution; and
- xii. The Bill meets the criteria required to define it as a 'Money Bill' pursuant to Article 114(3) (c) of the Constitution. As such, the National Assembly is required to take into consideration the recommendations of the Budget and Appropriations Committee when debating the Bill. Further, a 'Money Bill' can only be introduced in the National Assembly pursuant to Article 109(5) of the Constitution. Therefore, the Bill should have been first introduced in the National Assembly and not in the Senate.

Committee Recommendations

The Committee, having considered the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023) and the observations above, recommended that the House **REJECTS** the Bill in its entirety.

In view of the above, the Committee proposed the following amendments to be considered by the House at the Committee Stage;

1. Clause 1: Delete
2. Clause 2: Delete
3. Clause 3: Delete
4. Clause 4: Delete
5. Clause 5: Delete
6. Clause 6: Delete

7. Clause 7: Delete
8. Clause 8: Delete
9. Clause 9: Delete
10. Clause 10: Delete
11. Clause 11: Delete
12. Clause 12: Delete
13. Clause 13: Delete
14. Clause 14: Delete
15. Clause 15: Delete
16. Clause 16: Delete
17. Clause 17: Delete
18. Clause 18: Delete
19. Clause 19: Delete
20. Clause 20: Delete
21. Clause 21: Delete
22. Clause 22: Delete
23. Clause 23: Delete
24. Clause 24: Delete
25. Clause 25: Delete
26. Clause 26: Delete
27. Clause 27: Delete
28. Clause 28: Delete
29. Clause 29: Delete
30. Clause 30: Delete
31. Clause 31: Delete
32. Clause 32: Delete
33. Clause 33: Delete
34. Clause 34: Delete
35. Clause 35: Delete
36. Clause 36: Delete
37. Clause 37: Delete
38. Schedule: Delete

MIN. NO. NA/DC-RD/ 268/ 2025: ADOPTION OF THE COMMITTEE’S REPORT ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE BILL NO. 55 OF 2023)

The Committee unanimously adopted the report on the Bill having been proposed by Hon. Tungule Charo Kazungu, M.P., and seconded by Hon. CPA Geoffrey Wandeto, M.P.

MIN. NO. NA/DC-RD/271/2025: ANY OTHER BUSINESS

No matter that arose.

MIN. NO. NA/DC-RD/272/2025: ADJOURNMENT

There being no other business to transact, the sitting adjourned at 11:05 a.m. The next sitting to be held on notice.

Signed.......... Date 02/12/2025.....

HON. LOCHAKAPONG PETER, CBS, M.P.

CHAIRPERSON DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT



(Company Number: C.5/54)

The Capital Markets Act
(Chapter 485A of the Laws of Kenya)
Capital Markets (Public Offers, Listings and Disclosures) Regulations, 2023

PUBLIC ANNOUNCEMENT

CHANGE IN THE OPERATING MODEL

The Board of Directors of Eaagads Limited (**the Company**) wishes to notify its esteemed shareholders, the general investor community and the public of the discontinuation of the outsourced management function of the Company's coffee operations from Coffee Management Services Limited (CMS) effective **1st April, 2025**.

The activities that have been brought inhouse include coffee production, coffee quality, milling, cost management, marketing strategies and sales.

The transition is expected to have minimal impact on employees engaged in the Company's operations. They will continue under their current terms of employment.

This change is designed to streamline processes and enhance efficiency ultimately delivering improved financial results for the shareholders.

The Board thanks CMS for their valued services over the years in ensuring the coffee farm is a premier coffee producer.

By order of the Board

Date: 12th February 2025

Winnie Jumba
Company Secretary

DISCLAIMER: This announcement is for informational purposes only. As a matter of policy, the Capital Markets Authority assumes no responsibility for the correctness of any statements or opinions made or reports contained in this announcement.



**THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY**

**IN THE MATTER OF ARTICLE 118(1) (B) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL
PAPER NO. 1 OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA**

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya was submitted to the National Assembly and referred to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration and reporting to the House;

IT IS NOTIFIED that Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya seeks to enhance the country's standing as a regional leader and an effective advocate of Africa's interests at a global stage. The specific objectives of the Policy are to—

1. Protect Kenya's sovereignty and territorial integrity;
2. Promote regional and global peace and security;
3. Advance the country's development agenda and economic prosperity;
4. Position Kenya as a leader in environmental and climate action;
5. Project, promote and protect the county's image and prestige globally;
6. Promote sub regional and regional integration and cooperation;
7. Promote international cooperation multilateralism and active participation in global governance; and
8. Enhance the voice of Kenyans in diaspora and promote and protect their interests and welfare abroad.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the **Departmental Committee on Defence, Intelligence and Foreign Relations**.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on <http://www.parliament.go.ke/the-national-assembly/house-business-paper-1a1d>

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cto@parliament.go.ke to be received on or before **Tuesday, 4th March 2025 at 5.00 p.m.**

**S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
19th February 2025**

"For the Welfare of Society and the Just Government of the People"



REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)**

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION

AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF—

- (1) THE COMPUTER MISUSE AND CYBERCRIME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2024);
- (2) THE PUBLIC TRANSPORT (MOTORCYCLE REGULATIONS) BILL (SENATE BILL NO. 38 OF 2023);
- (3) THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2023);
- (4) THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023);
- (5) THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2024);
- (6) THE POLITICAL PARTIES (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 26 OF 2024); AND
- (7) THE ELECTIONS (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 29 OF 2024)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024); the Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023); the Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023); the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023); the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024); the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024); and the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that—

- (1) The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024) is sponsored by **Hon. Aden Daud Mohamed, MP**. The Bill seeks to amend the Computer Misuse and Cybercrimes Act, Cap 79C to prohibit the use of electronic mediums to promote terrorism and extreme religious cultic practices.
- (2) The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023) is sponsored by **Sen. Boni Khalwale, MP**. The Bill seeks to put in place a legal framework to regulate the use of motorcycles (bodabodas) in Kenya by introducing new provisions for their registration, operation, and safety at the county level.
- (3) The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023) is sponsored by **Sen. Hamida Ali Kibwana, MP**. The Bill seeks to amend the Public Finance Management Act, No. 18 of 2012 to require county governments to develop and implement a county revenue collection system. This will boost revenue collection by the county governments and ensure counties realise their revenue targets. Further, the Bill proposes to amend the Public Finance Management Act to provide for the process of funding of functions that have been transferred from one level of government to another under Article 187 of the Constitution.
- (4) The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) is sponsored by **Sen. Mohamed Abass Sheikh, MP**. The Bill seeks to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.
- (5) The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) is sponsored by the **Senate Majority Leader**. The Bill seeks to amend the Intergovernmental Relations Act, No. 2 of 2012 to establish a structured framework for intergovernmental relations. This will enhance intergovernmental relations amongst the national government, County executive and County assemblies.
- (6) The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024) is co-sponsored by the **Senate Majority Leader** and the **Senate Minority Leader**. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.
- (7) The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) is co-sponsored by the **Senate Majority Leader** and the **Senate Minority Leader**. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the Departmental Committees specified below—

S/NO.	BILL	COMMITTEE
1.	The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)	Communication, Information and Innovation
2.	The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023)	Transport and Infrastructure
3.	The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023)	Finance and National Planning
4.	The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)	Regional Development
5.	The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)	
6.	The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024)	Justice and Legal Affairs
7.	The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)	

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings, and on www.parliament.go.ke/the-national-assembly/house-business/bills

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cto@parliament.go.ke to be received on or before **Wednesday, 5th March, 2025 at 5.00 p.m.**

**S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
19th February, 2025**

"For the Welfare of Society and the Just Government of the People"



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

NA/DDC/RD/2025/013

24th April, 2025

Mr. Peter Musyimi

Acting Commission Secretary
Kenya Law Reform Commission
Reinsurance Plaza, Taifa Road

NAIROBI

Dear *Peter*

RE: REQUEST BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 24th April, 2025, the Committee resolved to seek the views of the Kenya Law Reform Commission on the provisions of the Bill.

The purpose of this letter is to request you to submit comments on the referenced Bill, to be received on or before **Monday, 12th May, 2025** for consideration by the Committee.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842 - 00100
Nairobi, Kenya
Main Parliament Buildings

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www.parliament.go.ke/the-national-assembly

When replying, please quote
NA/DDC/RD/2025/014

24th April, 2025

Ms. Mary Mwiti, EBS
Chief Executive Officer
Council of Governors
Delta Corner, Off Waiyaki Way
NAIROBI

Dear *Ms Mwiti*

RE: REQUEST BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others “to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it.”

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 24th April, 2025, the Committee resolved to seek the views of the Council of Governors on the provisions of the Bill.

The purpose of this letter is to request you to submit comments on the referenced Bill, to be received on or before **Monday, 12th May, 2025** for consideration by the Committee.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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www.parliament.go.ke/the-national-assembly

When replying, please quote:

NA/DDC/RD/2025/012

24th April, 2025

Hon. Shadrack Mose, CBS
Solicitor General
Office of the Attorney General and
Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Dear Hon Mose

RE: REQUEST BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 24th April, 2025, the Committee resolved to seek the views of the Attorney General's office on the provisions of the Bill.

The purpose of this letter is to request you to submit comments on the referenced Bill, to be received on or before **Monday, 12th May, 2025** for consideration by the Committee.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Dorcas Oduor, OGW, EBS, SC
Attorney General
Office of the Attorney General and
Department of Justice
Sheria House, Harambee Avenue
NAIROBI



THE NATIONAL ASSEMBLY
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When replying, please quote:

NA/DDC/RD/2025/012

24th April, 2025

Hon. Shadrack Mose, CBS

Solicitor General
Office of the Attorney General and
Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Dear

RE: REQUEST BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others “to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it;”.

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 24th April, 2025, the Committee resolved to seek the views of the Attorney General's office on the provisions of the Bill.

The purpose of this letter is to request you to submit comments on the referenced Bill, to be received on or before **Monday, 12th May, 2025** for consideration by the Committee.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Dr. Dorcas Oduor, OGW, EBS, SC

Attorney General

Office of the Attorney General and

Department of Justice

Sheria House, Harambee Avenue

NAIROBI

A handwritten signature in black ink, appearing to be 'D. Oduor', is written to the right of the address text.



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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Nairobi, Kenya
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Email: ena@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
NA/DDC/RD/2025/018

29th May, 2025

Mr. Asman Bache
National Chairperson
Kenya National Fire Brigade Association
Fire Station, Tom Mboya Street
NAIROBI

Dear *Mr. Bache,*

**RE INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL
DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE
SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)**

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 27th May, 2025, the Committee resolved to seek the views of the Kenya National Fire Brigade Association on the provisions of the Bill.

The purpose of this letter is to invite you to the meeting to be held on **Tuesday 3rd June, 2025 at 10:00 am**, in the **Committee Room 20, 3rd Floor, Bunge Tower, Parliament Buildings**.

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours *Sincerely,*


PETER K. CHEMWENO
For: **CLERK OF THE NATIONAL ASSEMBLY**



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When replying, please quote
NA/DDC/RD/2025/019

29th May, 2025

Mr. Samuel Kahura
Chairperson
Chief Fire Officers Association - Kenya
P.O Box 2334-00900
KIAMBU

Dear *Mr. Kahura,*

RE INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) which seeks to establish a regulatory and institutional framework for the fire and rescue services professionals. In its sitting held on 27th May, 2025, the Committee resolved to seek the views of the Chief Fire Officers Association, Kenya, on the provisions of the Bill.

The purpose of this letter is to invite you to the meeting to be held on **Tuesday 3rd June, 2025 at 11:30 am**, in the **Committee Room 20, 3rd Floor, Bunge Tower, Parliament Buildings**

Our liaison officers for this subject are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and **Mr. Sisto Macharia**, **Tel. No. 0726 882 044** or email: sisto.macharia@parliament.go.ke

Yours *Sincerely,*

PETER K. CHEMWENO
For: **CLERK OF THE NATIONAL ASSEMBLY**



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OFFICE OF THE CLERK

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When replying, please quote
NA/DDC/RD/2025/034

18th August, 2025

Mr. Ismail Maalim
Principal Secretary
State Department for Special Programmes
Ministry of Public Service, Human Capital & Special Programmes
Harambee House, Harambee Avenue
NAIROBI

Dear *PS,*

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

The Departmental Committee on Regional Development is mandated among others "to investigate, inquire into, and report on all matters relating to the mandate, management, activities, and administration of the assigned Ministries and Departments, and to study and review all legislation referred to it".

The Committee is considering the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023) and has invited stakeholders to make their submissions on the Bill before reporting back to the House. The Bill seeks to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.

During its sitting held on 22nd July, 2025, the Committee resolved to seek the views of the State Department on the above referenced Bill. This is in light of the State Department's mandate in coordination of disaster and emergency response.

The purpose of this letter is to invite you to the meeting to be held on **Tuesday 26th August, 2025 at 10:00 am**, in the **Committee Room 26, 5th Floor, Bunge Tower, Parliament Buildings**.

An electronic copy of the Bill may be accessed on the Parliament website: <http://www.parliament.go.ke/the-national-assembly/house-business/bills> for reference.

Our liaison officer for this subject is **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: mohamed.boru@parliament.go.ke and ddc@parliament.go.ke.

Yours

Sincerely,

Samuel Njoroge, CBS
For: CLERK OF THE NATIONAL ASSEMBLY

KENYA LAW REFORM COMMISSION



"A Vibrant Agency for Responsive Law Reform"

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www.info@klrc.go.ke

When replying please quote

Ref. No. KLRC/8/64 VOL.IV/(39)
and Date



KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
3RD FLOOR
TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

① DDC
8
13/5/25

12th May, 2025

The Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Building
P.O. Box 41842 - 00100
NAIROBI

Benjamin Magut, HoD
Pls place before the Dept
Comm. on Social Protection.
DM 13/05/25

Mohamed Bony
Pls note and
inform committee
14/05/25

(Attn: Jeremiah Nombi, MBS)

RE: REQUEST BY THE DEPARTMENTAL COMMITTEE ON REGIONAL
DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES
PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023)

Please refer to the above matter and your letter Ref: NA/DDC/PD/2025/013 dated 24th
April, 2025.

Enclosed herewith please find the Commission's Submission on the Proposed Fire and
Rescue Services Professionals Bill, of 2023 for further action.

Thank you for your cooperation and support

Peter Musyimi, HSC
Ag. SECRETARY/CEO

end.





SUBMISSION ON THE PROPOSED THE FIRE AND RESCUE SERVICES
PROFESSIONALS BILL, OF 2023

A. INTRODUCTION

The Kenya Law Reform Commission (KLRC) is a body corporate established under the Kenya Law Reform Commission Act, Cap. 3 of the laws of Kenya. KLRC has both a Constitutional and statutory mandate under Section 5(6) (b) of the Sixth Schedule to the Constitution, the Kenya Law Reform Commission Act, 2013 and the County Governments Act, respectively.

The core mandate of the KLRC is to review the law and recommend its reform to ensure that the law conforms to the letter and spirit of the Constitution, considering the socio-economic, political, and technological developments.

Pursuant to the above mandate, the Commission received a request from the Speaker of the Senate to submit our comments on the Fire and Rescue Service Professionals Bill. The Bill was proposed by Wajir Senator, Hon. Mohamed Abass Sheikh with the aim to regulate fire and rescue service in Kenya.

B. BACKGROUND

The Bill seeks to establish regulatory framework relating to fire and rescue service through registration of professionals and consultancy firms. The Bill also seeks to provide framework for standards for professional practice, facilitate delivery of quality fire and rescue service and ultimately protecting members of the public against unethical fire emergency responders.

The Bill creates a Board which among other functions, collaborate with fire and rescue service training institutions, professional associations, fire brigade in matters relating to training and professional development. The Board also licenses and regulate fire and rescue service.

C. COMMENTS ON THE BILL

No.	Clause	Comment	Rational
1.	5 – Composition of the Board	<p>The Board comprises of several relevant offices that are obviously key to execution of the mandate of this Bill.</p> <p>However, noting the extent of the actually work that goes into executing such duties, it is prudent to add the Principal Secretary in the Ministry of Interior and Public administration.</p>	<p>There is relevance in including this ministry due to the unpredictable nature of such emergencies.</p> <p>The local administration plays such a significant role and are often at the forefront in securing scenes and rendering security.</p> <p>The presence of the local administration will ensure seamless operation through proper coordination.</p>
2.	15 (b)– Functions of the Registrar	<p>The provision contradicts what is indicated in the interpretation clause where the county governments are mandated to issue licences. The clause assigns to the Registrar.</p>	<p>KLRC notes that fire fighting services is a devolved function while disaster management is a cross cutting or shared function under the Fourth Schedule of the Constitution. This therefore means that the county governments have the legislative mandate to regulate fire fighting services.</p>

No.	Clause	Comment	Rational
			<p>Registration of professional bodies and persons can remain as a national mandate while licenses can be undertaken by the individual county. However, for purposes of smooth implementations there needs to a distinction of roles and responsibilities.</p>
3.	23 (3) Register	<p>The Registrar grants unlimited power to anyone who pays a fee to access the information contained in the register which may offend the spirit of the Data Protection Act.</p>	<p>Access information held by the government must be weighed against the principle of legitimate limitation based on reasonableness and justifiability, existing law and the necessity protect privacy, national security and public interest.</p> <p>Access to personal data held by the government must also be weighed against the purpose of request and extent of privacy invasion.</p>



**MEMORANDUM ON THE FIRE AND RESCUE SERVICES
PROFESSIONALS BILL, 2023
[Senate Bill, No. 55 of 2023]**

**PRESENTED TO
THE CLERK OF THE NATIONAL ASSEMBLY
PARLIAMENT OF THE REPUBLIC OF KENYA
PARLIAMENT BUILDINGS
NAIROBI**

**SUBMITTED BY
CHIEF FIRE OFFICERS ASSOCIATION – KENYA (CFOA–K)**

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Kiambu, Kenya

06.03.2024

1. BACKGROUND

The Chief Fire Officers Association – Kenya (CFOA–K) is the representative body of the chief fire officers in Kenya. The Association was established and registered in 2019. The Chief Fire Officers are the technical heads of fire and rescue services in all counties in Kenya as well as in other national government entities and private sector. Currently, the Association has 70 members drawn from 40 counties and other national government agencies such as Kenya Airports Authority (KAA), Kenya Ports Authority and Kenyatta University among others.

The Association seeks to promote growth and development of fire service in Kenya, professional development of fire chief officers as well as other fire service officers and their welfare, and development of fire service industry. Some of the key results that the CFOA–K has achieved both individually and in partnership with donors include:

- 70% of Kenyan firefighters provided with basic and advanced firefighting training.
- Firefighters trained in the specialised Fire and Rescue Training Centre in Kiambu.
- Specialised firefighting equipment and PPEs delivered to fire units all over Kenya.
- Profession of a firefighter officially registered under TVETA.
- Firefighter vocational curriculum developed – first in Kenya and East Africa serves as an example for other countries.
- One of 20 curricula implemented (Level 3 – Pump Operator – 300 hrs).
- Training of Trainers provided by PCPM to the Kenyan firefighting cadre.
- Vastly improved efficiency, wide networking and exchange of experience among fire units across Kenya.
- Construction of Fire and Rescue Training Center – Kenya named Fire track in Kiambu county which offers free trainings to professional firefighters from all the counties and state agencies. This institution offers certified and recognised certificates accredited to TVETA.
- Prior learning adoption – 68 no. firefighters were enrolled in Prior Learning Assessment and Recognition process last year and they will graduate on 22nd March, 2024
- Development of fire stations – construction of new fire stations in Makindu - Makueni county and Kyumvi - Machakos county. Renovations and equipping of fire stations in Nandi, Tharaka Nithi, Meru and Murang'a.
- Development of scheme of service for fire fighters, now awaiting approval.

The Association appreciate the efforts and steps taken by the National Assembly to legislate on the professional development and regulation of fire safety professionals in

Kenya. The enactment of the Bill will go along way in improving fire safety practice in Kenya and enhancement of public safety in relation to fire risks.

In November and December 2023, the Association engaged its members and fire fighters in the country on professional practice development and the regulatory framework for the profession. In this regard, the Association facilitated one national consultative forum with 300 firefighters and fire safety professionals and two regional consultative meetings (one in Nairobi and the other in Mombasa) that brought representatives from 19 counties in the catchment regions for further review. The participating counties were Isiolo, Marsabit, Nandi, Tharaka–Nithi, Meru, Nyeri, Machakos, Makeni, Kajiado, Kiambu, Nairobi, Murang’a, Nakuru, Mombasa, Kwale, Tana River, Kilifi, Uasin Gishu, Trans Nzoia. The stakeholders included national government officials working in the fire related sectors from Kenya Airport Authority (KAA), Kenya Ports Authority (KPA), Kenya Pipeline Corporation (KPC), the National Disaster Management Unit in the National Police Services as well as officers in the private sector (Red Cross, St. Johns Ambulance and KK Security). The issues generated from the consultative forums forms basis of our review and recommendations contained in this memorandum.

To enhance the Bill, the Association and the fire safety professionals propose the recommendations contained in this memorandum to consideration by the National Assembly.

PART I – PRELIMINARY

2. CLAUSE 2

THAT Clause 2 of the Bill be amended as follows–

- 1) By deleting the words “and disaster risk management” in the definition of the term “Cabinet Secretary”–
- 2) By inserting a definition of the term “Institute” as follows–
“Institute” means the Institute of Fire and Rescue Service Professionals”
established under section 26;

Justification

Administration of the Bill should be placed specifically under the Cabinet Secretary responsible for fire and rescue services. Fire and rescue services is not the same as disaster management hence the two fields should not be included together in assigning the

administration to the Cabinet Secretary. There is proposed establishment of the Institute, hence the need to provide for definition of the term. This memorandum proposes the establishment of the Institute of Fire and Rescue Professionals. The Bill should define the term.

3. CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new paragraphs after paragraph (e) as follows–

- (f) promote development and advancement of knowledge in the field of practice for fire and rescue service; and
- (g) to provide for institutional framework for representation and participation of fire and rescue professionals to participate.

Justification

Pursuant to the proposed establishment of the Institute of Fire and Rescue Professionals, the additional two objective are necessary. In addition, the Bill should create a framework for advancement of fire and rescue profession and practice.

PART II

4. CLAUSE 5

THAT clause 5 of the Bill be deleted and substituted therefor as follows–

- (a) In paragraph (e) by deleting the word “three” and substituting therefor the words “two” and by adding the words “Provided that such persons shall be qualified on matters fire and rescue services, disaster management, engineering, medicine, physical planning, public safety or any other related matter”.
- (b) By deleting paragraph (f) and substituting therefor the following–
 - (f) two persons nominated by the Institute.
- (c) In paragraph (h) by inserting the words “providing fire and rescue services, appointed the Cabinet Secretary from among persons nominated by the private sector organizations” after the word “organization”.

- (d) In paragraph (g) by inserting the words “appointed by the Cabinet Secretary” after the word “Kenya”
- (e) By inserting a new paragraph (i) and renumbering the subsection accordingly as follows–
 - (i) one person who is a professional and an expert in matters related to fire and rescue services, who is not a public officer.
- (f) In paragraph (i) by inserting the words “and shall be the secretary to the Board” after the word “member”
- (g) By inserting a new subsection (3), (4) and (5) as follows–

(3) For a person to be appointed as a chairperson, the person shall –

- (a) hold at least a bachelor’s degree in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification from a recognised institution;
- (b) hold at least a diploma in fire management or fire and rescue management from a recognized institution or its equivalent, where a person is not a holder of a Bachelor’s degree in Fire and Rescue management or its equivalent;
- (c) be a member of the Institute in good professional standing;
- (d) have at least ten years experience in leadership in public or private sector;
- (e) meet the requirements of Public Officer and Ethics Act; and
- (f) not be an office bearer in any political party.

No. 4 of 2003.

(4) For a person to be appointed under subsection 1 (f), the person shall –

- (a) hold at least a bachelor’s degree in fire management or fire and rescue management, disaster management,

No. 4 of 2003.

engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification from a recognised institution;

- (b) hold at least a diploma in fire management or fire and rescue management from a recognized institution or its equivalent, where a person is not a holder of a Bachelor's degree in Fire and Rescue management or its equivalent;
- (c) be a member of the Institute in good professional standing;
- (d) have at least five years experience in leadership in public or private sector;
- (e) meet the requirements of Public Officer and Ethics Act; and
- (f) not be an office bearer in any political party.

(5) For a person to be appointed under subsection (1) (g), (h) and (i) the person shall-

- (a) hold at least a bachelor's degree in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification from a recognised institution;
- (b) hold at least five years experience in leadership in public or private sector;
- (c) be in good professional standing with the relevant professional body
- (d) meet the requirements of the Public Officer Ethics Act; and
- (e) not be a holder of an office of a political party.

No. 4 of 2003

Justification

The Board, being a professionals' regulatory board should align to the best practices for such Boards. The membership of the professional body i.e. the Institute should be a member of the Board with substantial representation. A private association cannot be deemed to be a representative of the professionals. The best practice is to have the Institute, which is created under the act as proposed in this memorandum, and which will have the statutory mandate to manage professional practice matters.

Further, it is necessary that the Bill provide for the required professional qualifications for Board members who are not public or state officers. A representation of two members from the Council of Governors is sufficient. There is a need to include a professional who is an expert in matters related to fire and rescue services and who is not a public officer. This will enhance the regulatory mandate of the Board.

The Bill should expressly provide that the Registrar will be the secretary of the Board.

5. CLAUSE 7

THAT Clause 7 of the Bill be amended as follows –

- (a) by deleting paragraphs (a), (b), (f), (h) and (j)
- (b) in clause (g) by deleting the word “develop” and substitute with the word “approve”

Justification

The Board should be responsible specifically for core regulatory matters such as registration and licensing of members and standards setting. The proposed Institute should be responsible for the matters provided for under clause (a), (b), (f), (g), (h) and (j), which is the best practice for the professional bodies such as ICPAK, ICS (ICPSK) and LSK among others.

The Board should be responsible for regulating the industry and not providing training to professionals, setting training standards since this is the responsibility of education regulators. The proposed Institute would be responsible for providing continuous professional development for members, which is the case for other professional bodies. In addition, the Board's role should not providing advise on provision of fire and rescue services since its mandate is regulation of professionals and not industry practice. This is a matter to be handled by the proposed Institute.

6. CLAUSE 20

THAT Clause 20 (1) be amended by deleting paragraph (c).

Justification

The requirement that consulting firms should have at least 51% shareholding by Kenyan citizens is trade restrictive and does not conform with the current trade agreements and protocols on freedom of establishment of commercial presence by foreigners. The requirement that a person, whether a national or foreigner must be registered with the Board in order to be permitted to practice is sufficient requirement. This requirement limits or inhibits establishment of professional services firms or investment by foreign experts, therefore limiting transfer of expertise in the field. Kenya does not have advanced professional expertise and training in the field of fire and rescue services. allowing foreign experts to establish commercial presence in Kenya without restriction on shareholding would be more beneficial to Kenya and the professionals.

5. PROPOSED NEW PART IV

THAT the Bill be amended by inserting a new Part IV after Part III and renumbering the Bill accordingly as follows–

PART IV – THE INSTITUTE OF FIRE AND RESCUE SERVICES PROFESSIONALS

Establishment of the Institute.

26. (1) There is established the Institute of Fire and Rescue Services Professionals.

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

–

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

Functions of the Institute.

27. (1) The function of the Institute shall generally be to promote the professional development, competence, professionalism in the practice and welfare of its members.

(2) Specifically, the Institute shall be responsible for –

- (a) promoting and participating in the development of policies, laws, standards, protocols and code of practice for fire and rescue service practice;
- (b) promoting and supervising ethical and professional practice among fire and rescue service professionals;
- (c) promoting, facilitating and ensuring compliance by its members with the standards, protocols and code of conduct and practice for fire and rescue service professionals;
- (d) promoting advancement of knowledge in the field of fire and rescue service practice through carrying out research and development in the field and through other related processes;
- (e) promoting the welfare of its members;
- (f) advocating and promoting the development of fire and rescue services field;
- (g) promoting, facilitating, providing and accrediting continuous professional development and training for its members;
- (h) carryout disciplinary measures for members who fail to comply with the code of practice in accordance with this Act;
- (i) maintaining a register of fire and rescue service professionals;
- (j) providing certification for processes, practices, including certification for good professional standing as may be prescribed under this Act;
- (k) promoting and facilitating collaboration and networking between the Institute and its members with other international organizations involved in fire and rescue services and related practice as well as other

professionals in the field at regional and global level;

- (l) promoting and facilitating where appropriate coordination and collaboration with other public or private entities involved in fire and rescue services;
- (m) advising the Board and institutions providing education and learning on fire and rescue services on the provision of appropriate education and learning for persons undertaking courses for qualification as fire and rescue service profession;
- (n) advising the national and county governments on development and management of fire and rescue professionals practice in their jurisdictions; and
- (o) advising the Board and the cabinet secretary generally on the implementation of this Act and any matter related to fire and rescue services practice.

Membership

Membership of the Institute.

28. The membership of the Institute shall consist of—
- (a) any fire and rescue services professional registered with the Board and whose name has been entered in the register stipulated under this Act;
 - (b) a person admitted to membership under section 29; and
 - (c) a person admitted as a special member under section 30.

Honorary membership.

29. The Council may elect a person, who not being a member described under section 28 (a), to be an honorary member of the Institute where the person has made significant contributions to the advancement of knowledge and practice in fire and rescue service profession.

Special member.

30. A person who is registered as a qualified as a fire and

rescue services professional in a foreign country and is registered under this Act may apply to the Institute to be admitted as a special member.

Fellows of the Institute.

31. (1) The Council may invite and admit, in the prescribed manner, a person who has been a member of the Institute for at least fifteen years and has made significant and distinguished contribution to the development and welfare of the Institute and the fire and rescue service practice, to be a fellow of the Institute.

(2) The Council shall prepare and maintain the Roll of Fellows of the Institute.

(3) The Council shall, upon a of a admitting a person to be a fellow under subsection (1) –

- (a) enter the name of each person admitted to the Roll of Fellows of the Institute;
- (b) confer to the person the title “Fellow of the Institute of Fire and Rescue Services Profession” which may be initialed as “F.I.F.R.S.P”.

(4) A person whose name has been entered into the Roll of the Fellow of the Institute under subsection (2) shall sign the Roll of Fellows of the Institute.

Application for membership.

32. (1) Subject to section 28, a person intending to be a member of the Institute shall apply to the Institute in the prescribed form.

(2) For a person applying for membership under this section shall submit the required documentation as may be prescribed.

(3) The Council shall where an applicant meets the requirements of this section register the person as a member.

Membership fees.

33. (1) A person who is qualified to be a member of the Institute shall not be required to pay any fee to become a member of the Institute.

(2) A member of the Institute shall pay an annual subscription to the Institute as shall be prescribed.

Members rights.

34. (1) A fully paid up member in good professional standing described under section 28 (a) shall have a right to –

- (a) participate in all activities of the Institute;
- (b) vote in any general meeting of the Institute where voting on decisions is required or meetings of the Council where the person is a member;
- (c) be eligible to be elected or appointed in any position or office in the Council or committees of the Council;
- (d) be informed on the processes, programmes and decisions of the Institute; and
- (e) represent the Institute in any forum or platform where such a member is qualified or authorized to.

(2) A member described under section 28 (b) and (c) shall –

- (a) have no voting rights in any meeting of the Institute;
- (b) not be eligible to be elected or appointed in any position or office in the Council or committees of the Council, chairperson or vice-chairperson of a Branch Committee; and
- (c) have the right to participate in the activities of the Institute and the general meetings of the Institute.

Governance organs and structures

Governance organs and structures.

35. The institute shall be governed through the following organs and structures–

- (a) the general meeting;
- (b) the Council; and
- (c) the Branches.

General meeting.

36. (1) The general meeting shall be the highest governance and decision-making organ of the Institute.

(2) A general meeting may be an ordinary general meeting which may be referred to as annual general meeting or extraordinary general meeting which may be referred to as special general meeting.

(3) An ordinary general meeting or extra ordinary meeting shall consist of the members of the Institute.

(4) There shall be convened the ordinary general meeting of the Institute in each financial year, which shall be held not later than thirty first day of March in each year.

(5) The Council shall convene the ordinary general meeting

(6) The agenda or business of the ordinary general meeting shall be –

- (a) consideration of minutes of the previous general meeting;
- (b) consideration and adoption of the financial statements of the Institute;
- (c) consideration and adoption of the budget in respect of the following financial year;
- (d) consideration and adoption of the chairperson's report;
- (e) election of office bearers and other Council members; and
- (f) appointment of the auditors of the Institute; and
- (g) any other matter as may be prescribed or as the Council may from time to time determine.

(7) The Institute may hold such extraordinary general meetings or special general meetings during the year in order to consider and dispense with specific business of the Institute as may be determined from time to time.

(8) An extraordinary general meeting or special general meeting shall be convened by the Council on its own motion or as a result of requisitioning by at least thirty members.

(9) The chairperson of the Institute shall preside over all the general meetings of the Institute:

Provided that the vice-chairperson shall preside over the general meetings in the absence of the chairperson, and in the absence the vice-chairperson, such other person as the Council may designate.

(10) The Secretary shall be the secretary of the general meetings.

(11) The quorum of a general meeting of the Institute shall be five percent of all members of the Institute.

(12) There shall be no proxies permitted to attend any general meeting of the Institute.

(13) Save for where decisions or resolutions at the general meeting requires a majority of all the members, decision at a general meeting shall be made by consensus or by simple majority of the members be present and voting.

(14) A general meeting may adopt such resolutions as may from time to time be deemed necessary.

(15) The Institute shall prescribe such rules and procedures for meetings in accordance with this Act:

Provided that such rules shall be approved by the Cabinet Secretary.

The Council

Establishment of the Council.

37. There is established the Council of the Institute of Fire and Rescue Services Profession.

Functions of the Council.

38. The Council shall be responsible for the management and administration of the affairs of the Institute.

Composition of the Council.

39. (1) The Council shall consist of –

(a) the chairperson;

(b) the vice-chairperson;

(c) three representatives from the general membership, one of whom shall be a person who

has practiced as a fire and rescue officer for at least twenty years standing; and

- (d) four representatives of the chairpersons of the Institutes branches elected from among the chairpersons of the branches;
- (e) the chief executive officer of the institute who shall be the secretary of the Institute and an ex-officio member of the Council.

(2) Save for the secretary, the Council members shall be elected directly by the members.

(3) A council member, other than the secretary shall hold office for a period of two years and may be eligible for re-election for a final term of two years.

Eligibility for election as a chairperson or vice chairperson of the Council.

40. A person shall be eligible for election as a chairperson or vice chairperson if the person –

- (a) has been a member of the Institute for a period of not less than seven years;
- (b) has served as a member in any committee of the Council;
- (c) is in good professional standing in respect of the year when the election is being held; and
- (d) meets any other requirement as may be prescribed under this Act.

Eligibility for election as member of the Council.

41. A person shall be eligible for election as a member of the Council if the person –

- (a) has been a member of the Institute for a period of not less than three years;
- (b) has served as a member in any committee of the Council or a branch;
- (c) is in good professional standing in respect of the year when the election is being held; and
- (d) meets any other requirement as may be prescribed under this Act.

Election of member of the Council.

42. (1) The election of members of the Council shall be–

- (a) conducted in a transparent, free and fair manner;

- (b) be held once in each period of two years upon the expiry of the two-year term of a Council as stipulated under section 39 (3);
- (c) conducted by voting through secret ballot;
- (d) held in a manner that promotes advancement of the objects of the Institute; and
- (e) supervised by such body as the Institute may from time to time determine.

(2) Subject to the approval by the annual general meeting, the Council shall adopt such measures for utilization of electronic voting system.

Removal from office.

43. (1) Save for the secretary, a member of the Council may be removed from the office before the expiry of the term by the decision of a general meeting, by a vote of at least two thirds of the members present and voting on the ground of—

- (a) being absent from the four consecutive meetings of the Council without a good cause and without notification to the chairperson; or
- (b) gross violation of the code of conduct;
- (c) ceasing being in good professional standing;
- (d) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (e) physical or mental incapacity to perform the functions of the office; or
- (f) incompetence in the performance of duties of the office or neglect of duty.

(2) Notwithstanding subsection (1), a person who –

- (a) becomes a member of a governing body of a political party;
- (b) is an undischarged bankrupt; or
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of fine;

shall cease to hold office.

(3) Prior to removal of a member under this section a person—

- (a) shall be given a notice of not less than twenty one days, in writing; and
- (b) be accorded an opportunity to present their case and defend themselves before a committee or panel constituted for that purpose as prescribed under this Act.

Committees.

44. (1) The Council may establish such committees as it may deem necessary for purposes of assisting it to effectively discharge its mandate.

(2) The Council may invite a member to participate in deliberations of a committee of the Council for such member to provide his or her expertise.

(3) The Council shall establish sectoral committees of the Institute where members shall participate in advancing realization of the functions of the Institute.

Conduct of business and financial management

Procedures of meetings and conduct of business.

45. (1) The Council shall meet at least once in each quarter of each year.

(2) Save as may be prescribed under this Act, the Council shall regulate the procedure of meetings and conduct of business.

Records of meetings.

46. The Council shall cause proper records of general meetings and Council meetings are taken and maintained.

Accounts.

47. (1) The Council shall cause proper records of the Institute's finances, assets and liabilities to be kept.

(2) The Council shall cause the accounts of the institute to be audited each year and shall submit the audited financial report to annual general meeting.

Remuneration of Council members.

48. A member of the Council shall be paid such allowances for discharging duties of the Council or fees for providing

services to the Council as shall be prescribed by the Institute.

Branches

Branches of the
Institute.

49. (1) There shall be the following branches of the Institute which shall consist of the counties set out in the Second Schedule–

- (a) Coast;
- (b) South Rift;
- (c) North Rift;
- (d) West Kenya;
- (e) South West Kenya;
- (f) Central Kenya;
- (g) South Eastern;
- (h) North Eastern; and
- (i) Nairobi.

(2) A branch shall be responsible for–

- (a) promoting and facilitating realization of the objects of Institute at the region assigned;
- (b) addressing issues related to practice within the region assigned;
- (c) promoting the welfare of the members in the region; and
- (d) liaising with the Council to address issues of concern among the members.

(3) There shall be a management committee for each branch which shall of –

- (a) the chairperson;
- (b) the vice chairperson;
- (c) the secretary; and
- (d) not more than six members of the Institute who practice in the region covered by the branch.

(4) Elections of members of the management committee described under section (3) shall be in accordance with the guidelines issued by the Institute.

(3) Notwithstanding the provision under subsection (4), a

branch shall –

- (a) ensure that each county in the branch is represented in the branch management committee; and
- (b) not elect a chairperson from the same county for more than two consecutive terms.

The Secretary and the Secretariat

The Secretary.

50. (1) There shall be the Secretary of the Institute who shall be the chief executive officer of the Institute and the head of the Secretariat.

(2) The Secretary shall be appointed by the Council through a competitive process and on such terms and conditions as the Council may determine.

(3) The Secretary shall –

- (a) be responsible for the day-to-day management of the affairs of the Institute;
- (b) be responsible for execution of the decisions and directives of the Council; and
- (c) be accountable to the Council; and
- (d) carry out any other function as may from time to time be assigned by the Council.

(4) For a person to qualify for appointment as the chief executive officer, the person shall –

- (a) has been a member of the Institute for a period of not less than five years;
- (b) has served as a member in any committee of the Council;
- (c) is in good professional standing; and
- (d) meets any other requirement as may be prescribed under this Act.

Secretariat.

51. (1) There shall be a secretariat of the Institute which shall consist of the secretary and such staff employed by the Council

(2) The secretariat shall, under the direction of the secretary be

responsible for the day-to-day management and administration of the affairs of the Institute.

Staff.

52. The Council may employ such staff on such terms and conditions as it may determine for purposes of aiding it to achieve the objects of the Institute.

Financial year.

53. The financial year of the Institute shall be a calendar year commencing in the first day of January and ending on the last day of December.

Justification

In accordance with the best practice adopted in Kenya for the regulation and development of professions and practice, it is important to establish the Institute, which is constituted by the professionals registered to practice under the Act. The Institute is the professional body for members to participate in promotion of industry's growth and development and members' welfare. As is the case for other professional bodies such as Law Society of Kenya (LSK), Institute of Certified Secretaries (ICS), Institute of Certified Public Accountants of Kenya (ICPAK) and Institute of Human Resources Management (IHRM), the membership of the Institute would be mandatory for all persons intending to practice as fire and rescue professionals.

The Institute, being a membership organization should include the branches in the governance structures and processes to avoid the professionals practicing in Nairobi dominating the membership in the Council and the governance process.

6. Clause 31

THAT Clause 31 of the Bill be deleted.

Justification

Regulation of accredited education training is the responsibility of the respective education regulators. Clause 31 would be in conflict with the statutory mandates of the Commission on University Education and the TIVET Authority, which are the education regulators.

7. Clause 32

THAT Clause 32 of the Bill be amended by deleting the words “fire and rescue services consultant”

Justification

The main objective of the Bill is to govern the professional conduct of fire and rescue services professionals. There are various forms of practice, including the provision of consultancy services. Regardless of the chosen form of practice, regulatory requirements should prioritize essential aspects such as qualification, professional registration, and maintaining good professional conduct. For instance, in the legal, accounting, or certified secretaries professions, legislation does not emphasize the specific type of practice but rather focuses on the fundamental principle of professional registration. Additionally, it is important to note that the term "consultant" refers to a field of practice rather than a professional title, except within the medical field.

8. Clause 37

THAT Clause 37 of the Bill be amended as follows in sub-clause 1) by deleting the words “one year” and substituted therefor the words “four years”

Justification

Currently, save for the senior officers in government, majority of the fire and rescue professionals in the practice do not hold academic qualifications prescribed under the Act. In addition, there are very few accredited institutions that provide for the academic training in the field unlike other already developed fields. Consequently, there is need to provide for a 4-year transition period to enable all those professionals already employed to acquire necessary academic qualifications. The transition period will also enable more academic institutions to be able provide the necessary education and training opportunities. The government is currently undertaking the prior learning recognition and certification for fire and rescue services professionals coupled with curriculum development.

If Clause 37 is implemented as proposed, over 90% of fire and rescue services currently serving in government and therefore providing the services in the whole country will be rendered non-compliant with the requirements under the Bill. This will substantially affect service delivery in the country.

9. SCHEDULE

THAT the Bill be amended by inserting a new schedule and renumbering the schedule accordingly.

SCHEDULE (S.49)

THE REGIONS FOR BRANCHES

	Branch	Regions/Counties
1.	Coast	Kwale, Mombasa, Lamu, Kilifi, Taita Taveta and Tana River counties
2.	South Rift	Narok, Nakuru, Bomet, Kericho, Laikipia and Samburu Counties
3.	North Rift	Uasin Gishu, Trans Nzoia, Nandi, Turkana, West Pokot, Elgeyo Marakwet and Baringo Counties
4.	West Kenya	Kisumu, Siaya, Busia, Kakamega, Bungoma and Vihiga Counties.
5.	South West Kenya	Kisii, Nyamira, Migori, Homa Bay
6.	Central Kenya	Nyeri, Murang'a, Kiambu, Kirinyaga, Nyandarua, Embu, Meru and Tharaka Nithi counties
7.	South Eastern	Machakos, Kajiado, Kitui, and Makueni counties
8.	North Eastern	Mandera, Wajir, Garissa, Marsabit and Isiolo Counties
9.	Nairobi	Nairobi

Justification

The establishment and governance of the Institute need to be separated from the establishment and governance of the Board. The Institute, being a membership organization should include the branches in the governance structures and processes to avoid the professionals practicing in Nairobi dominating the membership in the Council and the governance process.

10. New Clause 38 and 39

THAT a new Clause 38 and 39 be inserted after clause 37 as follows–

Inaugural Board.

38. (1) The Cabinet Secretary shall in consultation with the Interim Council established under section 39 establish the inaugural Board not later than nine months upon the coming into force of this Act.

(2) The Cabinet Secretary shall in consultation with the Interim Council issue guidelines on the procedure to be followed by the inaugural Board in giving effect to the requirement for registration of professionals who qualify for registration under this Act.

Interim Council.

39. (1) The Cabinet Secretary shall convene an inaugural meeting of the registered member associations or organizations of fire and rescue professionals not later than three months from the date the Act comes into force.

(2) The purpose of the meeting described under subsection (1) shall be to–

- (a) deliberate and set out the procedure for selecting the Interim Council;
- (b) deliberate and set out the procedure for selecting the representatives of the fire and rescue professionals to the Inaugural Board;
- (c) generally deliberate on the better operationalization of this Act; and
- (d) any other matter and the Cabinet Secretary may determine.

(3) Notwithstanding subsection (2), the Interim Council shall consist of –

- (a) five persons who are in charge of fire and rescue services in five counties representing county governments' fire and rescue services, who qualify to be registered as a fire and rescue service professionals under this Act;
- (b) one person who qualify to be registered as a fire and rescue service professional under this Act, representing national government agencies that operate fire and rescue services, which shall include Kenya Airports Authority, Kenya Ports Authority and Kenya Pipeline Corporation;
- (c) one person who qualify to be registered as a fire and rescue service professional under this Act, representing private sector organizations that provide fire and rescue services;
- (d) one person who qualify to be registered as a fire and rescue service professional under this Act being a person in the private practice on matters related to fire and rescue services such as fire risk assessment, audit, safety compliance, investigations or rescue operations among others; and
- (e) one person who qualify to be registered as a fire and rescue service professional under this Act, representing charitable or nongovernmental organizations providing fire and rescue services.

(3) The purpose of the Interim Council shall be to–

- (a) select the representatives of the fire and rescue professionals to the Inaugural Board;
- (b) setting the basic structures of the Institute;
- (c) publicizing the Act to the fire and rescue professionals in public, private and charitable sectors in all counties;
- (d) advising the Cabinet Secretary and Inaugural Board on operationalization of this Act; and
- (e) undertaking any function as the Cabinet Secretary and the Inaugural Board may require under this Act.

(4) The term of the Interim Council shall be one year from the date of its establishment.

Justification

There are more than registered member organizations for fire and rescue professionals. Therefore, no single organization should be designated to solely set up the Interim Council. Currently, most of the fire and rescue professionals practice within the county governments as the fire and rescue service is a function of county governments. Therefore, representatives from the county government should take a leading role in setting up the Interim Council.

KENYA NATIONAL FIRE BRIGADES ASSOCIATION

DISASTER



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THE FIRE BRIGADE PROFESSIONALS BILL, 2023

Kenya Gazette Supplement No. 239 (Senate Bills No. 55)

S/N	Clause	Rebuttals
PART I—PRELIMINARY		
1.	Short title	Ok, No amendments.
2.	Interpretation	Ok, No amendments.
3.	Objects of the Act.	Ok, No amendments
PART II-THE FIRE AND RESCUE SERVICES BOARD		
4.	Establishment of the Board	This should include establishment of national fire institute; The institute shall; Standardize training of fire personnel Board Composition; 5(g) KENFIBA should have three representatives in the board; three persons nominated by the Kenya National Fire Brigades Association
5.	Members of the Board	Ok, No amendments.
6.	Headquarters of the Board	Ok, No amendments.
7.	Functions of the Board	Addition: <ol style="list-style-type: none"> 1. Come up with the National Framework for Fire Safety and Rescue Svices. 2. advise the government on policy matters relating to fire safety and standards of practice. <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 3. In collaboration with other stake holders, devise policies on fire safety standards and practices. 4. Undertake research on, and advise the government on the current fire fighting technologies.

		5. Plan, arrange, co-ordinate and oversee continuing professional training and development and facilitate skills acquisition for the fire brigades professionals
8.	Powers of the Board	Amendments; 1. Prepare detailed curriculum for registration of fire brigades professionals and conduct professional examinations/assessments for the purposes of registration
9.	Committees of the Board	Ok, No amendments.
10.	Delegation by the Board	Ok, No amendments.
11.	Conduct of business and affairs of the Board	Ok, No amendments.
12.	Tenure and vacation of office	Ok, No amendments
13.	Remuneration of Board members	Ok, No amendments.
14.	Appointment of the registrar	Qualifications of the Registrar: 1. has at least an undergraduate degree from a recognized institution. 2. has experience in any of the following fields— (i) Fire safety ; (ii) Physical Sciences/Engineering (iii) Economics/Data Science; (iv) Disaster management/Rescue mission (v) corporate management; and 3. has had at least five years proven experience at management level; NOTE: A degree in disaster management is so limiting as most physical science and engineering courses involve disaster as a unit or application.
15.	Functions of the Registrar	Ok, No amendments.
16.	Limitation of liability	Ok, No amendments.
	PART III – REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS	
17.	Registration of Fire and Rescue Services Professionals	Amendments; 1. The Board may establish and manage one or more training centres for providing education and training in matters in

		relation to which Board have functions.
18.	Qualifications of a Fire and Rescue Services Professional Amendment Nature of Registration	Amendments; 1. Graduate firefighters; fresh certificate, diploma or degree holders from accredited or approved institution. 2. Professional Fire Fighters: Persons who have been in practice for not less than 5 years 3. Fire-fighting consulting firms (will be registered upon satisfying the requirements set by the Board) 4. Individual/private fire protection consultants.
19.	Application for registration.	Amendments; 1. A person or firm wishing to be registered under this Act shall apply to the Board.
20.	Register	Ok, No amendments
21.	Application for registration as a Fire and Rescue services Consulting Firm	Ok, No amendments.
22.	Consideration of application for registration	Ok, No amendments
23.	Register	Ok, No amendments
24.	Alteration of the register	Ok, No amendments
25.	Removal of persons from the register	Ok, No amendments
PART IV – FINANCIAL PROVISIONS		
26.	Funds for the Board.	Amendments; 1. At least 2% of the county budget to be reserved for the board for its operations
27.	Annual estimates	Ok, No amendments.
28.	Accounts and Audit	Ok, No amendments.
PART V – OFFENCES AND PENALTIES		
29.	False registration and licencing.	Amendments: 1. A person who willfully procures practicing certificate under the provisions of this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and shall not be liable for compensation in case of injuries, death or any other bodily harm in the line of

		duty
30.	Professional misconduct.	Ok, No amendments.
31.	Offences by persons or training institutions	Amendments; 1. A person/ firm , alleging breach of the standards of professional conduct as may be specified by the Board, may from time to time make a written complaint to the Board in the prescribed manner.
32.	Prohibition for use of the term “fire and rescue services professional” by unregistered persons	Ok, No amendments.
33.	Prohibition of employment of unregistered persons	Ok, No amendments.
PART VI – COMPLAINTS AND DISCIPLINE BY THE BAORD		
34.	Complaints and Disciplinary proceedings by the Board	Ok, No amendments
35.	Appeals	Ok, No amendments
36.	Regulations	Amendments: 1. Assign a fire inspector to all high-rise construction sites 2. Certify and assess regularly both residential, worship places and work places/offices for the conformity with the fire safety standards and regulations. 3. Certify the storage and transportation of the explosive/combustible materials. 4. Offer advisory services to the government, insurance firms and other interested bodies on the possible cause of fire, and or extent of damage for the purposes of compensation. 5. Provision of information, awareness campaigns on fire safety. The Board will, so far as practicable, enter into a reinforcement scheme with other rescue and law enforcement authorities.
37.	Transition	Ok, No amendments.
PART VII – MISCELLANEOUS PROVISIONS		

38.	Interim Board	In the inception, there should be an interim board, composed of those who participated in drafting of the bill
	PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD	
		Ok, No amendments.



**OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE**

Our Ref: **AG/LDD/553/1/23**
Your Ref: **NA/DDC/RD2025/033**

27th August, 2025

Mr. Samuel Njoroge **CBS**
The Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100

NAIROBI.

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSION ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO.55 OF 2023)

Reference is made to your letter under Ref: NA/DDC/RD2025/033, dated the 22nd August, 2025, requesting the Office of the Attorney-General for submission on the proposed Fire and Rescue Services Professional Bill (Senate Bill No.55 of 2023) sponsored by Hon. **Mohamed Abass Sheikh, Senator for Wajir County** and inviting the Office of the Attorney-General to a meeting by the Departmental Committee on Regional development to make submissions on the Bill.

We have reviewed the proposals in the Bill and note that the Bill intends to establish a state corporation, we recommend that the provisions of the Bill comply with the State Corporations Act (Cap.446), the Public Finance Management Act (Cap.412A), the Public Audit Act (Cap. 412B), and the Mwongozo Code of Governance for State Corporations.

Our comments on the Bill are as follows-

	Clause	Comment	Recommendations	Rationale
1.	Clause 2 on definition of "fire rescue	This definition in the Bill includes "volunteers' firefighter".	Consider deleting the words "volunteer firefighter".	The Bill seeks to establish a body to regulate the conduct of fire and

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DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLAIC AYENU EP.O. Box 50057-00200, Nairobi-Kcnya TEL: Nairobi 2224029/2240337

E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

	services professional "			rescue services and a volunteer is not ordinarily
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				considered as a professional.
2.	Clause 5 (a) on members of the Bill.	The Bill provides for the appointment of the chairperson of the Board by the Cabinet Secretary.	We recommend for the chairperson of the Board to be appointed by the President.	To align with the provisions of the State Corporations Act(Cap.446)and the Mwongozo Code of Governance for State Corporations.
3.	Clause 5 (b) and (d) on members of the Bill.	<p>The Bill provides for the-</p> <p>a) Principal Secretary in the Ministry responsible for matters relating to fire prevention and disaster risk management;</p> <p>and</p> <p>b) Principal Secretary in the Ministry responsible for internal security and Coordination of National Government,</p> <p>to be a members of the Board.</p>	<p>We note that issues relating to risk management and disaster management fall within the mandate of the Ministry of Interior and National Administration.</p> <p>We recommend for the deletion of clause 5(d) as 5(b)already covers the responsible Ministry.</p> <p>We also recommend for the inclusion of the office of the Attorney-General in the membership of the Board.</p>	<p>To align with the Executive Order Number 1 of 2025.</p> <p>To align with the State Corporations Act (Cap.446) and the Mwongozo Code of Governancefor State Corporations.</p> <p>To align with the principal object of the Bill.</p>
4.	Clause 7 on the functions of the Board.	We note that the main objective of the Bill is to regulate fire and rescue service professionals and as such the main functions related to regulation of professionals should appear first.	We recommend for the re-arrangement of the functions to ensure the functions relating to the regulation of the professionals appear first.	

5.	Clause 8 on the powers of the Board.	While the provision is sufficient, it is too general and provides the Board with blanket power.	It may be advisable to break down the powers of the Board in the Bill so as to be specific.	To align with the provisions of the State Corporations Act (Cap. 446) and the Mwongozo Code of Governance for State Corporations.
6.	Clause 9 on committees of the Board.	The clause provides for co-option of members to the committees of the Board. However, we note that the provision does not indicate whether the co-opted members will have voting rights on decisions to be made by the Board.	The clause should provide for the voting rights of the co-opted members of the Board.	To ensure proper governance on the conduct of affairs of the Board.
7.	Part II on the establishment of the Fire and Rescue Services Board.	The Bill does not provide for the appointment of staff of the Board while clause 27(a) provides for payment of salaries of staff.	Consider including a clause of the appointment of staff of the Board.	For efficient management of the functions of the Board.
8.	Part II on the establishment of the Fire and Rescue Services Board.	The Bill does not provide for the appointment of the corporation secretary.	Consider including a clause of the appointment of the corporation secretary of the Board.	To align with the provisions of Mwongozo Code of Conduct.
9.	Clause 17 on the registration of fire and rescue services professional.	The Bill has not defined the term "fire and rescue service consultant".	Consider defining the term.	For ease of interpretation.
10.	Clause 26 on the funds of the Board.	The clause does not provide for appropriations from Parliament.	Consider including monies appropriated by Parliament as a source funds.	To provide for monies appropriated by Parliament as a source funds because the Bill is establishing a state corporation.
11.	Clause 27on	We note that clause	Consider deleting	Editorial

	Annual estimates.	27(2) (d) editorial error provides for th		repeated words members of the	correction.
		<p>"payment of payment of allowances of the members of the the Board and the members of Board".</p>			

We trust this is in order.

HON. CKJ.M _____ OSE,CBS



SOLLCIFOR-GENERAL

REPUBLIC OF KENYA
OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our Ref: **AG/LDD/230/2/3**

28th August, 2025

Your Ref: **NA/DDC/RD2025/033**

Mr. Samuel Njorge MBS

Clerk of the National Assembly

Clerk's Chambers

Parliament Buildings

P.O. Box 41842-00100

NAIROBI

RE: **INVITATION BY THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT TO MAKE SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONAL BILL (SENATE BILL NO.55 OF 2023)**

Reference is made to your letter under Ref: NA/DDC/RD2025/033, dated the 22nd August, 2025, requesting the Office of the Attorney-General for submission on the proposed Fire and Rescue Services Professional Bill (Senate Bill No.55 of 2023) sponsored by Hon. **Mohamed Abass Sheikh, Senator for Wajir County** and inviting the Office of the Attorney-General to a meeting by the Departmental Committee on Regional development to make submissions on the Bill on the 28th August, 2025.

Kindly and due to unforeseen urgent official State duty that require the attendance of the Hon. Solicitor-General, the Office nominates the following State Counsel to attend to the National Assembly Departmental Committee hearing on 28th August, 2025 on behalf of the Solicitor-General:

1. Mr Wachira Nguyo-Deputy Chief State Counsel
2. Ms. Olivia Simiyu-Principal Parliamentary Counsel
3. Mr. Kizito Ouma-Senior Parliamentary Counsel



Hon. hadlack1. Mose CBS

SOLICITOR GENERAL

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DDC
8
26/08/25

REPUBLIC OF KENYA

MINISTRY OF PUBLIC SERVICE, HUMAN CAPITAL DEVELOPMENT AND
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Benjamin Magut

When replying please quote:

pls deal
27/8/25

REF:MDP/DSP/1/5

24th August, 2025

Mr. Samwel Njoroge, CBS
The Clerk
National Assembly of Kenya
Parliament Buildings
NAIROBI

Mr. Bonu

pls TNA
Awaru
27/8/25

Dear Clerk,

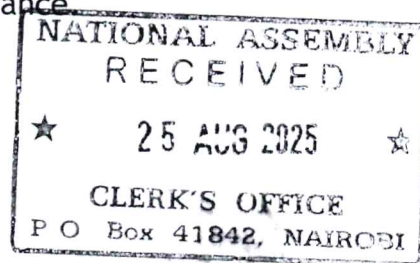
RE: SUBMISSIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONAL BILL (SENATE BILL NO. 55 OF 2023)

The above subject matter refers.

We acknowledge receipt of your invitation letter, reference no. NA/DDC/RD/2025/034 to appear before the National Assembly Departmental Committee on Regional Development, which is considering the Fire and Rescue Services Professionals Bill, 2023 (Senate Bill No. 55 of 2023).

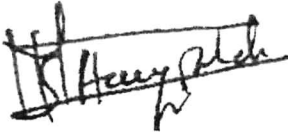
We appreciate the invitation to consider our input as the State Department mandated with Disaster Risk Management in Kenya.

The State Department has analyzed and isolated issues from a Disaster Risk Management Perspective and highlighted some gaps in the provisions and proposed amendments to support full alignment with Kenya's National Disaster Management Framework and the devolved system of governance.



The purpose of this letter therefore, is to submit the State Department for Special Programmes' comments and proposals on The Fire and Rescue Professionals Bill (Senate Bill No. 55 of 2023) for your perusal and consideration.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Ismail Maalim Madey', written over a horizontal line.

Ismail Maalim Madey, CBS
PRINCIPAL SECRETARY

Copy to: Hon. Geoffrey K. Ruku
Cabinet Secretary
Ministry of Public Service, Human Capital Development
and Special Programmes



MINISTRY OF PUBLIC SERVICE, HUMAN CAPITAL DEVELOPMENT AND SPECIAL PROGRAMMES

STATE DEPARTMENT FOR SPECIAL PROGRAMMES

COMMENTS BY THE PRINCIPAL SECRETARY TO THE FIRE AND RESCUE PROFESSIONALS BILL (NO. 55 OF 2023)

The Clerk of the National Assembly invited the Principal Secretary vide letter Ref. NA/DDC/RD/2025/034 dated 18th August, 2025 to submit views on the Fire and Rescue Professionals Bill (No. 55 OF 2023).

A. INTRODUCTION

The State Department for Special Programmes, established under Executive Order No. 1 of 2025, is the lead agency for Disaster Risk Management (DRM) in Kenya. Recognizing that fire incidents constitute a major disaster risk, the Department's mandate directly aligns with the Fire and Rescue Professionals Bill (No. 55 of 2023), which seeks to professionalize fire and rescue services. The Bill should therefore ensure that all practitioners meet defined DRM competencies for effective preparedness, mitigation and response.

These comments present a comprehensive analysis of the Fire and Rescue Professionals Bill (No. 55 of 2023) from a Disaster Risk Management (DRM) perspective, highlighting gaps in its current provisions and recommending targeted amendments to ensure full alignment with Kenya's National Disaster Management Framework (NDMF) and the devolved system of governance.

The recommendations are therefore designed to promote professionalism in fire and rescue services while ensuring inclusivity, decentralization, and operational readiness in line with disaster risk management principles.

B. COMMENTS ON THE FIRE AND RESCUE PROFESSIONALS BILL (NO. 55 OF 2023)

The sections below provide an analysis of specific clauses of the Bill, outlining the gaps, proposed amendments together with the rationale supporting each recommendation.

1.0 THE NEED FOR A LAW THAT ADDRESSES FIRE AS A DISASTER

Kenya does not have a national law that sets up and regulates fire as a disaster in a centralized way which is a major gap in the addressing the issue of fire as a disaster. Fire safety is therefore governed through multiple scattered laws which include: -Occupational Safety and Health Act (OSHA), 2007, Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007, the National Building Code (2024, the Public Health Act, the County Government Act (2012) and Fire Inquiry Act (Cap. 103).

Gap

Existing provisions on fire safety are fragmented, addressing the subject only indirectly through workplace safety regulations, building standards, or public health laws. There is no principal legislation dedicated exclusively to fire as a disaster.

Recommendation

Enact a comprehensive principal legislation specifically addressing fire management as a distinct disaster risk and aligning it with the Fire and Rescue Professionals Bill, 2023.

Rationale

A unified and dedicated legal framework would strengthen disaster risk management, eliminate overlaps and inconsistencies and provide a solid legislative basis for the effective implementation of the Fire and Rescue Professionals Bill, 2023.

PART 1 - PRELIMINARIES

2.0 Clause 2 - Interpretation

(a) Definition of the term “fire and rescue services professional”

Gap

The current definition of “fire and rescue services professional” is limited to fire suppression and rescue activities and does not explicitly include Disaster Risk Management (DRM) competencies.

Recommendation

Retain the definition but refining it to clearly incorporate Disaster Risk Management (DRM) competencies as follows:-

“fire and rescue services professional” means a person who is duly trained, registered, and licensed under this Act to provide fire suppression, rescue, emergency response, and related services, and who possesses recognized competencies in disaster risk management, including prevention, preparedness, mitigation, response, and recovery capabilities.”

Rationale

This will: -

- Enable professionals handle multi-hazard emergencies, covering prevention, preparedness, response, and recovery;
- Align the Bill with global standards, including the Sendai Framework for Disaster Risk Reduction (2015-2030);
- Assist regulators to set consistent training, accreditation and licensing standards.

(b) Define “Disaster Risk Management (DRM) Competencies” to mean: -

“The skills, knowledge, and qualifications required of fire and rescue services professionals to undertake DRM tasks, including fire risk assessment, incident command, multi-agency coordination, search and rescue, and rapid needs assessment.”

Rationale

By defining “Disaster Risk Management (DRM) competencies”, the Bill: -

- Specifies the DRM skills and knowledge required of fire and rescue professionals thus ensuring that professionals can manage fire-related disasters effectively.

PART II - ADMINISTRATION

3.0 Clause 5 - Composition of the Board.

Add the Principal Secretary responsible for matters Internal Security

Gap

The current composition of the Board under Clause 5 of the Fire and Rescue Professionals Bill, 2023, does not expressly include representation from the Ministry of Internal Security, despite its central role in disaster response, coordination, and public safety.

Recommendation

Amend Clause 5 to include the Principal Secretary in the Ministry responsible for matters relating to Internal security in the composition of the Board.

Rationale

Including the Ministry will ensure that fire and rescue operations adequately integrate security measures, enhance inter-agency coordination during emergencies and safeguards both people and property in disaster situations.

4.0 Clause 6 - Headquarters

Establishment of regional or liaison offices in other counties

Gap

The Bill does not provide for the establishment of regional or county liaison offices, despite fire and rescue services being a devolved county function. Centralizing the Board's operations in Nairobi may delay licensing, oversight, and service delivery at the county level.

Recommendations

Provide for the establishment of county or regional liaison offices of the Board to facilitate licensing, compliance monitoring, and coordination with county governments.

Rationale

Decentralizing the Board's operations will align with constitutional principles of devolution, improve responsiveness, and ensure equitable access to regulatory services across all counties.

5.0 Clause 7 - Functions of the Board

Add the following functions :-

(a) Establish a Fire and Rescue Training Institution in collaboration with relevant stakeholders

Gap

The Bill does not give the Board a clear mandate to establish a National Fire and Rescue Training Institution for standardized professional development and capacity building.

Recommendation

Add the following function: -

“in collaboration with the relevant stakeholders, establish and maintain a national fire and rescue training institution for the development of professional skills, certification, and continuous capacity building of fire and rescue personnel.”

Rationale

Creating a National Training Institution will ensure uniform training standards, enhance professionalism, and build a competent, well-coordinated workforce capable of delivering effective fire and disaster response services across the country.

(b) Ensure the integration of fire and rescue services into the broader disaster risk management framework

Gap

The Bill does not explicitly mandate the Board to integrate fire and rescue services into Kenya’s broader disaster risk management (DRM) framework, risking fragmented emergency response and duplication of efforts.

Recommendation

Add the following function: -

“ensure the integration of fire and rescue services into the broader disaster risk management framework at national and county levels.”

Rationale

Including this mandate will give the Board a clear legal duty to make sure fire and rescue services are not treated as an isolated function, but are fully aligned with Kenya’s disaster risk management (DRM) system at both national and county levels.

(c) Coordination with National Disaster Risk Management agencies

Gap

While Clause 7(2) provides for collaboration between the Board and County Governments, the Bill does not explicitly mandate the Board to coordinate with National Disaster Risk Management agencies. This creates a risk of fragmented emergency response and duplication of efforts.

Recommendation

Add the following function: -

“coordinate with the National Disaster Risk Management agencies and other relevant agencies to ensure integration of fire and rescue services within the national disaster risk management frameworks.”

Rationale

This mandate will strengthen inter-agency collaboration and ensure a unified approach to disaster prevention, preparedness, response, and recovery across the country.

(d) Set minimum operational standards

Gap

The Bill, does not give the Board the mandate to set minimum operational standards, incident command structures, safety protocols, or multi-agency response mechanisms. This omission may lead to inconsistent practices, poor coordination, and reduced effectiveness in emergency response.

Recommendation

Amend the Bill to include a specific function for the Board:

“set minimum operational standards, incident command structures, safety protocols, and multi-agency response mechanisms for fire and rescue services.”

Rationale

Without this, each professional could improvise differently, leading to inconsistent response quality and avoidable risks to both firefighters and the public.

(e) The Board to regulate fees charged by Fire and Rescue Professionals.

Gap

The Fire and Rescue Professionals Bill, 2023, does not grant the Board any mandate to regulate fees charged by fire and rescue professionals. This creates a risk of arbitrary, excessive, or inconsistent charges to the public.

Recommendations

Amend the Bill to expressly empower the Board to: -

- Prescribe, approve, and regulate fees chargeable by fire and rescue professionals.
- Publish fee schedules in the Gazette for transparency.
- Conduct annual reviews of fee structures in consultation with the Cabinet Secretary and National Treasury, ensuring alignment with public finance laws and international best practice.
- Enforce compliance by imposing penalties on professionals or institutions that charge unapproved fees.

Rationale

Providing the Board with the mandate to regulate fees aligns with practices in other regulated professions in Kenya, such as the Law Society of Kenya (LSK) under the Advocates Act, the Medical Practitioners and Dentists Council, and the Engineers Board of Kenya, all of which approve or guide professional fees to ensure fairness, transparency and protection of the public from exploitation.

6.0 Further proposed amendments to PART II

(a) Staff of the Board

Gap

The Bill does not give the Board the mandate to appoint staff, even though Clause 15 makes the Registrar responsible for staff and Clause 27 provides for their salaries and allowances.

Recommendation

Add a clause empowering the Board to appoint staff or second personnel from relevant government institutions with terms of service set in consultation with the appropriate government agencies.

Rationale

Granting the Board explicit authority to appoint staff will ensure it has the administrative and technical capacity to perform its functions effectively and align with best practices in governance of regulatory bodies.

PART III - REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS

7.0 Clause 18 - Qualifications of a fire and rescue services professional

Experienced Responders who lack formal training/academic qualifications

Gap

Clause 18 restricts registration to individuals with formal academic qualifications. It does not recognize experienced fire and rescue responders or volunteers who possess practical skills but lack formal academic credentials.

Recommendation

Amend Clause 18 to allow registration of individuals with proven practical experience in fire and rescue operations, including volunteers, subject to assessment or competency-based certification by the Board.

Rationale

This ensures that skilled practitioners and committed volunteers are not excluded, promoting inclusivity, retaining valuable human resources and enhancing operational capacity in fire and rescue services.

8.0 Further proposed amendments to Part III of the Bill

(a) Requiring the Board to Coordinate with relevant disaster risk management agencies in the certification process.

Gap

Having proposed above incorporation of DRM Competencies in fire and rescue, there is therefore need for the Board to expressly require coordination with disaster risk management agencies during the certification process.

Recommendation

Add the following clause to part III:-

“The Board shall collaborate with relevant disaster risk management authorities in the certification of fire and rescue professionals.”

Rationale

This will align certification standards with national DRM frameworks, enhance inter-agency coordination and ensure that certified professionals are fully prepared to operate within the broader disaster response system.

(b) Statutory duties for Fire and Rescue Professionals

Gap

The Bill does not assign specific statutory duties to fire and rescue professionals, leaving their roles, responsibilities, and standards of conduct unclear.

Recommendation

Add a clause setting out the statutory duties of fire and rescue professionals, such as adherence to professional standards, compliance with safety protocols and observance of ethical and operational codes.

Rationale

Defining statutory duties will ensure accountability, promote professionalism and provide a legal basis for enforcing discipline and maintaining high standards of service delivery nationwide.

(c) Indemnity to fire and rescue professionals

Gap

The Bill does not provide indemnity for fire and rescue professionals against liability for actions or omissions made in good faith during emergency scenarios. This omission exposes responders to personal legal risk while performing their duties.

Recommendation

Add a clause granting indemnity to fire and rescue professionals for acts or omissions done in good faith, without gross negligence or misconduct, during emergency response operations.

Rationale

Providing legal protection encourages responders to act decisively in emergencies without fear of personal liability, aligns the Bill with best practices for emergency services and ensures public safety is prioritized during disasters.

PART IV - FINANCIAL PROVISIONS

9.0 Clause 26 - Funds of the Board

(a) Moneys appropriated by the National Assembly

Gap

The Bill does not expressly provide that money appropriated by Parliament shall form part of the funds of the Board, creating uncertainty over the Board's financial sustainability and its ability to perform statutory functions.

Recommendation

Add a sub-clause in clause 26 providing that any money appropriated by Parliament shall form part of the Board's funds.

Rationale

Express inclusion of parliamentary appropriations will secure predictable funding for the Board, ensure uninterrupted implementation of its mandate and strengthen accountability in resource management.

PART V - OFFENCES AND PENALTIES

10.0 Clause 31 - Offences by Persons or Training Institutions

(a) Recognized/Accredited institutions which fail to comply with the prescribed standards for curriculum

Gap

While Clause 31 correctly penalizes unregistered training bodies, there is no provisions on accredited training institutions that fail to meet prescribed curriculum standards, creating a risk of inconsistent and substandard training.

Recommendation

Amend clause 31 to empower the Board to review, monitor and enforce compliance by training institutions, including suspending or revoking accreditation where institutions fail to meet required curriculum standards.

Rationale

This will safeguard the quality of professional training, uphold the integrity of certification and ensure that the professionals meet uniform national competency requirements.

10.0 Clauses 32 and 33

(32- Prohibition for the use of the term “fire and rescue services professional” by unregistered persons.)

(33 - Prohibition of employment of unregistered persons)

Gap

Clauses 32 and 33 of the Bill do not provide any penalties for non-compliance, weakening enforcement and undermining regulatory authority.

Recommendation

Amend Clauses 32 and 33 to include specific penalties for breaches, such as fines, suspension, or cancellation of licences and certificates.

Rationale

Including clear penalties will deter non-compliance, enhance accountability of fire and rescue professionals and training institutions, and ensure effective enforcement of the law.

PART VI - COMPLAINTS AND DISCIPLINE BY THE BOARD

12.0 Clause 34 - Complaints and Disciplinary Proceedings by the Board

(a) The board to initiate investigations on its own motion

Gap

While Clause 34 provides for making of formal complaints, The Fire and Rescue Professionals Bill, 2023, does not empower the Board to initiate investigations on its own motion (suo motu) into breaches of the law, professional misconduct, or non-compliance by fire and rescue professionals or training institutions. This limits proactive oversight.

Recommendation

Amend Clause 34 to expressly authorize the Board to initiate investigations on its own motion, in addition to acting on the formal complaints.

Rationale

Granting the Board this mandate will strengthen regulatory enforcement, allow early detection of malpractice and enhance accountability in the fire and rescue profession.

(b) Failure to surrender a cancelled licence/certificate**Gap**

Clause 34(8) penalizes failure to surrender a cancelled licence or certificate but does not provide a clear enforcement mechanism when a licence or certificate holder fails to comply.

Recommendation

- Provide a sub-clause specifying the period within which the licence or certificate must be surrendered.
- Provide a sub-clause requiring the Board to publish in the Kenya Gazette all cancelled licences or certificates.

Rationale:

Gazettement provides an official public record and prevent unauthorized practice using invalid credentials thus enhancing regulatory enforcement.

13.0 Further proposed amendments to PART VI of the Bill**(a) Jurisdiction of the Board in determining complaints****Gap**

The Bill does not clearly specify the scope of disputes the Board is empowered to hear and determine. This ambiguity may lead to jurisdictional conflicts, forum shopping or challenges to the Board's authority in resolving professional or institutional disputes.

Recommendation

Include a provision expressly defining the nature and extent of disputes the Board can handle.

Rationale

Clarifying the Board's dispute-resolution jurisdiction will prevent overlaps with other regulatory or judicial bodies, ensure legal certainty and streamline resolution of sector-specific matters. This strengthens enforcement while respecting the mandates of other institutions.

(b) Timelines for lodging and determining complaints

Gap

The Bill does not specify timelines within which complaints must be lodged or resolved. This omission risks delayed justice, stale complaints and administrative inefficiency.

Recommendation

Provide a statutory timeline for filing complaints with discretion for extensions in justified cases and clear timeline for the Board to investigate and resolve complaints.

Rationale

Establishing timelines for both lodging and resolving complaints promotes procedural fairness, prevents indefinite exposure to liability, enhances confidence in the regulatory framework, and ensures accountability through efficient decision-making.

PART VII - MISCELLANEOUS PROVISIONS

14.0 Clause 37 - Transitional Provisions

(a) There is a risk of unqualified personnel providing services during the transition period

Gap

The transitional provisions in Bill do not provide safeguards to prevent unqualified personnel from providing fire and rescue services during the transition period.

Recommendation

Introduce a clause requiring the Board to oversee all personnel operating under transitional arrangements by conducting interim vetting, issuing temporary permits or mandating supervised practice until full registration and certification take effect.

Rationale

Board oversight will ensure that only competent personnel deliver services during the transition thus safeguarding public safety during the transition period.

C. Conclusion

The review of the Fire and Rescue Professionals Bill, 2023 highlights significant gaps that undermine its ability to establish an effective, professional and accountable fire and rescue framework in Kenya. Key issues include: -

- Lack of a unified national law treating fire as a distinct disaster risk;
- Inadequate clarity on professional duties;
- Insufficient oversight mechanisms;
- Limited powers of the Board;
- Absence of operational standards;
- Gaps in training regulation;
- Weak enforcement provisions; and
- Inadequate integration with the broader disaster risk management systems.

To address these shortcomings, the Bill should be amended to: -

- Establish a comprehensive legal framework aligned with national disaster risk management systems and global standards.
- Strengthen the Board's mandate in regulation, enforcement, training, fee control and staffing.
- Ensure decentralization to county levels to align with devolution and improve service delivery.
- Provide clear professional duties, statutory indemnity and strict certification requirements.
- Introduce timelines, penalties and proactive oversight measures to ensure compliance and accountability.

Implementing these recommendations will create a coherent and robust legal and institutional framework, improve professionalism, enhance coordination across agencies and levels of government and ensure public safety.