



PARLIAMENT OF KENYA
LIBRARY



Approved
2024 DS/NA
7/11/2024

THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2024


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 NOV 2024	DAY: TUESDAY
TABLED BY:	HON. (DR.) MUTINDI JOHN, MP (CHAIRPERSON)
CLERK-AT THE-TABLE:	INZO PU MWALE



TABLE OF CONTENTS

LIST OF ANNEXURES.....	3
CHAIRPERSON'S FOREWORD.....	4
CHAPTER ONE.....	6
1 PREFACE.....	6
1.1 ESTABLISHMENT OF THE COMMITTEE	6
1.2 MANDATE OF THE COMMITTEE	6
1.3 COMMITTEE MEMBERSHIP	7
1.4 COMMITTEE SECRETARIAT	8
CHAPTER TWO	9
2 BACKGROUND OF AGRICULTURAL PROFESSIONALS IN KENYA.....	9
2.1 INTRODUCTION	9
2.2 SITUATIONAL ANALYSIS	9
2.3 COMPARATIVE ANALYSIS.....	9
CHAPTER THREE.....	10
3 OVERVIEW OF THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024).....	10
3.1 INTRODUCTION	10
3.2 CONTENTS OF THE BILL AND INSTITUTIONAL FRAMEWORKS PROPOSED	10
3.3 CLAUSE BY CLAUSE PROVISIONS OF THE BILL	11
CHAPTER FOUR	15
4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION	15
4.1 MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT	15
4.2 KENYA SOCIETY FOR AGRICULTURAL PROFESSIONALS (KESAP)	21
4.3 PEST CONTROL PRODUCTS BOARD	22
4.4 KENYA NATIONAL FARMERS FEDERATION (KENAFF)	22
4.5 ANIMAL HEALTH AND INDUSTRY TRAINING INSTITUTE (AHITI) – KABETE	23
4.6 MR. DUNSTAN KABURU MISHECK	23
CHAPTER FIVE	24
5 COMMITTEE OBSERVATIONS.....	24
CHAPTER SIX	25
6 COMMITTEE RECOMMENDATION	25
CHAPTER SEVEN	26
7 SCHEDULE OF PROPOSED AMENDMENTS.....	26
REFERENCES	35

LIST OF ANNEXURES

- 1 Report Adoption Schedule
- 2 Minutes
- 3 Copy of the Agricultural Professionals Registration and Licensing Bill, 2024 (*National Assembly Bill No.19 of 2024*)
4. Copy of the News Paper Advertisement on Public Participation
- 5 Letter Inviting Stakeholders for a Meeting with the Committee
- 6 Stakeholder Submissions
 - a) The Ministry of Agriculture and Livestock Development
 - b) Kenya Society for Agricultural Professionals (KESAP)
 - c) Pest Control Products Board (PCPB)
 - d) Kenya National Farmers Federation (KENAFF)
 - e) Animal Health and Industry Training Institute (AHITI)
 - f) Mr. Dunstan Kaburu Mishek

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Agriculture and Livestock on its consideration of the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No. 19 of 2024*) which was published in the Kenya Gazette Supplement No. 67 of 14th March 2024.

The Bill went through the First Reading on 5th June, 2024 and was thereafter committed to the Departmental Committee on Agriculture and Livestock for consideration and reporting to the House pursuant to the provision of Standing Order 127 (1).

The Bill has forty-seven (47) clauses. It seeks to provide a legislative framework for the training, registration and licensing of agricultural professionals. It also seeks to regulate the practice of agricultural professionals and to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board which shall regulate the profession.

Following placement of advertisements in the print media on Monday, 10th June 2024 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Committee received memoranda from six (6) stakeholders.

The Committee also invited stakeholders vide letter REF: NA/DDC/A&L/2024/047 dated 13th August 2024 for a stakeholders' engagement meeting on the Bill. Two of the invited stakeholders attended the meeting which was held on Thursday, 22nd August 2024 in Committee Room 21, Bunge Tower, Parliament Buildings.

In their memorandum, the Ministry of Agriculture and Livestock Development observed that the Bill was silent on the institution that will be offering the mandatory pre-registration training for agricultural professionals. The Ministry proposed that agricultural professionals need to undergo a mandatory Agricultural Management Course offered at the Kenya School of Agriculture before registration by the Board.

The Ministry also observed that the practice certificate and annual license serve the same purpose and therefore mandatory requirement of the two has a negative impact on the ease of doing business. Additionally, the Bill pre-supposes that Kenya Society of Agricultural Professionals is the only professional body for agricultural professionals yet there are various bodies to which agricultural professionals affiliate to depending on their specialty and preference. The representation in the Board should come from an umbrella body of the existing agricultural professional bodies.

Further, the Bill puts all agricultural professionals under one category irrespective of their qualifications which range from post graduate to certificate holders. The professionals should be categorized based on their qualifications i.e. Agricultural Technicians (certificate holders), Agricultural Assistants (diploma holders) and Agricultural Specialists (degree holders).

The Kenya Society for Agricultural Professionals (KESAP), the Pest Control Products Board (PCPB) and the Kenya National Farmers' Federation (KENAFF) proposed that a reasonable fee should be set for the registration and licensing of agricultural professionals.

The Animal Health and Industry Training Institute (AHITI) highlighted a number of benefits that can accrue from enactment of the Bill including, regulatory oversight, professional standards and

accountability, support for smallholder farmers, enhanced credibility and trust, access to professional development and resources, improved agricultural productivity and enhanced food security, legal framework for employment, economic growth, development and diversification as well as public participation.

The Committee observed that the Bill aligns with the agricultural policy framework of the government and is very timely given the number of fake practitioners in the agriculture sector. The sector has not achieved its potential because professionals have not been given the prominence and importance that they deserve. Enactment of the Bill will enhance professionalism in the agriculture sector.

In considering the Bill, the Committee adopted most of the proposals that were submitted by the stakeholders and they form part of the Committee's proposed amendments.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*).

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*) and has the honour to report back to the National Assembly with the recommendation that the Bill be approved with amendments.

Hon. (Dr.) John Kanyuthia Mutunga, PhD, M.P.
Chairperson, Departmental Committee on Agriculture and Livestock

CHAPTER ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Agriculture and Livestock is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is 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 their 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 the 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 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, agriculture, livestock, food production and marketing.
3. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Agriculture and Livestock was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP
Tigania West Constituency
UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP
Konoin Constituency
UDA Party

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member
Jubilee Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency
UDA Party

Hon. Ferdinand Kevin Wanyonyi, MP
Kwanza Constituency
Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP
Lamu County
Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Pamela Njoki Njeru, MP
Embu County
UDA Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency
UDA Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency
ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency
ODM Party

Hon. Peter Kalerwa Salasya, MP
Mumias East Constituency
DAP-K Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency
NOPEU Party

Hon. Yussuf Mohamed Farah, MP
Wajir West Constituency
ODM Party

Hon. David Kiplagat, MP
Soi Constituency
UDA Party

1.4 COMMITTEE SECRETARIAT

5 The Committee is facilitated by the following Secretariat

**Ms. Laureen Omusa Wesonga
Clerk Assistant I/Head of Secretariat**

**Mr Victor Kanda Kilimo
Clerk Assistant III**

**Mr David Ng'eno
Principal Research Officer II**

**CPA. Robert Ng'etich
Fiscal Analyst II**

**Mr. Gerald Kadede
Legal Counsel II**

**Mr Muhumed Shillow
Research Officer III**

**Ms Diana Chepkemol
Audio Assistant**

**Ms Brigitta Mati
Legal Counsel I**

**Ms. Zainabu Wario Sora
Serjeant-at-Arms II**

**Mr. Erastus Lotuk
Public Relations Officer III**

**Ms Edith Chepngeno
Media Relations Officer III**

CHAPTER TWO

2 BACKGROUND OF AGRICULTURAL PROFESSIONALS IN KENYA

2.1 INTRODUCTION

6. The Agricultural Professionals Registration and Licensing Bill, 2024 is a Bill by the Departmental Committee on Agriculture and Livestock sponsored by the Chairperson. The Bill was published on 14th March 2024 and read a First Time on 7th June 2024.
7. Part 1 of the Fourth Schedule to the Constitution allocates the National Government the function of Agricultural Policy and this proposed legislation falls under policy making.
8. While professionals in the livestock sub-sector are regulated under the Veterinary Surgeons and Veterinary Para-Professionals Act (No. 29 of 2011) and the Animal Technicians Act (No.11 of 2010), there is no legislation that regulates professionals in the crop sub-sector. The Agricultural Professionals Registration and Licensing Bill, 2024, seeks to bridge this gap.

2.2 SITUATIONAL ANALYSIS

9. Developing a pool of agricultural professionals is an important step in the pursuit of a sustainable food system. Such professionals need a host of skills that they can apply in the transition towards a sustainable food system in the country.
10. The Alliance for African Partnership with support from Michigan State University conducted a study in 2022 on agricultural extension and extension training in Kenya and found that both the training curricula and the extension services were wanting due to underfunding, inadequate capacity of lecturers and negative attitude and low practical skills of students. They recommended eleven (11) process skills and core competencies for inclusion into training curricula. Supporting skill development and providing incentives for the youth in agriculture is therefore needed.

2.3 COMPARATIVE ANALYSIS

11. **India's** regulatory framework for agricultural professionals is primarily state-specific rather than uniform at the national level.
12. **South Africa** has no central body to regulate agricultural professionals and instead several agricultural institutions play regulatory roles, such as Agricultural Produce Agents Council and South African Council for Natural Scientific Professions.
13. **Ghana** also has no single body that regulates agricultural professionals and several agricultural institutions play a regulatory role. The Food and Drugs Authority (FDA) is primarily focused on food safety, but it also plays a role in regulating agricultural inputs and products in Ghana.
14. **Canada** has a body under the Agrologist Act, 1994 that regulates agricultural professionals.

CHAPTER THREE

3 OVERVIEW OF THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (*NATIONAL ASSEMBLY BILL NO. 19 OF 2024*)

3.1 INTRODUCTION

15. The Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*) provides that an agricultural professional shall not engage in private practice (the practice of an agricultural professional on his/her own account or in partnership with others, for profit) unless registered by the Board, holds a valid practicing certificate and a license both renewed annually at a fee; and further introduces fines and jail terms for various offenses.

3.2 CONTENTS OF THE BILL AND INSTITUTIONAL FRAMEWORKS PROPOSED

Objectives of the Bill

16. The principal object of the Bill is to provide a legal framework for the training, registration, licensing and the practice of agricultural professionals; specifically, to:
- make provision for the registration and licensing of agricultural professionals;
 - provide for the regulation of the standards and practice of the profession; and
 - provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board.

Institutional Frameworks Proposed in the Bill

17. The Bill proposes to establish a Board that will be known as the Agricultural Professionals Registration and Licensing Board, which shall regulate the registration, licensing and the practice of agricultural professionals. Its functions are to:
- register and issue certificates of practice to qualified agricultural professionals, organizations and institutions;
 - arbitrate professional disputes and constitute independent tribunals to solve disputes where necessary;
 - order deregistration and withdrawal of registration certificates and licenses of practice from persons, organizations or institutions involved in unprofessional practices;
 - vet and authenticate professional certificates obtained from institutions operating outside this Act and in foreign countries;
 - collaborate with the Kenya National Qualifications Authority to verify professional qualifications; and
 - set annual levies and uphold code of conduct, standards and ethics of practice in the agricultural profession

Regulatory Framework

18. The Bill gives the Cabinet Secretary, in consultation with the Board, the power to make regulations including regulations on the:
- a) form and method of keeping registers and other records;
 - b) conditions under which training institutions other than those established or accredited under Universities Act, the TVET Act or any other written law may be approved;
 - c) terms and conditions of professional practice of registered agricultural professionals;
 - d) forms and fees to be prescribed;
 - e) inspection of agricultural professionals' institutions;
 - f) service to be rendered by an agricultural professional in private practice;
 - g) employment of an agricultural professional in private institutions; and
 - h) form and method of conducting any inspection, assessment, evaluation, examination or regulation.

Consequences of the Bill

19. If enacted, the legislation will likely lead to an orderly agricultural business environment that improves the agricultural services to the nation.

3.3 CLAUSE BY CLAUSE PROVISIONS OF THE BILL

Part I: Preliminary

20. Clauses 1 and 2 of the Bill contain preliminary provisions which are the short title and the interpretation of terms used in the Bill.

Part II: The Agricultural Professionals Registration and Licensing Board

21. Clauses 3 to 14 of the Bill provide for the establishment of the Agricultural Professionals Registration and Licensing Board, the composition, functions and powers of the Board. It further provides for the appointment of the Registrar.
22. Clause 3 establishes the Board as a body corporate with perpetual succession capable of suing and being sued while clause 4 provides for the composition of the Board, consisting of among others the Principal Secretary for Agriculture, the Principal Secretary responsible for Livestock, five members nominated by the Kenya Society for Agricultural Professionals, the Chairperson of the said society, an appointee of the Cabinet Secretary from the agro industry and a Registrar who is an ex-officio member.

23. Clause 5 has provisions on vacation from office by members of the Board with an exception of the Registrar while clause 6 provides for the conduct of the business and affairs of the Board as provided for in the First Schedule.
24. Clause 7 outlines the functions of the Board which include among others registration and issuance of certificates of practice, arbitration of professional disputes and may constitute of an independent tribunal where necessary, ordering deregistration and withdrawal of certificates and licenses of practice, vetting and authenticating professional certificates, verifying professional qualifications, setting annual levies and upholding the code of conduct, standards and ethics of practice.
25. Clause 8 has provisions on the powers of the Board which include powers to control, supervise and administer assets, determine expenditure and operate bank accounts, receive gifts and donations and to invest funds of the Board.
26. Clauses 9 and 10 of the Bill give the Board powers to delegate any of its functions to committees of the Board and to establish committees respectively.
27. Clause 11 provides for the competitive recruitment of the Registrar by the Board who shall be the chief executive officer and secretary to the Board and responsible for the day-to-day management of the affairs of the Board.
28. Clause 12 has provisions on the functions of the Registrar which include; maintaining a register of all persons registered under the Act, sign, issue, renew and cancel certificates of registration and licenses, keep all documents and records and assets of the Board, manage the budget of the Board among other functions.
29. Clauses 13 and 14 have provisions on appointment of other officers and staff of the Board or hiring of experts and their limitation from personal liabilities for any act or omissions done in good faith.

Part III: Registration of Agriculture Professionals

30. Clauses 15 to 20 provide for the registration of agricultural professionals, the qualifications for registration, the register of agricultural professionals and certificate of registration.
31. Clause 15 outlines qualifications for eligibility for registration as an agricultural professional under the Act. The qualifications include persons who hold a degree, diploma or certificate recognized by the Board and have applied for membership and paid prescribed subscription fees, professional competence and character and a member of a professional body recognised by the Board among others.
32. Clauses 16, 17 and 18 provide for application for registration as an agricultural professional, the register of registered professionals maintained by the Registrar and a certificate of registration under the seal of the Board as conclusive evidence of registration.
33. Clause 19 provides for an appeal to the Cabinet Secretary by a person aggrieved by the decision of the Board within sixty days from the date of notification of such a decision whereas clause 20 provides for updating of the register by the registrar, by removing the names of deceased persons, persons struck out of the register or fraudulent or erroneous entries into the register.

Part IV: Licensing of Agricultural Professionals

34. Clauses 21 to 26 have provisions for licensing of agricultural professionals, the qualifications for private practitioners, validity of practicing certificates and renewal, cancellation and revocation of certificates issued.
35. Clause 21 provides qualifications for private practice and prohibits a person from engaging in private practice as an agricultural professional unless such a person is registered, holds a valid practicing certificate and an annual license, and further holds a degree, diploma or certificate recognized by the Board. The clause further outlines that employment by the government, state corporation or any person or partnership does not amount to private practice.
36. Clause 23 provides that an application for a practicing certificate shall be made to the Registrar accompanied by the prescribed fees and registration certificate issued by the Board.
37. Clauses 24, 25 and 26 contain provisions on validity of the practicing certificate, renewal, cancellation and suspension of practicing certificates and application for annual licenses respectively.

Part V: Discipline

38. Clauses 27 to 33 contain provisions on the discipline of agricultural professionals including composition of the disciplinary committee.
39. Clauses 27 to 31 establish the Disciplinary Committee of the Board consisting of one agricultural professional in the national government, one agricultural professional in the county government, three agricultural professionals and the Registrar as the secretary to the committee.
40. The Committee may impose a fine, issue a letter of admonishment, suspend a license for a period not exceeding twelve months or remove a name from the register.
41. A person suspended from practice may appeal to the Board to lift the suspension and be restored on the register.

Part VI: Financial Provisions

42. Clauses 34 to 39 contain financial provisions of the Board which include; the funds of the Board, the financial year, annual estimates, investment of the funds, accounts and audit, and annual reports of the Board.

Part VI: Miscellaneous Provisions

43. Clauses 40 to 46 have miscellaneous provisions such as offences relating to agricultural professionals, transitional provisions and the general penalty.
44. Clause 40 provides for offences and penalties relating to registration and imposes a fine of not less than one million or imprisonment for a term not exceeding three years for any person who practices as an agricultural professional without being registered under the Act.

45. It also imposes a penalty of a fine not less than one million or imprisonment for a term not exceeding five years for any person in charge of an agricultural institution or organization, who employs a person who is not registered under the Act as an agricultural professional.
46. Clause 41 imposes a fine not exceeding fifty thousand or imprisonment for a term not exceeding twelve months for a person who procures or attempts to procure fraudulent registration.
47. Clause 42 outlines what amounts to professional misconduct by agricultural professionals while clause 43 provides for offences by persons not eligible for registration under the Act.
48. Clause 44 imposes a fine not exceeding five hundred thousand or imprisonment for a term not exceeding one year for an offence committed by a person in charge of a training institution which is not approved by the Board.
49. Clause 45 of the Bill provides for a general penalty of a fine not exceeding one hundred thousand or imprisonment for a term not exceeding one year for any offence under the Act for which no penalty is provided for.

Part VIII: Delegated Powers

50. Clause 47 of the Bill contains provisions on delegated powers.

Schedules to the Bill

51. **First Schedule:** Contain provisions relating to the conduct of business and affairs of the Board.
52. **Second Schedule:** Outlines committees of the Board.
53. The Bill delegates legislative powers to the Cabinet Secretary but does not limit any fundamental rights and freedoms.
54. The Bill does not concern county governments in terms of Article 110 (1) (a) of the Constitution. Paragraph 29 of Part 1 of the Fourth Schedule to the Constitution provides that agricultural policy is a National Government Function. The Bill seeks to provide a policy framework for the regulation of agricultural professionals and therefore does not affect counties.
55. Enactment of the Bill may occasion additional expenditure of public funds to be provided through the annual estimates.

CHAPTER FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

56. Following the call for memoranda from the public through placement of advertisements in the print media on 10th June 2024 and vide a letter REF: NA/DDC/A&L/2024/047 dated 13th August 2024 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- a) The Ministry of Agriculture and Livestock Development;
- b) Kenya Society for Agricultural Professionals (KESAP);
- c) Pest Control Products Board (PCPB);
- d) Kenya National Farmers Federation (KENAFF);
- e) Animal Health and Industry Training Institute (AHITI); and
- f) Mr. Dunstan Kaburu Mishek

The stakeholders submitted as follows:

4.1 MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

In their letter, Ref: No. MOA/ADM/1/27/VOL.IV dated 20th August 2024, the ministry proposed the following amendments to the Bill:

Clause 2

57. Define "*agriculture professional*" to mean "*a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act*". This is because agricultural organizations and institutions go beyond the scope of agriculture professionals.

Committee Observation/Recommendation

58. The committee rejected the proposal after opting to adopt the registration of both professionals and technicians and differentiating the qualification for registration of both.

59. Amend definition of the term "*agriculture specialty*" to include training or specialization in agriculture. Since, "*agriculture specialty*" is dynamic and evolves depending on demand and technology development.

Committee Observation/Recommendation

60. The proposal was adopted with further amendments to include fisheries.

61. Delete interpretation of the term "*Agriculture*" because it is not used in the Bill and its limiting to crops as per the AFA Act, 2013 while agricultural specialty includes animal production and range management.

Committee Observation/Recommendation

62. The proposal was rejected by the Committee. The Committee however decided to include the definition of Agriculture in the Bill since it is important to cover the scope of the areas covered by the definition that are not included in AFA.

Clause 4

63. Amend paragraph 4 (1) (c) as follows: “(i) Registered agricultural professional who is a principal in middle level agricultural training institution; (ii) Registered agricultural professional who is a dean in a high level agricultural training institution; (iii) Two persons who are registered and practicing as agricultural professionals appointed by the Cabinet Secretary; (iv) Chairperson of the umbrella organisations of agricultural professionals; (v) Agricultural professional”. This is to allow for diversification and inclusivity while reducing over representation by the Kenya Society for Agricultural Professionals and to reduce the number of members from 5 to 4 to have the membership of the Board in line with the *Mwongozo* Code of Conduct.

64. Committee’s Observation/Recommendation

The proposal was adopted with further amendments to ensure representation in all the sector of agricultural profession.

Clause 7

65. Amend the clause by inserting the following new paragraphs under sub-clause (1), “In consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals; Receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act; and Maintain the standards of practice by the registered persons under this Act”. For effective service delivery and regulation of the agricultural profession.

Committee’s Observation/Recommendation

66. The proposal was adopted by the Committee to widen the scope of the areas covered by the Board.

Clause 15

67. Amend paragraph 15 (1) (a) to read as follows, “is a holder of degree, diploma, or certificate in an agricultural specialty specified under this Act”. To provide better clarity and consistence with the requirements for qualification in specified in the other Clauses of the Bill.

Committee’s Observation/Recommendation

The proposal was adopted with amendments to provide for registration both as an agricultural professional or technician.

68. Amend the clause by deleting paragraphs 15 (1) (c) and (d) because they adequately provided for in paragraph 15(1)(a).

Committee’s Observation/Recommendation

The proposal was adopted with amendments by providing for qualification for registration as an agricultural professional or technician.

69. Amend the clause by deleting paragraph 15 (1) (e) and substituting it with the following paragraph, “is a member of a professional body registered by the Board”. To align the provision with the proposed amendment for professional Bodies to register with the Board.

Committee's Observation/Recommendation

The proposal was rejected by the Committee to allow agricultural professionals or technicians who are not members of any professional body to be registered under the Act. This is to ensure that agricultural professionals or technicians are not compelled to register with other bodies before registering under the Act.

70. Amend the clause by inserting the following new paragraph: “(f) *Qualified in agricultural specialty course and has undergone a training programme of not less than cumulative four weeks in Agricultural Management Course at the Kenya School of Agriculture*”. Qualified professionals to be exposed practical on goings through Agricultural Management course.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both agricultural professionals and technicians.

71. Amend the clause by inserting the following new paragraph, “(g) *Provide for experienced extension service providers with prior learning experience who will have a minimum of Form Four Certificate or equivalent and undertake 2 Months Agricultural Management Course at Kenya School of Agriculture*”. To give experienced persons opportunity to register as agricultural professionals and to be exposed on practical on goings through Agricultural Management course.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

72. Amend the clause by providing for categorization of Agricultural Professionals considering degree, diploma or certificate which should also include extension service providers with prior learning experience. The professionals differ on their qualifications.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

73. Amend the clause by replacing sub-clause 15 (2), (3), (4) and (5) with, “*A person who holds a certificate, a diploma or a degree from an institution outside Kenya recognized by the Board shall be eligible for registration under this Act as an agricultural professional if the person undertakes not less than cumulative four weeks Agricultural Management Course at the Kenya School of Agriculture*”. The provisions in 15 (2), (3), (4) and (5) are detailed processes for recognizing degrees, diplomas or certificates from other countries.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

Clause 15

74. Amend the clause by moving sub-clause 15 (6) to clause 17 to allow similar provision to be together and provide flow.

Committee's Observation/Recommendation

The proposal was adopted by the Committee to allow for proper flow of the provisions of the Bill.

Clause 16

75. Amend the clause by deleting sub-clause 16 (2) since this provision is clearly provided for in clause 15.

Committee's Observation/Recommendation

The proposal was adopted by the Committee.

Clause 18

76. Recast the entire Clause 18 to provide that: "(1) *A person shall not practice as an agricultural professional without a certificate of registration issued by the Board* (2) *A person who practices without a certificate of registration commits an offence*". There is need for clarity on not practicing without being a registered professional.

Committee's Observation/Recommendation

The proposal was rejected by the Committee. Having the particulars of the offence as contained in the Bill provides more clarity.

Clause 19

77. Amend the clause by reducing the number of days from sixty to thirty days from the day of being notified of the decision to appeal because sixty days from the day of being notified of the decision to appeal is too long and will lead to pile ups.

Committee's Observation/Recommendation

The proposal was adopted by the Committee to provide for reasonable timeliness.

Clause 21

78. Amend the marginal note for to "*Licensing Provisions*".

Committee's Observation/Recommendation

The proposal was rejected by the Committee. The provision of clause 21 are specific to private practitioners as indicated on the marginal note.

79. Amend sub-clause 21 (1) to provide for licensing of registered agricultural professionals. "*No person shall practice as an agricultural professional without a valid license issued by the Board; A person who practices as an agricultural professional without a valid license issued by the Board commits an offence; and the Cabinet Secretary shall prescribe procedures for issue, renewal, revocation, suspension or cancellation of License in regulations*". This Part provides for licensing of practitioners and not registration which is provided for in Part III.

Committee's Observation/Recommendation

The proposal was rejected by the Committee. Clause 21 is specific on private practice while PART III is on registration.

80. Amend sub-clause (3) by inserting the following new paragraph "*an agricultural professional who has been dully registered in accordance with clause 15 may practice without requirements of licensing*". To provide clarity on the exemption being sought for professionals employed as so in public service

Committee's Observation/Recommendation

The proposal was reject by the Committee, the clause is specific on what does not amount to private practice. There is no exemption for taking out a practicing certificate for all persons registered under the Act.

81. Amend the clause by deleting paragraph (3) (c) because exempting agricultural professionals who are employed in agricultural professional firms creates a gap and may allow non-qualified persons to practice.

Committee's Observation/Recommendation

The proposal was rejected by the Committee, all registered professionals to take out an annual practicing certificate to generate funds for the Board.

Clause 22

82. Amend the marginal note to read, "*Board to issue annual licenses*".

Committee's Observation/Recommendation

The proposal was rejected by the Committee. The Board issues both the practicing certificates and licences as indicated on the marginal note.

83. Amend clause 22 to read as follows, "*The Board shall issue, in accordance with the provision of this Act and any rules made under this Act, Identification Badge and an annual license to an agricultural professional named to engage in private practice*".

Committee's Observation/Recommendation

The Committee rejected the proposal. Issuance of badge is an administrative action that does not need to be included in the Act. Practice certificate and licence is sufficient.

Clauses 23 to 25

84. Amend the clauses by deleting the words "*Practicing Certificate*" and substituting with the words "*Annual license*". To align with the recommendation in clause 22

Committee's Observation/Recommendation

The Committee rejected the proposal. Proposed amendment to clause 22 sought to be aligned with in this proposal was rejected.

Clause 26

85. Delete the Clause because it is provided for under clause 23

Committee's Observation/Recommendation

The Committee rejected the proposal. The provision 23 and 26 are distinct since one is on practicing certificate while the other is on license.

Clause 28

86. Amend the clause to read as follows, "*The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act has.....*," since the law does not work retrogressively

Committee's Observation/Recommendation

The Committee adopted the proposal.

Clause 31

87. Delete the clause by deleting paragraph 31 (1) (d) since it is adequately provided for in paragraph 31 (1) (c).

Committee's Observation/Recommendation

The Committee adopted the proposal with amendments and merged the two clauses.

88. Amend clauses 31 and 32 by deleting the words, "*practicing certificate*" to align it with the recommendation in clause 22.

Committee's Observation/Recommendation

The Committee rejected the proposal. The proposed amendment to Clause 22 sought to be aligned with was rejected.

Clause 43

89. Amend sub-clause 43 (2) to read as follows, "*A person who contravenes sub-clause (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding two years, or both*". To provide clarity and align effectively.

Committee's Observation/Recommendation

Agreed to and be moved to disciplinary sub-head.

Clause 44

90. Amend the Bill by deleting the clause because agricultural specialty trainings are regulated under other statutes.

Committee's Observation/Recommendation

The Committee rejected the proposal since the provision is specific on offences by training institutions which are regulated by the Board.

Clause 47

91. Amend the clause by introducing a new amendment to provide for the procedures for application, conditions, withdrawal, cancelation and chargeable fees for registration certificates and annual licenses. This is necessary for operation

Committee's Observation/Recommendation

The Committee rejected the proposal, such details are better off left for regulations.

4.2 KENYA SOCIETY FOR AGRICULTURAL PROFESSIONALS (KESAP)

92. In a meeting with the Committee held on 22nd August 2024, Mr. Paul Mbuni, the Chief Executive Officer of the Kenya Society for Agricultural Professionals proposed the following amendments to the Agricultural Professionals Registration and Licensing Bill 2024:

Title

93. Amend the title of the Bill to read, "*Agricultural Technicians and Professionals Registration and Licensing Bill*" to recognize technicians who are part of professionals in the industry.

Committee's Observation/Recommendation

The Committee adopted the proposal and distinguished the registration of agricultural professionals and technicians.

Clause 4

94. Amend sub-clause 4 (4) to read as follows, "*The Board Chairman shall be appointed by the President and shall be an agricultural professional of any specialty of good character and standing*". The purpose of the above proposal is that by the President appointing the Chairperson, the proposed Board will have the necessary thrust in law to execute its functions. In addition, it will in line with similar Boards and entities in which the President is the appointing authority of the chairs.

Committee's Observation/Recommendation

The Committee rejected the proposal to allow the Board to elect its own Chairperson.

95. Insert the following new sub-clause 4 (5), "*The Board shall elect a Vice Chairperson from among its members*".

Committee's Observation/Recommendation

The proposal was adopted with amendments.

Clause 42

96. Amend clause 42 to by deleting the word "*conduct*" and substituting with the word "*misconduct*".

Committee's Observation/Recommendation

The Committee adopted the proposal.

4.3 PEST CONTROL PRODUCTS BOARD

97. In their letter, Ref: PCPB/1/VOL.III/24/031 dated 20th August 2024, the Pest Control Products Board through its Chief Executive Secretary, Mr. Fredrick Muchiri proposed the following amendments to the Agricultural Professionals Registration and Licensing Bill 2024:

Part IV

98. Amend part IV to read "*Licensing of Agricultural Professionals*". To harmonize contents.

Committee's Observation/Recommendation

The Committee adopted the proposal

Clause 25

99. Amend sub-clause 25 (3) to provide separate circumstances under which renewal of practicing certificate may be refused, cancelled, withdrawn or suspended. To guide the Board in decision making and promote transparency and fairness.

Committee's Observation/Recommendation

The Committee rejected the proposal, such details are better off left for regulations.

Clause 31

100. Amend paragraphs 31 (1) (c) and (d) by harmonizing the period of withdrawal or cancellation of the practicing certificate in the two paragraphs for consistency.

Committee's Observation/Recommendation

101. The Committee adopted the proposal with amendments by merging the two subclauses.

4.4 KENYA NATIONAL FARMERS FEDERATION (KENAFF)

102. In a meeting with the Committee held on Thursday, 22nd August 2024, Ms. Mary Kageni, the Projects Officer, proposed the following amendments to the Bill:

Clause 4

103. Amend sub-clause 4 (1) to include the National Farmers' Organization in the membership of the Board.

Committee's Observation/Recommendation

104. The Committee adopted the proposal with amendments.

Clause 7

105. Amend the clause to consider and accommodate the local indigenous knowledge in agriculture. There is need for consideration of the indigenous knowledge that is very important in agriculture.

Committee's Observation/Recommendation

The Committee rejected the proposal, it is not possible to ascertain indigenous knowledge for purposes of registration as an agricultural professional or technician.

Clause 22

106. Either delete the clause or reduce the fees. The cost of licensing the professionals, if high will have an equal effect on farmers hence smallholder farmers will shy away from consulting professionals and this will limit them from benefiting from the Bill's provisions.

Committee's Observation/Recommendation

The Committee rejected the proposal sine the Bill does not mention any specific amounts to be charges.

Clause 40 (3)

107. Amend the clause by deleting sub-clause 40 (3) because employment of persons not registered under this guideline is limiting fresh graduates from TVETs and universities.

Committee's Observation/Recommendation

The Committee rejected the proposal, fresh graduates are entitled for registration immediately after completing their education.

4.5 ANIMAL HEALTH AND INDUSTRY TRAINING INSTITUTE (AHITI) – KABETE

108. In their letter, Ref: AHITI/MLD/5/VOL.IV/043/ dated 21st August 2024, the Principal, Dr. Samuel Mugo stated that the Institute was in support of the Bill because it is a landmark piece of legislation that represents a critical step towards professionalizing the agricultural sector in Kenya. By establishing a framework for registration and licensing, the Bill aims at enhancing the quality of agricultural services, protect farmers, and promote sustainable agricultural practices. The successful implementation of this Bill could lead to significant improvements in agricultural productivity and food security, benefiting the economy and society as a whole.

4.6 MR. DUNSTAN KABURU MISHECK

109. Mr. Dunstan Kaburu Misheck, a crop protection specialist and agronomist in the Department of Agriculture, Meru County; proposed that clause 4 should be amended in paragraph 4 (1) (c) by deleting the words, "*Kenya Society for Agricultural Professionals*" and replacing with "*Agricultural Professional Bodies*".

Committee's Observation/Recommendation

The Committee adopted the proposals with amendments to by including agricultural professional bodies without specifying specific organisations since organisations may cease to exist with time.

CHAPTER FIVE

5 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee observed that enacting the Agricultural Professionals Registration and Licensing Bill, 2024 into law will bring several potential benefits to the agriculture industry, including:

110. **Regulatory oversight:** The Bill establishes the Agricultural Professionals Registration and Licensing Board that will oversee the registration, licensing, and regulation of agricultural practitioners.
111. **Professional standards and accountability:** The Bill provides for the registration and licensing of agricultural professionals. This will enhance accountability and professionalism within the sector.
112. **Support for smallholder farmers:** By regulating who can dispense agricultural inputs such as fertilizers and seeds, the Bill aims at protecting farmers from unscrupulous traders selling counterfeit or substandard products. This is crucial for safeguarding the livelihoods of farmers and ensuring that they receive quality inputs necessary for successful farming ultimately improving their productivity and income levels.
113. **Enhanced credibility and trust:** Registered agricultural professionals will be recognized as credible practitioners, which can foster trust among farmers and other stakeholders in the agricultural value chain. This trust is essential for effective collaboration and for farmers to seek advice and services from professionals without fear of exploitation.
114. **Access to professional development and resources:** The Bill encourages continuous professional development by requiring registered professionals to engage in ongoing education and training. This will help practitioners to stay updated on the latest agricultural practices, technologies, and regulations, ultimately benefiting the agricultural sector as a whole.
115. **Improved agricultural productivity and enhanced food security:** With qualified professionals providing guidance and support to farmers, the overall productivity of the agricultural sector is likely to improve. Better advice on crop management, pest control, and resource utilization can lead to increased yields and more sustainable farming practices.
116. **Legal framework for employment:** Like in other regulated sectors, the bill creates a legal requirement for employers in the agricultural sector to hire only registered professionals. This not only ensures that employers comply with legal standards but also promotes job security and professional recognition for agricultural practitioners.
117. **Economic growth, development and diversification:** A more professional agricultural sector can attract investment and innovation, contributing to the overall economic growth of the country. Improved standards can also enhance Kenya's competitiveness in both domestic and international agricultural markets. As agricultural productivity increases, there will likely be a ripple effect on related sectors, such as food processing and distribution.
118. **Public participation:** By allowing stakeholders to give input and second membership to the Board, it means public input and stakeholder engagement have been given priority. This is crucial for ensuring that the needs and concerns of all agricultural stakeholders are considered, fostering a collaborative approach to agricultural regulation.

CHAPTER SIX

6 COMMITTEE RECOMMENDATION

The Committee having reviewed the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No. 19 of 2024*) recommends that the House approves the Bill with amendments as proposed in the Schedule in Chapter Seven of this report.

CHAPTER SEVEN

7 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

SHORT TITLE

1. **THAT**, the Bill be amended by deleting the short title and substituting therefor the following new short title—

**“THE AGRICULTURAL PROFESSIONALS AND TECHNICIANS
REGISTRATION AND LICENSING BILL, 2023”**

Justification

To provide for registration either as a professional or a technician.

LONH TITLE

2. **THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to make provision for the registration and licensing of agricultural professionals and technicians, to provide for the regulation of the standards and practice of the profession, to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board and for connected purposes”

Justification

To provide for registration either as a professional or a technician.

CLAUSE 2

3. **THAT**, the Bill be amended in Clause 2 by deleting the definition of “agriculture specialty and substituting therefor the following new definition—

“agriculture specialty” include training or specialization in crop production, horticulture, plant breeding, seed technology, agronomy, botany, crop science, crop protection, home economics, food science, farm management, animal production, range management agricultural economics, agribusiness, agricultural extension, agricultural education, agricultural marketing, agricultural policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agro-forestry, and aquaculture, apiculture and fish biology;

Justification

To introduce aquaculture, apiculture and fish biology.

CLAUSE 3

4. **THAT**, the Bill be amended in Clause 3—
 - (a) by deleting the marginal note and substituting the following new marginal notes—

“Establishment of the Agricultural Professionals and Technicians Registration and Licensing Board.”

- (b) by deleting subclause (1) and substituting therefore the following new subclause—

“(1) There is established a Board known as Agricultural Professionals and Technicians Registration and Licensing Board.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 4

5. **THAT**, the Bill be amended in Clause 4—

(a) in subclause (1)—

(i) by deleting paragraph (c) and substituting therefore the following new paragraph—

“(c)two person from the training institutions; one from a middle level agricultural training institution and one from high level agricultural training institution, one person from agricultural research institutions, one person from agricultural professionals organization, one person from animal production professionals and one person from fisheries and agricultural engineers;

(ii) by deleting paragraph (d); and

(iii) by deleting subclause (4) and substituting therefor the following new subclause—

“(4) The Board shall elect a Chairperson from among its members who shall be gazette by the Cabinet Secretary.”

Justification

To ensure that every sector of the agricultural speciality is represented in the board is represented in the board considering the representation of the technicians as well and the Board being a professional body, allowing it to elect its own Chairperson,\.

(b) in subclause (3) by deleting paragraph (3) and substituting therefor the following new paragraph—

“(b)is an agricultural professional or agricultural technician of any specialty and of good character and standing.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 7

6. **THAT**, Clause 7 of the Bill be amended in sub-clause (1)—

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

“(a)register and issue certificates of practice to qualified persons, organizations and institutions;

Justification

To accommodate the introduction of registration of technicians.

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

“(b)arbitrate professional disputes;”

Justification

Tribunals are established pursuant to Article 169 and Acts of Parliament hence the Board can not constitute an independent tribunal.

(c) by inserting the following new paragraphs immediately after paragraph (f)—

“

- (g) in consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals;
- (h) receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act; and
- (i) maintain the standards of practice by the registered persons under this Act.”

Justification

To broaden the functions of the Board to include training, code of ethics for the professionals and enforcements of standards which are key elements.

CLAUSE 15

7. **THAT**, the Bill be amended in Clause 15—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“

(1.) A person shall be eligible for registration under this Act—

- (a) as an agricultural professional if the that person holds a degree or post graduate degree in a relevant agricultural specialty recognized by the Board;
- (b) as an agricultural technician if the person has undergone a post-secondary training course and passed examination in Kenya or elsewhere and obtained a diploma or certificate in a relevant field or any agricultural specialty which the Board recognizes as an equivalent qualification for registration;

(2.) A person shall be eligible for registration as an agricultural professional or agricultural technician if the person—

- (a) has applied for membership and paid the prescribed fee;
- (b) satisfies the Board that he or she is professionally competent, a person of good character and fit to be registered under this Act; and

(3.) A person who holds any academic qualification from an institution outside Kenya recognized by the Board shall be eligible for registration under this Act subject any regulations made under this Act.

Justification

To accommodate the introduction of registration of technicians and provide for recognition of qualifications obtained from institutions outside Kenya.

CLAUSE 16

8. **THAT**, the Bill be amended in Clause 16 by delete subclause (2).

CLAUSE 17

9. **THAT**, the Bill be amended in Clause 17—

- (a) by deleting the words “agricultural professional” in subclause (1) and substituting therefor the word “persons”;
- (b) by deleting the words “agricultural professional” in subclause (2) and substituting therefor the word “persons”;
- (c) by deleting the words “agricultural professional” in subclause (3) and substituting therefor the word “person”; and
- (d) by inserting the following new subclause immediately after subclause (6)—

“(6A) The Registrar shall register every qualified person by entering the name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 18

10. **THAT**, Clause 18 of the Bill be amended in subclause (4) by deleting the words “thirty thousand” in paragraph (b) and substituting therefor the words “fifty thousand”.

Justification

To provide for a penalty that is commensurate to the offence.

CLAUSE 19

11. **THAT**, the Bill be amended in Clause 19 by deleting the word “sixty” appearing immediately after the word and substituting therefor the word “thirty”.

Justification

To provide for a reasonable timeline for appeals.

CLAUSE 20

12. **THAT**, the Bill be amended in Clause 20 by inserting the following new subsection immediately after subsection (2)—

“(3) The Registrar shall publish the gazette notice under sub-section (2) by the end of the second month of every calendar year”

Justification

To provide for a duration within which an updated registered is published in the gazette by the Registrar.

CLAUSE 21

13. **THAT**, the Bill be amended in Clause 21—

- (a) in subclause (1)—

- (i) by inserting the words “or technician” immediately after the word “professional” in the opening statement; and
 - (ii) by deleting paragraph (c).
- (b) in subclause (2) by inserting the words “or technician” immediately after the word “professional” in the opening statement; and
- (c) in subclause (3) by inserting the words “or technician” immediately after the word “professional” in paragraph (c).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 23

14. **THAT**, Clause 23 of the Bill be amended in subclause (3)—

- (a) by deleting the phrase “and agricultural professional” and substituting therefore the words “a person”; and

Justification

To accommodate the introduction of registration of technicians.

- (b) by deleting the word “sixty” and substituting therefor the word “thirty”.

Justification

To provide for a reasonable time for issuance of practicing certificate

CLAUSE 24

15. **THAT**, the Bill be amended in Clause 24 by deleting the words “the agricultural professional” and substituting therefor the words “a person” in subclause (4).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 25

16. **THAT**, the Bill be amended in Clause 25—

- (a) deleting the words “An agricultural professional” and substituting therefor the words “a person” in subclause (1);
- (b) deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (2); and

Justification

To accommodate the introduction of registration of technicians.

- (c) by deleting the words “Cabinet Secretary” and substituting therefore the word “Board” in subsection (4).

Justification

To correct mix-up of a function of the Board.

CLAUSE 26

17. **THAT**, the Bill be amended by moving Clause 26 to appear immediately after Clause 21 subclause (3).

Justification

To ensure proper flow of the provision of the Bill.

CLAUSE 27

18. **THAT**, the Bill be amended in Clause 27 by deleting subclause (1) and substituting therefor the following new subclause—

- (1) There is established a Disciplinary Committee of the Board which shall consist of—
- (a) at least two members of the Board from different agricultural specialties;
 - (b) three members coopted by the Board for from different agricultural specialties relevant to the subject matter under consideration by the Disciplinary Committee; and
 - (c) the Registrar who shall be the secretary to the Committee and shall be responsible for taking records of the proceedings but shall not have a right to vote on any matter.

Justification

To ensure proper representation and constitution of the Committee,

CLAUSE 28

19. **THAT**, the Bill be amended in Clause 28 by deleting the opening statement and substituting therefore the following opening statement—

“(1) The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act, has—”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 30

20. **THAT**, the Bill be amended in Clause 30 be amended—

- (a) in subclause (1) by deleting the words “the agricultural professional” and substituting therefor the words “a person” in subclause (1); and
- (b) by inserting the following new subclause immediately after subclause (3)—

“(4) The Committee may at its discretion seek the assistance of the Attorney-General to advise the Committee at on matters pertaining to law, procedure for evidence, or examination and cross-examination of witnesses.”

CLAUSE 31

21. **THAT**, the Bill be amended in Clause 31—

- (a) in subclause (1)—
 - (i) by deleting the words “an agricultural professional” in the opening statement and substituting therefor the words “a person”;

- (ii) by deleting the words “an agricultural professional” in paragraph (b) and substituting therefor the words “person”;
- (iii) by deleting paragraph (c) and substituting therefore the following new paragraph—
“(c)suspend, withdraw or cancel the practicing certificate a person registered under this Act for a period not less not exceeding three years; or
- (iv) by deleting paragraph (d);
- (v) by deleting paragraph (e) and substituting therefor the following new paragraph—
“(e)remove the name of the name of a person from the register if their practicing certificate has been cancelled, suspended or withdrawn.”
- (b) in subclause (2) by deleting the words “an agricultural professional” and substituting therefor the words “a person”;
- (c) in sub-clause (3) by deleting the words “an agricultural professional” and substituting therefor the words “a person”;
- (d) by deleting subclause (4) and substituting therefor the following new subclause—
“(4) A person who refuses or fails to surrender his badges, licenses or certificates to the Registrar on request shall be guilty of professional misconduct and liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.”
- (e) in subclause (5) by deleting the words “an agricultural professional” and substituting therefor the words “a person”.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 32

22. **THAT**, the Bill be amended in Clause 32—

- (a) by deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (1); and
- (b) in subclause (2)—
 - (i) by deleting the words “an agricultural professional” and substituting therefor the words “a person”; and
 - (ii) by deleting the word “may” and substituting therefore the word “shall”.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 33

23. **THAT**, the Bill be amended in Clause 33 by deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (1).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 40

24. **THAT**, the Bill be amended in Clause 40 by inserting the words “or technician” immediately after the word “professional” in the opening statement in subclause (1).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 42

25. **THAT**, the Bill be amended in Clause 42—

- (a) by deleting the opening statement and substituting therefor the following new opening statement—

“(1)A person who is licensed under this Act shall be guilty of professional misconduct if such person—”

Justification

To accommodate the introduction of registration of technicians.

- (b) by moving Clause 42 to appear immediately after Clause 27(2).

Justification

To ensure proper flow of the provisions of the Bill.

CLAUSE 43

26. **THAT**, Clause 43 of the Bill be amended—

- (a) in subsection (1)—

(i) by inserting the words “or technician” immediately after the word professional in paragraph (a);

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

“(c) manages or dispenses agricultural inputs in form of agricultural chemicals.

Justification

Not to criminalize dispensing of fertilizers and feeds.

- (iii) by inserting the following new subclause immediately after subclause (1)—

“(2)A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term not exceeding two years, or both.”

Justification

To ensure proper flow of the provisions of the Bill.

CLAUSE 46

27. **THAT**, the Bill be amended in Clause 46 by inserting the words “or technician” immediately after the word “professional” appearing in the opening statement.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 47

28. **THAT**, Clause 47 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (h)—
- i. safe use of agricultural chemicals;
 - j. gazettelement of any agricultural specialty; and
 - k. any other regulations covered under this Act.

Justification

To broaden the regulations made under the Act by including the areas left out.

FIRST SCHEDULE

29. **THAT**, the Bill be amended in the First Schedule—
- (a) by deleting the word “one” appearing immediately after the word “further” in paragraph (1); and

Justification

To correct typographical error.

- (b) in paragraph (3) deleting subparagraph (4) and substituting therefor the following new subparagraph—
 - “(4) The quorum for the conduct of the business of the Board shall be five voting members.”

Justification

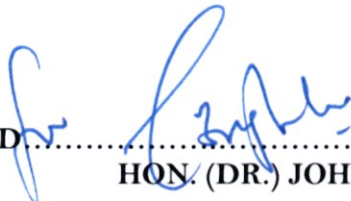
To reduce the quorum from seven to five in relation to the number of Board members.


SECOND SCHEDULE

30. **THAT**, the Bill be amended in the Second Schedule—
- (a) by deleting the phrase “Agricultural Advisory Services Committee” and substituting therefor the following new phrase—
 - “Agricultural and Environmental Advisory Services Committee”
 - (b) by inserting the following new phrase immediately after the phrase “Research and Training Committee”
 - “Biosystems Engineering Committee”

Justification

To include other relevant areas in the Committees of the Board.

SIGNED  DATE 06/11/2024
HON. (DR.) JOHN KANYUTHIA MUTUNGA, PhD, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 NOV 2024	DAY: TUESDAY
TABLED BY:	HON. (DR.) JOHN MUTUNGA, MP (CHAIRPERSON)
CLERK-AT THE-TABLE:	INZOFU MWALE

REFERENCES

- <https://www.mdpi.com/2071-1050/13/24/13556>
- https://aap.isp.msu.edu/files/4216/8372/9121/5_Kenya_Country_Report_-_Strengthening_Agricultural_Extension_Training_-_Process_Skills_and_Compency_Gaps_in_Undergradate_Agricultural_Extension_Curriculum_in_Kenya.pdf



THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Wednesday, 30th October 2024 do hereby affix our signatures to this **Report on the Agricultural Professionals Registration and Licensing Bill, 2024 (National Assembly Bill No.19 of 2024)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP - CHAIRPERSON	
2.	HON. BRIGHTON LEONARD YEGON, MP - VICE- CHAIRPERSON	
3.	HON. SABINA WANJIRU CHEGE, CBS, MP	
4.	HON. FERDINAND KEVIN WANYONYI, MP	
5.	HON. GEOFFREY MAKOKHA ODANGA, MP	
6.	HON. JUSTICE KIPSANG KEMEI, MP	
7.	HON. JARED ODOYO OKELO, MP	
8.	HON. LAWRENCE MPURU ABURI, MP	
9.	HON. DAVID KIPLAGAT, MP	
10.	HON. GABRIEL GATHUKA KAGOMBE, MP	
11.	HON. MONICAH MUTHONI MARUBU, MP	
12.	HON. PAMELA NJOKI NJERU, MP	
13.	HON. PATRICK KIBAGENDI OSERO, MP	
14.	HON. PETER KALERWA SALASYA, MP	
15.	HON. YUSSUF MOHAMED FARAH, MP	



THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 43ND SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD AT HILTON GARDEN INN HOTEL, SUIT 3 CONFERENCE ROOM, MACHAKOS COUNTY ON WEDNESDAY, 30TH OCTOBER 2024 AT 2.30 PM

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, MP | - | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, CBS, MP | | |
| 4. Hon. Ferdinand Kevin Wanyonyi, MP | | |
| 5. Hon. Jared Odoyo Okelo, MP | | |
| 6. Hon. David Kiplagat, MP | | |
| 7. Hon. Pamela Njoki Njeru, MP | | |
| 8. Hon. Patrick Kibagendi Osero, MP | | |
| 9. Hon. Yussuf Mohamed Farah, MP | | |
| 10. Hon. Peter Kalerwa Salasya, MP | | |

ABSENT WITH APOLOGY

1. Hon. Geoffrey Makokha Odanga, MP
2. Hon. Justice Kipsang Kemei, MP
3. Hon. Lawrence Mpuru Aburi, MP
4. Hon. Gabriel Gathuka Kagombe, MP
5. Hon. Monicah Muthoni Marubu, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|----------------------|
| 1. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 2. Mr. David Ngeno | - | Research Officer III |
| 3. Brigita Mati | - | Legal Counsel I |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Ms. Zainabu Zora | - | Serjeant-at-Arms |
| 6. Mr. Danton Kimutai | - | Audio Assistant |
| 7. Zahra Ahmed | - | Office Assistant |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising

5. **Clause by Clause Consideration of the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024)**
6. **Adoption of the Report on Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024)**
7. Any other Business
8. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2024/195: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at thirty minutes past two O'clock with prayer by the Chairperson. The Chairperson then welcomed members for the afternoon session.

MIN. NO. NA/A&L/2024/196: CONFIRMATION OF MINUTES

The Agenda was deferred to the next meeting.

MIN. NO. NA/A&L/2024/197: CLAUSE BY CLAUSE CONSIDERATION OF THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

1. Clause 27 (1) is amended to include at least two sitting members of the Board and three co-opted persons to the disciplinary committee whose competencies are not within the Board.
2. Clause 28 is amended to read as follows _____
"28. The Board may refer a matter to the disciplinary committee if it has a reason to believe that a person registered under this Act, has—"
3. Clause 29; Agreed to
4. Clause 30 is amended by adding the phrase, *"may consult the attorney general"*
5. Clause 31 (c) add *and technicians after professionals* 31 (d) amend to read *"suspend, withdraw or cancel and amend the period to minimum of six months and a maximum of 3 years"* 31 (e) amend to read *"may remove the name of the agricultural professional from the register if the Board got a valid reason"*
6. Clause 32 (2); delete the word *"may"* and replace with *"shall"*
7. Clause 33 is amended to read *"upon payment of Kshs. 50,000- or 3-months imprisonment"*
8. Clause 33; Agreed to
9. Clause 34; Agreed to
10. Clause 35; Agreed to
11. Clause 36; Agreed to
12. Clause 37; Agreed to
13. Clause 38; Agreed to
14. Clause 39; Agreed to
15. Clause 40; Agreed to
16. Clause 41; Agreed to
17. Clause 42; be moved wholly to the disciplinary section.

- 18. Clause 43 (c) is amended by removing fertilizer, feeds and farm inputs.
- 19. Clause 44; Agreed to
- 20. Clause 45; Agreed to
- 21. Clause 46; Agreed to
- 22. Clause 47; Add "and any other not listed"

First schedule

- 23. Clause 1 is amended by deleting "one" before "term"
- 24. Clause 26; Agreed to

Second schedule

- 25. Add (1. Biosystems engineering committee 2. Agricultural environmental committee)
- 26. Define "Agriculture as per Agriculture and Food Authority BUT enhance by adding fisheries"

MIN. NO. NA/A&L/2024/198: ADOPTION OF THE REPORT ON AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

The Report on Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 Of 2024) was adopted having been proposed by Hon. Sabina Wanjiru Chege, CBS, MP and seconded by Hon. Yussuf Mohamed Farah, MP.

MIN. NO. NA/A&L/2024/199: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at nineteen minutes past four o'clock. The next meeting will be held on 31st October at 9 am at the same venue.

SIGNED:  DATE: 31/10/2024

**HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &
LIVESTOCK**



THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 42ND SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD AT HILTON GARDEN INN HOTEL, SUIT III CONFERENCE ROOM, MACHAKOS COUNTY ON WEDNESDAY, 30TH OCTOBER 2024 AT 09.29 AM

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, MP | - | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, CBS, MP | | |
| 4. Hon. Ferdinand Kevin Wanyonyi, MP | | |
| 5. Hon. Jared Odoyo Okelo, MP | | |
| 6. Hon. David Kiplagat, MP | | |
| 7. Hon. Pamela Njoki Njeru, MP | | |
| 8. Hon. Patrick Kibagendi Osero, MP | | |
| 9. Hon. Yussuf Mohamed Farah, MP | | |
| 10. Hon. Peter Kalerwa Salasya, MP | | |

ABSENT WITH APOLOGY

1. Hon. Geoffrey Makokha Odanga, MP
2. Hon. Justice Kipsang Kemei, MP
3. Hon. Lawrence Mpuru Aburi, MP
4. Hon. Gabriel Gathuka Kagombe, MP
5. Hon. Monicah Muthoni Marubu, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|----------------------|
| 1. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 2. Mr. David Ngeno | - | Research Officer III |
| 3. Brigita Mati | - | Legal Counsel I |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Ms. Zainabu Zora | - | Serjeant-at-Arms |
| 6. Mr. Danton Kimutai | - | Audio Assistant |
| 7. Zahra Ahmed | - | Office Assistant |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising

5. **Clause by Clause Consideration of the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024)**
6. Any other Business
7. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2024/191: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at twenty-nine minutes to ten O'clock with prayer by the Chairperson. The Chairperson then briefed Members on the business pending before the Committee and the need for Members to commit themselves during the retreat period.

The Committee adopted the Agenda of the meeting having been proposed by Hon. Pamela Njoki Njeru, MP and seconded by Hon. Jared Odoyo Okelo, MP.

MIN. NO. NA/A&L/2024/192: CONFIRMATION OF MINUTES

The Agenda was deferred to the next meeting.

MIN. NO. NA/A&L/2024/193: CLAUSE BY CLAUSE CONSIDERATION OF THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

1. Amend Clause 2 by defining "agricultural specialty" to including "*fisheries and aquaculture, apiculture and by delete natural resource management*". The CS in consultation with the Board and Commission for Higher Education may gazette any other specialties
2. Amend Clause 4 by deleting 4(c) and (d) and replace the Board to include professionals from "*Training Institutions, Research Institutions, Animal Production, Crop Production, Engineers and Fisheries and the two PSs responsible for Agriculture and Livestock*". The Chair person to be elected from among themselves.
3. Clause 5; Agreed to
4. Clause 6; Agreed to
5. Delete Clause 7(b) and amend by inserting the following paragraphs ____
 - a) *in consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals;*
 - b) *receive, evaluate and register code of ethics on the practice of all professional agricultural organizations registered under this Act;*
 - c) *maintain the standards of practice by the registered persons under this Act*
6. Clause 8; Agreed to
7. Clause 9; Agreed to
8. Clause 10; Agreed to
9. Clause 11; Agreed to
10. Clause 12; Agreed to
11. Clause 13; Agreed to
12. Clause 14; Agreed to

13. Clause 15; Amend subclause 1
14. Delete Clause 15 (e)
15. Clause 16; Agreed to
16. Move Clause 15 (6) to be Clause 17 (1)
17. Clause 17 (2) (b); Change to read registrar
18. Clause 18; Agreed to
19. Clause 19; Amend by reducing appeal periods from 60 to 30
20. Amend Clause 20 (2) to read annually and provide a time line i.e. 2nd month of calendar year
21. Amend part iv to read "*Licensing of agricultural professionals*"
22. Delete Clause 21 (c)
23. Clause 22; Agreed to
24. Clause 23 Agreed to
25. Clause 24; Agreed to
26. Clause 25; Agreed to
27. Clause 26; Agreed to

MIN. NO. NA/A&L/2024/194:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at three minutes to one o'clock. The next meeting to be held at 2 pm, at the same venue.

SIGNED:  DATE: 31/10/2024

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &
LIVESTOCK



THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 41ST SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN COMMITTEE ROOM 14 ON 2ND FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON TUESDAY, 15TH OCTOBER 2024 AT 10.00 AM

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, MP | - | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, CBS, MP | | |
| 4. Hon. Ferdinand Kevin Wanyonyi, MP | | |
| 5. Hon. Geoffrey Makokha Odanga, MP | | |
| 6. Hon. Justice Kipsang Kemei, MP | | |
| 7. Hon. David Kiplagat, MP | | |
| 8. Hon. Pamela Njoki Njeru, MP | | |
| 9. Hon. Patrick Kibagendi Osero, MP | | |
| 10. Hon. Yussuf Mohamed Farah, MP | | |

ABSENT WITH APOLOGY

1. Hon. Jared Odoyo Okelo, MP
2. Hon. Lawrence Mpuru Aburi, MP
3. Hon. Gabriel Gathuka Kagombe, MP
4. Hon. Monicah Muthoni Marubu, MP
5. Hon. Peter Kalerwa Salasya, MP

IN ATTENDANCE

A. COMMITTEE SECRETARIAT

- | | | |
|--------------------------|---|---------------------------------|
| 1. Ms. Lauren O. Wesonga | - | Clerk Assistant I |
| 2. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 3. Mr. Gerald Kadede | - | Legal Counsel II |
| 4. Mr. Muhumed Shillow | - | Research Officer III |
| 5. Edith Chepngeno | - | Media Relations Officer III |
| 6. Mr. Collins Mahamba | - | Audio Assistant |
| 7. Ms. Nabayi Bernadette | - | Intern, Media Relations Officer |

B. KENYA NATIONAL FARMERS FEDERATION

- | | | |
|-----------------|---|---|
| Ms. Mary Gakeni | - | Research Policy, Lobby and Advocacy Officer |
|-----------------|---|---|

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising
5. **Stakeholder Engagement on the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)**
6. Any other Business
7. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2024/186: PRELIMINARIES/ADOPTION OF THE AGENDA

The meeting was called to order at twenty-nine minutes past ten O'clock with prayer by the Chairperson. The Chairperson then requested everyone present in the meeting to introduce themselves.

The Committee adopted the Agenda of the meeting having been proposed by Hon. Justice Kemei, MP and seconded by Hon. Ferdinand Kevin Wanyonyi, MP.

MIN. NO. NA/A&L/2024/187: CONFIRMATION OF MINUTES

Minutes of the 40th Sitting were adopted having been proposed by Hon. Yussuf Farah, MP and seconded by Hon. Geoffrey Makokha Odanga, MP as a true reflection of the proceedings.

MIN. NO. NA/A&L/2024/188: STAKEHOLDER ENGAGEMENT ON THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022)

The Chairperson welcomed an official from the Kenya National Farmers Federation to present their views on the Stakeholder Engagement on the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022). They submitted as follows:

Kenya National Farmers' Federation (KENAFF)

Ms. Mary Kageni, the Projects Officer, KENAFF, proposed that the Bill be amended to incorporate the following issues and concerns.

1. Definition of the extension services needs to be included in the interpretation of terms. There is need for a clear definition of the services; are the services only limited to advisory on farm inputs/ factors of production? Does it include monitor the farmers' productivity and monitor their consumer rights of the products for example the farm chemicals they use and its impacts on their produce, and environment. 2. Part II clause 4(2) (b, d and e); Stipulate for provision of adequate support and capacity development for growers and other stakeholders in mung bean industry. There is need to amend this to speak to all agricultural crops.
2. Clause 8c: development of new uses and new products for agricultural commodities and alternative production method to develop new crops: This is mandates of KALRO and Biosafety Authority. Extension services could be involved in the monitoring of the impacts of the new agricultural commodities and the new production methods.

3. Clause 8: there is need to incorporate monitoring impacts of farm inputs use as one of the responsibilities of the extension services, and ensuring farmers rights are well taken care of to ensure the quality of products farmers use is safe for both their safety and the environment. Extension officers could also be mandated to enforce the agricultural regulations and any person contravening the guidelines held accountable for their actions.
4. Extension services board needs to incorporate the representatives from the Natural resources, conservation and or environment, veterinary and representation from the NGO and CSO who are involved in agriculture.
5. The bill needs to have provisions for the adoption of regulated. the e-extension services and how they will be
6. What is the implementation and the monitoring strategies for the extension services?
7. The scope of the agriculture and livestock extension services should also consider aquaculture and apiculture.

MIN. NO. NA/A&L/2024/189:

ANY OTHER BUSINESS

1. The Chairperson informed the meeting that the committee had a lot of pending business. The chair proposed a retreat to consider all matters before the committee.
2. The Chair proposed a field visit to some tea factories in Bomet, Kisii and Meru during the short recess.
3. Members raised concerns with how Bills before the committee was receiving a backlash and negative publicity. The committee agreed to enhance communications on Bills before the committee. The Ministry of Agriculture and Information Office should also communicate government information accurately.
4. Organize a retreat with the Ministry of Agriculture and stakeholders to address challenges facing the sector.

MIN. NO. NA/A&L/2024/190:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at five minutes to noon. The next meeting will be held on notice.

SIGNED: DATE:

**HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &
LIVESTOCK**

SPECIAL ISSUE

Kenya Gazette Supplement No. 67 (National Assembly Bills No. 19)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

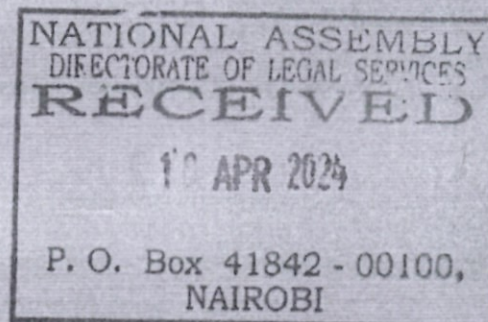
NAIROBI, 14th March, 2024

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Agricultural Professionals Registration and Licensing Bill, 2024 ... 421



NATIONAL ARCHIVES
RECEIVED
FEB 11 1964
WASHINGTON, D.C.

**THE AGRICULTURAL PROFESSIONALS
REGISTRATION AND LICENSING BILL, 2024**

ARRANGEMENT OF CLAUSES

Clause

- 1—Short title.
- 2—Interpretation.

**PART II — THE AGRICULTURAL
PROFESSIONALS REGISTRATION AND
LICENSING BOARD**

- 3—Establishment of the Agriculture Professionals
Registration and Licensing Board.
- 4—Composition of the Board.
- 5—Vacation of Office.
- 6—Conduct of business and affairs of the Board.
- 7—Functions of the Board.
- 8—Powers of the Board.
- 9—Delegation by the Board.
- 10—Committees of the Board.
- 11—Appointment of the Registrar.
- 12—Functions of the Registrar.
- 13—Staff of the Board.
- 14—Limitation of liability.

**PART III — REGISTRATION OF AGRICULTURAL
PROFESSIONALS**

- 15—Qualifications for registration.
- 16—Application for registration.
- 17—Registers.
- 18—Certificate of registration.
- 19—Appeals.
- 20—Removal of names from the register.

PART IV— REGISTRATION OF AGRICULTURAL PROFESSIONALS

- 21—Qualifications for private practice.
- 22—Board to issue practising certificates and annual licenses.
- 23—Application for practicing certificate.
- 24—Validity of practicing certificate.
- 25—Renewal, cancellation and suspension of practicing certificate.
- 26—Application for annual license.

PART IV — DISCIPLINE

- 27—Disciplinary Committee.
- 28—Reference of matters to Disciplinary Committee.
- 29—Inquiry by the Disciplinary Committee.
- 30—Procedure of the Disciplinary Committee.
- 31—Disciplinary measures.
- 32—Lifting of suspension.
- 33—Restoration of name in register.

PART V — FINANCIAL PROVISIONS

- 34—Funds of the Board.
- 35—Financial year.
- 36—Annual estimates.
- 37—Investment of funds.
- 38—Accounts and audit.
- 39—Annual report.

PART VI — MISCELLANEOUS PROVISIONS

- 40—Offences and penalties relating to registration.
- 41—False registration or licensing.
- 42—Professional misconduct.
- 43—Offences by unregistered or unlicensed persons.
- 44—Offences by training persons or institutions.

45— General penalty.

46— Transition.

**PART VII — PROVISIONS ON DELEGATED
POWERS**

47—Regulations.

**FIRST SCHEDULE—CONDUCT OF
BUSINESS AND
AFFAIRS OF THE
BOARD**

**SECOND SCHEDULE—COMMITTEES OF
THE BOARD**

**THE AGRICULTURAL PROFESSIONALS
REGISTRATION AND LICENSING BILL, 2024**

A BILL for

AN ACT of Parliament to make provision for the registration and licensing of agricultural professionals, to provide for the regulation of the standards and practice of the profession, to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

PART I — PRELIMINARY

1. This Act may be cited as the Agricultural Professionals Registration and Licensing Act, 2024.

Short title.

2. (1) In this Act, unless the context otherwise requires—

Interpretation.

“agriculture” has the meaning assigned to it by the Agriculture and Food Authority Act, 2013;

No.13 of 2013.

“agriculture professional” means a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act and “Agricultural organizations and institutions” when used in the context of registration shall be construed, be registration under this Act accordingly;

“agricultural specialty” include training or specialization in crop production, horticulture, plant breeding, seed technology, agronomy, botany, crop science, crop protection, home economics, food science, farm management, animal production, range management agricultural economics, agribusiness, agricultural extension, agricultural education, agricultural marketing, agricultural policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agro-forestry, and natural resources management;

“agricultural practitioner” means a person registered under this Act as an agricultural professional who is also licensed under section 26 to practice agriculture, for a fee or in kind;

“Board” means Agricultural Professionals Registration and Licensing Board established by Section 3;

“Cabinet secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

“Ministry” means the ministry for the time being responsible for matters relating to agriculture;

“private practice” means the practice of an agricultural professional in a person’s own behalf, for a fee or in kind;

“register” means the register of agricultural professionals maintained under section 17; and

“Registrar” means the Registrar of the Board appointed under section 11.

**PART II—THE AGRICULTURAL
PROFESSIONALS REGISTRATION AND
LICENSING BOARD**

3. (1) There is established a Board known as Agricultural Professionals Registration and Licensing Board.

Establishment of the Agricultural Professionals Registration and Licensing Board.

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

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

4. (1) The Board shall consist of—

- (a) the Principal Secretary in the ministry for the time being responsible for matters relating to agriculture or a representative;

Composition of the Board.

- (b) the Principal Secretary in the ministry for the time being responsible for matters relating to livestock or a representative;
 - (c) five members nominated by Kenya Society for Agricultural Professionals organization from among membership in agricultural training colleges/universities, agricultural research, agricultural extension services, natural resource management and agricultural marketing services;
 - (d) Chairperson of the Kenya Society for Agricultural Professionals;
 - (e) One person appointed by the Cabinet Secretary from the agro industry.
 - (f) the Registrar who shall be an *ex-officio* member;
- (2) All members nominated under paragraphs (c), (d) (e) and (f) shall be appointed by the Cabinet Secretary by a notice in the Gazette.
- (3) A person shall not be appointed as a member of the Board under subsection (1) unless the person-
- (a) is a citizen of Kenya; and
 - (b) is an agriculture professional of any specialty and of good character and standing.
- (4) The Board shall elect a Chairperson from among its members.
- (6) The members of the Board, except *ex-officio* members, shall hold office for a term of three years and shall be eligible for appointment for a further term of three years.
5. A member, other than *ex-officio* member, of the Board may—
- (a) at any time resign from office by notice in writing to the Board Chairperson;
 - (b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member—
 - (i) has been absent for three consecutive meetings of the Board without the Board's permission;

Vacation of office.

- (ii) is convicted of a criminal offence and imprisoned for a period of six months without an option of a fine;
- (iii) is certified by a registered medical officer to be incapacitated by prolonged physical or mental illness;
- (iv) ceases to be a registered person under this Act; or
- (v) is otherwise unable or unfit to discharge their functions.

6. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule.

Conduct of business and affairs of the Board.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure.

7. (1) The functions of the Board shall be to—

Functions of the Board.

- (a) register and issue certificates of practice to qualified agricultural professionals, organizations and institutions;
- (b) arbitrate professional disputes and constitute an independent tribunal to solve disputes where necessary;
- (c) order deregistration and withdrawal of registration certificate and licenses of practice from persons, organizations or institutions involved in unprofessional practices;
- (d) vet and authenticate professional certificates obtained from institutions operating outside this Act and in foreign countries;
- (e) collaborate with the Kenya National Qualifications Authority to verify professional qualifications; and
- (f) set annual levies and uphold code of conduct, standards and ethics of practice in the agricultural profession.

8. The board shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of this section, shall have power to—

Powers of the Board.

- (a) control, supervise and administer the assets of the Board in a manner and for a purpose that best promotes the purpose for which the Board is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;
- (c) receive any gifts, grants, donations or endowments on behalf of the Board;
- (d) open a banking account or banking accounts for the funds of the Board;
- (f) invest any funds of the Board not immediately required for its purposes as provided under section 37; and
- (g) undertake any activity necessary for fulfillment of its functions.

9. The Board may delegate to any committee of the Board or to any member, officer, employee or an agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

Delegation by the Board.

10. (1) The Board may establish committees as it may consider appropriate to perform such functions and responsibilities as it may determine.

Committees of the Board.

(2) The Board shall appoint the chairperson of a committee from amongst its members.

(3) The Board may where it considers appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by committees shall be ratified by the Board.

(5) Without prejudice to this section, the Board shall establish the committees set out in the Second Schedule

11. (1) There shall be a Registrar of the Board who shall be competitively recruited by the Board.

Appointment of the Registrar.

(2) The Registrar shall hold and vacate the office in accordance with the terms of the instrument of appointment to that office.

- (3) The Registrar shall—
- (a) be the chief executive officer and secretary to the Board;
 - (b) subject to the direction of the Board, be responsible for the day to day management of the Board; and
 - (c) perform any other duties as may be prescribed under this Act.

(4) The terms and conditions of service of the Registrar shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.

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

Functions of the Registrar.

13. The Board may appoint other officers and other staff or hire experts as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine in consultation with the Public Service Commission.

Staff of the Board.

14. (1) A member of the Board shall not be personally liable for any act or omission done in good faith in the course of carrying on the functions of, or exercising of powers conferred upon the Board under this Act.

Limitation of Liability.

(2) Despite subsection (1), the Board shall not be relieved of its liability to pay compensation to a person for any injury to the person, property or interest caused by the exercise of any power conferred by this Act.

PART III — REGISTRATION OF AGRICULTURAL PROFESSIONALS

15. (1) A person shall be eligible for registration under this Act as an agricultural professional if that person—

Qualifications for registration.

- (a) is a holder of a degree, a diploma or a certificate which is recognized by the Board as making that person eligible for registration;
- (b) has applied for membership and paid the prescribed subscription fee;
- (c) has undergone a certificate, diploma, degree or research course of training and passed any examination in Kenya or elsewhere which the Board recognizes as an equivalent to the qualifications referred to in paragraph (a);
- (d) satisfies the Board that he or she is professionally competent, a person of good character and fit to be registered under this Act; and
- (e) is a member of a professional body recognized by the Board

(2) A person who holds a certificate, a diploma or a degree from an accredited institution outside Kenya shall be eligible for registration under this Act as an agricultural professional if the person—

- (a) is a holder of a certificate, a diploma or a degree obtained from an institution that is accredited and recognized by—

- (i) the regulating authority responsible for the registration of agricultural professionals in the country where the person studied; or
 - (ii) by an international regulatory body recognized by the Board;
- (a) has applied for membership and paid the prescribed subscription fee;
 - (b) has engaged as an agricultural professional under the supervision of an agricultural professional registered by the Board for a period, being not less than twelve months, as the Board may approve; and
 - (c) satisfies the Board that the qualifications obtained by the person meet the requirements for a course leading to a qualification as an agricultural professional as the Board shall from time to time prescribe pursuant to the provisions of this Act;
- (3) Where the Board does not recognize degree, diploma or certificate or doubts the professional experience of a person applying for registration the Board shall require that person to—
- (a) attend an interview;
 - (b) undergo an oral or written examination; and
 - (c) undertakes a course in an approved institution prior to engaging in supervised practice.
- (4) The Board shall not authorize the registration of a person unless it is satisfied—
- (a) that the requirements of subsection (1) or (2) have been fulfilled; or
 - (b) in the case of a person referred to in subsection (3) that the requirements of subsection (3) have been fulfilled and that the person has undergone any further period of training or passed any examination specified by the Board.
- (5) The Board may, where it considers it expedient so to do, delegate the assessment of suitability for registration under subsection (3) to a committee of the Board which shall, after making the assessment, make recommendations to the Board accordingly.

(6) The Board shall register every qualified person by entering the name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose pursuant to section 17.

16. (1) A person wishing to be registered under this Act shall apply for registration to the Board.

Application for registration.

(2) An applicant for registration who is a graduate of a foreign school offering training as an agricultural professional shall, furnish satisfactory evidence to the Board confirming that the applicant has satisfied the provisions of section 15(2) and (3).

(3) An application for registration under sub-section (1) and (2) shall be in the prescribed form and shall be accompanied by the prescribed fee.

17. (1) The Registrar shall maintain in such form as the Board may prescribe a register of agricultural professionals registered under this Act.

Register.

(2) The Registrar shall—

(a) not later than the last day of March in every year, publish in the Kenya Gazette, names, addresses and qualifications of all agricultural professional registered in the previous year; and

(b) subject to the directions of the Board, cause to be published any amendments or deletion from the registers.

(3) Every agricultural professional shall notify the Registrar of any change in their registered address within thirty days.

(4) The Registrar may, with the written consent of the person concerned remove from the register, the name of a person who has ceased to practice.

(5) The name of persons removed from the register under subsection (4) may, at the written request of the person concerned, on the approval of the Board and on payment of the prescribed fee, be reinstated by the Registrar.

(6) Any person may inspect the register and any documents relating to any entry during official working

hours, and may obtain from the Registrar, a copy of, or an extract from the registers on payment of the prescribed fee.

18. (1) A certificate of registration under the seal of the Board shall be conclusive evidence of the facts stated.

Certificate of registration.

(2) Any certificate under the seal of the Board shall remain the property of the Board.

(3) A person whose name is removed from the register shall, within thirty days of the publication of such removal, surrender the certificate of registration to the Board.

(4) A person who—

(a) without reasonable excuse, is in possession of a certificate of registration not issued them; or

(b) fails to surrender a certificate of registration under subsection (3) and (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

(5) A person who, without reasonable excuse, is in possession of a certificate of registration not rightfully issued, or fails to surrender a certificate under sub-section (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

19. A person aggrieved by a decision of the Board on any matter under this Act may appeal to the Cabinet Secretary within sixty days of being notified of the decision.

Appeals.

20. (1) The Registrar shall remove from the register—

(a) the names of all deceased persons;

(b) the names of all persons removed from the register under section 25(3) and section 31(1)(d); or

(c) any entries fraudulently or erroneously made.

Removal of names from the register.

(2) The Registrar shall, as soon as is reasonably practicable, cause the name and address of every person whose name is removed from the Register under this section, to be published in the Gazette.

PART IV — LICENSING OF AGRICULTURAL PROFESSIONALS

21.(1) A person shall not engage in private practice as an agricultural professional unless that person—

Qualifications for private practice.

- (a) is registered under this Act;
- (b) holds a valid practicing certificate and an annual license issued under this Act; and
- (c) holds a degree, a diploma or a certificate recognized by the Board under this Act.

(2) A person shall be considered to engage in private practice if the person practices as an agricultural professional—

- (a) on his or her own account and is entitled to receive the entire amount of all fees and charges earned for his own financial benefit; or
- (b) in partnership with other persons and is entitled to receive a share of the profits earned by such partnership and is liable to bear a share of any losses incurred by such partnership.

(3) A person shall not be considered to engage in private practice where the person—

Cap. 446

- (a) is employed by the Government or any other public body;
- (b) is employed by a state corporation as defined by the State Corporations Act; or
- (c) is employed as an agricultural professional by any person or partnership engaged in their profession where all fees and charges earned by them are to the benefit of his employer.

22. The Board shall issue, in accordance with the provision of this Act and any rules made under this Act, a practicing certificate and an annual license to an agricultural professional named to engage in private practice.

Board to issue practicing certificates and annual licenses.

23. (1) An application for a practicing certificate shall be made to the registrar in triplicate, signed by the applicant, specifying the name and place of practice, the

Application for practicing certificate.

registration number and the date of registration as an agricultural professional.

(2) Every application under this section shall be accompanied by the prescribed fee.

(3) The Board shall, where an agricultural professional is duly registered under this Act and is not for the time being suspended from practice, within sixty days of receipt by the Board of the application, issue to the applicant a practicing certificate in the prescribed form.

(4) The Registrar shall keep one copy of every application delivered under this section.

24. (1) Every practicing certificate shall bear the date on which it is issued and shall have effect from that day.

Validity of practicing certificate.

(2) A practicing certificate issued under this section shall be valid from the date of issue and shall expire on the last day of December in the year it is issued.

(3) The Registrar shall enter in the register the date of issue of every practicing certificate.

(4) Where the name of the agricultural professional is removed or struck off the register, the practicing certificate, if any, shall expire forthwith.

25. (1) An agricultural professional issued with a practicing certificate may apply for renewal of the certificate in the prescribed form at least thirty days before the date of expiry thereof.

Renewal, cancellation and suspension of practicing certificate.

(2) An agricultural professional who fails to renew their practicing certificate within the prescribed period shall, when applying for a renewal, be required to pay late application fee, as shall be prescribed by the Board.

(3) The Board shall have the power to renew any practicing certificate and may, refuse to renew, cancel, withdraw or suspend a practicing certificate for a period not exceeding twelve months, if satisfied that the agricultural professional is guilty of professional misconduct or is in breach of any provisions of this Act or any regulations made under this Act.

(4) An agricultural professional aggrieved by the decision of the Board in the exercise of its powers under subsection (3) may appeal to the Cabinet Secretary within thirty days of the receipt of the decision and the decision of the Cabinet Secretary.

(5) The Registrar shall publish a list of licences cancelled, revoked or withdrawn under this section in the *gazette*.

26. A person registered under this Act who engages in private practice shall apply for an annual license in the prescribed form and pay the prescribed fee.

Application for annual license.

PART V — DISCIPLINE

27. (1) There is established a Disciplinary Committee of the Board which shall consist of—

Disciplinary committee.

- (b) one agricultural professional in the public service of the national government nominated by the Cabinet Secretary who shall not be a member of the Board;
- (c) one agricultural professional in the public service of a county government nominated by the Cabinet Secretary who shall not be a member of the Board;
- (d) three agricultural professionals, one of whom shall be from private practice nominated by the Association, and who shall not be members of the Board; and
- (e) the Registrar who shall be the secretary to the Committee and shall be responsible for taking records of the proceedings but shall not have a right to vote on any matter.

(2) The quorum of the Disciplinary Committee shall be three voting members.

28. The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act, either before or after registration has—

Reference of matters to Disciplinary Committee.

- (a) committed any acts of negligence or professional misconduct in respect of the profession; or

- (b) committed any acts of impropriety or misconduct in respect of the profession.

29. The Disciplinary Committee shall inquire into any matter referred to it by the Board.

Inquiry by the Disciplinary Committee.

30. (1) Upon an inquiry under section 29, the agricultural professional subject to the inquiry shall be afforded an opportunity to be heard either in person or through an advocate.

Procedure of the Disciplinary committee.

(2) For the purpose of proceedings at any inquiry by the Disciplinary Committee, the Committee may administer oaths or affirmations and may, subject to any regulations made under this Act, enforce the attendance of persons as witnesses and the production of any books or other documents relevant to the inquiry.

No. 4 of 2015.

(3) The Disciplinary Committee shall operate, subject to the Fair Administrative Action Act and any regulations made under this Act.

31. (1) Where on the recommendations of the Disciplinary Committee, the Board is satisfied that an agricultural professional is in breach of any of the terms or conditions prescribed by the Board under this Act, the Board may—

- (a) impose a fine which the Board considers appropriate in the circumstances;
- (b) issue the an agricultural professional with a letter of admonishment;
- (c) suspend the registration certificate of the agricultural professional for a specified period not less than three months but not exceeding twelve months;
- (d) withdraw or cancel the practicing certificate of the agricultural professional for a period not less than twelve months but not exceeding three years; or
- (e) remove the name of the agricultural professional from the register.

(2) Where, after the hearing in a disciplinary proceedings under this Act the Disciplinary Committee recommends to the Board that an agricultural professional is unfit to practice, the Board may, if satisfied with the

Disciplinary measures.

Disciplinary Committee's recommendations, withdraw the certificate of registration or practicing certificate of the an agricultural professional.

(3) An agricultural professional who has been suspended from practice or whose license to practice has been withdrawn or cancelled shall, from the date of the suspension, withdrawal or cancellation, surrender the registration and practicing certificates and annual license if in private practice to the Registrar.

(4) An agricultural professional who refuses or fails to surrender his badges, licenses or certificates to the Registrar on request shall be guilty of professional misconduct and liable to a fine not exceeding twenty thousand shillings by the Board.

(5) An agricultural professional who is aggrieved by the decision of the Board in the exercise of its powers under this section may appeal to the High Court.

32.(1) An agricultural professional who has been suspended from practicing, may appeal to the Board for the lifting of the suspension at any time before the expiry of the suspension period.

Lifting of suspension.

(2) Where the Board is satisfied that the suspension of an agricultural professional should be lifted, the Board may, upon the receipt of the prescribed fee, lift the suspension and restore to the agricultural professional their registration and practicing certificates and annual license if in private practice.

33.(1) An agricultural professional whose name has been removed from the register may, after the expiry of a period of three years from the date of such removal, appeal to the Board for restoration to the register.

Restoration of name in register.

(2) The Board may, after considering the appeal made under subsection (1), cause the name of the applicant to be restored in the appropriate register, upon payment of the prescribed fee.

PART VI — FINANCIAL PROVISIONS

34.(1) The funds of the Board shall comprise of—

Funds of the Board.

(a) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;

- (b) such sums as may in any manner become payable to or vested in the Board under the provisions of this Act or any other written law subject to the approval of the cabinet secretary for the time being responsible for matters relating to finance.

(2) There shall be paid out of the funds of the Board any expenditure incurred by the Board in the exercise of its powers or the performance of its functions under this Act.

35. The financial year of the Board shall be the period of twelve months ending on the thirtieth day of June in every year.

Financial year.

36. (1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.

Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Board for the financial year concerned and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Board;
- (b) payment of pensions, gratuities and other charges in respect of members and other staff of the Board;
- (c) proper maintenance of buildings and grounds of the Board;
- (d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Board; and
- (e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may consider appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year and shall be submitted to the Cabinet Secretary for approval and after approval, the Board shall not increase annual estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual

estimates approved under subsection (3), or in pursuance of an authorization by the Cabinet Secretary.

37. The Board may, subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance invest any of the funds of the Board in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

Investment of funds.

38. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

Accounts and audit.

(2) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

No. 34 of 2015.

(3) The Board shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Board together with—

- (a) a statement of income and expenditure during the year;
- (b) a statement of the assets and liabilities of the Board as of the last day of that year;
- (c) a cash flow statement for the financial year; and
- (d) any other statements and accounts that may be necessary to fully disclose the financial position of the Board.

39. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary responsible for matters related to finance a report of the operations of the Board for the immediate preceding year.

Annual report.

(2) The Cabinet Secretary shall lay the annual report before the National Assembly within three months of the day the National Assembly next sits after receipt of the report.

PART VII — MISCELLANEOUS PROVISIONS

40. (1) A person shall not practice as an agricultural professional in Kenya unless that person is registered under this Act.

Offences and penalties relating to registration.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall, upon conviction, be liable to a fine not less than one million shillings, or to imprisonment for a term not exceeding three years, or both.

(3) A person shall not while in charge of an agricultural institution or any other agricultural organization in Kenya, employ a person who is not registered under this Act as an agricultural professional.

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall, upon conviction, be liable to a fine not less than one million shillings, or imprisonment for a term not exceeding five years, or both.

(5) A person who, in an application for registration, willfully makes a false or misleading statement or presents a false certificate, commits an offence and shall, upon conviction, be liable to a fine not less than one million shillings, or imprisonment for a term not exceeding three years or both.

41. (1) Any person who willingly procures or attempts to procure registration or licensing under any of provision 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, shall be liable to a fine not exceeding fifty thousand shilling or to imprisonment for a term not exceeding twelve months, or both.

False registration or licensing.

(2) If a person convicted of an offense under this section is registered or licensed under this Act, the Registrar shall forthwith remove such person's name from the register and cancel the licence.

42. (1) A person who is licensed as an agricultural professional shall be guilty of professional conduct if such person—

Professional misconduct.

- (a) deliberately fails to follow the laid down standards of conduct and practice of agricultural profession as laid down by the Board;
- (b) commits gross negligence in the conduct of his professional duties;

- (c) allows another person to practice in their name where such person—
 - (i) is not holder of a practicing certificate issued under this Act; and
 - (ii) is not in partnership with them;
- (d) takes advantage of a client by abusing a position of trust, expertise or authority;
- (e) is insensitive to clients through a lack of regard or concern for clients' needs, feeling, rights or welfare of others;
- (f) shows incompetence or inability to render services, for reasons ranging from inadequate training or inexperience, to personal unfitness, such as a character defect or an emotional disturbance;
- (g) evidences irresponsibility including lack or reliable or dependable execution of professional duties attempts to blames others for one's mistakes, shoddy or superficial professional work, or excessive delays in delivering necessary feedback, assessments, reports or services; or
- (h) is guilty of abandonment through failure to follow through with the duties or responsibilities thereby causing clients to become vulnerable or feel discarded or rejected.

43. (1) A person who, not being eligible to be licenced or registered under this Act—

- (a) willfully and falsely takes or uses any name, title or addition implying a qualifications to practice as an agricultural professional;
- (b) professes to practice as such; or
- (c) manages or dispenses agricultural inputs in form of fertilizers, feeds, agricultural chemicals commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term not exceeding two years, or both.

Offences by
unregistered or
unlicensed
persons.

44. (1) Any person, being in charge of a training institution which is not approved by the Board as an institution for training of persons seeking registration under this Act, who—

Offences by training persons or institutions.

- (a) admits to the institution under their charge any person for purposes of training in agricultural profession;
- (b) purports to be conducting a course of training or examining persons seeking registration under this Act or rules made thereunder;
- (c) issues any document, statement, certificate or seal implying that—
 - (i) the holder has undergone a course of instruction or has passed an examination recognized by the Board; and
 - (ii) the institution under their charge is approved by the Board as an institution for training of person seeking registration,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shilling or imprisonment for a term not exceeding three years, or both.

45. A person convicted of an offence under this Act for which no penalty is provided shall, upon conviction, be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

General penalty.

46. A person who immediately before the date of commencement of this Act was engaged in private practice as an agricultural professional shall be entitled to continue in such private practice without a licence—

Transition.

- (a) for a period of six months from the date of commencement of this Act; or
- (b) upto to the period their application for registration under this Act is approved or rejected by the Board.

PART VIII — DELEGATED POWERS

47. (1) The Cabinet Secretary may in consultation with Board make regulations for the better carrying out of the provisions of this Act;

Regulations.

(2) Without prejudice to the generality of subsection (1) the regulations may provide for—

- (a) the form and method of keeping registers and other records under this Act; No. 42 of 2012
- (b) the conditions under which training institutions other than those established or accredited under the Universities Act, the Technical Education and Vocational and Training Act or any other written law may be approved; No. 29 of 2013
- (c) the terms and conditions of professional practice of registered agricultural professionals;
- (d) the forms and fees to be prescribed for purposes of this Act;
- (e) the inspection of agricultural professionals' institutions.
- (f) the service to be rendered by an agricultural professional in private practice;
- (g) the employment of an agricultural professional in private institutions; and
- (h) the form and method of conducting any inspection, assessment, evaluation, examination or regulation required under this Act.

FIRST SCHEDULE

(s. 6)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIR OF THE BOARD

Tenure of office.

1. The Chairperson or a member of the Board, other than an *ex officio* member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment but shall be eligible for re-appointment for one further one term.

Termination of appointment of chairperson and members.

2. A member of the Board, other than an *ex officio* member, may—

(a) at any time resign from office by notice to the Cabinet Secretary through the Registrar;

(b) be removed from office by the Cabinet Secretary responsible for matters related to agriculture on recommendation of the Board if the member—

(i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;

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

(iii) has becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;

(iv) ceases to be a registered person under this Act; or

(v) is otherwise unable or unfit to discharge his functions.

Meetings of the Board.

3. (1) The chairperson of the Board shall convene ordinary meetings of the Board not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the chairperson may, and upon requisition in writing by at least five

members, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be seven members.

(5) The chairperson shall preside at every meeting of the Board, in his absence the vice chairman shall preside, and shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) In the event of the absence of both the chairperson and the vice chairperson, the members present shall elect one of their number to preside, the person so elected shall with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or the vice-chairperson or the person presiding shall have a casting vote.

(8) Subject to sub-clause (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(9) Subject to the provisions of this section, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make rules in respect thereof.

Committees of the Board.

4. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The committees under (1) shall appoint the chairperson from amongst its members.

(3) The Committee may where it considers appropriate, co-opt any person from outside the Committee with knowledge and expertise in specific areas to attend the deliberations of any of its committees.

(4) All decisions by the committees established under subsection (1) shall be ratified by the Board.

Disclosure of interest.

5. (1) A member of the Board who has a direct or indirect personal interest in a matter being considered by the Board shall, as soon as possible after the relevant facts concerning the matter have come to his or her knowledge, disclose the nature of his or her interest to the Board.

(2) A disclosure of interest made by a member of the Board under subsection (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, in respect of the matter, be present or take part or vote during any deliberations on the matter by the Board.

Contracts and instruments.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Common Seal.

7. (1) The Board shall have a common seal which shall be kept in such manner as the Board may determine;

(2) The affixing of the common seal of the Board shall be authenticated by the signature of the chairperson and the Registrar and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the chairperson and the Registrar:

(3) Provided that the Board shall, in the absence of either the chairman or the Registrar in any particular matter, nominate one member by resolution to authenticate the seal of the Board on behalf of either the chairman or the Registrar

SECOND SCHEDULE

(s. 10(5))

COMMITTEES OF THE BOARD

Registration and Disciplinary Committee

Agricultural Advisory Services Committee

Agricultural Trade and Marketing Services Committee

Research and Training Committee

MEMORANDUM OF OBJECTS AND REASONS

The main objective of this Bill is to provide a legislative framework for the training, registration and licensing of agricultural professionals. The Bill further seeks to regulate the practice of agricultural professionals and to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board which shall regulate the profession.

PART I of the Bill contains preliminary provisions such as interpretation of terms.

PART II of the Bill provides for the establishment of the Agricultural Professionals Registration and Licensing Board, the composition, functions and powers of the Board. It further provides for the appointment of the Registrar.

PART III of the Bill provides for the registration of agricultural professionals, the qualifications for registration, the register of agricultural professionals and certificate of registration.

PART IV of the Bill provides for licensing of agricultural professions, the qualifications for private practitioners, validity of practicing certificates and renewal, cancellation and revocation of certificates issued.

PART V of the Bill contains provisions for the discipline of agricultural professionals including composition of the disciplinary committee.

PART VI of the Bill contains financial provisions of the Board. This includes; the funds of the Board the financial year, audit of accounts, annual estimates and investment of funds of the Board.

PART VII of the Bill contains miscellaneous provisions such as offences relating to agricultural professionals, transitional provisions and general penalty.

PART VIII of the Bill contains provisions on delegated powers.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers but does not limit any fundamental rights and freedoms.

Statement that the Bill does not concern county governments

The Bill does not concern County Governments in terms of Article 110 (1) (a) of the Constitution. Paragraph 29 of Part 1 of the Fourth

schedule to the Constitution provides that agricultural policy is a National Government function. The Bill seeks to provide a policy framework for the regulation of agricultural professionals and therefore does not affect counties.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds to be provided for through the annual estimates.

Dated the 16th November, 2023.

JOHN KANYUITHIA MUTUNGA,
Member of Parliament.



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - THIRD SESSION (2024)
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—

1. THE AGRICULTURAL PROFESSIONALS' REGISTRATION AND LICENSING BILL, 2024 (NATIONAL ASSEMBLY BILLS NO. 19 OF 2024); AND
2. THE COUNTY BOUNDARIES BILL, 2023 (SENATE BILL NO. 6 OF 2023).

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS, the Agricultural Professionals Registration and Licensing Bill, 2024 (National Assembly Bills No. 19 of 2024) and the County Boundaries Bill, 2023 (Senate Bill No. 6 of 2023) have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that—

1. **The Agricultural Professionals Registration and Licensing Bill, 2024 (National Assembly Bill No. 19 of 2024)** is a Bill sponsored by **Hon. John Kanyuthia Mutunga, MP** that seeks to provide for the registration and licensing of agricultural professionals, provide for the regulation of standards and practice of the profession, provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board;
2. **The County Boundaries Bill, 2023 (Senate Bill No. 6 of 2023)** is a Bill sponsored by **Sen. Moses Otieno Kajwang, MP**. It seeks to provide for county boundaries; establish a mechanism for resolving county boundary disputes; give effect to Article 188 of the Constitution by outlining the procedure for altering county boundaries; and establish an independent County Boundaries Commission.

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

S/No.	BILL	COMMITTEE
1.	The Agricultural Professionals Registration and Licensing Bill, 2024 (National Assembly Bill No. 19 of 2024)	Agriculture and Livestock
2.	The County Boundaries Bill, 2023 (Senate Bill No. 6 of 2023)	Justice and Legal Affairs

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 cna@parliament.go.ke to be received on or before **Friday, 21st June 2024** at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
10th June 2024

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



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
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

Ref: NA/DDC/A&L/2024/017

13th August 2024

Dr. Kipronoh Ronoh, PhD
Principal Secretary
State Department for Agriculture
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

Dr. Eliud Kireger, OGW, PhD
Director General
Kenya Agricultural & Livestock
Research Organisation (KALRO)
Kaptagat Road, Loresho
NAIROBI
info@kalro.org

Dr. Fredrick Muchiri
Managing Director
Pest Control Products Board (PCPB)
Loresho
NAIROBI
info@pcpb.go.ke/md@pcpb.go.ke

Mr. Wellington Wasike
Chairperson
Seed Traders Association of Kenya
1st Floor, Wing B, Jumuia Place
Lenana Road
NAIROBI
stak@stak.or.ke

Dr. Daniel M'Mailutha, PhD
Chief Executive Officer
Kenya National Farmer's Federation
Along Thogoto Mutarakwa Road
NAIROBI
farmers@kenaff.org

Hon. Jonathan Mueke, CBS
Principal Secretary
State Department for Livestock Development
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

Dr. Bruno Linyiru
Director General
Agriculture and Food Authority
Tea House, Naivasha Road
Off Ngong Road
NAIROBI
info@afa.go.ke

Prof. Theophilus Mutui
Managing Director
Kenya Plant Health Inspectorate Service
Ngong Road
NAIROBI
director@kephis.org/kephisinfo@kephis.org

Mr. Paul Kamau
Chief Executive Officer
Association of Kenya Feed Manufacturers
Nextgen Mall, Off Mombasa Road
NAIROBI
info@akefema.net

Mr. Paul Mbuni
CEO/Chairman
Kenya Society for Agricultural Professionals
6th Floor, Cianda House,
Koinange Street
NAIROBI
kesapkenya@yahoo.com

Dr. Rosemary Nyamu
Director
Kenya School of Agriculture
Nyeri Campus
NYERI
info@ksa.ac.ke

Dr. Samuel Mugo
Director
Animal Health & Industry Training Institute
Kabete Campus
NAIROBI
ahitikabete@kilimo.go.ke

Dear *D, Rumb*

REF: STAKEHOLDER ENGAGEMENT ON THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 and is mandated *inter alia* 'to study and review all legislation referred to it'.

Pursuant to the cited mandate, the Committee is in the process of considering the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024) (*copy attached*).

The Bill seeks to provide a legislative framework for the training, registration and licensing of agricultural professionals. It also seeks to regulate the practice of agricultural professionals and to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board that shall regulate the profession.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on **Thursday, 22nd August 2024** in **Committee Room 26, Fifth Floor, Bunge Tower, Parliament Buildings** at **9.30 a.m.**

You are requested to submit electronic copies of your submissions to the Committee through the Office of the Clerk via email address cna@parliament.go.ke by **Wednesday, 21st August 2024** and provide twenty (20) hard copies of the submissions during the meeting.

The liaison officers for this activity are **Ms. Laureen Omusa Wesonga** who may be contacted on Tel. No. **0710820442** or email: laureen.wesonga@parliament.go.ke and **Mr. Victor Kilimo** on Tel. No. **0724587091** or email: kilimo.simon@parliament.go.ke.

Yours



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

Copy to:

Dr. Andrew Mwihia Karanja
Cabinet Secretary,
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

THE PROPOSED AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL, 2024

CLAUSE	PROPOSING ENTITY	PROVISION IN THE BILL	PROPOSED AMENDMENT	RATIONALE
SHORT TITLE	KENYA SOCIETY FOR AGRICULTURAL PROFESSIONALS (KESAP)		Amend the short title to read as follows— “Agricultural Professionals & Technicians Registration and Licensing Bill.”	To conform to the general public understanding that a professional is a degree holder and Diploma and certificate holders are technicians, then we propose that both the Title of the bill and the Board be changed to accommodate the Technicians- non - degree holders
2	MINISTRY OF AGRICULTURE & LIVESTOCK (MOALD)	"Agriculture professional" means a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act and "Agricultural organizations and institutions" when used in the context of registration shall be construed, be registration under this Act accordingly.	Amend the definition to read as follows— ““agriculture professional" means a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act;”	"agriculture professional" refers to persons achieving certain competency while "Agricultural organizations and institutions" refers to where the person may deploy their competence and their registration is provided for under other statutes Agricultural organizations and institutions goes beyond the scope of the agriculture professional
	KESAP		The term ‘Agricultural professional’ as used in this bill is defined as a degree, diploma or certificate holder	

			<p>in and agricultural specialty from a University, college or institute recognized by the Board. If this definition is found sufficient then the bill and Board name can be maintained. However, if we wish to conform to the general public understanding that a professional is a degree holder and Diploma and certificate holders are technicians, then we propose that both the Title of the bill and the Board be changed to accommodate the Technicians- non - degree holders and thus read Agricultural Professionals & Technicians Registration and Licensing Bill (Board)</p>	
		<p>"agricultural specialty" include training or specialization in crop production, horticulture, plant breeding, seed technology, agronomy, botany, crop science, crop protection, home economics, food science, farm management, animal production, range management agricultural economics, agribusiness, agricultural extension, agricultural education, agricultural marketing,</p>	<p>Amend to read as follows— "agricultural specialty" include training or specialization in agriculture."</p>	<p>"agricultural specialty" is dynamic and evolves depending on demand and technology development.</p> <p>The training or specialization listed focuses on specific degrees, diplomas and certificates which excludes other relevant areas.</p>

		agricultural policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agro-forestry, and natural resources management;		
	KESAP		Amend the definition to include of "agricultural specialty" on the list of specialties in Agricultural Engineering add Biosystems Engineering, Water Resource Engineering, Irrigation Engineering and Environmental Engineering.	
		"agriculture" has the meaning assigned to it by the Agriculture and Food Authority Act, 2013;	Delete this definition.	Term not used in the Body of the Bill and its limiting to Crops as per the AFA Act 2013 while agricultural specialty includes animal production and range management.
4(1)	KENYA NATIONAL FARMERS' FEDERATION (KENAFF)	Composition of the Board.	It is important to also include the National Farmers' Organization on the board.	
4(c)	MOALD	(c)five members nominated by Kenya Society for Agricultural Professionals organization from among membership in agricultural training	Amend the members to be— (1.)Registered agricultural professional who is a Principal in Middle level Agricultural training institution	To allow for diversification and inclusivity while reducing over representation by Kenya Society for Agricultural Professionals. Reduce the number of members in (c) from 5 to 4 to give total of board

		colleges/universities, agricultural research, agricultural extension services, natural resource management and agricultural marketing services;	(2.)Registered agricultural professional who is a Dean in high level Agricultural training institution (3.)Two persons who are registered and practicing as agricultural professionals appointed by the Cabinet Secretary.	members in line with Mwongozo code of Conduct. Kenya Society for Agricultural Professionals has been given sole mandate to nominate members and is also having representation at (d) where the Chairperson is a member.
4(d)	MOALD	(d)Chairperson of the Kenya Society for Agricultural Professionals.	Amend to read as follows— “(d)Chairperson of the Umbrella organizations of Agricultural Professional;”	There are other organizations to which the agricultural professionals also belong.
4(3)(b)	MOALD	(b)is an agriculture professional of any specialty and of good character and standing.	Amend to read as follows— “(b)is an agricultural professional.”	To create consistency in use of the term.
7	MAOLD	New paragraphs	Amend by inserting the following new paragraphs— “(a) in consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals; (b) receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act;	The Board functions does not touch on training, codes of ethics for the professional bodies and enforcement of standards yet they are key control points. For effective service delivery and regulation of the agricultural profession.

			(c) maintain the standards of practice by the registered persons under this Act; ”	
	KENAFF		Clause 7 of the Bill provides eligibility for registration as an agricultural professional. Where one is required to have a degree, diploma, or certificate this provision is limited, there is need for consideration of the local indigenous knowledge in agriculture. There is a need for consideration of the indigenous knowledge that is very important in agriculture.	
15(1)(a)	MAOLD	(a) is a holder of a degree, a diploma or a certificate which is recognized by the Board as making that person eligible for registration;	Amend clause 15(1)(a) to read as follows— “(a) is a holder of a degree, diploma or certificate in an agricultural specialty specified under this Act;”	To provide better clarity and consistence with the requirements for qualification in specified in the other Clauses of the Bill. A degree, a diploma or a certificate which is recognized by the Board as making that person eligible for registration may be construed to imply that the Board will decide of qualification at whims.
15(1)(c)	MOALD	(c) has undergone a certificate, diploma, degree or research course of training and passed any examination in Kenya or elsewhere which the	Delete clause 15(1)(c).	(15(1)(c) is adequately provided for in 15(1)(a). Described trainings have also been stated to be requirements for consideration as agricultural professional.

		Board recognizes as an equivalent to the qualifications referred to in paragraph(a);		
15(1)(e)	MOALD	(e)is a member of a professional body recognized by the Board	Amend clause 15(1)(e) to read as follows— “(e)is a member of a professional body registered by the Board.”	Qualification limited to recognition by the Board. Aligning the provision with the proposed amendment for professional Bodies to register with the Board.
15(1)	MOALD	New paragraph	Amend clause 15(1) by inserting the following new paragraph immediately after paragraph (e)— “(f)qualified in agricultural specialty course and has undergone a training programme of not less than cumulative four weeks in Agricultural Management Course at the Kenya School of Agriculture; (g)provide for experienced extension service providers with prior learning experience who will have a minimum of Form Four Certificate or equivalent and undertake 2 Months Agricultural Management Course at Kenya School of Agriculture;	Qualified professionals to be exposed to practical on goings through Agricultural Management course. Give experienced persons opportunity to register as agricultural professionals and to be exposed practical on goings through Agricultural Management course.
15	MAOLD	New proposal	Provide for categorization of Agricultural Professionals	The professionals differ on their qualifications.

			considering degree, diploma or Certificate which should also include extension service providers with prior learning experience.	
15(2),(3),(4)&(5)	MOALD		Delete clauses 15(2) (3)(4) and (5) and substitute therefor the following new clause— “(2) A person who holds a certificate, a diploma or a degree from an institution outside Kenya recognized by Board shall be eligible for registration under this Act as an agricultural professional if the person undertakes not less than cumulative four weeks Agricultural Management Course at the Kenya School of Agriculture.”	The provisions in 15.(2)(3)(4) and (5) are detailed process for recognizing degrees, diplomas or certificates from other .countries
15(6)	MAOLD	(6)The Board shall register every qualified person by entering the name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose pursuant to section 17.	Amend by moving clause 15(6) to clause 17.	Allows similar provision to be together and provides flow.
16(2)	MAOLD	(2)An applicant for registration who is a	Delete clause 16(2).	Adequately provided for in Clause 15.

		graduate of a foreign school offering training as an agricultural professional shall, furnish satisfactory evidence to the Board confirming that the applicant has satisfied the provisions of section 15(2)and(3).		Provides for details on qualification for applicant for registration who is a graduate of a foreign school offering training as an agricultural professional.
18	MOALD	<p>18(1) A certificate of registration under the seal of the Board shall be conclusive evidence of the facts stated.</p> <p>(2) Any certificate under the seal of the Board shall remain the property of the Board.</p> <p>(3) A person whose name is removed from the register shall, within thirty days of the publication of such removal, surrender the certificate of registration to the Board.</p> <p>(4) A person who-</p> <p>(a)without reasonable excuse, is in possession of a</p>	<p>Amend clause 18 to read as follows—</p> <p>“(1)A person shall not practice as an agricultural professional without a certificate of registration issued by the Board.</p> <p>(2)A person who practices without a certificate of registration commits an offence.”</p>	<p>Not explicit on requirement for practice.</p> <p>There is need for clarity on not practicing without being a registered professional.</p>


		<p>certificate of registration not issued them; or</p> <p>(b) fails to surrender a certificate of registration under subsection (3) and (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding three months, or both.</p> <p>(5)A person who, without reasonable excuse, is in possession of a certificate of registration not rightfully issued, or fails to surrender a certificate under subsection (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a</p>	
--	--	--	--

		term not exceeding three months, or both.		
19	MOALD	19.A person aggrieved by a decision of the Board on any matter under this Act may appeal to the Cabinet Secretary within sixty days of being notified of the decision.	Amend clause 19 by reducing the number of days from sixty to thirty to read as follows— “19. A person aggrieved by a decision of the Board on any matter under this Act may appeal to the Cabinet Secretary within thirty days of being notified of the decision.”	Sixty days from day of being notified of the decision to appeal is too long and will lead to pile ups.
PART IV- REGISTR ATION OF AGRICU LTURAL PROFESS IONALS	PEST CONTROL BOARD	Part IV- Registration of Agricultural Professionals on Page 421	Amend to read as follows— “Part IV- Licensing of Agricultural professionals”	The content in the text and the page of content not harmonized. Part IV in the text reads: Licensing of Agricultural professionals. on page 434 To harmonize contents
	KESAP		Part III and part IV of table of contents have similar titles but correctly labeled in the main document therefore Part IV of table of contents should read Licensing of Agricultural Professionals.	
21(1)	MOALD	(1)A person shall not engage in private practice as an agricultural professional unless that person-	Amend clause 21 by amending marginal notes to read to read as follows— “Qualification for licensing” Delete clause 21(1) and substitute therefore the following new clause—	Marginal note reads Qualifications for private practice. The provisions are for registration which were provided for in Part III.

		<p>(a)is registered under this Act;</p> <p>(b)holds a valid practicing certificate and an annual license issued under this Act; and</p> <p>(c)holds a degree, a diploma or a certificate recognized by the Board under this Act.</p>	<p>(1) No person shall practice as agricultural professional without a valid license issued by the Board.</p> <p>(2) A person who practice as agricultural professional without a valid license issued by the Board commits an offence.</p> <p>(3) The Cabinet Secretary shall prescribe procedures for issue, renewal, revocation, suspension or cancellation of license in regulations.</p>	
21(3)(a)&(b)	MOALD	<p>(3) A person shall not be considered to engage in private practice where the person-</p> <p>(a)is employed by the Government or any other public body;</p> <p>(b)is employed by a state corporation as defined by the State Corporations Act; or</p>	<p>Amend to provide as follows—</p> <p>An Agricultural Professional who has been dully registered in accordance with a Clause 15 may practice without requirements of licensing.</p>	<p>The persons employed in Government or public institutions providing agricultural professional service will only require registration and not annual license.</p> <p>Just to provide clarity on the exemption being sought for professionals employed as so in public service.</p>
21(3)(c)	MOALD	<p>(c)is employed as an agricultural professional by any person or partnership engaged in their profession where all</p>	<p>Delete clause 21(3)(c).</p>	<p>Exempting Agricultural Professionals who are employed in Agricultural Professional firm creates a gap and may allow non-qualified person to practice.</p>

		fees and charges earned by them are to the benefit of his employer.		
22	MOALD	22The Board shall issue, in accordance with the provision of this Act and any rules made under this Act, a practicing certificate and an annual license to an agricultural professional named to engage in private practice.	Amend the marginal notes to read as follows— “Board to issue annual licenses.” Amend clause 22 to read as follows— “The Board shall issue, in accordance with the provision of this Act and any rules made under this Act Identification Badge and an annual license to an agricultural professional named to engage in private practice.	Registration Certificate was issued under Part III hence issue of practicing certificate and an annual license under Part IV will create situation where instruments issued serve same purpose. The badge will provide identification of genuine practitioners.
	KENAFF		Clause 22 on the Practicing certificate and the annual licensing of the professionals and payment of the annual fees. The cost of licensing these professionals, if it is high it will have an equal effect on farmers hence smallholder farmers will shy away from consulting and limiting their ability to benefit from the Bill’s provisions. The licensing of agricultural professionals will add a regulatory burden on the small-scale farmers by growing operational complexity and costs. Farmers’ will have a challenge in complying with	

			the new professional standards and affording licensed services. Similarly, this will bring additional administrative tasks that will be hectic for farmers with inadequate resources hence limited access to vital expertise and support services.	
23 - 25	MOALD	Provides for issuance of Practicing certificate, validity and renewal.	Amend by deleting the words "Practicing Certificate" and substituting therefore the words "Annual license".	To align with the recommendation in Clause 22.
25(3)	PEST CONTROL BOARD	(3)The Board shall have the power to renew any practicing certificate and may refuse to renew, cancel, withdraw or suspend a practicing certificate for a period not exceeding twelve months, if satisfied that the agricultural professional is guilty of a professional misconduct or in breach of any provision of this Act or any regulations made under this Act.	Amend to provide separate circumstances under which renewal of practicing certificate may be refused, cancelled, withdrawn or suspended.	To guide the Board in decision making and promote transparency and fairness.
26	MOALD	26.A person registered under this Act who engages in private	Delete clause 26.	This comes late and with the proposed amendments of doing away with

		practice shall apply for an annual license in the prescribed form and pay the prescribed fee.		practicing Certificate this is better at clause 23. Will be provided for in 23.
28	MOALD	28. The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act, either before or after registration has—	Amend clause 28 to read as follows— “ “28. The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act, has—”	The law does not work retrogressively. 
31(1)(d)	MOALD	31.(1)Where on the recommendations of the Disciplinary Committee, the Board is satisfied that an agricultural professional is in breach of any of the terms or conditions prescribed by the Board under this Act, the Board may— (d)withdraw or cancel the practicing certificate of the agricultural professional for a period not less than	Delete clause 31(1)(d)	Adequately provided for in 31(1)(c).

		twelve months but not exceeding three years;		
	PEST CONTROL BOARD		Amend to harmonize period of withdrawal or cancellation of the practicing certificate with clause 25(3).	Period of withdrawal or cancellation the practicing certificate is different from 25(3). Harmonize for consistence
40(3)	KENAFF	(3)A person shall not while in charge of an agricultural institution or any other agricultural organization in Kenya, employ a person who is not registered under this Act as an agricultural professional.	Clause 40 (3) Employment of persons not registered under this guideline is limiting fresh graduates from our TVETs and university. There is a need for amendment of this provision. The prerequisite for agricultural service providers to hold registration and licensing may limit the availability of these services, particularly in rural regions where professionals are scarce, potentially causing delays or obstacles in accessing vital advice and inputs.	
42(1)	KESAP	(1)A person who is licensed as an agricultural professional shall be guilty of professional conduct if such person—	Amend clause 42(1) to read as follows— “(1)A person who is licensed as an agricultural professional shall be guilty of professional misconduct if such person—”	
43	MOALD	Offences by unregistered or unlicensed persons.	Insert the following new subclause immediately after subclause (1) to read as follows—	Provide clarity and align effectively.

			“(2)A person who contravenes (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term not exceeding two years, or both.”	
44	MOALD	Offences by training persons or institutions.	Delete clause 44	Agricultural specialty training are regulated under other statutes.
47	MOALD	Regulations	Insert the following new paragraph immediately after paragraph (h)— “(i)Procedures for application, conditions, withdrawal, cancelation and chargeable fees for registration certificate and annual license”.	Necessary for operation.
SECOND SCHEDULE	KESAP	Committees of the Board	Amend the Second Schedule to the Bill by inserting the following new committee— “Environmental and Biosystems Engineering Committee”	



MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
OFFICE OF THE CABINET SECRETARY

Telephone: 2718870/9
Website: www.kilimo.go.ke
Email: cabinetsecretary@kilimo.go.ke
When replying please quote;

KILIMO HOUSE
CATHEDRAL ROAD
P. O. Box 30028
NAIROBI

REF: MOA/ADM/1/27/VOL.VI/(69)

20th August, 2024

Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear *Njoroge,*

**SUBMISSIONS ON THE AGRICULTURAL PROFESSIONALS
REGISTRATION AND LICENSING BILL, (NATIONAL ASSEMBLY BILL
NO. 19 OF 2024) BY THE DEPARTMENTAL COMMITTEE ON
AGRICULTURE AND LIVESTOCK**

Reference is made to your letter Ref: NA/DDC/A&L/2024/047 dated 13th August, 2024 requesting for submission on the proposed Agricultural Professionals Registration and Licensing Bill 2024.

Attached herewith are the Ministry of Agriculture and Livestock Development submissions and comments on the proposed bill.

Yours Sincerely,

Dr. Andrew M. Karanja, PhD
CABINET SECRETARY

Encl.

REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

**SUBMISSIONS ON THE AGRICULTURAL PROFESSIONALS
REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY
BILL NO. 19 OF 2024)**

BY

**DR. ANDREW M. KARANJA ,PhD
CABINET SECRETARY**

AUGUST, 2024

Introduction

Agricultural professionals provide assistance and advice to farmers and livestock producers. The professionals form critical source of human resource for Agricultural Extension and Advisory Services (AEAS)

AEAS facilitate agricultural value chain actors to access information and technologies, obtain skills necessary for improving productivity, food and nutrition security and well-being.

The services are pertinent in driving rural, urban and peri-urban agricultural development mainly through small-scale agricultural production. Worldwide, agricultural extension forms one of the main conduits for agricultural development and transformation leading to rural poverty reduction and increased food security.

Extension and advisory services serve as a crucial catalyst that aid especially the producers to realize their optimum potential which will not only culminate into increased productivity, creation of jobs and eradication of poverty.

In view of the foregoing, the Ministry formulated the Kenya Agricultural Sector Extension Policy 2023 with a broader and effective agricultural extension policy framework. The policy provides a coordinated and pluralistic approach which acknowledges the significance of public and private extension and advisory services in respect to technology transfer, information sharing and skills development, particularly of smallholder producers across the sector.

The Policy recommends establishment of a legal and institutional framework that guides the provision of agricultural extension services. It also recommends setting and enforcement of standards, quality assurance for extension service providers. This is expected to improve professionalism and monitoring of performance.

The Agricultural Professionals Registration and Licensing Bill, 2024

The Bill provides for the registration and licensing of agricultural professionals, to provide for the regulation of the standards and practice of the profession, to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board and for connected purposes. The Bill aligns with the Kenya Agricultural Sector Extension Policy 2023.

Observations, comments and recommendations on the Bill

- (i) The Bill is silent on the institution that will be offering the mandatory pre-registration training for agricultural professionals. All agricultural professionals to undergo a mandatory Agricultural Management Course tenable at the Kenya School of Agriculture before registration by the Board. The course will equip the professionals with practical agricultural management skills in the Sector.
- (ii) The Bill provides for the Board to issue Agricultural Professional with Registration Certificate, Practice Certificate and Annual license. The Practice Certificate and Annual license serve the same purpose and therefore mandatory requirement of the two does not contribute to ease of doing business. We recommend that the Practicing Certificate be removed.
- (iii) The Bill pre-supposes that Kenya Society of Agricultural Professionals is the only professional body for agricultural professionals. There are various bodies to which agricultural professionals affiliate to depending on specialty and preference. The representation to the Board should come from an umbrella body of the existing agricultural professionals bodies.
- (iv) The Bill puts all Agricultural professionals under one category irrespective of their qualifications which range from post graduate to certificate holders. The professionals should be categorized based on their qualifications. Agricultural Technicians (Certificate Holders), Agricultural Assistants (Diploma Holders) and Agricultural Specialist (Degree holders).

The specific comments on the Bill are provided in the attached matrix.

Observations and Comments from the Ministry of Agriculture and Livestock Development on the Agricultural Professionals Registration and Licensing Bill, 2024

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
1.	Clause 2 Interpretation	"agriculture professional" means a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act and "Agricultural organizations and institutions" when used in the context of registration shall be construed, be registration under this Act accordingly	"agriculture professional" refers to persons achieving certain competency while "Agricultural organizations and institutions" refers to where the person may deploy their competence and their registration is provided for under other statutes	"agriculture professional" means a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act	Agricultural organizations and institutions goes beyond the scope of the agriculture professional
2.		"agricultural specialty" include training or specialization in crop production, horticulture, plant breeding, seed technology, agronomy, botany, crop science, crop protection, home economics, food science, farm management, animal production, range management agricultural economics, agribusiness, agricultural extension, agricultural education, agricultural marketing, agricultural	The training or specialization listed focuses on specific degrees, diplomas and certificates which excludes other relevant areas	"agricultural specialty" include training or specialization in agriculture,	"agricultural specialty" is dynamic and evolves depending on demand and technology development

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
		policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agro-forestry, and natural resources management;			
3.		"agriculture" has the meaning assigned to it by the Agriculture and Food Authority Act, 2013;	Term not used in the Body of the Bill	Delete the interpretation	Term not used in the Body of the Bill and its limiting to Crops as per the AFA Act 2013 while agricultural specialty includes animal production and range management,
4.	4 Composition of the Board	(c) five members nominated by Kenya Society for Agricultural Professionals organization from among membership in agricultural training colleges/universities, agricultural research, agricultural extension services, natural resource management and agricultural marketing services;	Kenya Society for Agricultural Professionals has been given sole mandate to nominate members and is also having representation at (d) where the Chairperson is a member.	The members to be 1. Registered agricultural professional who is a Principal in Middle level Agricultural training institution 2. Registered agricultural professional who is a Dean in high level Agricultural training institution 3. Two persons who are registered and practicing as agricultural professionals appointed by the Cabinet Secretary.	1. To allow for diversification and inclusivity while reducing over representation by Kenya Society for Agricultural Professionals 2. Reduce the number of members in (c) from 5 to 4 to give total of board members in line with Mwongozo code of Conduct

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
		(d) Chairperson of the Kenya Society for Agricultural Professionals	Kenya Society for Agricultural Professionals Chairperson is made a member of the Board	Chairperson of the Umbrella organizations of Agricultural Professional	There are other organizations to which the agricultural professionals also belong.
5.	4 Composition of the Board	4 (3)(b) is an agriculture professional of any specialty and of good character and standing	Agriculture Professional	Agricultural Professional	To create consistency in use of the term
6.	7. (l) The functions of the Board	new	The Board functions does not touch on training, codes of ethics for the professional bodies and enforcement of standards yet they are key control points.	Introduce the following: <ol style="list-style-type: none"> 1. in consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals; 2. receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act; 3. maintain the standards of 	For effective service delivery and regulation of the agricultural profession

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
				practice by the registered persons under this Act;	
PART 111 — REGISTRATION OF AGRICULTURAL PROFESSIONALS					
7.	15. (1) Qualification for registration	(a) is a holder of a degree, a diploma or a certificate which is recognized by the Board as making that person eligible for registration;	degree, a diploma or a certificate which is recognized by the Board as making that person eligible for registration may be construed to imply that the Board will decide of qualification at whims	Is a holder of a degree, diploma or certificate in an agricultural specialty specified under this Act	To provide better clarity and consistence with the requirements for qualification in specified in the other Clauses of the Bill.
8.		(c) has undergone a certificate, diploma, degree or research course of training and passed any examination in Kenya or elsewhere which the Board recognizes as an equivalent to the qualifications referred to in paragraph (a); (d) satisfies the Board that he or she is professionally competent, a person of good character and fit to be registered under this Act; and	Described trainings have also been stated to be requirements for consideration as agricultural professional	Delete this	(15(1)(c) is adequately provided for in 15(1)(a)
9.		(e) is a member of a professional body recognized by the Board	Qualification limited to recognition by the Board	is a member of a professional body registered by the Board	Aligning the provision with the proposed amendment for professional Bodies to register with the Board

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
10.		(f) New		qualified in agricultural specialty course and has undergone a training programme of not less than cumulative four weeks in Agricultural Management Course at the Kenya School of Agriculture	Qualified professionals to be exposed practical on goings through Agricultural Management course
11.		(g) New		Provide for experienced extension service providers with prior learning experience who will have a minimum of Form Four Certificate or equivalent and undertake 2 Months Agricultural Management Course at Kenya School of Agriculture.	Give experienced persons opportunity to register as agricultural professionals and to be exposed practical on goings through Agricultural Management course
12.		New		Provide for categorization of Agricultural Professionals considering degree, diploma or Certificate which should also include extension service providers with prior learning experience	The professionals differ on their qualifications.
13.	15. Qualification for registration	15. (2) (3) (4) and (5)		Replace 15. (2) (3) (4) and (5) with	The provisions in 15. (2) (3) (4) and (5) are detailed process for recognizing degrees, diplomas or

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
				A person who holds a certificate, a diploma or a degree from an institution outside Kenya recognized by Board shall be eligible for registration under this Act as an agricultural professional if the person undertakes not less than cumulative four weeks Agricultural Management Course at the Kenya School of Agriculture	certificates from other countries
14.	15 (6)	The Board shall register every qualified person by entering the name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose pursuant to section 17,	Keeping of register of Agricultural Professionals by the Board	To be moved to clause 17	Allows similar provision to be together and provides flow
15.	16 Application for registration.	(2) An applicant for registration who is a graduate of a foreign school offering training as an agricultural professional shall, furnish satisfactory evidence to the Board confirming that the applicant has satisfied the provisions of section 15(2) and (3).	Provides for details on qualification for applicant for registration who is a graduate of a foreign school offering training as an agricultural professional	Delete the provision	Adequately provided for in Clause 15

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
16.	18 Certificate of Registration	<p>18. (1) A certificate of registration under the seal of the Board shall be conclusive evidence of the facts stated.</p> <p>(2) Any certificate under the seal of the Board shall remain the property of the Board.</p> <p>(3) A person whose name is removed from the register shall, within thirty days of the publication of such removal, surrender the certificate of registration to the Board.</p> <p>(4) A person who—</p> <p>(a) without reasonable excuse, is in possession of a certificate of registration not issued them; or</p> <p>(b) fails to surrender a certificate of registration under subsection (3) and (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding three months, or both.</p> <p>(5) A person who, without reasonable excuse, is in possession of a certificate of registration not rightfully issued,</p>	Not explicit on requirement for practice	<p>Recast the entire 18 to provide;</p> <p>(1) A person shall not practice as an agricultural professional without a certificate of registration issued by the Board</p> <p>(2) A person who practices without a certificate of registration commits an offence</p>	There is need for clarity on not practicing without being a registered professional.

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
		or fails to surrender a certificate under sub-section (4) commits an offence and shall, upon conviction, be liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding three months, or both.			
17.	19 Appeals	A person aggrieved by a decision of the Board on any matter under this Act may appeal to the Cabinet Secretary within sixty days of being notified of the decision	Aggrieved person given sixty days from day of being notified of the decision to appeal	Reduce the number of days from sixty to thirty days from day of being notified of the decision to appeal	sixty days from day of being notified of the decision to appeal is too long and will lead to pile ups
PART IV — LICENSING OF AGRICULTURAL PROFESSIONALS					
18.	21 Qualifications for private practice.	(1) A person shall not engage in private practice as an agricultural professional unless that person— (a) is registered under this Act; (b) holds a valid practicing certificate and an annual license issued under this Act; and (c) holds a degree, a diploma or a certificate recognized by the Board under this Act.	Marginal note reads Qualifications for private practice. The provisions are for registration which were provided for in Part III	Amend the Marginal note for Clause 21 to Licensing provisions 21(1) to provide for licensing of registered agricultural professionals No person shall practice as agricultural professional without a valid license issued by the Board A person who practice as agricultural professional without a valid license	This Part provides for licensing of practitioners and not registration which is provided for in Part III

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
				<p>issued by the Board commits an offence</p> <p>The Cabinet Secretary shall prescribe procedures for issue, renewal, revocation, suspension or cancellation of License in regulations</p>	
19.	21 Qualifications for private practice.	<p>(3) A person shall not be considered to engage in private practice where the person—</p> <p>(a) is employed by the Government or any other public body;</p> <p>(b) is employed by a state corporation as defined by the State Corporations Act;</p>	The persons employed in Government or public institutions providing agricultural professional service will only require registration and not annual license	An Agricultural Professional who has been dully registered in accordance with a Clause 15 may practice without requirements of licensing.	Just to provide clarity on the exemption being sought for professionals employed as so in public service
20.		<p>21.(3) A person shall not be considered to engage in private practice where the person—</p> <p>(c) Is employed as an agricultural professional by any person or partnership engaged in their profession where all fees and charges earned by them are to the benefit of his employer.</p>	Its exempting Agricultural Professionals who are employed in Agricultural Professional Firm	Delete entire provision	Exempting Agricultural Professionals who are employed in Agricultural Professional Firm creates a gap and may allow non-qualified person to practice.

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
21.	22 Board to issue practicing certificates and annual licenses.	The Board shall issue, in accordance with the provision of this Act and any rules made under this Act, a practicing certificate and an annual license to an agricultural professional named to engage in private practice.	The Board to issue a practicing certificate and an annual license to an agricultural professional named to engage in private practice.	Amend to read Side note ; Board to issue annual licenses The Board shall issue, in accordance with the provision of this Act and any rules made under this Act Identification Badge and an annual license to an agricultural professional named to engage in private practice.	Registration Certificate was issued under Part III hence issue of practicing certificate and an annual license under Part IV will create situation where instruments issued serve same purpose. The badge will provide identification of genuine practitioners.
22.	23 to 25	All clauses 23 to 25	Provides for issuance of practicing certificate, validity and renewal	Amend by finding the word "Practicing Certificate" and replacing with "Annual license"	To align with the recommendation in Clause 22
23.	26 Application for annual license.	A person registered under this Act who engages in private practice shall apply for an annual license in the prescribed form and pay the prescribed fee.	This comes late and with the proposed amendments of doing away with practicing Certificate this is better at clause 23	Delete	Will be provided for in 23
PART V DISCIPLINE					
24.				Delete words Practicing Certificate in 31 and 32	To align with the recommendation in Clause 22
25.	28 Reference of matters to Disciplinary Committee.	The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act,	The Clause refers to issues that could have taken place before registration	Amend to read; The Board may refer a matter to the Disciplinary Committee if it has reason	The law does not work retrogressively

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
		either before or after registration has		to believe that a person registered under this Act, has.....	
26.	31. (l) Where on the recommendations of the Disciplinary Committee, the Board is satisfied that an agricultural professional is in breach of any of the terms or conditions prescribed by the Board under this Act, the Board may—	(d) withdraw or cancel the practicing certificate of the agricultural professional for a period not less than twelve months but not exceeding three years	withdraw or cancel the practicing certificate	Delete 31(1)(d)	Adequately provided for in 31(1)(c)
PART VII — MISCELLANEOUS PROVISIONS					
27.	43 Offences by unregistered or unlicensed persons.	(a) willfully and falsely takes or uses any name, title or addition implying a qualifications to practice as an agricultural professional; (b) professes to practice as such; or (c) manages or dispenses agricultural inputs in form of fertilizers, feeds, agricultural	Offence seems to be only applicable to 43(1)(c)	Amend to provide as; 43 (2) A person who contravenes (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term	Provide clarity and align effectively

SN	Clause in the Bill	Provision in the Bill	Observations	Proposal	Justification
		chemicals commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term not exceeding two years, or both.		not exceeding two years, or both.	
28.	44 Offences by Training Persons and Institutions.	44. Offences by Training Persons and Institutions.	Any person, being in charge of a training institution which is not approved by the Board as an or institutions for training of persons seeking registration under this Act commits an offense	Delete entire Clause 44	Agricultural Specialty training are regulated under other statutes
PART VIII — DELEGATED POWERS					
29.	47 Regulations.	New	Powers to make regulations	(i) Procedures for application, conditions, withdrawal, cancelation and chargeable fees for registration certificate and annual license	Necessary for operation

Signature 

Date 21/08/2024

DR. ANDREW M. KARANJA, PhD
CABINET SECRETARY



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
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

Ref: NA/DDC/A&L/2024/047

13th August 2024

Dr. Kipronoh Ronoh, PhD

Principal Secretary
State Department for Agriculture
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

Dr. Eliud Kireger, OGW, PhD

Director General
Kenya Agricultural & Livestock
Research Organisation (KALRO)
Kaptagat Road, Loresho
NAIROBI
info@kalro.org

Dr. Fredrick Muchiri

Managing Director
Pest Control Products Board (PCPB)
Loresho
NAIROBI
info@pcpb.go.ke/md@pcpb.go.ke

Mr. Wellington Wasike

Chairperson
Seed Traders Association of Kenya
1st Floor, Wing B, Jumuia Place
Lenana Road
NAIROBI
stak@stak.or.ke

Dr. Daniel M'Mailutha, PhD

Chief Executive Officer
Kenya National Farmer's Federation
Along Thogoto Mutarakwa Road
NAIROBI
farmers@kenaff.org

Hon. Jonathan Mucke, CBS

Principal Secretary
State Department for Livestock Development
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI

Dr. Bruno Linyiru

Director General
Agriculture and Food Authority
Tea House, Naivasha Road
Off Ngong Road
NAIROBI
info@afa.go.ke

Prof. Theophilus Mutui

Managing Director
Kenya Plant Health Inspectorate Service
Ngong Road
NAIROBI
director@kephis.org/kephisinfo@kephis.org

Mr. Paul Kamau

Chief Executive Officer
Association of Kenya Feed Manufacturers
Nextgen Mall, Off Mombasa Road
NAIROBI
info@akefema.net

Mr. Paul Mbuni

CEO/Chairman
Kenya Society for Agricultural Professionals
6th Floor, Cianda House,
Koinange Street
NAIROBI
kesapkenya@yahoo.com

Dr. Rosemary Nyamu
Director
Kenya School of Agriculture
Nyeri Campus
NYERI
info@ksa.ac.ke

Dr. Samuel Mugo
Director
Animal Health & Industry Training Institute
Kabete Campus
NAIROBI
ahitikabete@kilimo.go.ke

Dear *D, Runch*

REF: STAKEHOLDER ENGAGEMENT ON THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 and is mandated *inter alia* 'to study and review all legislation referred to it'.

Pursuant to the cited mandate, the Committee is in the process of considering the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024) (*copy attached*).

The Bill seeks to provide a legislative framework for the training, registration and licensing of agricultural professionals. It also seeks to regulate the practice of agricultural professionals and to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board that shall regulate the profession.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on **Thursday, 22nd August 2024** in **Committee Room 26, Fifth Floor, Bunge Tower, Parliament Buildings** at **9.30 a.m.**

You are requested to submit electronic copies of your submissions to the Committee through the Office of the Clerk via email address cna@parliament.go.ke by **Wednesday, 21st August 2024** and provide twenty (20) hard copies of the submissions during the meeting.

The liaison officers for this activity are **Ms. Laureen Omsa Wesonga** who may be contacted on Tel. No. **0710820442** or email: laureen.wesonga@parliament.go.ke and **Mr. Victor Kilimo** on Tel. No. **0724587091** or email: kilimo.simon@parliament.go.ke.

Yours



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

Copy to:

Dr. Andrew Mwiha Karanja
Cabinet Secretary,
Ministry of Agriculture &
Livestock Development
Kilimo House, Cathedral Road
NAIROBI



**KENYA SOCIETY FOR AGRICULTURAL
PROFESSIONALS**

KESAP

**CIANDA house, 6th Floor , Door 603.
Koinange Street.**

25.08.2024

Dear Sir/ Madam

Re: Additional Submissions on Agricultural Professionals Registration and Licensing Bill, 2024

We hereby submit to the following proposals:

- Part 11 clause 4 (4) be revised to read "The Board Chairman shall be appointed by the President and shall be an agricultural professional of any specialty of good character and standing"
- Introduce Part 11 Clause 4 (5) The Board shall elect a Vice Chairperson from among its members.
- We have noted that there is no Part 11 clause 4(5) but there is Part 11 clause 4(6) and therefore the above number Part 11 Clause 4 (5) which we have introduced fits well.

The purpose of the above proposal is that by the President appointing the Chairperson, the proposed Board will have the necessary thrust in law to execute its functions. In addition, it will in line with similar Boards and entities in which the President is the appointing authority of the chairs.

Thank you,

Yours Faithfully,

Paul Mbuni

PEST CONTROL PRODUCTS BOARD

(A Statutory Organization of Government)

Tel: +254-020-8021846/7/8
Mobile: 0720 480 904/0735 778 743



P.O. Box 13794-00800
Loresho, off Waiyaki Way,
NAIROBI, KENYA
Email: info@pcpb.go.ke
md@pcpb.go.ke
Website: www.pcpb.go.ke

Your Ref:
PCPB/1/VOL.III/24/031
Our Ref:.....

20th August, 2024
Date:.....

The Clerk of the National assembly
P. O. Box 41842-00100
NAIROBI
Email: cna@parliament.go.ke

RE: STAKEHOLDER ENGAGEMENT ON THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL, 2024 BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

We acknowledge receipt of your letter Ref NA/DDC/A&L/2024/047 on the above subject dated 13th August 2024

Attached herewith, Please find PCPB's comments on the Agricultural Professionals Registration and Licensing Bill, 2024.

Kindly consider the concerns and recommendations.

Fredrick N. Muchiri
CHIEF EXECUTIVE/SECRETARY

Copy to: **Dr. Kipronoh Ronoh, PhD**
Principal Secretary
State Department for Agriculture

Chairman, **PCPB**



Pest Control Products Board

COMMENTS ON THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL, 2024:

Clause	Current provision	Issue/Concern	Proposed amendment	Justification of the amendment
Arrangement of the clauses	Part IV-- Registration of Agricultural professionals on Page 421	The content in the text and the page of content not harmonized. Part IV in the text reads: Licensing of Agricultural professionals on page 434	Part IV-- Licensing of Agricultural professionals	To harmonize contents
25(3)	The Board shall have the power to renew any practicing certificate and may refuse to renew, cancel, withdraw or suspend a practicing certificate for a period not exceeding 12 months.....	Conditions under which renewal of practicing certificate may be refused, cancelled, withdrawn or suspended are missing	Provide separate circumstances under which renewal of practicing certificate may be refused, cancelled, withdrawn or suspended.	To guide the Board in decision making and promote transparency and fairness

Clause	Current provision	Issue/Concern	Proposed amendment	Justification of the amendment
31(1)(d)	(d). withdraw or cancel the practicing certificate of the Agricultural professional for a period not less than 12 months but not exceeding 3 years	Period of withdrawal or cancellation the practicing certificate is different from 25(3) above	Harmonize period of withdrawal or cancellation of the practicing certificate in the 2 clauses	For consistence

General comments

It is our hope that fees for application for Registration and licensing of professionals to be included in the Regulations will be reasonable.



**MEMORANDUM ON THE AGRICULTURAL PROFESSIONALS
REGISTRATION AND LICENSING BILL 2024**

**PRESENTED TO THE NATIONAL ASSEMBLY THE THIRTEENTH
PARLIAMENT**

**SUBMITTED TO CLERK OF THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK**

P. O. BOX 41842-00100, NAIROBI

**IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK:
AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING
BILL 2024**

20 AUGUST 2024

**SUBMITTED BY: THE KENYA NATIONAL FARMERS' FEDERATION
(KENAFF)**



Introduction

About the Kenya National Farmers' Federation (KENAFF)

KENAFF is the National Farmers' Organization (NFO); the apex umbrella farmers' organization in Kenya. It was founded in Nakuru in the year 1946 as the Kenya National Farmers Union (KNFU). KENAFF is a non-political, not-for-profit, and democratic membership-based organization. Her core mandate is to represent, articulate, promote, and protect the interests of Kenyan farmers through lobby, advocacy, policy action and farmer empowerment. This mandate is embodied in the KENAFF motto: **The Farmers' Voice/ Sauti ya Mkulima**. The federation has membership in all 47 counties of the Republic of Kenya.

Organizational structure

KENAFF executes her mandate through a bottom-up organization structure with strong forward and backward linkages at ward; sub-county; county; and, the national level. The structure also incorporates three national organs: KENAFF Young, KENAFF Women and KENAFF Commodities. KENAFF has three critical policymaking organs: KENAFF County Boards, the National Farmers Assembly and the KENAFF Annual General Meeting (AGM). The federation also has a national secretariat housed at the Farmers Conference Centre (FCC) in Thogoto, Kikuyu. The national secretariat oversees the execution of the federation's member services, lobby and advocacy and all relevant programming relevant to farmers' welfare. In discharging these duties, the national secretariat is supported by a network of county offices spread all over the country.

KENAFF is the primacy of the agricultural sector in Kenya, and a critical cog in the country's socioeconomic transformation and development. Indeed, the KENAFF aspiration, embodied in the KENAFF Mission (*to influence transformation and growth in the agricultural sector for enhanced food and nutrition security, improved incomes, and better livelihoods for farmers*) and the KENAFF Vision (*an inclusive, strong, influential, and respected National Farmers' Organization*) resonates with the Government of Kenya Bottom-up Economic Transformation Agenda. In particular, KENAFF is particularly well-positioned to support the government's economic and livelihoods transformation agenda in the context of agricultural transformation, inclusive growth and manufacturing.

Background

Agriculture is the backbone of Kenya's economy with a GDP contribution of 33% and employing 70% of the workforce. Similarly, agriculture contributes immensely to export revenues through products like tea and coffee, ensuring food nutrition and security for the Kenyan population. Smallholder farmers are the main contributors to agriculture securing, protecting their rights and improving access to resources and markets are very important to ensure productivity and economic stability.



Kenya National Farmers' Federation (KENAFF); Appreciates the milestone accomplishments by the government over the past two years in this sector. This includes (but not limited to) the country-wide registration of farmers; the fertilizer subsidy programme; the enhanced coffee cherry advance revolving fund; the import duty waivers on animal feeds inputs; enhanced operationalization of the Warehouse Receipt System; and enhanced issuance of title deeds.

The federation also appreciates the Thirteenth Parliament, particularly The National Assembly Departmental Committee on Agriculture & Livestock for developing the Agricultural Professional and Licensing Bill of 2024 which seeks to regulate and professionalize the agricultural sector by establishing standards.

The federation has reviewed and interrogated the Agricultural Professionals Registration and Licensing Bill 2024 and has identified the following recommendations:

- I. **Part 11:** Agricultural Professionals Registration and Licensing board 4 (1) it is important to also include the National Farmers' Organization on the board.
- II. **Clause 7** of the Bill provides eligibility for registration as an agricultural professional. Where one is required to have a degree, diploma, or certificate this provision is limited, there is need for consideration of the local Indigenous knowledge in agriculture. There is a need for consideration of the indigenous knowledge that is very important in agriculture.
- III. **Clause 22** on the Practicing certificate and the annual licensing of the professionals and payment of the annual fees. The cost of licensing these professionals, if it is high it will have an equal effect on farmers hence smallholder farmers will shy away from consulting and limiting their ability to benefit from the Bill's provisions. The licensing of agricultural professionals will add a regulatory burden on the small-scale farmers by growing operational complexity and costs. Farmers' will have a challenge in complying with the new professional standards and affording licensed services. Similarly, this will bring additional administrative tasks that will be hectic for farmers with inadequate resources hence limited access to vital expertise and support services.
- IV. **Clause 40 (3)** Employment of persons not registered under this guideline is limiting fresh graduates from our TVETs and university. There is a need for amendment of this provision. The prerequisite for agricultural service providers to hold registration and licensing may limit the availability of these services, particularly in rural regions where professionals are scarce, potentially causing delays or obstacles in accessing vital advice and inputs.
- V. The bill has not fully addressed the practical challenges in implementing of the registration and licensing system for example the resource availability, regulatory training, and effective monitoring.
- VI. Further, there is an overlook on its impact on smallholder farmers who could struggle with compliance due to financial constraints.



- VII.** There is lack of a detailed cost implication for both professionals and regulatory bodies.
- VIII.** Key issues like training requirements, enforcement mechanisms, stakeholder feedback, and regional variations are not well articulated in the bill.
- IX.** Additionally, integration of technology, the impact on innovation, public awareness strategies, inter-agency coordination, and a review process for the legislation are not sufficiently addressed.
- X.** The proposed fines are too severe, a fine of KES 1 Million fine or imprisonment of three years is too punitive, a review to one year imprisonment and or alternate training to unqualified shop operators like the agrovet shops could be alternative fines.



REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

State Department For Livestock development

ANIMAL HEALTH AND INDUSTRY TRAINING INSTITUTE - KABETE

P. O. BOX 29040-00625 KANGEMI NAIROBI, KENYA

EMAIL: ahitikabete@gmail.com ; Phone 0769702555

AHITI/MLD/5/VOL IV/043.

21st August, 2024

THE CLERK

NATIONAL ASSEMBLY

P. O. BOX 41842-00100

NAIROBI, KENYA

Dear Sir,

**RE. MEMORANDUM ON AGRICULTURAL PROFESSIONALS' REGISTRATION
AND LICENSING BILL, 2024**

The above subject refers.

Your letter Ref: NA/DDC/A&L/2024/047 dated 13th August 2024 is hereby acknowledged and contents therein noted. Further, I confirm attendance and participation in the planned stakeholders meeting.

Attached herein find a **Memorandum on the Agricultural Professionals' Registration and Licensing Bill, 2024** for consideration by the Departmental Committee on Agriculture and Livestock.

Kind regards

Dr. Samuel Mugo

PRINCIPAL AHITI Kabete



REPUBLIC OF KENYA
MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
State Department For Livestock development
ANIMAL HEALTH AND INDUSTRY TRAINING INSTITUTE - KABETE
P. O. BOX 29040-00625 KANGEMI NAIROBI, KENYA
EMAIL: ahitikabete@gmail.com ; Phone 0769702555

**MEMORANDUM TO THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND
LIVESTOCK ON THE AGRICULTURAL PROFESSIONALS' REGISTRATION AND
LICENCING BILL, 2024**

**SUBMITTED BY THE PRINCIPAL AHITI KABETE IN THE STATE DEPARTMENT
FOR LIVESTOCK DEVELOPMENT**

21ST August 2024

Whereas AHITI Kabete plays a key role in the development of the livestock sector by enhancing capacity building of veterinary paraprofessionals, leather technology skilled technicians, artificial insemination technicians, and other cadre of professionals within the livestock sub-sector in Kenya;

Whereas The Principal received an invitation vide a letter Ref: NA/DDC/A&L/2024/047 dated 13th August 2024 by the Clerk of the National Assembly to submit a memorandum and attend a meeting to be convened by the departmental committee on Agriculture and Livestock on 22nd August 2024;

Cognizant of the fact there is no regulatory framework for the registration and licensing of agricultural professionals like other professions

Taking into consideration the significance of the proposed regulation on the agricultural sector and the economy as highlighted herein;

After careful analysis of the Bill, it is noted that registering agricultural professionals in Kenya is expected to have profound long-term economic impacts, including increased productivity, enhanced food security, economic diversification, and improved market competitiveness.

Consequently, this will lead to job creation, poverty reduction, and overall economic growth, making the agricultural sector a cornerstone of Kenya's development strategy. The bill confers key benefits as highlighted below:

- 1) **Regulatory oversight:** Part II Section 3 (1) of the bill proposes the establishment of the Agricultural Professionals Registration and Licensing Board, which will oversee the registration, licensing, and regulation of agricultural practitioners. will provide a structured oversight mechanism to monitor the activities of agricultural professionals in compliance with industry standards. The Board will have the authority to enforce compliance with the law, investigate complaints, and impose penalties for unethical practices, thereby enhancing the overall governance of the sector.
- 2) **Professional standards and accountability:** Part III and Part IV dealing with registration and licensing respectively, require agricultural professionals to hold degrees, diplomas, or certificates in relevant fields. Therefore, the bill seeks to enhance accountability and professionalism within the sector. The bill will bring agricultural professionals under a more regulated framework thus aligning agricultural practice with other regulated professions like Veterinary medicine, Human medicine, law, accounting, and engineering. The Professionals will be required to adhere to ethical guidelines and best practices thus improving the overall expertise available to farmers, leading to better agricultural practices and increased productivity thereby improving the quality of services provided to farmers
- 3) **Support for smallholder farmers:** By regulating who can dispense agricultural inputs such as fertilizers and seeds, the bill aims to protect farmers from unscrupulous traders selling counterfeit or substandard products. This is crucial for safeguarding the livelihoods of farmers and ensuring that they receive quality inputs necessary for successful farming ultimately improving their productivity and income levels

- 4) **Enhanced credibility and trust:** Registered agricultural professionals will be recognized as credible practitioners, which can foster trust among farmers and other stakeholders in the agricultural value chain. This trust is essential for effective collaboration and for farmers to seek advice and services from professionals without fear of exploitation.
- 5) **Access to professional development and resources:** The bill encourages continuous professional development by requiring registered professionals to engage in ongoing education and training. This will help practitioners stay updated on the latest agricultural practices, technologies, and regulations, ultimately benefiting the agricultural sector as a whole.
- 6) **Improved agricultural productivity and enhanced food security:** With qualified professionals providing guidance and support to farmers, the overall productivity of the agricultural sector is likely to improve. Better advice on crop management, pest control, and resource utilization can lead to increased yields and more sustainable farming practices.
- 7) **Legal framework for employment:** Like in other regulated sectors, the bill creates a legal requirement for employers in the agricultural sector to hire only registered professionals. This not only ensures that employers comply with legal standards but also promotes job security and professional recognition for agricultural practitioners.
- 8) **Economic growth, development and diversification:** A more professional agricultural sector can attract investment and innovation, contributing to the overall economic growth of the country. Improved standards can also enhance Kenya's competitiveness in both domestic and international agricultural markets. As agricultural productivity increases, there will likely be a ripple effect on related sectors, such as food processing and distribution.
- 9) **Public participation:** By allowing stakeholders to give input like this memorandum, it means public input and stakeholder engagement have been given priority. This is crucial for ensuring that the needs and concerns of all agricultural stakeholders are considered, fostering a collaborative approach to agricultural regulation.

Now therefore, conclude as follows: **The Agricultural Professionals Registration and Licensing Bill, 2024** is a landmark piece of legislation that represents a critical step towards professionalizing the agricultural sector in Kenya. By establishing a framework for registration and licensing, the bill aims to enhance the quality of agricultural services, protect farmers, and promote sustainable agricultural practices. The successful implementation of this bill could lead to significant improvements in agricultural productivity and food security, benefiting the economy and society as a whole.



Dr. Samuel Mugo

Principal AHITI-Kabete.

**THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL,
2024**

4. (1) The Board shall consist of—

(c) five members nominated by Kenya Society for Agricultural Professionals organization from among membership in agricultural training colleges/universities, agricultural research, agricultural extension services, natural resource management and agricultural marketing services;

Change to "Agricultural Professional bodies".

Danstan Kaburu Mithook
Crop Protection Specialist
& Agronomist
Department of Agriculture
Meru County.