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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-SECOND SESSION

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL, NATIONAL ASSEMBLY BILL NO. 2 OF 2019

Directorate of Committee Services
The National Assembly
Parliament Buildings
NAIROBI

OCTOBER, 2019

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CHAIRPERSON'S FOREWORD

This report contains the Departmental Committee on Agriculture and Livestock proceedings on its consideration of the Livestock and Livestock Products Marketing Board Bill, (National Assembly Bill No. 2 of 2019). The Committee studied the bill, analysed it and invited comments from interested members of the public.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the facilitation accorded to it in execution of its mandate during consideration of the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019). I also wish to thank the Members of the Committee who made valuable contributions and the Secretariat who facilitated the production of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of standing order 127, it is my pleasant privilege and honour to present to the House the report of the Committee on its consideration of the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019).

HON. ADAN HAJI ALI SHEIKH, MP – CHAIRPERSON
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

EXECUTIVE SUMMARY

The Livestock and Livestock Products Marketing Board Bill, 2019 is sponsored by Hon. Bashir Abdullahi and it seeks to streamline the marketing of livestock and livestock products in Kenya. The streamlining of the industry is to be achieved through the establishment of the Livestock and Livestock Products Marketing Promotion Board which is to be the main body dealing with the marketing of livestock and livestock products in the country. It is expected that the body will improve the industry through an efficient livestock products marketing industry in the country.

The Livestock and Livestock Products Marketing Board Bill was published on 7th February 2019 and was read a First Time in the National Assembly on 20th March, 2019. Following the First Reading in the National Assembly, it stood committed, pursuant to standing order 127 (1), to the Departmental Committee on Agriculture and Livestock for facilitation of public participation.

The Committee, pursuant to Article 118 of the Constitution and standing order 127(3), invited submissions from members of the public on the Bill through an advertisement in the newspapers. The Committee held public participation meetings with stakeholders on 29th June, 2019 and received both oral and written submissions from the State Department for Livestock. The Committee will be proposing amendments to the Bill in line with the observations and recommendations made by the Committee during the review of the Bill.

PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

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

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

2. The Departmental Committee on Agriculture and Livestock deals with matters concerning; Agriculture, Livestock, Irrigation, Fisheries, Development, Production and Marketing. In discharge of its mandate, the Committee oversights the following: -

   a) The State Department for Crops Development and Agricultural Research
   b) The State Department for Livestock
   c) The State Department for Fisheries, Aquaculture and the Blue Economy
   d) The State Department for Irrigation

1.2 COMMITTEE MEMBERSHIP

3. The Membership of the Committee comprises the following Members: -

Hon. Adan Haji Ali, MP.
Mandera South Constituency – Jubilee Party **(Chairperson)**

Hon Emmanuel Wangwe, MP.
Navakholo Constituency – Jubilee Party **(Vice-Chairperson)**

Hon. Maison Leshoomo, MP.
Samburu County – Jubilee Party

Hon. Ferdinard Wanyonyi, MP.
Kwanza Constituency – Ford Kenya

Hon. Florence Mutua, MP.
Busia County – Orange Democratic Movement

Hon. Simba Arati, MP.
Dagoretti Constituency – Orange Democratic Movement

Hon. Francis Munyua Waititu, MP.
Juja Constituency – Jubilee Party

Hon. Silas Kipkoech Tiren, MP.
Moiben Constituency – Jubilee Party

Hon. Yegon Brighton Leonard, MP.
Konoin Constituency – Jubilee Party

Hon. Gabriel Kago Mukuha, MP.
Githunguri Constituency – Jubilee Party

Hon. John Paul Mwirigi, MP.
Igembe South – Independent Member

Hon. Dr. John Kanyuithia Mutunga, MP.
Tigania West Constituency – Jubilee Party

Hon. Adan Haji Yussuf, MP.
Mandera West Constituency – Economic Freedom Party

Hon. Janet Jepkemboi Sitienei, MP.
Turbo Constituency – Jubilee Party

Hon. Dr. Daniel Kamuren Tuitoek, MP.
Mogotio Constituency – Jubilee Party

Hon. Fred Ouda, MP.
Kisumu Central Constituency – Orange Democratic Movement

Hon. Joyce Kamene, MP.
Machakos County – Wiper Democratic Party

Hon. Justus Makokha Murunga, MP.
Matungu Constituency - Amani National Congress

Hon. Silvanus Osoro Onyiego, MP.
South Mungirango Constituency – Kenya National Congress

1.3 COMMITTEE SECRETARIAT

4. The Parliamentary Service Commission Committee has deployed the following officers from various directorates and departments to serve the Departmental Committee on Agriculture and Livestock:

Mr. Ahmad Kadhi
Clerk Assistant I – Head of Secretariat

Mr. Alex Mutuku
Sergeant At Arms I

Mr. Salem Lorot
Legal Counsel II

Ms. Faith Makena
Sergeant At Arms II

Mr. Nicodemus Maluki
Clerk Assistant III

Mr. John Ngugi
Audio Officer III

Mr. Robert Ngetich
Fiscal Analyst III

Mr. Eric Kariuki
Research Officer III

Ms. Deborah Ghati
Media Relations Officer

Signed____

HON. ADAN HAJI ALI SHEIKH, MP
(CHAIRPERSON)
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

Date____________________

2.0 INTRODUCTION

The Livestock and Livestock Products Marketing Board Bill was read a First Time in the National Assembly on 20th March, 2019. Following the First Reading in the National Assembly, it stood committed, pursuant to standing order 127 (1), to the Departmental Committee on Agriculture and Livestock for facilitation of public participation.

The Committee, pursuant to Article 118 of the Constitution and standing order 127(3), invited submissions from members of the public on the Bill through an advertisement in the newspapers. The Committee held public participation meetings with stakeholders on 29th June, 2019 and received both oral and written submissions from the State Department for Livestock.

2.1 PROVISIONS OF THE BILL

The Livestock and Livestock Products Marketing Promotion Board, Bill 2019 is a Bill sponsored by Hon Major (Rtd.) Bashir Abdullahi. The principal object of the Bill is to streamline the marketing of livestock and livestock products in Kenya. This is in light of the fact that although the livestock industry is a very important source of income for many households in Kenya, its regulation is carried out by different entities leading to duplication and competition among the various entities. This results in poor service delivery by the entities and thus the main beneficiaries of the industry are the middlemen as opposed to the livestock farmers.

The streamlining of the industry is to be achieved through the establishment of the Livestock and Livestock Products Marketing Promotion Board which is to be the main body dealing with the concerns of the marketing of livestock and livestock products in the country.

There was a Bill in the 11th Parliament that related to the same subject matter known as the Livestock and Livestock Products Development and Marketing Bill, 2016 sponsored by Hon. Abdinoor Mohamed Ali, MP. However, the Bill lapsed at the end of the term of the 11th Parliament.

Salient provisions of the Bill

PART I (Clauses 1-2) of the Bill provides for preliminary provisions of the Bill including the short title and commencement of the Act and the interpretation clause.

PART II (Clauses 3-20) of the Bill deals with the establishment, functions and powers of the Board. Clause 3 specifically establishes the Livestock and Livestock Products Marketing Promotion Board. The functions and powers of the Board are outlined under clauses 5 and 7 respectively.

PART III (Clauses 21-24) of the Bill deals with the financial provisions. The sources of funds for the Board are outlined in clause 21. The Board is required to comply with prudent financial management systems including the provisions of the Public Audit Act, No. 34 of 2015.

PART IV (Clauses 25-30) of the Bill contains miscellaneous provisions. It provides for the requirement of the Board to have a public engagement strategy. It also outlines the guiding principles for the Cabinet Secretary when formulating delegated legislation.

PART V (Clauses 31) of the Bill deals with consequential amendments.

PART VI (Clauses 32-35) of the Bill contains revocation and saving provisions.

Clause 3 of the Bill establishes the Livestock and Livestock Products Marketing Board. Clause 5 of the Bill provides for the functions of the Board as to—

(a) regulate the livestock and livestock products marketing promotion industry;

(b) collaborate with other relevant agencies to promote the trade of livestock and livestock products including trade agreements, marketing organisations and co-operatives;

(c) advise national and county governments on matters relating to marketing of livestock and livestock products;

(d) liaise with the private sector and other agencies on matters relating to marketing of livestock and livestock products in order to limit duplication of effort and ensure optimal use of available resources;

(e) coordinate and mobilize resources for investments and promotion of marketing of livestock and livestock products;

(f) facilitate the marketing of livestock and livestock products through provision of market information intelligence on supply and demand locally and internationally;

(g) in collaboration with research institutions conduct studies and research designed to promote value addition and marketing of livestock and livestock products;

(h) facilitate the development of skills and adoption of appropriate value addition technologies before the export of livestock products from Kenya;

(i) promote the adoption of standards and best practices in livestock production and processing that supports marketing of livestock and livestock products;

(j) support infrastructure improvements in slaughter houses, manufacturing and processing industries;

(k) develop and rehabilitate livestock marketing infrastructure to facilitate trade in livestock and livestock products;

(l) promote livestock insurance schemes in the country;

(m)collate and disseminate data and information on livestock and livestock products including ownership and monitor a database for use by all stakeholders;

(n) advise the national and county governments on levies, fees and charges for purposes of planning and enhancing harmony and equity in the sector;

(o) advise the national and county governments on matters relating to policies on marketing of livestock and livestock products;

(p) in collaboration with county governments, support the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry;

(q) develop and promote the adoption of alternative sustainable livestock production systems such as feed lots to supplement supply from extensive production areas;

(r) develop and promote systems that will enable reduction of post-production and slaughter house losses for livestock and livestock products; and

(s) facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships.

3.0 SUBMISSIONS FROM MEMBERS OF THE PUBLIC

The Committee is required, pursuant to Standing Order 127(3), to facilitate public participation on the Bill through an appropriate mechanism including-

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

The requirement for the Committee to conduct public participation on the Bill is a constitutional imperative flowing from Article 118 of the Constitution which provides that Parliament shall-

(a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and

(b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

The Committee called for invitation of Memoranda through the Print Media which were to be submitted on or before Thursday 4th April, 2019. Furthermore, there were public hearings to receive comments on the bill from stakeholders on 29th June, 2019 in Machakos County.

The State Department for Livestock in its presentation made the following comments on the specific clauses contained in the Bill. The Committee's recommendations on each proposed amendment is included.

Clause	**Issue**	**Proposed Amendments by the State Department for Livestock**	**Committee's recommendation**
Title	Title of Bill	Name as "Livestock and Livestock Products Marketing Promotion Bill. This is consistent with the Bill debated in the National Assembly in 2017. It also implies broader	The Committee rejects the proposed amendment. The purpose of the Bill is for the establishment of the Livestock and Livestock Products Marketing Board

		function of marketing and not just creation of a Board	hence the title should not be changed.
1	Coming into force has been omitted	Insert "not later than 6 months after publication in the Gazette". This ensures early implementation	Article 116(2) of the Constitution provides that an Act of Parliament comes into force on the fourteenth day after its publication in the Gazette, unless the Act stipulates a different date on or time at which it will come into force. The proposed amendment is therefore unnecessary.
2 (a)	List of livestock species	Amend the definition of the term "livestock" by inserting the word "donkey" so as to include donkeys as one of the livestock species	The Committee agrees to the proposed amendment for the following reasons: (i) The term "livestock" does not include a donkey yet it is one of the livestock species; (ii) A donkey will have its livestock products which require facilitation in regard to trade, marketing, among others.
2	Definition of 'livestock infrastructure' leaves out 'market'	Insert word 'market' before 'infrastructure'. Justification: The term "livestock infrastructure" gives the impression of all livestock infrastructure instead of livestock market infrastructure.	The Committee agrees to the proposed amendment because the insertion of the word "market" to the term "livestock infrastructure to read "livestock market infrastructure" correctly points out to the livestock market infrastructure which fits within the purpose of the Bill

			rather than the broader "livestock infrastructure".
4(2)	Establishment of offices should be in counties	Amend clause 4(2) by deleting the word 'other' since Nairobi referred to in clause 4(1) is national capital	The proposed amendment is rejected since the effect of the amendment would be to suggest that Nairobi is not one of the counties in Kenya. The current clause 4(2) should be retained as it is.
5(a)	Provision of regulation will conflict with mandates of other institutions	Delete clause 5(a) since the provision will conflict with mandates of other institutions	The proposed amendment is agreed to for clause 5 to be amended by deleting paragraph (a) which provides for the function of the Board as to "regulate the livestock and livestock products marketing promotion industry". Justification: (i) Regulation of the livestock and livestock products marketing promotion industry falls within the mandate of the Cabinet Secretary and not the Board as proposed in the Bill; (ii) Clause 30 of the Bill provides that the Cabinet may, in consultation with the Board, make regulations for the better carrying into effect the functions of the Act and a contrary provision will contravene this clause and the

			Statutory Instruments Act, 2013.
5 (h)	Value addition should be for all livestock products	Amend clause 5 paragraph (h) by inserting the words "for livestock products for domestic and export market" immediately after the word "technologies"	The Committee agrees to the substance of the proposed amendment since the value addition technologies should apply to livestock products unlike the way the function has been provided in the Bill which may apply to value addition technologies generally. However, the Committee proposes amendments to the paragraph to clean it up and for it to provide as follows— "(h) facilitate the development of skills and adoption of appropriate value addition technologies for livestock products for domestic use and export from Kenya;"
5 (i)	Development of standards is left out	Amend clause 5 by inserting the words "collaborate with relevant agencies to develop standards" at the beginning of paragraph (i) Reason for the amendment: Development of standards has been left out in paragraph (i)	The Committee agrees to the proposed amendment but proposes that an additional function be provided for by inserting a new paragraph (hi) immediately after paragraph (h) as follows— "(hi) collaborate with relevant agencies to develop standards

			and best practices in livestock production and processing;" Justification: Development of standards is a different function from adoption of standards hence these functions need to be provided separately.
5 (m)	Clause not clear	Amend clause 5 in paragraph (m) by deleting the words "including ownership and monitor a database for use by all stakeholders" Reason for the amendment: The words proposed to be deleted are not clear.	The Committee partly agrees to the proposed amendment by amending clause 5 in paragraph (m) by deleting the words "including ownership" appearing immediately after the words "livestock products" Justification: The words "including ownership" are ambiguous hence should be deleted whereas the function of monitoring a database for use by all stakeholders is an important one and should be retained.
5 (o)	Clause repeated in (c)	Delete clause 5(o) of the Bill since it has been repeated in paragraph (c)	The Committee agrees to the proposed deletion since paragraph (c) already provides for the function
5 (p)	This is a county function and the Board can only support	Amend clause 5 by deleting paragraph (p) and substituting therefor the following new paragraph— "(p) "support county governments to promote and improve livestock management	The Committee agrees to the proposed amendment Justification: The Fourth Schedule of the Constitution assigns agricultural policy to the national government while crop

		systems for the sustainable development of the livestock industry;"	and husbandry, markets and trade licensing are assigned to the county governments. Since livestock management is a shared function between the national government and county governments, the function needs to be amended to reflect this.
5 (r)	The word 'business' limits partnerships that the Board can enter into	Amend clause 5 paragraph (r) by deleting the word "business" appearing immediately after the words "establishment of strategic". Reason for the amendment: The word "business" limits partnerships that the Board can enter into.	The Committee agrees to the proposed amendment because the usage of the term "strategic business partnerships" is restrictive instead of being facilitative hence the word "business" should be deleted so as to encompass partnerships in its broadest sense.
6 (1) (d)	There is no clarity on who the CoG will nominate	Amend clause 6(1) (d) by deleting the word "persons" and substituting therefor the words "two county executive committee members responsible for livestock"	The Committee rejects the proposed amendment to allow the Council of Governors to have a wider pool from which it can nominate the two persons. The paragraph already has a safeguard by providing that the two persons shall have knowledge on livestock matters.
6 (1) (g)	Direct mention of KLMC will be taken as	Amend clause 6(1) (g) by deleting the words "Kenya Private Sector Alliance" and substituting therefor the words	The Committee agrees to the proposed amendment but proposes a further amendment to provide for "umbrella body"

	introducing a legal bias	"association representing livestock marketing interests of producers"	Justification: The use of the words "umbrella body representing livestock marketing interests of producers" will not necessitate amendment to the Act if enacted since it will apply to an umbrella body by whatever name it will have.
6 (2)	Appointment should only be by President as per practice in SAGAS of this nature	Amend clause 6(2) by deleting the words "with the approval of the National Assembly"	The Committee rejects the proposed amendment Justification: The National Assembly should retain the function of approving the nomination of the chairperson of the Board since similar legislations provide for this, for instance the Fisheries Management and Development Act (No. 35 of 2016) provides for the approval of the Chairperson of the Board of Directors of the Fish Marketing Authority by the National Assembly in section 201(2).
6(3)	The qualifications for Board Chairman is not provided	Amend clause 6 by inserting a subclause to provide for the qualification of the Board Chairman to be a graduate degree holder with experience in the livestock industry.	The Committee agrees to the proposed amendment but proposes that the Chairperson should have five years' experience on livestock matters. Justification:

			(i) The qualification requirements is not provided for in the Bill (ii) The Chairperson should have a minimum of a Bachelor's Degree and five years' experience in the livestock sector in order to provide the knowledge, experience and expertise to the Board.
10(3)	Expertise outside the Board has been excluded from Committees	Amend clause 10(3) by inserting the words "but the Board may from time to time include such experts as it may consider appropriate" at the end of the clause.	The Committee agrees to the proposed amendment since the co-option of an expert will add value to the deliberations of the Committees.
13 (1) (b) (i)	CEO should have appropriate livestock qualifications	Amend clause 13(1) (b) (i) by deleting the word "agriculture"	The Committee rejects the proposed amendment since the proposed deletion of the requirement to have a minimum of a Bachelor's degree in agriculture is necessary for the effective day to day management of the Board by the Chief Executive Officer.
13 (1) (b) (ii)	Usage of correct terminologies	Amend clause 13(1) (b) (ii) by deleting the word "livestock" and substituting therefor the word 'animal sciences'	The Committee agrees to the proposed amendment since university courses are named animal sciences and not livestock hence it should be amended to reflect the current practice in the universities

13 (1) (c)	Experience of the CEO of at least 5 years will be an asset for the agency	Amend clause 13(1) by deleting paragraph (c) and substituting therefor the following new paragraph— "(c) has not less than ten years' experience in the livestock industry, five of which should be at a senior level;"	The Committee rejects the proposed amendment and proposes that the paragraph (c) be amended by deleting and substituting therefor the following new paragraph— "(c) has not less than five years' experience at a management level in the livestock sector Justification: The proposed amendment by the State Department for Livestock will lock out many persons who can serve as a Chief Executive Officer. Therefore, retaining the threshold but providing for experience at a management level will enable the Board get services of a person who is well versed in the livestock sector and is also experienced in management.
14	CEO tenure of office is not provided	Amend clause 14 by inserting a new subclause to provide that the Chief Executive Officer shall serve for three years renewable once.	The Committee agrees to the proposed amendment but proposes that instead of amending clause 14, clause 13(2) should be deleted and substituting with the following new subclause— "(2) The Chief Executive Officer shall hold office for a

			term of three years renewable for one further term." Justification: The tenure of the Chief Executive has not been specifically provided for under clause 13(2) and is conditional upon the Board which might be abused, creates uncertainty to the office holder, and is not in accord with best practices.
	Penalties Clause is missing	Insert a penalties clause in the Bill	The Committee agrees to the proposed amendment and proposes that a general penalty clause should be inserted. Therefore, a new clause 29A should be inserted immediately after clause 29 as follows— <table><tr><td>General penalty</td><td>29A. Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding one year or to a fine not</td></tr></table>

			exceeding five hundred shillings or to both. Justification: The Bill does not have a penalty provision.
26 (1) (c)	The Board is dealing with livestock marketing matters and not entire industry	Amend clause 26(1) (c) Amend paragraph (c) by deleting the words "livestock industry" and substituting therefore the words "marketing of livestock and livestock products".	The Committee agrees to the proposed amendment Justification: The Board will be mandated to prepare a report containing the progress made toward the improvement of marketing of livestock and livestock products. This is more specific and certain unlike when the report will contain improvement of the livestock industry.
32-34	Assumes there was a Board of National Livestock Development and Promotion Service	Delete the clauses 32, 33 and 34 of the Bill	The Committee agrees to the proposed deletions of clauses 32, 33 and 34 of the Bill. The clauses provide for the transition and savings. However, they are not necessary and should be deleted since there is no Livestock and Livestock Products Marketing Board in place.

In conclusion the State Department for Livestock informed the Committee that they were in the process of formulating a more comprehensive Livestock Bill which captured the provisions of the Bill before the Committee.

4.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:

1. The submissions by the State Department for Livestock highlighted a number of clauses in the Bill that needed amendments some which the Committee will be proposing.

2. The purpose of the Bill is for the establishment of the Livestock and Livestock Products Marketing Board hence the title should be retained.

3. The definition of the term "livestock" in clause 2 of the Bill has excluded donkeys yet it should have been in the list of livestock species.

4. The definition of the term "livestock infrastructure" in clause 2 of the Bill does not specifically mention "market" since the infrastructure inferred is one that facilitates marketing and not all livestock infrastructure.

5. Clause 3(2) of the Bill should be amended by deleting the word "is" and substituting therefor the words "shall be". The drafting practice recommends the use of the words "shall be".

6. Clause 5 paragraph (a) of the Bill provides for the function of the Board as to "regulate the livestock and livestock products marketing promotion industry" but this function offends clause 30 of the Bill which provides that the Cabinet may, in consultation with the Board, make regulations for the better carrying into effect the functions of the Act and a contrary provision will contravene this clause and the Statutory Instruments Act, 2013.

7. Clause 5(h) of the Bill provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "facilitate the development of skills and adoption of appropriate value addition technologies before the export of livestock products from Kenya", but the value addition technologies referred to should apply to livestock products for domestic and export market.

8. Clause 5 of the Bill should be amended by providing an additional function for the Board to collaborate with relevant agencies to develop standards and best practices in livestock production and processing since development of standards is a different function from adoption of standards hence these functions need to be provided separately.

9. Clause 5(m) of the Bill provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "collate and disseminate data and information on livestock and livestock products including ownership and monitor a database for use by all stakeholders". However, the words "including ownership" are unclear hence should be deleted.

10. Clause 5(o) of the Bill is repeated and should be deleted. It provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "advise the national and county governments on matters relating to policies on marketing of livestock and livestock products".

11. Clause 5(p) of the Bill provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "in collaboration with county governments, support the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry". However, this provision needs to be amended since livestock management is a shared function between the national government and county governments.

12. Clause 5(r) of the Bill provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships". However, the usage of the term "strategic business partnerships" is restrictive instead of being facilitative hence the word "business" should be deleted so as to encompass partnerships in its broadest sense.

13. Clause 6(1) (f) of the Bill provides that one of the members of the proposed Livestock and Livestock Products Marketing Board shall be one person nominated by the Kenya Private Sector Alliance. However, the specific mention of the Kenya Private Sector

Alliance is inadvisable since it might necessitate amendment to the Act if the status of the Alliance changes. Therefore, the use of the words "umbrella body representing private sector" will address this.

14. Clause 6(1) (g) of the Bill provides that one of the members of the proposed Livestock and Livestock Products Marketing Board shall be one person nominated by the Kenya Livestock Marketing Council. However, the specific mention of the Kenya Livestock Marketing Council is inadvisable since it might necessitate amendment to the Act if the status of the Kenya Livestock Marketing Council changes. Therefore, the use of the words "umbrella body representing livestock marketing interests of producers" will address this.

15. Clause 6(2) of the Bill provides that the Chairperson of the proposed Livestock and Livestock Products Marketing Board shall be appointed by the President with the approval of the National Assembly. The National Assembly should retain the function of approving the nomination of the chairperson of the Board since similar legislations provide for this, for instance the Fisheries Management and Development Act (No. 35 of 2016) provides for the approval of the Chairperson of the Board of Directors of the Fish Marketing Authority by the National Assembly in section 201(2).

16. Clause 6 of the Bill does not provide for qualifications for the chairperson of the Board hence this should be provided for.

17. Clause 6 (3) needs to be amended to include paragraph (g) in the introductory words since the one person nominated by the Kenya Livestock Marketing Council is also appointed.

18. Clause 6 of the Bill does not provide for the appointing authority for the two persons nominated by the Council of Governors in clause 6(1) (d), one person nominated by the Kenya Private Sector Alliance in clause 6(1) (f), and one person nominated by the Kenya Livestock Marketing Council in clause 6(1) (g).

19. Clause 9 of the Bill should be amended to include paragraph (g) since the Kenya Livestock Marketing Council is also appointed.

20. Clause 10(2) contains an erroneous word "produce" which should have been "livestock products" since livestock products is a term that has been defined and used in the Bill.

21. Clause 10(3) of the Bill provides that the Board may establish committees whose membership shall be drawn from the Board. However, the provision does not include expertise outside the Board. Co-option of an expert will add value to the deliberations of the Committees.

22. Clause 13(1) (b) (i) of the Bill provides one of the optional qualification requirements for the Chief Executive Officer of the Board shall be a minimum of a Bachelor's degree in agriculture. This should be retained since knowledge of agriculture is necessary for the effective day to day management of the Board by the Chief Executive Officer.

23. Clause 13(1) (b) (ii) of the Bill provides one of the optional qualification requirements for the Chief Executive Officer of the Board shall be a minimum of a Bachelor's degree in livestock. Since university courses are named animal sciences and not livestock the provision should be amended to reflect the current practice in the universities.

24. Clause 13(1) (c) of the Bill provides one of the qualification requirements for the Chief Executive Officer of the Board as "not less than five years' experience in the livestock sector". The threshold should be retained but the provision should be amended to provide for experience at a management level which will enable the Board get services of a person who is well versed in the livestock sector and is also experienced in management.

25. The tenure of office of the Chief Executive Officer has not been specifically provided for under clause 13(2) of the Bill and is conditional upon the Board which might be abused, creates uncertainty to the office holder, and is not in accord with best practices. The provision should therefore be amended to provide that the Chief Executive Officer shall hold office for a term of three years renewable for one further term.

26. Clause 21 of the Bill provides for the sources of funds of the Board. There is a need to provide for levy payable to the Board by every producer.

27. The Bill does not have any offence provision hence there is a need to provide for a general penalty clause.

28. Clause 26(1) (c) of the Bill provides for one of the contents of the Board's report as the progress made towards the improvement of the livestock. However, this connotes that the Board will be dealing with the entire livestock industry yet it is to the extent of marketing of livestock and livestock products.

29. Clauses 32, 33 and 34 of the Bill provide for the transition and savings. However, they are not necessary and should be deleted since there is no Livestock and Livestock Products Marketing Board in place.

5.0 COMMITTEE RECOMENDATIONS

The Committee having considered the Livestock and Livestock Products Marketing Bill, 2019 therefore recommends as follows:

1. The title of the Bill should be retained.

   Justification: The purpose of the Bill is for the establishment of the Livestock and Livestock Products Marketing Board hence the title should be retained.

2. Clause 2 of the Bill should be amended in the definition of the term "livestock" in paragraph (a) by inserting the word "donkey" immediately after the word "camel".

   Justification:

   (i) The term "livestock" does not include a donkey yet it is one of the livestock species;
   (ii) A donkey will have its livestock products which require facilitation in regard to trade, marketing, among others.

3. Clause 2 of the Bill should be amended in the definition of the term "livestock infrastructure" by inserting the word "market" immediately after the word "livestock" at the beginning of the definition.

Justification: The insertion of the word "market" to the term "livestock infrastructure to read "livestock market infrastructure" correctly points out to the livestock market infrastructure which fits within the purpose of the Bill rather than the broader "livestock infrastructure".

4. Clause 3 of the Bill should be amended in subclause (2) by deleting the word "is" appearing in the introductory statement and substituting therefor the words "shall be".

   Justification: The drafting practice recommends the use of the words "shall be".

5. Clause 5 of the Bill should be amended by deleting paragraph (a).

   Justification:
   (i) Regulation of the livestock and livestock products marketing promotion industry falls within the mandate of the Cabinet Secretary and not the Board as proposed in the Bill;
   (ii) Clause 30 of the Bill provides that the Cabinet may, in consultation with the Board, make regulations for the better carrying into effect the functions of the Act and a contrary provision will contravene this clause and the Statutory Instruments Act, 2013.

6. Clause 5 of the Bill should be amended by deleting paragraph (h) and substituting therefore the following new paragraph—

   "(h) facilitate the development of skills and adoption of appropriate value addition technologies for livestock products before domestic use and export from Kenya;"

   Justification: Value addition technologies should apply to livestock products unlike the way the function has been provided in the Bill which may apply to value addition technologies generally.

7. Clause 5 of the Bill should be amended by inserting a new paragraph (hi) immediately after paragraph (h) as follows—

"(hi) collaborate with relevant agencies to develop standards and best practices in livestock production and processing;"

Justification: Development of standards is a different function from adoption of standards hence these functions need to be provided separately.

8. Clause 5 of the Bill should be amended in paragraph (m) of the Bill by deleting the words "including ownership" appearing immediately after the words "livestock products".

   Justification: The words "including ownership" are ambiguous hence should be deleted whereas the function of monitoring a database for use by all stakeholders is an important one and should be retained.

9. Clause 5 should be amended by deleting paragraph (o).

   Justification: The contents of paragraph (o) is repeated in paragraph (c). Paragraph (c) of clause 5 provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "advise the national and county governments on matters relating to policies on marketing of livestock and livestock products".

10. Clause 5 of the Bill should be amended by deleting paragraph (p) and substituting therefor the following new paragraph—

    "(p) support county governments to promote and improve livestock management systems for the sustainable development of the livestock industry;"

    Justification: The Fourth Schedule of the Constitution assigns agricultural policy to the national government while crop and husbandry, markets and trade licensing are assigned to the county governments. Since livestock management is a shared function between the national government and county governments, the function needs to be amended to reflect this.

11. Clause 5 of the Bill should be amended in paragraph (r) by deleting the word "business" appearing immediately after the words "establishment of strategic".

Justification: The paragraph provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships". The usage of the term "strategic business partnerships" is restrictive instead of being facilitative hence the word "business" should be deleted so as to encompass partnerships in its broadest sense.

12. Clause 6 of the Bill should be amended by inserting the following new subclause immediately after subclause (2)—

(2a) A person shall qualify for appointment as the Chairperson if that person—

- (a) is a citizen of Kenya;
- (b) has a minimum of a Bachelor's degree; and
- (c) has not less than five years' experience in the livestock sector.

Justification: The qualifications for the Chairperson has not been provided for in the Bill.

13. Clause 6 of the Bill should be amended in subclause (3) by inserting the expression ",(g)" immediately after the words "sub-section (1) (d), (e)" appearing in the introductory statement.

Justification: The amendment is necessary since the one person nominated by the Kenya Livestock Marketing Council is also appointed.

14. Clause 6 of the Bill should be amended in subclause (1)—

- (a) in paragraph (d) by inserting the words "and appointed by the Cabinet Secretary" immediately after the words "livestock matters";
- (b) in paragraph (f) inserting the words "and appointed by the Cabinet Secretary" immediately after the words "Kenya Private Sector Alliance";

(c) in paragraph (g) inserting the words "and appointed by the Cabinet Secretary" immediately after the words "Kenya Livestock Marketing Council";

Justification: The current provision does not provide for the appointing authority for the two persons nominated by the Council of Governors in clause 6(1) (d), one person nominated by the Kenya Private Sector Alliance in clause 6(1) (f), and one person nominated by the Kenya Livestock Marketing Council in clause 6(1) (g).

15. Clause 6(1) (f) should be amended by deleting the words "Kenya Private Sector Alliance" and substituting therefor the words "umbrella body representing private sector"

    Justification: The use of the words "umbrella body representing private sector" will not necessitate amendment to the Act if enacted since it will apply to an umbrella body by whatever name it will have.

16. Clause 6(1) (g) should be amended by deleting the words "Kenya Livestock Marketing Council" and substituting therefor the words "association representing livestock marketing interests of producers"

    Justification: The use of the words "umbrella body representing livestock marketing interests of producers" will not necessitate amendment to the Act if enacted since it will apply to an umbrella body by whatever name it will have.

17. Clause 9 of the Bill should be amended by inserting the expression "(g)" immediately after the words "section 6 (1) (d), (e)" appearing immediately after the words "members appointed under".

    Justification: The Kenya Livestock Marketing Council is also appointed.

18. Clause 10 of the Bill should be amended to provide that the Board may co-opt experts.

Justification: The current provision provides that the Board may establish committees whose membership shall be drawn from the Board. However, the provision does not include expertise outside the Board who may provide technical knowledge to the Board from time to time as may be required.

19. Clause 10 of the Bill should be amended in subclause (2) by deleting the word "produce" appearing immediately after the words "committees for each" and substituting therefor the words "livestock product".

    Justification: livestock products is a term that has been defined and used in the Bill.

20. Clause 13 should be amended in subclause (1) in paragraph (b) by amending subparagraph (ii) by deleting the word "livestock" and substituting therefor the words "animal sciences".

    Justification: Clause 13(1) (b) (ii) of the Bill provides one of the optional qualification requirements for the Chief Executive Officer of the Board shall be a minimum of a Bachelor's degree in livestock. University courses are named animal sciences and not livestock hence it should be amended to reflect the current practice in the universities.

21. Clause 13 should be amended in subclause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

    "(c) has not less than five years' experience at a management level in the livestock sector

    Justification: Retaining the threshold but providing for experience at a management level will enable the Board get services of a person who is well versed in the livestock sector and is also experienced in management.

22. Clause 13 of the Bill should be amended by deleting subclause (2) and substituting with the following new subclause—

"(2) The Chief Executive Officer shall hold office for a term of three years renewable for one further term."

Justification: The tenure of the Chief Executive has not been specifically provided for under clause 13(2) and is conditional upon the Board which might be abused, creates uncertainty to the office holder, and is not in accord with best practices.

23. Clause 13 of the Bill should be amended in clause (1) by deleting the word "business" in paragraph (b) and substituting therefor the words "business management".

Justification: The qualification requirement of a minimum of a Bachelor's degree in business management will be of great value since the Chief Executive Officer will be involved in the day to day management of the Board.

24. Clause 21 of the Bill should be amended to provide for levy payable to the Board by every producer.

25. Clause 29 of the Bill should be amended by inserting the following new clause immediately after clause 29—

General penalty.	29A. Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred shillings or to both.

Justification: The general penalties clause has not been provided for in the Bill.

26. Clause 26 of the Bill should be amended in subclause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

" (c) the progress made towards the marketing of livestock and livestock products;"

Justification: The paragraph provides for one of the contents of the Board's report as the progress made towards the improvement of the livestock. However, this connotes that the Board will be dealing with the entire livestock industry yet it is to the extent of marketing of livestock and livestock products. The amendment rectifies this so that the report will be within the confines of marketing of livestock and livestock products.

27. Delete clauses 32, 33 and 34 of the Bill.

Justification: Clause 32, 33 and 34 of the Bill provide for the transition and savings. However, they are not necessary and should be deleted since there is no Livestock and Livestock Products Marketing Board in place.

Signed____

HON. ADAN HAJI ALI SHEIKH, MP
(CHAIRPERSON)
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

Date 2/10/2019

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

MEMBERS ADOPTION LIST

VENUE...9TH FLOOR HARAMBEE PLAZA, SMALL BOARD ROOM

AGENDA: ADOPTION OF THE REPORT ON LIVESTOCK AND LIVESTOCK PRODCUTS MARKERTING BOARD Bill, 2019

TIME : 10.00AM   DATE : 1ST OCTOBER, 2019

NO.	NAME	TITLE	SIGNATURE
1.	Hon. Adan Haji Ali, MP.	Chairman	
2.	Hon Emmanuel Wangwe, MP.	V/Chairman	
3.	Hon. Simba Arati, MP.	member	
4.	Hon. Ferdinard Wanyonyi, MP	Member	
5.	Hon. Florence Mutua, MP		
6.	Hon. Yegon Brighton Leonard,MP	member	
7.	Hon. Gabriel Kago Mukuha, MP.	member	
8.	Hon. Silas Kipkoech Tiren, MP.		
9.	Hon. John Paul Mwirigi, MP.	member	
10.	Hon. Adan Haji Yussuf, MP.	"	
11.	Hon. Janet Jepkemboi Sitienei, MP.	member	
12.	Hon. Francis Munyua Waititu, MP.	Member.	
13.	Hon. Daniel Kamuren Tuitoek, MP.	Member	
14.	Hon. Fred Ouda, MP.	member	
15.	Hon. Joyce Kamene, MP.		
16.	Hon. Maison Leshoomo, MP.		
17.	Hon. Dr. John Kanyuithia Mutunga, MP.	Member	
18.	Hon. Silvanus Osoro Onyiego, MP		
19.	Hon. Justus Murunga Makokha, MP	Member	

ERIAL BANK TRANSACTIONS

Mwilu trial fate ruling on May 31

eputy CJ says malice and ulterior otives behind charges against her

SUSAN MUHINDI
@TheStarKenya

ity Chief Justice Philomena lu will know in two months her she will face trial on cor- on allegations.
ive-judge bench yesterday said l de ts verdict on May 31, par de their final sub- ons ay.
guments on her petition to : prosecution ended yesterday secutive days.
acing Mwilu relate dit transactions between her mperial Bank. She is accused essing loans without following r procedure.
is also accused of failure to pay duty on four properties she ased between 2014 and 2016.

The bank is under receivership.

Mwilu also faces charges of abuse of office, failure to pay taxes and forgery.

Through her lawyers Nelson Havi and James Orengo, she maintains that malice and ulterior motives were behind the decision to charge her. She had already been vetted for the DCJ's position.

She told Justices William Musyoki, Mumbi Ngugi, Hellen Omondi, Francis Tuiyott and Chacha Mwita that the allegations against her involve purely commercial transactions with no connection to the pursuit of criminal justice.

Mwilu argued that any claim concerning the banking and commercial transactions should have been pursued by the bank.

On the other hand, the Director of Public Prosecutions urged the court to dismiss Mwilu's petition and let the law take its course.

Queens Counsel Khawar Qureshi said the DCJ has failed to prove that the corruption charges leveled against her are politically instigated as alleged.

He said the DPP followed the law in preferring charges, that the decision reached was purely based on evidence, law and the public interest. "There is simply no basis to assert that DPP's decision was done by improper consideration. These assertions do not suffice," Qureshi said.

Yesterday' lawyers also were urged to conduct themselves with decorum. The remark was made after the Queens Counsel complained of a tweet by lawyer Havi regarding Mwilu's case.

"Advocates of this court have a responsibility to behave ethically and responsibly. It's unacceptable what he did. The court process is in danger of being brought to disrepute," Qureshi said.

He said he expects courtesy from all parties. "I have tried my best despite provocation. This is professional misconduct. Let Havi exercise humility. Let him apologise hear and now!" he said.

Havi said he will not apologise and went on to accuse the DPP of being behind the #JudiciaryMassageParlor online campaign that hit social media a month ago to highlight decay in the system.

The DPP said it's absurd for Havi to claim they were behind the campaign and challenged him to produce evidence.

But Havi said he will neither apologise nor pull down his tweet. "I do not know why the DPP wants to curtail my freedom. If he wants prominenee, let him form his own account and do the same. I will not apologise."

In a brief ruling, the bench said it cannot control social media but the advocates cannot try the case on social media.

Senior Counsel James Orengo and Queens Counsel Khawar Qureshi at a Milimani court yesterday /COLLINS KWEYU

MINUTES OF THE 34TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON TUESDAY 1ST OCTOBER, 2019 IN HARAMBEE PLAZA, 9TH FLOOR, PARLIAMENT BUILDINGS AT 9. 30AM

PRESENT

1. Hon. Adan Haji Ali, MP. **Chairperson**
2. Hon. Emmanuel Wangwe, MP. **Vice- Chairperson**
3. Hon. Ferdinard Wanyonyi, MP.
4. Hon. Simba Arati, MP.
5. Hon. Francis Munyua Waititu, MP.
6. Hon. Silas Kipkoech Tiren, MP
7. Hon. Dr. Daniel Kamuren Tuitoek, MP
8. Hon. Dr. John Kanyuithia Mutunga, MP
9. Hon. Justus Makokha Murunga, MP
10. Hon. Janet Jepkemboi Sitienei, MP
11. Hon. Gabriel Kago Mukuha, MP
12. Hon. Adan Haji Yussuf, MP
13. Hon. John Paul Mwirigi, MP.
14. Hon. Yegon Brighton Leonard, MP
15. Hon. Fred Ouda, MP.

APOLOGIES

1. Hon. Silvanus Osoro Onyiego,MP
2. Hon. Joyce Kamene, MP.
3. Hon. Maison Leshoomo, MP.
4. Hon. Florence Mutua, MP.

COMMITTEE SECRETARIAT

1.	Mr. Nicodemus Maluki	-	Third Clerk Assistant
2.	Mr. Salem Lorot	-	Legal Counsel
3.	Mr. Eric Kariuki	-	Research Officer
4.	Mr. Robert Ngetich	-	Fiscal Analyst
5.	Mr. John Ng'ang'a	-	Audio Officer
6.	Ms. Faith Makena	-	Sergeant At- Arms
7.	Mr. Moses Musembi	-	Office Assistant

MIN.NO. DC/A&L/114/2019: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past nine O'clock and prayed. He then requested everyone present to make a brief introduction.

MIN.NO. DC/A&L/115/2019: CONSIDERATION OF THE DRAFT REPORT ON LIVESTOCK AND LIVESTOCK MARKETING PROMOTION BOARD BILL, 2019

The Committee having considered the Livestock and Livestock Products Marketing Bill, 2019 therefore recommends as follows:

1. The title of the Bill should be retained.

Justification: The purpose of the Bill is for the establishment of the Livestock and Livestock Products Marketing Board hence the title should be retained.

2. Clause 2 of the Bill should be amended in the definition of the term "livestock" in paragraph (a) by inserting the word "donkey" immediately after the word "camel".

Justification:

(i) The term "livestock" does not include a donkey yet it is one of the livestock species;

(ii) A donkey will have its livestock products which require facilitation in regard to trade, marketing, among others.

3. Clause 2 of the Bill should be amended in the definition of the term "livestock infrastructure" by inserting the word "market" immediately after the word "livestock" at the beginning of the definition.

Justification: The insertion of the word "market" to the term "livestock infrastructure to read "livestock market infrastructure" correctly points out to the livestock market infrastructure which fits within the purpose of the Bill rather than the broader "livestock infrastructure".

4. Clause 3 of the Bill should be amended in subclause (2) by deleting the word "is" appearing in the introductory statement and substituting therefor the words "shall be".

Justification: The drafting practice recommends the use of the words "shall be".

5. Clause 5 of the Bill should be amended by deleting paragraph (a).

Justification:

(i) Regulation of the livestock and livestock products marketing promotion industry falls within the mandate of the Cabinet Secretary and not the Board as proposed in the Bill;

(ii) Clause 30 of the Bill provides that the Cabinet may, in consultation with the Board, make regulations for the better carrying into effect the functions of the Act and a contrary provision will contravene this clause and the Statutory Instruments Act, 2013.

6. Clause 5 of the Bill should be amended by deleting paragraph (h) and substituting therefore the following new paragraph—

"(h) facilitate the development of skills and adoption of appropriate value addition technologies for livestock products before domestic use and export from Kenya;"

Justification: Value addition technologies should apply to livestock products unlike the way the function has been provided in the Bill which may apply to value addition technologies generally.

7. Clause 5 of the Bill should be amended by inserting a new paragraph (hi) immediately after paragraph (h) as follows—

"(hi) collaborate with relevant agencies to develop standards and best practices in livestock production and processing;"

Justification: Development of standards is a different function from adoption of standards hence these functions need to be provided separately.

8. Clause 5 of the Bill should be amended in paragraph (m) of the Bill by deleting the words "including ownership" appearing immediately after the words "livestock products".

Justification: The words "including ownership" are ambiguous hence should be deleted whereas the function of monitoring a database for use by all stakeholders is an important one and should be retained.

9. Clause 5 should be amended by deleting paragraph (o).

Justification: The contents of paragraph (o) is repeated in paragraph (c). Paragraph (c) of clause 5 provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "advise the national and county governments on matters relating to policies on marketing of livestock and livestock products".

10. Clause 5 of the Bill should be amended by deleting paragraph (p) and substituting therefor the following new paragraph—

"(p) support county governments to promote and improve livestock management systems for the sustainable development of the livestock industry;"

Justification: The Fourth Schedule of the Constitution assigns agricultural policy to the national government while crop and husbandry, markets and trade licensing are assigned to the county governments. Since livestock management is a shared function between the national government and county governments, the function needs to be amended to reflect this.

11. Clause 5 of the Bill should be amended in paragraph (r) by deleting the word "business" appearing immediately after the words "establishment of strategic".

Justification: The paragraph provides for one of the functions of the proposed Livestock and Livestock Products Marketing Board as to "facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships". The usage of the term "strategic business partnerships" is restrictive instead of being facilitative hence the word "business" should be deleted so as to encompass partnerships in its broadest sense.

12. Clause 6 of the Bill should be amended by inserting the following new subclause immediately after subclause (2)—

(2a) A person shall qualify for appointment as the Chairperson if that person—

(a) is a citizen of Kenya;

(b) has a minimum of a Bachelor's degree; and

(c) has not less than five years' experience in the livestock sector.

Justification: The qualifications for the Chairperson has not been provided for in the Bill.

13. Clause 6 of the Bill should be amended in subclause (3) by inserting the expression ",(g)" immediately after the words "sub-section (1) (d), (e)" appearing in the introductory statement.

Justification: The amendment is necessary since the one person nominated by the Kenya Livestock Marketing Council is also appointed.

14. Clause 6 of the Bill should be amended in subclause (1)—

(a) in paragraph (d) by inserting the words "and appointed by the Cabinet Secretary" immediately after the words "livestock matters";

(b) in paragraph (f) inserting the words "and appointed by the Cabinet Secretary" immediately after the words "Kenya Private Sector Alliance";

(c) in paragraph (g) inserting the words "and appointed by the Cabinet Secretary" immediately after the words "Kenya Livestock Marketing Council";

Justification: The current provision does not provide for the appointing authority for the two persons nominated by the Council of Governors in clause 6(1) (d), one person nominated by the Kenya Private Sector Alliance in clause 6(1) (f), and one person nominated by the Kenya Livestock Marketing Council in clause 6(1) (g).

15. Clause 6(1) (f) should be amended by deleting the words "Kenya Private Sector Alliance" and substituting therefor the words "umbrella body representing private sector"

Justification: The use of the words "umbrella body representing private sector" will not necessitate amendment to the Act if enacted since it will apply to an umbrella body by whatever name it will have.

16. Clause 6(1) (g) should be amended by deleting the words "Kenya Livestock Marketing Council" and substituting therefor the words "association representing livestock marketing interests of producers"

Justification: The use of the words "umbrella body representing livestock marketing interests of producers" will not necessitate amendment to the Act if enacted since it will apply to an umbrella body by whatever name it will have.

17. Clause 9 of the Bill should be amended by inserting the expression "(g)" immediately after the words "section 6 (1) (d), (e)" appearing immediately after the words "members appointed under".

Justification: The Kenya Livestock Marketing Council is also appointed.

18. Clause 10 of the Bill should be amended to provide that the Board may co-opt experts.

Justification: The current provision provides that the Board may establish committees whose membership shall be drawn from the Board. However, the provision does not include expertise outside the Board who may provide technical knowledge to the Board from time to time as may be required.

19. Clause 10 of the Bill should be amended in subclause (2) by deleting the word "produce" appearing immediately after the words "committees for each" and substituting therefor the words "livestock product".

Justification: livestock products is a term that has been defined and used in the Bill.

20. Clause 13 should be amended in subclause (1) in paragraph (b) by amending subparagraph (ii) by deleting the word "livestock" and substituting therefor the words "animal sciences".

Justification: Clause 13(1) (b) (ii) of the Bill provides one of the optional qualification requirements for the Chief Executive Officer of the Board shall be a minimum of a Bachelor's degree in livestock. University courses are named animal sciences and not livestock hence it should be amended to reflect the current practice in the universities.

21. Clause 13 should be amended in subclause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

"(c) has not less than five years' experience at a management level in the livestock sector

Justification: Retaining the threshold but providing for experience at a management level will enable the Board get services of a person who is well versed in the livestock sector and is also experienced in management.

22. Clause 13 of the Bill should be amended by deleting subclause (2) and substituting with the following new subclause—

"(2) The Chief Executive Officer shall hold office for a term of three years renewable for one further term."

Justification: The tenure of the Chief Executive has not been specifically provided for under clause 13(2) and is conditional upon the Board which might be abused, creates uncertainty to the office holder, and is not in accord with best practices.

23. Clause 13 of the Bill should be amended in clause (1) by deleting the word "business" in paragraph (b) and substituting therefor the words "business management".

Justification: The qualification requirement of a minimum of a Bachelor's degree in business management will be of great value since the Chief Executive Officer will be involved in the day to day management of the Board.

24. Clause 21 of the Bill should be amended to provide for levy payable to the Board by every producer.

25. Clause 29 of the Bill should be amended by inserting the following new clause immediately after clause 29—

General penalty.

29A. Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred shillings or to both.

Justification: The general penalties clause has not been provided for in the Bill.

26. Clause 26 of the Bill should be amended in subclause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

" (c) the progress made towards the marketing of livestock and livestock products;"

MIN.NO. DC/A&L/116/2019: ADJOURNMENT

The Chairperson adjourned the meeting at fifty minutes past twelve O' Clock to Thursday 3rd October, 2019 at 10.00 am.

Signed..

HON. ADAN HAJI ALI SHEIKH, MP
(CHAIRPERSON)

Date......02/10/2019..

MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON SATURDAY 29TH JUNE , 2019 IN HILTON GARDEN INN, HOTEL MACHAKOS COUNTY AT 10.00AM

PRESENT

1. Hon. Adan Haji Ali, MP. - **Chairperson**
2. Hon. Adan Haji Yussuf, MP
3. Hon. Dr. Daniel Kamuren Tuitoek, MP.
4. Hon. Dr. John Kanyuithia Mutunga, MP.
5. Hon. Joyce Kamene, MP.
6. Hon. Janet Jepkemboi Sitienei, MP.
7. Hon. John Paul Mwirigi, MP.
8. Hon. Silvanus Osoro Onyiego,MP
9. Hon. Fred Ouda, MP.

APOLOGIES

1. Hon. Emmanuel Wangwe, MP. - **Vice- Chairperson**
2. Hon. Ferdinard Wanyonyi, MP.
3. Hon. Silas Kipkoech Tiren, MP
4. Hon. Francis Munyua Waititu, MP.
5. Hon. Yegon Brighton Leonard, MP.
6. Hon. Justus Makokha Murunga, MP
7. Hon. Simba Arati, MP.
8. Hon. Maison Leshoomo, MP.
9. Hon. Gabriel Kago Mukuha, MP
10. Hon. Florence Mutua, MP.

IN- ATTENDANCE

COMMITTEE SECRETARIAT

1. Mr. Ahmad Kadhi - First Clerk Assistant
2. Mr. Nicodemus Maluki - Third Clerk Assistant
3. Mr. Dick Salem Lorot - Legal Counsel
4. Mr. Robert Ngetich - Fiscal Analyst
5. Ms. Debra Ghati - Media Relation Officer
6. Mr. Stephen Nyangudi - Audio Officer

STATE DEPARTMENT FOR LIVESTOCK

1. Dr. Christopher Wanga - Director Policy
2. Dr. Akwimbi A. W - SADVS

MIN.NO. DC/A&L/ 067/2019: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock and prayed. He welcomed all presented and request everyone to make self –introduction.

MIN.NO. DC/A&L/068/2019: COMMENTS ON THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL, 2019 BY THE STATE DEPARTMENT FOR LIVESTOCK

Dr. Christopher Wanga, the Director of Policy in the State Department for Livestock appeared before the Committee on behalf of the Principal Secretary, Mr. Harry Kimtai and informed the Committee that: -

The Ministry was in the process of developing a Livestock Bill that establishes the Livestock and Livestock Products Marketing Board with similar functions as the agency proposed in this Bill.

Comments of Specific Clauses of the Bill

Page	Clause	Issue	Proposed Amendments
Cover	Title	Title of Bill	Name as "Livestock and Livestock Products Marketing Promotion Bill. This is consistent with the Bill debated in the National Assembly in 2017. It also implies broader function of marketing and not just creation of a Board
7	1	Coming into force has been omitted	Insert "not later than 6 months after publication in the Gazette". This ensures early implementation
7	2 (a)	List of livestock species	List to include donkeys
7	2	Definition of 'livestock infrastructure' leaves out 'market'	Insert word 'market' before 'infrastructure'. We are dealing with infrastructure that facilitate marketing and not all livestock infrastructure
8	4(2)	Establishment of offices should be in counties	Delete 'other' to reflect that spirit since Nairobi referred in 4(1) is national capital
8	5(a)	Provision of regulation will conflict with mandates of other institutions	Delete 5(a)
9	h	Value addition should be for all livestock products	After 'technology' insert 'for livestock products for domestic and export market'
9	i	Development of standards is left out	Insert 'Collaborate with relevant agencies to develop standards' before promote adoption
9	m	Clause not clear	Delete all words after 'products' to enhance clarity

PART III (Clauses 21-24) of the Bill deals with the financial provisions. The sources of funds for the Board are outlined in clause 21. The Board is required to comply with prudent financial management systems including the provisions of the Public Audit Act, No. 34 of 2015.

PART IV (Clauses 25-30) of the Bill contains miscellaneous provisions. It provides for the requirement of the Board to have a public engagement strategy. It also outlines the guiding principles for the Cabinet Secretary when formulating delegated legislation.

PART V (Clauses 31) of the Bill deals with consequential amendments.

PART VI (Clauses 32-35) of the Bill contains revocation and saving provisions.

Clause 3 of the Bill establishes the Livestock and Livestock Products Marketing Board. Clause 5 of the Bill provides for the functions of the Board as to—

(a) regulate the livestock and livestock products marketing promotion industry;

(b) collaborate with other relevant agencies to promote the trade of livestock and livestock products including trade agreements, marketing organisations and co-operatives;

(c) advise national and county governments on matters relating to marketing of livestock and livestock products;

(d) liaise with the private sector and other agencies on matters relating to marketing of livestock and livestock products in order to limit duplication of effort and ensure optimal use of available resources;

(e) coordinate and mobilize resources for investments and promotion of marketing of livestock and livestock products;

(f) facilitate the marketing of livestock and livestock products through provision of market information intelligence on supply and demand locally and internationally;

(g) in collaboration with research institutions conduct studies and research designed to promote value addition and marketing of livestock and livestock products;

(h) facilitate the development of skills and adoption of appropriate value addition technologies before the export of livestock products from Kenya;

(i) promote the adoption of standards and best practices in livestock production and processing that supports marketing of livestock and livestock products;

(j) support infrastructure improvements in slaughter houses, manufacturing and processing industries;

(k) develop and rehabilitate livestock marketing infrastructure to facilitate trade in livestock and livestock products;

(l) promote livestock insurance schemes in the country;

(m) collate and disseminate data and information on livestock and livestock products including ownership and monitor a database for use by all stakeholders;

(n) advise the national and county governments on levies, fees and charges for purposes of planning and enhancing harmony and equity in the sector;

(o) advise the national and county governments on matters relating to policies on marketing of livestock and livestock products;

(p) in collaboration with county governments, support the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry;

(q) develop and promote the adoption of alternative sustainable livestock production systems such as feed lots to supplement supply from extensive production areas;

(r) develop and promote systems that will enable reduction of post-production and slaughter house losses for livestock and livestock products; and

(s) facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships.

Clause 6 of the Bill provides for the composition of the Board. The total number of the members are nine and is therefore compliant to the Mwongozo Guidelines, the Code of Governance for State Corporations which prescribes that the Board membership of all State Corporations shall be between seven and nine members. However, there is need to provide for the appointing authority for the two persons nominated by the Council of Governors (paragraph d), one person nominated by the Kenya Private Sector Alliance (paragraph f), one person nominated by the Kenya Livestock Marketing Council (paragraph g). There is also need for the Committee to consider whether the Chairperson needs approval of the National Assembly. Subclause (3) needs to be amended to include paragraph (g) in the introductory words since the one person nominated by the Kenya Livestock Marketing Council is also appointed.

Clause 3(2) of the Bill should be amended by deleting the word "is" and substituting therefor the words "shall be". The drafting practice uses the words "shall be".

Clause 9 of the Bill should be amended to include paragraph (g) since the Kenya Livestock Marketing Council is also appointed.

Clause 10(2) should be amended by deleting the word "produce" and substituting therefor the word "livestock product".

In Clause 21(d), one of the sources of funds for the Board is fees for services rendered by the Board. The Committee may interrogate which services the Board will be charging.

The definition of the term "former Board" needs to be amended in order to provide for the instrument that it is established by; in this case, the National Livestock Development and Promotion Service Order.

Committee resolutions

The Committee resolved to invite comments from the State Department for Livestock, Kenya Livestock Marketing Council and Federation of Farmers Association as a way of Public participation Pursuant to Article 118(1) (b) of the Constitution.

MIN.NO. DC/A&L/47 /2019: ADJOURNMENT

The Vice- Chairperson adjourned the meeting at fifty minutes past twelve O' Clock to Tuesday 14th May, 2019 at 10.00am.

Signed...

(Chairperson)

Date......27/08/2019...

MINUTES OF THE 13TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON THURSDAY 9TH MAY, 2019 IN HARAMBEE PLAZA, 9TH FLOOR, PARLIAMENT BUILDINGS AT 10.00AM

PRESENT

1. Hon. Emmanuel Wangwe, MP. **Vice- Chairperson**
2. Hon. Silas Kipkoech Tiren, MP.
3. Hon. Yegon Brighton Leonard, MP.
4. Hon. Dr. Daniel Kamuren Tuitoek, MP.
5. Hon. Dr. John Kanyuithia Mutunga, MP.
6. Hon. John Paul Mwirigi, MP.
7. Hon. Janet Jepkemboi Sitienei, MP.
8. Hon. Gabriel Kago Mukuha, MP
9. Hon. Adan Haji Yussuf, MP
10. Hon. Francis Munyua Waititu, MP.

APOLOGIES

1. Hon. Adan Haji Ali, MP. **Chairperson**
2. Hon. Ferdinard Wanyonyi, MP.
3. Hon. Simba Arati, MP.
4. Hon. Maison Leshoomo, MP.
5. Hon. Justus Makokha Murunga, MP
6. Hon. Joyce Kamene, MP.
7. Hon. Florence Mutua, MP.
8. Hon. Silvanus Osoro Onyiego,MP
9. Hon. Fred Ouda, MP.

IN- ATTENDANCE

COMMITTEE SECRETARIAT

1. Mr. Nicodemus Maluki - Third Clerk Assistant
2. Mr. Salem Lorot - Legal Counsel
3. Mr. John Ng'ang'a - Audio Officer
4. Mr. Moses Musembi - Officer Assistant

MIN.NO. DC/A&L/ 45 /2019: PRELIMINARIES

The Vice- Chairperson called the meeting to order at twenty five minutes past ten o'clock and prayed. He welcomed all presented and request everyone to make self –introduction. The agenda of the day was adopted as consideration of the Livestock and Livestock Products Marketing Board Bill, 2019.

MIN.NO. DC/A&L/46/2019: LEGAL BRIEF ON THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL, 2019.

The Legal Counsel made his submission to the Committee regarding the Bill as follows:-

The Livestock and Livestock Products Marketing Board Bill was published on 7th February 2019 as National Assembly Bills No. 2 of 2019.The Bill underwent First Reading in the National Assembly on 20th March, 2019.

SUMMARY AND ANALYSIS OF THE PROVISIONS OF THE BILL

The Livestock and Livestock Products Marketing Promotion Board, Bill 2019 is a Bill sponsored by Hon Major (Rtd) Bashir Abdullahi, MP

The principal object of the Bill is to streamline the marketing of livestock and livestock products in Kenya. This is in light of the fact that although the livestock industry is a very important source of income for many households in Kenya, its regulation is carried out by different entities leading to duplication and competition among the various entities. This results in poor service delivery by the entities and thus the main beneficiaries of the industry are the middlemen as opposed to the livestock farmers.

The streamlining of the industry is to be achieved through the establishment of the Livestock and Livestock Products Marketing Promotion Board which is to be the main body dealing with the concerns of the marketing of livestock and livestock products in the country.

PART I (Clauses 1-2) of the Bill provides for preliminary provisions of the Bill including the short title and commencement of the Act and the interpretation clause.

PART II (Clauses 3-20) of the Bill deals with the establishment, functions and powers of the Board. Clause 3 specifically establishes the Livestock and Livestock Products Marketing Promotion Board. The functions and powers of the Board are outlined under clauses 5 and 7 respectively.

10	o	Clause repeated in (c)	Delete entire clause
10	p	This is a county function and the Board can only support	Rephrase to " Support county governments to promote and improve livestock management systems for the sustainable development of the livestock industry"
10	r	The word 'business' limits partnerships that the Board can enter into	Delete word "business"
10	6(d)	There is no clarity on who the CoG will nominate	Insert "Two CEC's " responsible for livestock after word Governors
10	g	Direct mention of KLMC will be taken as introducing a legal bias	Delete KLMC and replace with " association representing livestock marketing interests of producers"
11	2	Appointment should only be by President as per practice in SAGAS of this nature	Delete the words 'with the approval of the National Assembly'
12	10(3)	Expertise outside the Board has been excluded from Committees	Add to the clause 'but the Board may from time to time include such experts as it may consider appropriate'
13	13 (1) (i)	CEO should have appropriate livestock qualifications	Delete agriculture
13	(ii)	Usage of correct terminologies	Change livestock to 'animal sciences'
13	(1)c	Experience of the CEO of at least 5 years will be an asset for the agency	Change clause to " has not less than ten years' experience in the livestock industry 5 of which should be at a senior level
13	14	CEO tenure of office is not provided	Insert clause to have 3 years renewable once
		The qualifications for Board Chairman is not provided	Insert clause to provide for the qualification of the Board Chairman to be a graduate degree holder with experience in the livestock industry.
		Penalties Clause is missing	Insert
17	26 (1) (c)	The Board is dealing with livestock marketing matters and not entire industry	Replace livestock industry with 'marketing of livestock and livestock products'
18	32-34	**Assumes there was a Board of NLD&PS**	Delete the clauses

Committee Resolutions

The Committee further resolved to invite the Kenya Livestock Marketing Council to make comments on the Bill in the next meeting.

MIN.NO. DC/A&L/069/2019: ADJOURNMENT

The Chairperson adjourned the meeting at fifty-five minutes past one O' Clock to Tuesday 2nd July, 2019 at 10.00am.

Signed...

Hon. Adan Haji Ali Sheikh, MP

(Chairperson)

Date....27/08/2019..