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THIRTEENTH PARLIAMENT- FIFTH SESSION

.....
MEDIATION COMMITTEE ON THE NATIONAL DISASTER RISK
MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL
DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY
BILL NO. 24 OF 2023)

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

Clerk's Chambers
The National Assembly,
Parliament Buildings,
NAIROBI.

APRIL, 2026

PAPERS LAID	
DATE	28.04.2026
TABLED BY	Vice chair Mediation Comm. Etc.
COMMITTEE	—
CLERK AT THE TABLE	Cherop

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
EXECUTIVE SUMMARY.....	ii
LIST OF ABBREVIATIONS AND ACRONYMS.....	iv
ANNEXURES.....	v
PREFACE	vi
Establishment of the Committee	vi
Mandate of the Committee	vi
Membership of the Committee	vii
Secretariat.....	viii
ADOPTION LIST	ix
CHAPTER ONE.....	1
1. INTRODUCTION.....	1
1.1 Background to the Bill	1
1.2 Legal Framework	2
1.3 Committee Meetings.....	5
CHAPTER TWO.....	6
2. COMMITTEE OBSERVATIONS	6
CHAPTER THREE	9
3. COMMITTEE RECOMMENDATION.....	9

EXECUTIVE SUMMARY

This Report contains proceedings of the Mediation Committee on the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) that commenced its sittings on Tuesday, 31st March, 2026. Pursuant to Article 113 (4) of the Constitution, the Committee is required to agree on a version of the Bill and table a report within thirty (30) days from its first sitting.

The National Disaster Risk Management Bill was published on 31st May, 2023 and read a first time on 9th August, 2023.

The objective of the Bill is, to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees, and to provide a legal framework for the coordination of disaster risk management activities.

The Bill was considered by the National Assembly and passed with amendment on 20th June, 2024. Thereafter, the Bill was referred to the Senate for consideration in accordance with Article 110(4) of the Constitution and standing order 144 of the National Assembly Standing Orders.

The Bill underwent First Reading in the Senate on Wednesday, 3rd July, 2024. Subsequently, the Bill was committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration in accordance with standing order 145 of the Senate Standing Orders.

The Senate considered and passed the Bill with amendments.

The Speaker of the Senate conveyed the decision of the Senate on the passage of Bill to the National Assembly on 15th April, 2025, pursuant to the provisions of Article 110 (4) of the Constitution and standing order 46 (2) of the Senate Standing Orders.

The National Assembly considered and rejected the amendments from the Senate on 24th July, 2025. Consequently, the Bill was referred to a Mediation Committee pursuant to Article 112 of the Constitution.

The Speaker of the National Assembly appointed Members to the Mediation Committee on 19th August, 2025 pursuant to standing order 149 (2) of the National Assembly Standing Orders. The Speaker of the Senate appointed Senators to the Mediation Committee on 3rd November, 2025 pursuant to standing order 166 (2) of the Senate Standing Orders.

The Mediation Committee held a total of six (6) sittings. The first sitting was held on Tuesday, 31st March 2026. The Mediation Committee held its last sitting on Saturday,

25th April, 2026. The Mediation Committee considered and agreed on a version of the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) in accordance with Article 113 (2) of the Constitution.

The Committee is grateful to the Offices of the Speakers and Clerks of both Houses of Parliament for the logistical and technical support accorded to it in the execution of its mandate.

Finally, I express my appreciation to Members of the Mediation Committee for their patience, sacrifice, endurance and commitment to the assignment which enabled the Committee to complete the task within the stipulated period.

It is now my pleasant privilege and honour to table **the Report on the mediated version of the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023)** to the House for approval pursuant to Article 113 (2) of the Constitution.

Hon. Peter Lochakapong, CBS, M.P.
Chairperson

Signed:

Date:

Sen. Mohamed Chute, CBS, M.P.
Vice-Chairperson

Signed:

Date:

LIST OF ABBREVIATIONS AND ACRONYMS

DRM	–	Disaster Risk Management
NDRMA	–	National Disaster Risk Management Authority
PFM Act	–	Public Finance Management Act
CoG	–	Council of County Governors
M.P.	–	Member of Parliament
NA	–	National Assembly
Senate	–	Senate of Kenya

ANNEXURES

Annexure 1: Minutes of the Adoption of the Mediated Version of the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023)

Annexure 2: Speakers' Communications on Members of the Mediation Committee

Annexure 3: Mediated Version of the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023)

PREFACE

Establishment of the Committee

1. The Mediation Committee on the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) was constituted by the Speaker of the National Assembly, pursuant to standing order 149 (2) of the National Assembly Standing Orders on Tuesday, 19th August, 2025 and the Speaker of the Senate pursuant to standing order 166 (2) of the Senate Standing Orders on Monday, 3rd November, 2025.

Mandate of the Committee

2. The Mediation Committee derives its mandate from the provisions of Article 113 of the Constitution, standing order 149 (2) of the National Assembly Standing Orders, and standing order 166 (2) of the Senate Standing Orders. The role of the Committee is to attempt to develop a version of the Bill that both Houses will pass in accordance with Article 113 (1). The passage of the version of the Bill developed by the Mediation Committee is in accordance with Article 113 (2), (3) and (4) of the Constitution.
3. Article 112 (1) (a) and (2) (b) of the Constitution and standing order 149 (1) of the National Assembly Standing Orders and standing order 166 (1) provide for the circumstances under which a bill is referred to a Mediation Committee.

Membership of the Committee

4. The Committee Membership comprised:

- | | |
|---------------------------------------|---------------------------|
| 1) Hon. Peter Lochakapong, CBS, M.P., | - Chairperson |
| 2) Sen. Mohamed Chute, M.P. | - Vice-Chairperson |
| 3) Hon. Mary Emaase, M.P. | - Member |
| 4) Sen. Mwinyihaji Faki, M.P. | - Member |
| 5) Hon. Pamela Njoki, M.P. | - Member |
| 6) Sen. David Wakoli, M.P. | - Member |
| 7) Hon. Majimbo Kalasinga, M.P. | - Member |
| 8) Sen. Veronica Maina, M.P. | - Member |
| 9) Hon. Kenneth Kazungu, M.P. | - Member |
| 10) Sen. Raphael Chimera, M.P. | - Member |
| 11) Hon. Umul Ker Kassim, M.P. | - Member |
| 12) Sen. Karen Nyamu, M.P. | - Member |
| 13) Hon. Antony Oluoch, M.P. | - Member |
| 14) Sen. Joseph Githuku, M.P. | - Member |
| 15) Hon. Catherine Omanyoo, M.P. | - Member |
| 16) Sen. Beth Syengo, M.P. | - Member |
| 17) Hon. (Dr) Joyce Bensuda, M.P. | - Member |
| 18) Sen. Crystal Asige, M.P. | - Member |

Secretariat

5. The Committee is facilitated by the following staff:
- | | | |
|-------------------------|---|----------------------------------|
| 1. Mr. Derick Koli | - | Principal Clerk Assistant I |
| 2. Mr. Jimale Mohamed | - | Clerk Assistant I |
| 3. Ms. Sisto Macharia | - | Clerk Assistant III |
| 4. Ms. Lynn Aseka | - | Clerk Assistant III |
| 5. Mr. Sidney Lugaga | - | Principal Legal Counsel II |
| 6. Mr. Moses Kenyanchui | - | Senior Legal Counsel |
| 7. Mr. Moses Mwariri | - | Legal Counsel II |
| 8. Mr. Gilbert Juma | - | Legal Counsel II |
| 9. Ms. Rose Tabuke | - | Research Officer III |
| 10. Mr. Matano Kataa | - | Research Officer III |
| 11. Mr. Nademu Barasa | - | Media Relations Officer III |
| 12. Mrs. Lydia Kagumba | - | Public Communications Officer II |
| 13. Mr. Joseph Otieno | - | Audio Assistant |
| 14. Mr. David Barasa | - | Assistant Serjeant-At-Arms |

ADOPTION LIST



THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026 MEDIATION COMMITTEE ON THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

ADOPTION OF THE MEDIATION COMMITTEE REPORT ON ITS CONSIDERATION OF THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

We, the Members of the Mediation Committee on the National Disaster Risk Management Bill, (National Assembly Bills No. 24 Of 2023) have, pursuant to National Assembly Standing Order 149 and Senate Standing Order 166, adopted this Report of the Mediation Committee on its Consideration of the National Disaster Risk Management Bill, (National Assembly Bills No. 24 Of 2023), and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

DATE: _____

	HON. MEMBER	SIGNATURE
1.	Hon. Lochakapong Peter, CBS, M.P. – Chairperson	
2.	Sen. Mohamed Chute, CBS, M.P. – Vice -Chairperson	
3.	Sen. Mohamed Faki Mwinyihaji, CBS, M.P.	
4.	Sen. David Wafula Wakoli, CBS, M.P.	
5.	Sen. Veronica W. Maina, CBS, M.P.	
6.	Hon. Mary Emaase, M.P.	
7.	Hon. (Dr.) Joyce Bensuda, M.P.	
8.	Hon. Anthony Olouch, M.P.	
9.	Hon. Njeru Pamela Njoki, M.P.	
10.	Hon. Kalasinga Joseph Majimbo, M.P.	
11.	Hon. Kenneth Kazungu, M.P.	
12.	Hon. Umul Ker Kassim Sheikh, M.P.	
13.	Hon. Catherine Omanyoo, M.P.	
14.	Sen. Raphael Chimera Mwinzagu, M.P.	
15.	Sen. Karen Njeri Nyamu, M.P.	
16.	Sen. Joseph Githuku Kamau, M.P.	
17.	Sen. Beth Kalunda Syengo, M.P.	
18.	Sen. Crystal Kegehi Asige, M.P.	

CHAPTER ONE

1. INTRODUCTION

1.1 Background to the Bill

6. The National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) was published vide Kenya Gazette Supplement No. 80 of 2023 of 31st May, 2023 and was introduced in the National Assembly by way of First Reading on 9th August, 2023.
7. The National Disaster Risk Management Bill was published on 31st May, 2023 and read a first time on 9th August, 2023. The objective of the Bill is, to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees, and to provide a legal framework for the coordination of disaster risk management activities.
8. The Bill was considered by the National Assembly and passed with amendment on 20th June, 2024. Thereafter, the Bill was referred to the Senate for consideration in accordance with Article 110(4) of the Constitution and standing order 144 of the National Assembly Standing Orders.
9. The Bill underwent First Reading in the Senate on Wednesday, 3rd July, 2024. Subsequently, the Bill was committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration in accordance with standing order 145 of the Senate Standing Orders. The Senate considered and passed the Bill with amendments.
10. The Speaker of the Senate conveyed the decision of the Senate on the passage of Bill to the National Assembly on 15th April, 2025, pursuant to the provisions of Article 110 (4) of the Constitution and standing order 46 (2) of the Senate Standing Orders.
11. The National Assembly considered and rejected the amendments from the Senate on 24th July, 2025. Consequently, the Bill was referred to a Mediation Committee pursuant to Article 112 of the Constitution.
12. The Speaker of the National Assembly appointed Members to the Mediation Committee on 19th August, 2025 pursuant to standing order 149 (2) of the National Assembly Standing Orders. The Speaker of the Senate appointed Senators to the

Mediation Committee on 3rd November, 2025 pursuant to standing order 166 (2) of the Senate Standing Orders.

1.2 Legal Framework

13. Article 112 of the Constitution states as follows—

(1) If one House passes an ordinary Bill concerning counties, and the second House—

- (a) rejects the Bill, it shall be referred to a mediation committee appointed under Article 113; or*
- (b) passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.*

(2) If, after the originating House has reconsidered a Bill referred back to it under clause (1)(b), that House —

- (a) passes the Bill as amended, the Speaker of that House shall refer the Bill to the President within seven days for assent; or*
- (b) **rejects the Bill as amended, the Bill shall be referred to a mediation committee under Article 113.***

14. Standing order 149 of the National Assembly Standing Orders provides as follows

—
149 (1) A Bill shall be referred to a mediation committee whenever the Assembly—

- (a) **does not agree to all or any of the amendments made by the Senate to a Bill concerning County governments which originated in the Assembly;***
- (b) rejects a Motion that a Bill which originated in the Senate be read a Second or Third Time; or*
- (c) agrees with the report of the Committee of the whole House proposing the deletion of all clauses of a Bill originating from the Senate.*

(2) The Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of Members of each House, to attempt to develop a version of the Bill that both Houses will pass.

(3) The quorum of Members of the Assembly who shall be present to take part in a sitting of a mediation committee shall be a third of those Members; and no sitting of the Committee shall be validly constituted unless there is also present a like quorum of Members of the Senate.

(4) The Chairperson and Vice Chairperson of a mediation committee shall be appointed by the majority of the Members present at the first meeting thereof.

(5) The Chairperson and the vice-chairperson of a mediation committee shall not be Members of the same House.

(6) If a mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.

(7) The Clerk shall transmit a Message to the Senate in respect of a decision of the National Assembly under this Standing Order.

15. Standing order 166 of the Senate Standing Orders provides as follows—

(1) A Bill shall be referred to the Mediation Committee whenever the Senate—

(a) does not agree to all or any of the amendments made by the National Assembly to a Bill concerning county governments which originated in the Senate; or

(b) rejects a Motion that a Bill which originated in the National Assembly be read a Second or Third Time;

(2) The Speakers of both Houses shall appoint a Mediation Committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

(3) The quorum of Senators who shall be present to take part in a sitting of a Mediation Committee shall be a third of the Senators of the committee and no sitting of the Committee shall be validly constituted unless there is also present a like quorum of Members of the National Assembly.

(4) The Chairperson and Vice-Chairperson of the Mediation Committee shall be appointed by the majority of the members present at the first meeting of the Committee.

(5) The Chairperson and the Vice-Chairperson of the Mediation Committee shall not be members of the same House.

(6) If the Mediation Committee fails to agree on a version of the Bill within thirty days of the appointment of the Committee by the Speakers of the Houses under paragraph (2), or if a version proposed by the Committee is rejected by either House, the Bill is defeated.

16. With regard to the conduct of mediation on a Bill, Article 113 of the Constitution states —

(1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.

(3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

(4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.

17. Pursuant to standing order 149 of the National Assembly Standing Orders and standing order 166 of the Senate Standing Orders –

- (a) quorum of the mediation committee is third of the Senators of the committee and third members of the National Assembly of the committee;
- (b) Chairperson and Vice-Chairperson of the Mediation Committee shall be appointed by the majority of the members present at the first meeting of the Committee; and
- (c) The Chairperson and the Vice-Chairperson of the Mediation Committee shall not be members of the same House.

18. Pursuant to the provisions of standing order 150 of the National Assembly Standing Orders and standing order 167 of the Senate Standing Orders –

- (1) The report of a mediation committee on a Bill prepared in terms of Article 113 of the Constitution shall be laid on the Table of the House by a Member of the mediation committee authorized by the committee in that behalf.
- (2) Where the report of a mediation committee is to the effect that the committee has failed to agree on a version of the Bill or where the mediation committee fails to agree on a version of the Bill within thirty days from the date the Bill was referred to it, the Bill shall stand defeated in terms of Article 113(4) of the Constitution.
- (3) Where the report of a mediation committee includes an agreed version of the Bill in terms of Article 113(2) of the Constitution, the House shall consider the report of the mediation committee upon a Motion “That the report of the Mediation Committee be approved” and the House shall vote to approve or reject the Motion.
- (4) If the motion under paragraph (3) is –
 - (a) disagreed to, the Clerk of each House shall send a Message to the other House signifying such disagreement, and the Bill shall be deemed to be defeated; or

(b) agreed to, the Clerk of each House shall send a Message to the other House signifying such agreement, and the Bill shall be deemed to have been passed by both Houses in the form agreed to by the mediation committee and the Speaker of the National Assembly shall refer the Bill to the President for assent within seven days in terms of Article 113(3) of the Constitution.

(5) Pursuant to the provisions of Article 110 (5) of the Constitution, if both Houses pass the Bill in the same form, the Speaker of the House in which the Bill originated shall, within seven days, refer the Bill to the President for assent.

1.3 Committee Meetings

19. The Mediation Committee held a total of six (6) sittings. The first sitting was held on Tuesday, 31st March 2026. The Mediation Committee held its last sitting on Saturday, 25th April, 2026. The Mediation Committee considered and agreed on a version of the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) in accordance with Article 113 (2) of the Constitution.

20. During the first sitting, the Mediation Committee elected the Hon. Peter Lochakapong, CBS, M.P., as the Chairperson and Sen. Mohamed Chute, CBS, M.P. as the Vice-Chairperson, pursuant to Standing Order 149 (4) of the National Assembly Standing Orders and Standing Order 166 (4) of the Senate Standing Orders.

CHAPTER TWO

2. COMMITTEE OBSERVATIONS

21. The Committee considered the Bill and observed as follows—

Clauses 2, 3, 4, 9, 10, 28, and 32

Observation

The Committee adopted the proposed amendments to clauses 2, 3, 4, 9, 10, 28, and 32 of the Bill.

Clause 6

Committee Observation

The amendment proposed to delete the provision providing for the establishment of offices by the Authority and instead recommended that the Authority collaborates with the County Governments.

Committee resolution

The Mediation Committee resolved not to adopt the proposed amendment.

Clause 7

Committee Observation

The amendment proposed to insert new paragraphs (ma), (mb) and (mc) assigning additional functions to the authority relating to climate change, coordination of damage assessment and conduct of bi-annual disaster preparedness drills.

Committee Resolution

The Committee resolved to adopt the amendments with the modification that national disaster drills shall be conducted annually under paragraph (mc).

The Committee agreed with the following wording of the provision which was modified—

(mc) carry out annual national drill exercises, as part of disaster risk management preparedness;

Clause 27

Committee Observation

The amendment sought to provide that development and maintenance of an electronic database on disasters be done in consultation with county governments.

Committee Resolution

The Committee resolved to adopt the amendments with the modification that development of the electronic database be done in consultation with county governments and the maintenance be done by the Authority.

The Committee agreed with the following wording of the provision which was modified—

That Clause 27 of the Bill be amended –

- (a) in the introductory phrase by deleting the words “and maintain” appearing immediately after the words “shall develop” and substitute therefor with the words “and in consultation with county governments.”
- (b) introducing a new subclause (1A) immediately after subclause (1) as follows –
(1A) The Authority shall be responsible for the maintenance of the database developed under subsection (1).

Clause 29

Committee Observation

The amendment sought to require that the Cabinet Secretary consult the Council of County Governors before making regulations on the classification of disasters.

Committee Resolution

The Committee resolved not to adopt the proposed amendment on the ground that it is adequately covered under clause 52 of the Bill.

Clause 52

Committee Observation

The amendment proposed to delete and rename the heading of Part VII of the Bill from “Provisions on Delegated Powers” to “Miscellaneous Provisions.”

Committee Resolution

The Committee resolved not to adopt the proposed amendment.

New Clauses 41A, 41B, 41C and 41D

Committee Observation

The amendment sought to introduce new clauses 41A, 41B, 41C and 41D to provide for the establishment of a Disaster Risk Management Fund, define its sources of funding

and objectives, and consolidate all existing disaster risk management funds into a single Fund.

Committee Resolution

The Committee resolved not to adopt the proposal to insert new clauses 41B, 41C and 41D. The Committee further resolved to adopt the proposal for new clause 41A with modification to the extent that there was need to provide powers to establish a Disaster Risk Management Fund in accordance with section 24(4) of the Public Finance Management Act (Cap.412A).

The Committee agreed with the following wording of the provision which was modified—

41A. The Cabinet Secretary responsible for finance may establish a Disaster Risk Management Fund in accordance with section 24(4) of the of the Public Finance Management Act.

New Clause 41E

Committee observations

The amendment sought to provide that the Cabinet Secretary for Finance may exempt through regulation, any materials, articles, goods, or equipment intended for disaster management activities from import duty, value added tax, demurrage charges, port charges, and any other applicable taxes.

Committee Resolution

The Committee resolved to adopt the amendment.

New Clause 52A

Committee Observations

The amendment sought to amend the Public Finance Management Act, Cap. 412A: by defining the terms “emergency” and “disaster” to make it mandatory for county governments to establish County Emergency Funds; and to set out the conditions under which counties may access and exceed their emergency fund allocations.

Committee Resolution

The Committee resolved not to adopt paragraphs (a) and (c) of the amendment that propose to define the terms “emergency” and “disaster”, and to set out the conditions under which counties may access and exceed their emergency fund allocations. The Committee further resolved to adopt paragraph (b) of the amendment to make it mandatory for county governments to establish County Emergency Funds.

CHAPTER THREE

3. COMMITTEE RECOMMENDATION

22. The Mediation Committee having considered the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) recommends that this House **ADOPTS** the Report and **APPROVES** the agreed version of the National Disaster Risk Management Bill, (National Assembly Bills No. 24 of 2023) attached as annexure 3 to the Report.

Signed.....

Date.....

HON. PETER LOCHAKAPONG,
CBS, M.P., CHAIRPERSON

Signed.....

Date.....

SEN. MOHAMMED CHUTE, CBS,
M.P., VICE CHAIRPERSON

ANNEX 1

MINUTES OF THE 6TH SITTING OF THE MEDIATION COMMITTEE HELD ON SATURDAY 25TH APRIL, 2026 AT IN THE GARDEN SUITE 3 ON 6TH FLOOR, HILTON GARDEN INN, MACHAKOS COUNTY, 11:00 A.M.

PRESENT

- | | | |
|--|---|--------------------------|
| 1. Hon. Lochakapong Peter, CBS, M.P. | - | Chairperson |
| 2. Sen. Mohamed Chute, CBS, MP | - | Vice -Chairperson |
| 3. Sen. Mohamed Faki Mwinyihaji, CBS, MP | | |
| 4. Sen. Veronica W. Maina, CBS, MP | | |
| 5. Hon. Mary Emaase, MP. | | |
| 6. Hon. Anthony Olouch, MP | | |
| 7. Hon. Njeru Pamela Njoki, M.P. | | |
| 8. Hon. Kalasinga Joseph Majimbo, M.P. | | |
| 9. Hon. Umul Ker Kassim Sheikh, M.P. | | |
| 10. Sen. Beth Kalunda Syengo, MP | | |
| 11. Sen. Crystal Kegehi Asige, MP | | |

ABSENT WITH APOLOGY

1. Sen. David Wafula Wakoli, CBS, MP
2. Hon. (Dr.) Joyce Bensuda, MP
3. Sen. Joseph Githuku Kamau, MP
4. Sen. Raphael Chimera Mwinzagu, MP
5. Sen. Karen Njeri Nyamu, MP
6. Hon. Kenneth Kazungu, M.P.
7. Hon. Catherine Omanyoo, MP

IN ATTENDANCE (Secretariat)

- | | | |
|-------------------------|---|----------------------------------|
| 1. Mr. Derick Koli | - | Principal Clerk Assistant I |
| 2. Mr. Jimale Mohamed | - | Clerk Assistant I |
| 3. Ms. Sisto Macharia | - | Clerk Assistant III |
| 4. Ms. Lynn Aseka | - | Clerk Assistant III |
| 5. Mr. Sidney Lugaga | - | Principal Legal Counsel II |
| 6. Mr. Moses Kenyanchui | - | Senior Legal Counsel |
| 7. Mr. Moses Mwariri | - | Legal Counsel II |
| 8. Mr. Gilbert Juma | - | Legal Counsel II |
| 9. Ms. Rose Tabuke | - | Research Officer III |
| 10. Mr. Matano Kataa | - | Research Officer III |
| 11. Mr. Nademu Barasa | - | Media Relations Officer III |
| 12. Mrs. Lydia Kagumba | - | Public Communications Officer II |
| 13. Mr. Joseph Otieno | - | Audio Assistant |
| 14. Mr. David Barasa | - | Assistant Serjeant-At-Arms |

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;

4. Matters Arising;
5. **Consideration and Adoption of the Report on the National Disaster Risk Management Bill, (National Assembly Bills No. 24 Of 2023);**
6. Any other Business; and,
7. Adjournment.

MIN. NO. MEDIATION/2026/021 PRELIMINARIES

The meeting was called to order at 10:20 a.m. by the Chairperson, followed by a word of prayer and introductions. The meeting agenda was then adopted, having been proposed by Hon. Kalasinga Joseph Majimbo, M.P. and seconded by Sen. Beth Kalunda Syengo, M.P.

MIN. NO. MEDIATION/2026/022 CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the 1st Sittings held on 31st March 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Beth Kalunda Syengo, MP and seconded by Hon. Njeru Pamela Njoki, M.P.

Minutes of the 2nd Sitings held on 2nd April 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Beth Kalunda Syengo, M.P and seconded by Hon. Mary Emaase, M.P.

Minutes of the 3rd Sitings held on 21st April 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Beth Kalunda Syengo, M.P and seconded by Hon. Mary Emaase, M.P.

Minutes of the 4th Sitings held on 24th April 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Beth Kalunda Syengo, M.P and seconded by Hon. Anthony Olouch, M.P. (Morning session).

Minutes of the 5th Sitings held on 24th April 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Mohamed Faki Mwinyihaji, CBS, M.P and seconded by Hon. Umul Ker Kassim Sheikh, M.P. (Afternoon session).

Minutes of the 6th Sitings held on 25th April 2026 were confirmed as a true reflection of the proceedings as having been proposed by Sen. Beth Kalunda Syengo, M.P and seconded by Hon. Mary Emaase, M.P. (Morning session).

MIN. NO. MEDIATION/2026/023 ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE MEDIATED VERSION OF THE NATIONAL DISASTER RISK MANAGEMENT BILL, (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023);

The Mediation Committee having considered the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) unanimously adopted the Report and approves the agreed version of the National Disaster Risk Management Bill, (National Assembly Bills No. 24 of 2023) as proposed and seconded by Sen. Crystal Kegehi Asige, M.P and Hon. Anthony Olouch, M.P respectively.

MIN. NO. MEDIATION/2026/024

ADJOURMENT

There being no any other business, the sitting was adjourned at 12:4 p.m.

Hon. Peter Lochakapong, CBS, M.P.
Chairperson

Signed:

Date:

Sen. Mohamed Chute, CBS, M.P. Vice-
Chairperson

Signed:

Date:

ANNEX 2

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848003
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842-00100
Nairobi, Kenya

PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/MC.2025 (04)

3rd November, 2025

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

Dear

Hon. Clerk,

RE: APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEES ON THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022), THE START-UP BILL (SENATE BILLS NO. 14 OF 2022) AND THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

Reference is made to the above matter and to your letters Ref. Nos NA/DLP/TBO/MTS/2025/(010) dated 22nd May, 2025 and NA/DLP/TBO/MTS/2025/(024) dated 26th August, 2025.

This is to inform you that the Speaker of the Senate has appointed Senators to the Mediation Committees in accordance with the provisions of Article 113 (1) of the Constitution and Standing Order 166 (2) of the Senate, as follows:

Mediation Committee on the Mung Beans Bill (Senate Bills No. 13 of 2022) -

1. Sen. Mwenda Gataya Mo Fire, MP;
2. Sen. James Kamau Murango, MP;
3. Sen. Enoch Kioo Wambua, CBS, MP;
4. Sen. Catherine Mumma, MP;
5. Sen. Beatrice Ogolla, MP;
6. Sen. Esther Okenyuri, MP; and
7. Sen. Mariam Sheikh, MP.

Mediation Committee on the Start Up Bill (Senate Bills No. 14 of 2022) -

1. Sen. Julius Murgor, CBS, MP;
2. Sen. Miraj Abdillahi, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Joseph Nyutu, MP;

5. Sen. Joseph Githuku, MP;
6. Sen. Consolata Wakwabubi, MP;
7. Sen. Mohamed Faki, MP;
8. Sen. Beth Syengo, CBS, MP; and
9. Sen. Crystal Asige, MP.

Mediation Committee on the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) –

1. Sen. Mohamed Chute, MP;
2. Sen. Mwinyihaji Faki, MP;
3. Sen. David Wakoli, MP;
4. Sen. Veronica Maina, MP;
5. Sen. Raphael Chimera, MP;
6. Sen. Karen Nyamu, MP;
7. Sen. Joseph Githuku, MP;
8. Sen. Beth Syengo, MP; and
9. Sen. Crystal Asige, MP.

Yours

truly


J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Copy to: - Rt. Hon. Amason J. Kingi, EGH, MP
Speaker of the Senate,
Parliament Buildings,
NAIROBI.



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (FOURTH SESSION)
THE NATIONAL ASSEMBLY
COMMUNICATION FROM THE CHAIR

(No. 042 of 2025)

ON

**APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE ON
THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL
ASSEMBLY BILL NO. 24 OF 2023) AND THE STARTUP BILL (SENATE
BILL NO. 14 OF 2022)**

Honourable Members,

1. You may recall that, on **Thursday, 24th July 2025**, the House **negatived** the Motion on the consideration of the Senate amendments to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023). This decision consequently remitted the Bill to a mediation committee in accordance with the provisions of Article 112 of the Constitution and Standing Order 149.
2. **Honourable Members**, you may also recall that on, **Tuesday, 5th August 2025**, I reported to this House a Message from the Senate on its **rejection** of the National Assembly amendments to the Startup Bill (Senate Bill No. 14 of 2022). The Senate also remitted the Bill to a mediation committee in accordance with Article 112(2)(b) of the Constitution.

- 3. Honourable Members,** Article 113 of the Constitution requires that when a Bill is referred to a Mediation Committee, the Speakers of the Houses of Parliament shall each appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.
- 4.** In this regard, **Honourable Members,** having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed Members to represent the National Assembly in the Mediation Committees to consider the said Bills.
- 5.** With respect to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023), **I have appointed the following Members –**
- (1) The Hon. Peter Lochakapong, CBS, MP;
 - (2) The Hon. Mary Emaase, MP;
 - (3) The Hon. Pamela Njoki, MP;
 - (4) The Hon. Majimbo Kalasinga, MP;
 - (5) The Hon. Kenneth Kazungu, MP;
 - (6) The Hon. Umul Ker Kassim, MP;
 - (7) The Hon. Anthony Aluoch, MP;
 - (8) The Hon. Catherine Omanyoo, MP; and,
 - (9) The Hon. (Dr.) Joyce Bensuda, MP.
- 6.** With respect to the startup Bill (Senate Bill No. 14 of 2022), **I have appointed the following Members –**
- (1) The Hon. Marianne Kitany, MP;
 - (2) The Hon. Robert Gichimu, MP;
 - (3) The Hon. Adams Kipsanai, MP;
 - (4) The Hon. Michael Wambugu, MP;
 - (5) The Hon. Beatrice Adagala, MP;
 - (6) The Hon. Amos Mwago, MP;

- (7) The Hon. (Dr.) Wilberforce Oundo, MP;
- (8) The Hon. Joyce Kamene, MP; and,
- (9) The Hon. Wario Guyo, MP.

7. **Honourable Members**, the aforementioned Members will await the appointment of Senators for the Committees to be fully constituted. Once I receive a Message from the Senate to that effect, I will report the same to the House.
8. Thereafter, the Mediation Committees will embark on an attempt to develop mediated versions of the two (2) Bills in accordance with Article 113 of the Constitution.

The House is accordingly guided.

I thank you!

Wetang'ula
THE RT. HON. (DR.) MOSES E.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 19th August 2025



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS
(*Bill No. 24 of 2023*)

THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023

(A version of the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) as agreed on 24th April, 2026, by a mediation committee appointed pursuant to Article 113 of the Constitution)

N.A./B/No.24/2023

A blue ink signature, likely of a member of the National Assembly, written in a stylized cursive script.

A blue ink signature, likely of a member of the National Assembly, written in a stylized cursive script.

THE NATIONAL DISASTER RISK MANAGEMENT

BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

PART I— PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Guiding principles.

**PART II — ESTABLISHMENT OF THE
INSTITUTIONAL FRAMEWORK ON DISASTER
RISK MANAGEMENT**

- 5—National Disaster Risk Management Authority.
- 6—Headquarters.
- 7— Functions of the Authority.
- 8— Powers of the Authority.
- 9— Composition of the Board.
- 10— Qualification of the chairperson of the Board.
- 11—Vacation of office.
- 12—Removal from office.
- 13—Functions of the Board.
- 14—Powers of the Board.
- 15—Committees of the Board.
- 16—Delegation by the Board.
- 17—Conduct of business and affairs of the Board.
- 18—Remuneration of the Board and staff of the Authority.
- 19—Appointment of Corporation Secretary.
- 20—Director-General.

11/11/2023



11/11/2023

- 21—Qualification of Director-General.
- 22—Removal of Director-General.
- 23—Vacation of office of the Director General.
- 24—Staff of the Authority.
- 25—Common Seal of the Authority.
- 26— Protection from personal liability.

**PART III—CLASSIFICATION OF DISASTER,
PLANS AND ELECTRONIC INFORMATION
SYSTEMS**

- 27—Electronic information system.
- 28—Disaster risk management plans.
- 29—Classification of disasters.
- 30—Declaration of National State of Disaster.

**PART IV—COUNTY DISASTER RISK
MANAGEMENT COMMITTEES**

- 31—Establishment of County Disaster Risk Management Committees.
- 32—Functions of a County Committee.
- 33—Powers of a County Committee.
- 34—Vacation of office.
- 35—Conduct of business and affairs of a County Committee.
- 36—Establishment of County Disaster Risk Management Centre.
- 37—Procedure during disaster events.
- 38—Annual report to county assembly.
- 39—Guidelines by County Committee.
- 40—Disaster Risk Management Volunteers.

15/11/21



PART V—FINANCIAL PROVISIONS

- 41—Funds of the Authority.
- 42—Financial year.
- 43—Annual estimates.
- 44—Accounts and audit.
- 45—Establishment of Disaster Risk Management Fund.
- 46—Tax Exemptions on Disaster Management Assistance.

PART VI—MISCELLANEOUS PROVISIONS

- 47—Duty to protect information held by the Authority County Committee or Centres.
- 48—Limitation of the right to access information.
- 49—Obstruction.
- 50—False claim.
- 51—False alarm.
- 52—Misappropriation of relief money or material.
- 53—Offences by companies.
- 54—Consequential amendments.

**PART VII—PROVISIONS ON DELEGATED
POWERS**

- 55—Regulations.

**PART VIII—SAVING AND TRANSITIONAL
PROVISIONS**

- 56—Transfer of Staff.
- 57—Transfer of assets and liabilities.

**SCHEDULE—PROVISIONS AS TO THE CONDUCT
OF BUSINESS AND AFFAIRS OF
THE BOARD**



**THE NATIONAL DISASTER RISK MANAGEMENT
BILL, 2023**

A Bill for

AN ACT of Parliament to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees; to provide a legal framework for the co-ordination of disaster risk management activities; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the National Disaster Risk Management Act, 2023. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Authority” means the National Disaster Risk Management Authority established under section 5;

“Board” means the Board of the National Disaster Risk Management Authority constituted under section 9;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to disaster risk management;

“Centre” means a County Disaster Risk Management Centre established under section 36;

“climate change adaptation” means adjustment to ecological, social or economic systems in response to actual or expected climatic impacts in order to moderate potential damages or to benefit from opportunities associated with climate change;

“climate change” means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

“County Executive Committee Member”

29/1/24



means the county executive committee member responsible for matters relating to disaster risk management;

“County Committee” means the County Disaster Risk Management Committee established under section 31

“Director-General” means the Director-General of the Authority appointed under section 20;

“disaster” means a progressive or sudden, widespread, localized, natural or human-caused occurrence which—

- (a) causes or threatens to cause—
 - (i) death, injury or disease;
 - (ii) damage to property, infrastructure or the environment; or
 - (iii) significant disruption of the life of a community; and
- (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

“disaster risk” means the potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity;

“disaster risk management” means a continuous and integrated multisectoral, multi-disciplinary process of developing, planning and implementing of policies, strategies and measures aimed at –

- (a) having in place a permanent structure of disaster risk management at the county and national level;
- (b) identifying and mapping disaster prone or vulnerable areas, situations or people;

21/11/2023



- (c) issuing early-warning of imminent disaster;
- (d) relocating populations in case of imminent disasters;
- (e) preventing or reducing the risk of disasters;
- (f) mitigating the severity or consequences of disasters;
- (g) protecting the most vulnerable populations in disasters including women, children, persons with disabilities and the elderly;
- (h) emergency preparedness;
- (i) a rapid and effective response to disasters;
- (j) post-disaster recovery, restoration and rehabilitation; and
- (k) using technology to better manage disasters.

“disaster risk reduction” means either a policy goal or objective, and the strategic and instrumental measures employed for—

- (a) anticipating future disaster risk; and
- (b) reducing existing exposure, hazard or vulnerability;

“early warning system” means an integrated system of hazard monitoring, forecasting and prediction, disaster risk assessment, communication and preparedness activities, systems and processes that enables individuals, communities, governments, businesses and others to take timely action to reduce disaster risks in advance of hazardous events;

“emergency” means an actual or imminent situation that arises suddenly, posing an immediate threat to life, health, property, environment, infrastructure, economic stability or public order that –

21/11/2023



- (a) requires prompt coordinated action to protect life and property and restore essential services;
- (b) maybe caused by natural, technological, and human-induced health or industrial incidents;
- (c) exceeds normal response capabilities requiring multi-agency intervention.

“emergency preparedness” means—

- (a) measures in place which enable organs of the national and county governments and other institutions involved in disaster risk management, the private sector, communities and individuals to mobilize, organize and provide relief measures to deal with an impending or current disaster or the effects of a disaster; and
- (b) the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current hazard events or condition improving resilience;
- (c) having in place a policy at the national and county level on disaster response;
- (d) having in place a structure at the county and national government level that enables a quick response in cases of disaster;
- (e) having in place a monitoring system at the national and county level on disaster risk;
- (f) having in place an early-warning system at the national and county level on disaster risk;
- (g) having in place a continuous public education and awareness of the public on disaster risk response including emergency numbers and centres;
- (h) having in place facilities and equipment for



effective and quick response to disasters including fire tracks, land, water and air ambulatory services; and

Cap.412A

- (i) establishing a centre for emergency convergence during disasters.

“emergency responder” refers to a person involved in an organized response to a potential, actual or impending emergency, including but not limited to firefighters, police officers, emergency medical personnel, national government emergency management personnel, county government emergency management personnel, military personnel or an officer of a recognized humanitarian organization dealing with disaster response;

“financial year” means the period of twelve months ending on the thirtieth day of June in each year;

“hazard” means a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation;

“mitigation” means the lessening or minimizing of the adverse impacts of a hazardous event;

Cap.265F

“preparedness” means the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions;

“prevention” means activities and measures to avoid existing and new disaster risks;

“reconstruction” means the medium and long-term rebuilding and sustainable restoration of resilient critical infrastructures, services, housing, facilities and livelihoods required for the full functioning of a community or a society affected by a disaster, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster

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risk;

“recovery” means the restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk;

“response” means actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected;

“risk” means the combination of the probability of an event and its negative consequences;

“risk assessment” means the methodology used to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability which may potentially harm exposed people, property, services, livelihoods and the environment

“Summit” has the meaning assigned under section 2 of the Intergovernmental Relations Act;;

“the two levels of government” means all relevant departments and agencies of the national and county governments;

“vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards.

3. The object of this Act is to—

Objects of the Act.

- (a) provide for a legislative framework for disaster risk management;
- (b) enhance effective and co-ordinated disaster preparedness, prevention, response, mitigation and recovery;
- (c) provide for appropriate and dignified



assistance and relief to victims and casualties of disasters;

- (d) promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management;
- (e) reduce disaster risks and vulnerabilities at the national and county levels of government; and
- (f) enhance resilience to the impacts of disaster risks and climate change at both the national and county levels.

4. The guiding principles to disaster risk management shall be—

Guiding principles.

- (a) a comprehensive approach to Disaster Risk Management for balancing between the reduction of risk and the enhancement of community resilience, while ensuring effective response and recovery capabilities;
- (b) all hazards approach in managing disaster;
- (c) enhancing local disaster risk management capability as the frontline to disaster risk management;
- (d) respect, ethics and professional standards;
- (e) national values and principles of governance under Article 10 of the Constitution;
- (f) commitment in service to the people;
- (g) protecting vulnerable groups including women, children, persons with disabilities and older persons of the society; and
- (h) supporting the national government and the county government including the local communities, in disaster risk management.

12/1/2023



**PART II — ESTABLISHMENT OF THE
INSTITUTIONAL FRAMEWORK ON DISASTER
RISK MANAGEMENT**

5. (1) There is established the National Disaster Risk Management Authority.

National
Disaster Risk
Management
Authority.

(2) The Authority 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 movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts which may be lawfully done or performed by a body corporate for the furtherance of the provisions of this Act.

6. (1) The Headquarters of the Authority shall be in Nairobi.

Headquarters.

(2) The Authority may establish such other offices as it considers necessary for the discharge of its functions.

7. The functions of the Authority shall be to—

Functions of the
Authority.

- (a) co-ordinate and implement disaster risk management;
- (b) co-ordinate and collaborate with relevant regional and international agencies and institutions in disaster risk management;
- (c) advise the national and county governments on disaster risk management measures;
- (d) develop and co-ordinate implementation of national and county disaster risk management policies, strategies, plans, projects, programs and budgets;
- (e) promote and co-ordinate research in disaster risk management;



- (f) facilitate capacity building for disaster risk management at both the national and county levels of Government;
- (g) co-ordinate the provision of psycho-social support to persons affected by a disaster or involved in disaster risk management;
- (h) co-ordinate and support public awareness campaigns and civic education programmes on disaster risk management;
- (i) monitor and evaluate disaster risk management programmes and projects;
- (j) promote linkages with key ministries, community service organizations, international organizations, county, sub-county and community-based disaster risk management entities;
- (k) co-ordinate the preparation and maintenance of national, county and sub-county disaster risk atlases including data banks and information on potential hazards and vulnerabilities;
- (l) undertake and co-ordinate routine hazard identification and vulnerability and risk assessments in all sectors;
- (m) co-ordinate resource mobilization strategies;
- (n) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;
- (o) carry out and coordinate national damage and loss assessment in respect to disasters;
- (p) carry out annual national drill exercises as part of disaster risk management preparedness;
- (q) submit periodic reports to the Cabinet and the Summit;
- (r) ensure the implementation of international obligations related to disaster risk management;
- (s) accredit international volunteers involved in



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disaster risk management; and

- (t) perform any other functions as may be prescribed by this Act or any other written law relevant to the discharge of the functions of the Authority.

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

Powers of the Authority.

- (a) receive grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (b) enter into association with other bodies or organizations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purpose for which the Authority is established;
- (c) open a bank account or bank accounts for the funds of the Authority;
- (d) invest funds of the Authority not immediately required for its purposes; and
- (e) undertake any activity as may be necessary for the better carrying out of the functions of the Authority.

(2) The Authority shall exercise powers required to ensure compliance with any directive issued under its authority and take or cause to be taken such measures including bringing actions in a court of law or tribunal.

(3) The Authority may on giving reasonable notice of its intention to take such measures, direct an organization, department, authority, person or body of persons to perform, within such times and in such manner as it shall specify, any other duty imposed by or under this Act or any other written law in relation to enforcement and compliance.

(4) Where there is failure to comply with the direction, the Authority may perform or cause to be performed the duties in question and the expense

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incurred shall be recoverable by the Authority from the organization, department, authority, person or body of persons referred to under subsection (3), by way of a civil debt.

9. (1) The management of the Authority shall vest in a Board which shall comprise—

Composition of
the Board.

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to disaster risk management or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to defence or a representative designated in writing;
- (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to drought management or a representative designated in writing;
- (f) the Chief Executive Officer of the Council of County Governors;
- (g) one person, who has knowledge and experience in disaster risk management, nominated by the Council of County Governors and appointed by the Cabinet Secretary;
- (h) a person nominated by the Kenya Red Cross Society and appointed by the Cabinet Secretary;
- (i) a person nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary; and
- (j) the Director-General of the Authority who shall be an *ex-officio* member of the Board.

(2) The Chairperson and members of the Board, other than an *ex-officio* member, shall hold office for a



period of three years and shall be eligible for re-appointment for one further term.

(3) The Cabinet Secretary shall ensure that not more than two-thirds of the persons appointed under subsection (1) shall be of the same gender.

10. (1) A person shall be qualified for appointment as a chairperson under section 9 (1)(a), if that person—

Qualification of the chairperson of the Board.

- (a) holds a bachelor's degree from a university recognized in Kenya;
- (b) has a distinguished career in a senior management position in either the private or public sector;
- (c) holds at least ten years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a chairperson or member of the Board, if that person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is a member of a Commission established under the Constitution;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the Constitution or any other law; or
- (f) has, in the conduct of his affairs, not met any statutory obligations.

11. The office of a member of the Board, other than an *ex-officio* member, shall become vacant if the member—

Vacation of office.

- (a) is unable to perform the functions of his office by reason of mental or physical infirmity;



- (b) is adjudged bankrupt;
- (c) is convicted of a criminal offence for a term of imprisonment for a period exceeding six months;
- (d) is absent from three consecutive meetings of the Board without justifiable cause;
- (e) resigns, in writing, addressed, in the case of the chairperson to the President, and in the case of any other member, to the Cabinet Secretary;
- (f) fails to declare his interest in any matter being considered by the Board;
- (g) violates Chapter Six of the Constitution; or
- (h) dies.

12. The chairperson or member of the Board may be removed from office for—

Removal from
Office.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) being absent from three consecutive meetings without justifiable cause;
- (d) incompetence or neglect of duty;
- (e) failure to declare his interest in any matter being considered by the Board;
- (f) non-compliance with the requirements of Chapter Six of the Constitution; or
- (g) any other ground that would lawfully justify removal from office under the terms and conditions of service.

13. (1) The Board shall be responsible for the general control of the performance and management of the undertakings and affairs of the Authority, and shall include a general duty to ensure that the functions of the Authority are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue

Functions of the
Board.

disadvantage.

(2) The Board shall consider and advise the Cabinet Secretary on the development and maintenance of disaster risk management policy framework and the objectives of the Authority.

(3) Without prejudice to the generality of subsections (1) and (2), the Board shall consider and advise the Cabinet Secretary on—

- (a) legislative proposals relating to disaster risk management;
- (b) measures for the promotion or support of any county government on disaster risk management;
- (c) the determination and setting priorities for the general performance targets by the Authority;
- (d) the consideration and determination of the strategic plan and budget of the Authority;
- (e) measures to ensure that the disaster risk management measures are initiated and implemented; and
- (f) such other matters relating to disaster risk management in Kenya.

14. (1) The Board shall have all the powers necessary for the proper performance of the functions of the Authority in accordance with the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

Powers of the Board.

- (a) control and oversee the administration of the assets of the Authority in such manner and for such purposes as best promotes the purposes for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
- (c) in collaboration with the relevant bodies, suspend or limit sale, dispensing, or transportation of firearms explosives or such

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other products which it deems inappropriate in disaster areas;

- (d) request any information or documents relating to its mandate from any organization, state department or agency;
- (e) establish operational or administrative units for the effective coordination of disaster risk management;
- (f) in collaboration with relevant bodies, co-ordinate the evacuation of people in disaster prone areas;
- (g) access and utilize available resources of government including warehouses, equipment and such other facilities as may be reasonably necessary for disaster emergency operations; and
- (h) summon any person whom they may consider necessary in the implementation of their mandate.

15. (1) The Board may, from time to time, establish such committees as it considers necessary for the effective carrying out of its functions under this Act.

Committees of the Board.

(2) The Board may by resolution, engage such experts for a specified period as may be necessary to assist in the proper discharge of its functions.

16. The Board may, by resolution either generally or in any particular case, delegate to any of its committees or to any member, officer, employee or 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 or under any other written law.

Delegation by the Board.

17. The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule, but subject thereto the Board may regulate its own procedure.

Conduct of business and affairs of the Board.

18. (1) The chairperson and members of the Board shall be paid such remuneration or allowances as the Board in consultation with the Salaries and Remuneration

Remuneration of the Board and staff of the Authority.

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Commission may determine.

(2) The officers, agents and staff of the Authority shall be paid such remuneration and allowances as the Board in consultation with the Salaries and Remuneration Commission may determine.

19. (1) There shall be a Corporation Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine and who shall perform such duties as the Board may, from time to time, assign.

Appointment of
Corporation
Secretary.

(2) In the performance of his or her duties under this Act, the Corporation Secretary shall be responsible to the Director-General.

20. (1) There shall be a Director-General of the Authority who shall be competitively recruited and appointed by the Board, and whose terms and conditions of service shall be specified in the instrument of appointment.

Director-General.

(2) Without prejudice to the generality of the provisions of subsection (1), the Director-General shall be appointed for a period of three years renewable once.

(3) The Director-General shall be the Chief Executive Officer of the Authority and shall be subject to the direction of the Board and shall be responsible to it for the —

- (a) implementation of the decisions of the Board;
- (b) day-to-day administration and management of the affairs of the Board;
- (c) organization and management of the employees of the Board; and
- (d) any other function that may be assigned by the Board.

 **21.** (1) A person shall be qualified for appointment as the Director-General, if such person—

Qualification of
the Director-
General

- (a) is a Kenyan Citizen;
 - (b) holds a bachelor's degree in a relevant field from a university recognized in Kenya;
- 

- (c) has had a distinguished career in a senior management position in either the private or public sector;
- (d) holds at least ten years' post-qualification professional experience; and
- (e) satisfies the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as the Director-General, if that person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is a member of a Commission established under the Constitution;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the Constitution or any other law; or
- (f) has, in the conduct of his affairs, not met any statutory obligations.

22. The Board may remove the Director-General from office in accordance with the terms and conditions of service for—

Removal of
Director –General

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) non-compliance with the requirements of Chapter Six of the Constitution; or
- (e) any other ground that would lawfully justify removal from office under the terms and conditions of service.

23. The office of the Director-General shall become vacant if the Director-General—

Vacation of office
of the Director
General.

- (a) is unable to perform the functions of office by



reason of mental or physical infirmity;

- (b) is adjudged bankrupt;
- (c) is removed from office on any of the grounds provided under section 22;
- (d) resigns, in writing, addressed to the Board;
- (e) fails to declare his interest in any matter being considered by the Board;
- (f) violates any of the provisions of Chapter Six of the Constitution; or
- (g) dies.

24. (1) The Board may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Authority and upon such terms and conditions of service as the Board may determine.

Staff of the
Authority.

(2) The Board may, on the advice of the Director General, engage on behalf of the Authority, the service of such experts in respect of any of the functions of the Authority in connection with which they are considered to have special competence.

(3) In appointing staff under sub-section (1), due regard to ethnic, gender representation, representation of young persons and persons with disabilities shall be taken into account.

25. (1) The common seal of the Authority shall be kept in the custody of the Corporation Secretary and shall not be used except on the order of the Board.

Common Seal of
the Authority.

(2) The common seal of the Authority shall, when affixed to a document and authenticated be judicially and officially noticed and unless the contrary is proved, any order or authorization by the Authority under this section shall be presumed to have been duly given.



26. (1) No matter or thing done by a member of the Board or any officer, employee, or agent of the Authority shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

Protection from personal liability.

(2) Any expenses incurred by any person in any suit or prosecution brought against him in any court, in respect of any act which is done or purported to be done by him under the direction of the Authority, shall, if the court holds that such act was done in bona fide, be paid out of the general funds of the Authority, unless such expenses are recovered by him in such suit or prosecution.

(3) The provision of this section shall not relieve the Authority of the liability to compensate or pay damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially of any works.

PART III—CLASSIFICATION OF DISASTER, PLANS AND ELECTRONIC INFORMATION SYSTEMS

27. (1) The Authority shall, in consultation with county governments, develop an electronic database containing—

Electronic information system.

- (a) particulars of—
 - (i) national and county organs involved in disaster risk management;
 - (ii) non-governmental organisations involved in disaster risk management;
 - (iii) disaster risk management experts;
 - (iv) private sector organisations with specialized equipment, skills or knowledge relevant to disaster risk management;
 - (v) private sector voluntary agencies involved



- in disaster risk management; and
- (vi) foreign non-governmental organisations and international organisations involved in disaster risk management;
- (b) information concerning disasters including information on—
- (i) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
 - (ii) risk factors underlying disasters and means to reduce such risks;
 - (iii) disaggregated data on disaster loss and damage showing the type of disaster, type of impact and its gender, age geographical disaggregation dimensions;
 - (iv) recurring occurrences that result in loss, but which are not classified as disasters under this Act;
 - (v) prevention and mitigation of disaster;
 - (vi) early warning systems;
 - (vii) areas and communities that are vulnerable to disasters; and
 - (viii) indigenous knowledge relating to disaster risk management.
- (c) the directory of role-players and the names and particulars of their respective contact persons;
- (d) emergency response resources and capacity in the national and county governments and in the non-government sectors, including the location and size of, and other relevant information relating to—
- (i) police stations;
 - (ii) hospitals, clinics and other health facilities;
 - (iii) emergency medical services;
 - (iv) public buildings and other facilities that may be used as emergency shelters or hospitals in the

11/2/23



event of a disaster;

(v) fire-fighting services; and

(vi) airports, airstrips, harbours, and railway stations;

(e) emergency response resources and capacity in neighbouring states and relevant international relief agencies;

(f) emergency preparedness in the different spheres of government;

(g) each disaster classified by the Authority under section 29; and

(h) disaster risk management research and training facilities.

(2) The Authority shall be responsible for the maintenance of the database developed under subsection (1).

(3) The Authority shall ensure that the database is accessible to the public in accordance with the Access to Information Act, the Data Protection Act and any other relevant law.

Cap.7M.

Cap.411C

(4) Despite subsection (2), the Authority—

(a) shall—

(i) establish security safeguards to ensure that access to the information on the database does not violate the right to privacy;

(ii) subject to the information on the database, restrict access to the information; and

(b) may classify parts of the database as restricted areas and limit access to those parts to authorized persons.

28. (1) The Authority shall—

(a) develop and regularly review the national disaster risk management plan and strategy for organs of State and other institutional role-players involved in disaster risk management;

(b) collaborate with the counties in co-ordinating the implementation of the policies, plans and strategies;

Disaster risk
management
plans.

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- (c) develop guidelines for the integration of the concept and principles of disaster risk management in national and county integrated development plans, protocols, programmes and initiatives;
- (d) mainstream gender issues in the plans and strategies; and
- (e) develop a national multi-hazard early warning system and guidelines for its implementation.

(2) In developing and reviewing the disaster risk management plan under subsection (1), the Authority shall collaborate with departments, agencies and institutions involved in the implementation of the development plans and the persons involved in the oversight of the implementation of the development plans.

29. (1) Whenever a disaster occurs or threatens to occur, the Authority shall determine whether the event is a disaster under this Act, and if so, immediately—

Classification of disasters.

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) classify the disaster as a county disaster or national disaster in accordance with subsections (4), (5) and (6); and
- (c) record the prescribed particulars concerning the disaster in the prescribed register.

(2) In assessing the magnitude and severity or potential magnitude and severity of a disaster, the Authority—

- (a) shall consider the information and recommendations concerning the disaster received from a County Committee; and
- (b) may enlist the assistance of an independent assessor to evaluate the disaster on site.

(3) The Authority may reclassify a disaster classified under subsection (1)(b) at any time after consultation with the relevant County Committee, if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.

(4) A disaster is a county disaster, if—



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- (a) it affects a single county; and
- (b) the county concerned is able to effectively manage it.

(5) A disaster is a national disaster if it affects—

- (a) more than one county; or
- (b) a single county which is unable to effectively manage it.

(6) Until a disaster is classified by the Authority, it shall be deemed to be a county disaster.

(7) Despite the classification of a disaster under this section, in designating primary responsibility for managing a disaster to a particular level of government, the national and county levels of government may assist each other in managing a disaster.

(8) The Cabinet Secretary shall by regulations prescribe the details of classification of a disaster under this section.

30. (1) In the event of a national disaster, the President may declare a National State of Disaster by notice in the *Gazette*.

Declaration of
National State of
Disaster.

(2) The declaration of a National State of Disaster shall contain—

- (a) a concise statement of the reasons for the declaration; and
- (b) the duration of the declaration.

(3) A National State of Disaster declared under subsection (1)—

- (a) shall lapse on the date specified in the notice declaring the national state of disaster;
- (b) may be terminated by the President at any time before the lapse of the period specified in paragraph (a); or
- (c) may by notice in the *Kenya Gazette* be extended by the President, any time before the period specified under paragraph (a) lapses.

(4) During the subsistence of a declaration of a National State of Disaster, the President may make orders, or the issue



directives, concerning—

- (a) the release of any available resources of the national government including stores, equipment, vehicles and facilities;
- (b) the release of personnel of a national state organ for rendering of emergency services;
- (c) the implementation of all or any of the provisions of a national disaster management plan that are applicable in the circumstances;
- (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;
- (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
- (g) the authorization of or direction to any person, or any class of persons, to render essential services of a type that that person, or a person of that class, is competent to provide and the provision of reasonable compensation in respect of services so rendered;
- (h) the regulation of the distribution, sale and availability of essential goods, services and resources;
- (i) emergency procurement procedures;
- (j) the imposition of such penalties as may be specified for any contravention of or failure to comply with the provisions of the orders or any directions issued or conditions prescribed by or under the orders or regulations, which may include the confiscation of goods, property or instruments by means of which or in connection with which the offence has been committed:

Provided that no order or regulation shall make provision for the imposition of imprisonment for a period of exceeding six months or of a fine exceeding twenty thousand shillings;

11/1/21



- (k) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.

(5) When a State of National Disaster lapses or is terminated as provided for in this section, any regulation, order or directive made or issued in consequence thereof shall thereby cease to be in force:

Provided that nothing in this section shall affect the validity of anything done pursuant to a declaration of a national state disaster or any regulation, order or directive made in consequence thereof, prior to the cessation of the declaration of the state of national disaster, the regulation, order or directive as the case may be; or from any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

PART IV— COUNTY DISASTER RISK MANAGEMENT COMMITTEES

31. (1) There is established a County Disaster Risk Management Committee in each county

Establishment
of County
Disaster Risk
Management
Committees.

(2) The members of the County Committee shall comprise—

- (a) the Governor who shall be the chairperson;
- (b) the county commissioner who shall be the co-chairperson;
- (c) the county executive committee member responsible for matters relating to disaster risk management who shall be the secretary;
- (d) the County Police Commander;
- (e) two persons, a man and a woman, with knowledge and experience in disaster risk management appointed by the Governor;
- (f) a person nominated by the Kenya Red Cross Society



and appointed by the Governor;

- (g) a person nominated by the Kenya Chamber of Commerce appointed by the Governor;
- (h) a person nominated by the civil society organization with expertise in disaster risk management in the county appointed by the Governor.

(3) In appointing members under subsection (2) (e), (f), (g) and (h), the Governor shall observe the principle of gender equality, and representation of the youth, persons with disabilities and the marginalized communities.

(4) The members of a County Committee shall elect one of the members appointed under subsection (2) (e), (f), (g) and (h) to be the vice-chairperson.

(5) A member of the County Committee appointed under subsection (2) (e), (f), (g) and (h) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(6) The members of the County Committee shall serve on a part-time basis and shall be paid such allowance as may be advised by the Salaries and Remuneration Commission.

(7) The County Committee may engage an expert into its membership for effective discharge of its functions.

(8) The County Committee shall regulate its own procedure in the conduct of its business and affairs.

32. (1) A County Committee shall—

- (a) advise the county government on matters relating to disaster risk management;
- (b) in collaboration with the County Disaster Risk Management Centres, formulate the county disaster risk management plans and policy in line with the national disaster risk management plan and policy;
- (c) promote civic education and public awareness, training and capacity building on disaster risk management in the county including in schools;
- (d) make recommendations to the county government regarding financial matters in relation to disaster risk management;

Functions of a
County
Committee.



- (e) promote an integrated and coordinated approach to disaster risk management in the county, with special emphasis on prevention, mitigation preparedness, response and recovery by other role-players involved in disaster risk management in the county;
 - (f) collaborate with the national government, the Authority and relevant agencies on matters relating to disaster risk management;
 - (g) in collaboration with the County Disaster Risk Management Centre and the Authority, oversee the distribution of relief and emergency supplies;
 - (h) act as a repository of, and conduit for, information concerning—
 - (i) damage and loss arising from disasters;
 - (ii) impending disasters; and
 - (iii) disaster risk management in the county;
 - (i) act as an advisory and consultative body on issues concerning disasters and disaster risk management in the county to—
 - (i) state organs;
 - (ii) the private sector and non-governmental organisations; and
 - (iii) community based organisations, indigenous groups, communities and individuals;
 - (j) initiate and facilitate efforts to make funding available for disaster risk management in the county;
 - (k) promote research into the aspects of disaster risk management in the county; devolve disaster risk management measures and structures to sub-county and village level;
 - (l) submit periodic reports to the Authority and the respective county assembly; and
 - (m) carry out any other function as may be expedient to the better carrying out of the functions of the County Committee.
- (2) The County Executive Committee Member shall,



within fourteen days of the preparation of a county disaster risk management plan, submit to the clerk of the county assembly a copy of the disaster risk management plan for tabling before, and approval by the county assembly.

(3) The County Executive Committee Member shall, once the county disaster risk management plan is approved, circulate, publish and publicise the plan to the residents of the county, through such means as the County Executive Committee Member may consider appropriate.

33. A County Committee shall have all the powers necessary for the proper performance of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, the Committee shall have power to—

Powers of a
County
Committee.

- (a) receive any grants, gifts, donations or endowments and to make legitimate disbursements there from;
- (b) delegate some of its powers to a public officer;
- (c) undertake any activity necessary for the execution of any of its functions; and
- (d) enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

34. The office of a member of a County Committee shall become vacant if the member—

Vacation of
office.

- (a) resigns by issuing notice in writing addressed to the County Executive;
- (b) is absent from three consecutive meetings of the County Committee without justifiable cause;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) is convicted of an offence that constitutes a serious violation of Chapter Six of the Constitution;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions; or
- (f) dies.

35. The conduct of business and affairs of a County

Conduct of



Committee shall be as provided in the Second Schedule, but subject thereto the County Committee may regulate its own procedure.

business and
affairs of a
County
Committee.

36. (1) Each county shall establish a County Disaster Risk Management Centre which shall be headed by an expert in disaster risk management.

Establishment of
County Disaster
Risk Management
Centre.

(2) The Head of the County Disaster Risk Management Centre shall be competitively recruited by the County Public Service Board.

(3) A person shall be qualified for appointment as the Head of a Centre, if that person—

- (a) holds a bachelor's degree from a university recognized in Kenya;
- (b) has a distinguished career in a management position in either the private or public sector;
- (c) has at least five years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(4) The functions of the County Disaster Risk Management Centre shall be to—

- (a) implement the decisions of the County Committee;
- (b) specialize in matters concerning disaster risk management in the county;
- (c) promote an integrated and coordinated approach to disaster risk management in the county with special emphasis on prevention and mitigation, by—
 - (i) county organs; and
 - (ii) other stakeholders involved in disaster risk management in the County;
- (d) act as a repository of, and conduit for, information concerning disasters, impending disasters and disaster risk management in the county;
- (e) give advice and guidance by disseminating information regarding disaster risk management; and
- (f) act as an advisory and consultative body on matters

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concerning disaster risk management in the County to—

- (i) county department and agencies;
 - (ii) the private sector and non-governmental organizations; and
 - (iii) communities and individuals;
- (g) make recommendations to the County Committee and the County Government regarding the funding of Disaster Risk Management in the County;
- (h) make recommendations to any relevant organ of national or county government—
- (i) on legislative or policy issues on Disaster Risk Management;
 - (ii) on the alignment of County legislation with this Act and the national Disaster Risk Management policy; or
 - (iii) in the event of a County disaster, on whether a County state of disaster should be declared in accordance with this Act;
- (i) recommend to the County Public Service Board the recruitment of volunteers;
- (j) recommend to the County Public Service Board, the recruitment of staff specialised in disaster risk management;
- (k) promote disaster risk management capacity building, training and education, including in schools and in the county;
- (l) promote research into all aspects of disaster management in the county;
- (m) carry out drills and exercises on disaster risk management;
- (n) undertake resource mobilization;
- (o) provide advice and guidance by disseminating information regarding disaster risk management in the County and the communities that are vulnerable to disasters;

21-1-21

- (p) submit periodic reports to the County Committee; and
- (q) exercise any powers and perform any duties delegated and assigned under this Act.

(4) A Centre may engage in any lawful activity in the County, whether alone or together with any other organization, aimed at promoting the proper exercise of its powers or performance of its duties.

37. (1) When a disaster occurs or is forecasted to occur in a county, a County Committee shall determine whether the event is a disaster under this Act, and, if so, immediately—

Procedure during disaster events.

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) implement applicable contingency plan and emergency procedures;
- (c) inform the Authority of the—
 - (i) disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster; and
 - (ii) initial implementation of applicable contingency plan and emergency procedures.

(2) In informing the Authority in terms of subsection (1)(c), the County Committee may recommend the appropriate classification of the disaster.

38. (1) A County Committee shall prepare and submit its annual report to the county assembly on—

Annual report to county assembly.

- (a) its activities during the financial year;
- (b) results of its monitoring and evaluation of prevention and mitigation initiatives;
- (c) disasters that occurred during the financial year in the county together with information on—
 - (i) their classification, magnitude, severity and impacts; and
 - (ii) challenges experienced in dealing with the disasters; and
- (d) progress on the preparation and regular updating of



disaster risk management plans and strategies in the county.

(2) A County Committee shall prepare and submit its annual report to the county assembly through the County Executive Committee responsible for disaster risk management within one month after the end of every financial year.

(3) The County Executive Committee member responsible for disaster risk management shall within one month after the end of every financial year submit the report to the County Assembly.

(4) Upon receipt of the report, the County Assembly shall, within one month, consider the report and may approve it with or without amendments.

39. A county executive committee member responsible for disaster risk management may, for the purposes of managing a disaster, make guidelines to provide for—

Guidelines by
County
Committee.

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
- (b) collection and publication of data relating to disaster risk management;
- (c) use of listed premises as shelters to manage a disaster;
- (d) establishment of designated public convergence zones in case of emergencies;
- (e) activation of a disaster response plan;
- (f) monitoring and evaluation on matters relating to disaster risk management;
- (g) conduct of public awareness and civic education on disaster risk management; and
- (h) establishment of a unit and command structures of volunteers;
- (i) the minimum requirements for qualification as a volunteer;
- (j) the manner in which any member of a Unit of Volunteers may be deployed;



- (k) the training of volunteers;
- (l) the use of equipment by volunteers;
- (m) the defraying of expenses incurred by volunteers;
- (n) uniforms of volunteers;
- (o) insignia to be worn by—
 - (i) different units of volunteers;
 - (ii) different components within a unit of volunteers;
 - (iii) different positions of command within a unit of volunteers;
- (p) the transfer of a volunteer from one unit of volunteers to another unit of volunteers;
- (q) code of conduct of volunteers; and
- (r) any other matter that may be necessary in dealing with disaster risk management.

40. (1) A Centre may establish a unit of volunteers to participate in Disaster Risk Management in a County.

Disaster Risk
Management
Volunteers.

(2) Any person that meets the prescribed minimum requirements may apply to enroll as a volunteer in the unit of volunteers of a relevant County.

(3) The Centre shall maintain a register of all volunteers enrolled in a unit of volunteers.

(4) A Centre that has established a unit of volunteers shall submit the prescribed particulars of any person that has enrolled in terms of subsection (2) to the County Committee within twenty-one days of such enrolment.

(5) Upon receipt of an up-to-date register of volunteers from the Centre, the County Committee shall, within twenty-one days, submit the register to the Authority.

(6) A unit of volunteers may participate in exercises related to disaster risk management organised by one or more County Disaster Risk Management Centres, or the Authority.

(7) This section does not preclude—

- (a) a County Disaster Centre from calling on persons who are not members of a unit of volunteers to assist

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the County in dealing with a disaster; or

- (b) any number of persons from taking reasonable steps to deal with a disaster in an appropriate manner until a County takes responsibility for that disaster, and, where appropriate, to continue dealing with the disaster under the control of the County.

PART V—FINANCIAL PROVISIONS

41. The funds of the Authority shall consist of—

Funds of the Authority.

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Authority;
- (b) such monies as may accrue to the Authority in the performance of its functions under this Act; and
- (c) all monies from any other source provided for or donated or lent to the Authority.

42. The financial year of the Authority shall be the period of twelve months ending on the thirtieth June in each year.

Financial year.

43. (1) At least three months before the commencement of a financial year, the Board shall cause to be prepared the estimates of revenue and expenditure of the Authority for that year.

Annual estimates.

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

- (a) the payment of salaries, allowances, pension gratuities, and other charges in respect of the staff of the Authority;
- (b) proper maintenance of the buildings and grounds of the Authority; and
- (c) the maintenance, repair and replacement of the utilities, equipment and other property of the Authority.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval.

44. (1) The Board shall cause to be kept proper books

Accounts and



44/1/11

and records of account of the income, expenditure and assets of the Authority. audit.

(2) Within a period of three months from the end of each financial year, the Authority shall submit to the Auditor General the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a statement of the assets and liabilities of the Authority on the last day of that year.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act. Cap.412B

45. The Cabinet Secretary responsible for finance may establish a Disaster Risk Management Fund in accordance with section 24(4) of the Public Finance Management Act. Establishment of the Disaster Risk Management Fund.

46. The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage, port charges and any other tax as may be determined. Cap.412A
Tax Exemptions on Disaster Management Assistance.

PART VI—MISCELLANEOUS PROVISIONS

47. (1) The members of the Board, staff or agents of the Authority shall have a duty to safeguard the information held by the Authority in accordance with the provisions of Article 31 of the Constitution and any other relevant law. Duty to protect information held by the Authority, County Committee or Centres.

(2) The provisions of subsection (1) shall with the necessary modifications apply to the County Committee and the Centres.

48. (1) The Authority, County Committee or Centre shall ensure that the right of access to information guaranteed under Article 35 of the Constitution is subject to the limitations provided under Article 24 of the Constitution and to the nature and extent specified under subsections (2) and (3). Limitation of the right to access information.

(2) An officer, member of staff, or agent of the Authority, County Committee or Centre shall not disclose information acquired in the course of his duties under the Act except, with the written consent of the Board of the Authority, County



Committee or Centre, as the case may be.

(3) The Authority, County Committee or Centre shall not disclose any information that would in the opinion of the Authority, County Committee or Centre, as the case may be, compromise the integrity of any operations during disaster risk management.

49. (1) A person who, without reasonable cause—

Obstruction.

- (a) obstructs an officer or employee of the Authority, a County Committee, County Disaster Risk Management Centre in the discharge of the person's functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Authority or a County Committee under this Act,

commits an offence and is liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two year, or both.

(2) In addition to the penalty provided under subsection (1), a person who commits an offence under subsection (1) and the offence results in the loss of life shall on conviction be liable to imprisonment for a term not exceeding five years.

50. A person who knowingly makes a claim which the person knows or has reason to believe to be false, for the purpose of obtaining any relief, assistance, repair, reconstruction or other benefit from the Authority, commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

False claim.

51. A person who makes or circulates a false alarm knowingly or warning as to a disaster or its severity or magnitude leading to panic, commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

False alarm.

52. A person who, being entrusted with any money or materials, or otherwise being in custody of money or goods meant for providing relief during a disaster—

Misappropriation
of relief money or
material.

- (a) misappropriates the money or goods;
- (b) appropriates the money or goods for the person's

21-1-11

own use; or

- (c) compels another person to misappropriate the money or goods,

commits an offence and is liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years, or to both.

53. (1) Where an offence under this Act is committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to the company, for the conduct of the business of the company, as well as the company, shall be deemed to have committed the offence and shall, on conviction, be liable to such penalty as prescribed in this Act for the offence.

Offences by
companies.

(2) Nothing in subsection (1) shall render any such person liable to any penalty under this Act if that person proves that the offence was committed without the person's knowledge or that the person exercised due diligence to prevent the commission of the offence.

(3) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to have committed that offence and shall, on conviction, be liable to such penalty as prescribed in this Act for the offence.

(4) For the purposes of this section—

- (a) “company” means a body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

54.Section 110 of the Public Finance Management Act is amended by—

Consequential
amendments.

- (a) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the words “shall” in the headnote; and



- (b) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in subsection (1).

PART VII—PROVISIONS ON DELEGATED POWERS

55. (1) The Cabinet Secretary, in consultation with the Council of Governors, may make Regulations generally for the better carrying into effect of any provisions under this Act. Regulations.

(2) Without prejudice to the foregoing, Regulations made under this section may provide for—

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
- (b) collection and publication of data relating to disaster risk management
- (c) establishment of designated public convergence zones in case of emergencies;
- (d) use of listed premises as shelters to manage a disaster;
- (e) activation of a disaster response plan;
- (f) conduct of public awareness and civic education on disaster risk management;
- (g) the forms of authorization issued under this Act;
- (h) the criteria for classification of a disaster as a national or county disaster;
- (i) protection of emergency responders during emergency and disaster response;
- (j) the form and particulars of the register of disasters; or
- (k) any relevant rules, or standards required to be prescribed.

(3) For the purposes of Article 94(6) of the Constitution—

29/1/24



- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Authority to discharge its functions more effectively;
- (b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

PART VIII—SAVING AND TRANSITIONAL PROVISIONS

56. (1) A public officer currently serving in the National Disaster Operations Centre and National Disaster Management Unit shall be seconded to the Authority for a period not exceeding three years.

Transfer of Staff.

(2) A public officer in sub-section (1) shall either—

- (a) opt to return to the parent institution; or
- (b) apply to be considered for employment by the Authority.

57. (1) All property, except such property as the Cabinet Secretary may specify in writing, which, immediately before the commencement of this Act, was vested in the Government for the use of the National Disaster Operations Centre and the National Disaster Management Unit, for the purpose of disaster risk management, shall, on the date of commencement of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Transfer of assets and liabilities.

(2) All legal proceedings and claims pending in respect of actions and activities to which this Act apply shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced by or against the Government had this Act not been enacted.



SCHEDULE

(s. 17)

**PROVISIONS AS TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE BOARD**

1. (1) The Board shall meet 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.

Convening of
meetings.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson shall, 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 one half of all the members.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

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

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration

Disclosure of
interest by Board
Members.



or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

3. 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.

Execution of
instruments.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

Minutes.

Signed.....

Hon. Peter Lochakapong M.P

Co-Chairperson

Date.....

Signed.....

Sen. Chute Mohamed Said, M.P

Co- Chairperson

Date.....

The National Disaster Risk Management Bill, 2023
