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Recommended for approval for tabling



**Rt. Hon. Speaker**  
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J. M. Nyegenye, C.B.S.,  
Clerk of the senate/secretary, PSC  
Date: 29/05/24

EG 29/05/2024

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

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

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DATE	30.05.2024
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COMMITTEE	National Security
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Clerk's Chambers,  
The Senate,  
Parliament Buildings,  
**NAIROBI.**

May, 2023

DC-EG  
Forwarded and recommended for approval for tabling 29/05/2024

Table of Contents

<b>LIST OF ABBREVIATIONS/ACRONYMS .....</b>	<b>ii</b>
<b>PRELIMINARIES .....</b>	<b>iii</b>
<b>Establishment and Mandate of the Committee .....</b>	<b>iii</b>
<b>Membership of the Committee.....</b>	<b>iii</b>
<b>CHAPTER ONE: INTRODUCTION .....</b>	<b>1</b>
1.1 Introduction .....	1
1.2 Objects of the Bill.....	1
1.3 Overview of the Bill .....	1
1.4 Consequences of the Bill .....	3
<b>CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL.....</b>	<b>4</b>
2.1 Introduction .....	4
2.2 Overview of Stakeholder Submissions on the Bill .....	4
<b>CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS .....</b>	<b>10</b>
3.1 Committee Observations .....	10
3.2 Committee Recommendations.....	11
<b>LIST OF APPENDICES.....</b>	<b>13</b>
Appendix 1: Minutes of the sittings of the Committee in considering the Bill.....	13
Appendix 2: The Fire and Rescue Professionals Bill, 2023 (Senate Bills No. 55 of 2023).....	13
Appendix 3: Advertisement in the local dailies on 2 <sup>nd</sup> March, 2024.....	13
Appendix 4: Copy of the submissions received on the Bill .....	13
Appendix 5: Matrix of submissions received from the public .....	13
Appendix 6: Committee Stage amendments to the Bill .....	13

## **LIST OF ABBREVIATIONS/ACRONYMS**

ARFFS	Airports Rescue Firefighting Services
CFOA-K	Chief Fire Officers Association
COG	Council of Governors
DOSHS	Directorate of Occupational Safety and Health Services
WSPA	Work Place Safety Professionals Association

## **PRELIMINARIES**

### **Establishment and Mandate of the Committee**

The Standing Committee on National Security, Defence and Foreign Relations is established under the Senate Standing Orders and is mandated to “*consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations*”.

### **Membership of the Committee**

The Committee is comprised of –

- |  |                    |
|--|--------------------|
| 1) Sen. William Cheptumo Kipkiror, CBS, MP   | - Chairperson      |
| 2) Sen. Karen Njeri Nyamu, MP                | - Vice-Chairperson |
| 3) Sen. Fatuma Adan Dullo, CBS, MP           | - Member           |
| 4) Sen. Abdul Mohammed Haji, CBS, MP         | - Member           |
| 5) Sen. Julius Murgor Recha, CBS, MP         | - Member           |
| 6) Sen. Joseph Githuku Kamau, MP             | - Member           |
| 7) Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP | - Member           |
| 8) Sen. Lenku Ole Kanar Seki, MP             | - Member           |
| 9) Sen. George Mungai Mbugua, MP             | - Member           |

## **FOREWORD BY THE CHAIRPERSON**

### **Honourable Speaker,**

The Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023), sponsored by Sen. Mohamed Abass Sheikh, MP was published vide Kenya Gazette Supplement No. 239 and was introduced in the Senate by way of First Reading on Thursday, 29<sup>th</sup> February, 2024 and was committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Saturday, 2<sup>nd</sup> March, 2024 inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

Following the call for submissions, the Committee received written memoranda from seven (7) stakeholders namely: the National Disaster Operations Centre under the Ministry of Interior and National Administration, the National Treasury and Economic Planning, the Council of Governors (COG), the County Assemblies Forum (CAF), the Chief Fire Officers Association – Kenya (CFOA-K), the Work Place Safety Professionals Association (WSPA) and Mr. Andrew Kosgey, Airport Firefighter.

### **Honourable Speaker,**

In considering the Bill, the Committee made a number of observations, key of these being that–

- a) There currently exists no piece of national legislation that regulates fire and rescue services. The Bill is therefore progressive as it seeks to provide a regulatory and institutional framework for fire and rescue services across the country.
- b) The Fourth Schedule to the Constitution provides for the functions of the national and county governments. Firefighting service and disaster management is devolved to the county governments. On the other hand, disaster management is a concurrent function of the national and county governments. From the foregoing, it is imperative that the county governments are well represented in the Board established under the Bill.

- c) Clause 18 of the Bill provides that for a person to be registered as a fire and rescue services professional, he/she must hold a degree, diploma or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign Institution. The Committee observes that this provision is restrictive and therefore the scope of qualifications should be broadened to include other relevant disciplines.
- d) Clause 7 (d) of the Bill provides for the functions of the Board which include, among others, the licensing and regulation of fire and rescue services professionals in Kenya. The Committee notes that the Fourth Schedule of the Constitution designates issuance of trade licenses to county governments. There is therefore need for clarity on which licenses to be issued by the Board and those to be issued by the county governments.
- e) Clause 6 of the Bill provides that the headquarters of the Board shall be in Nairobi and it may establish branches in other counties. The Committee observes that the headquarters should be in Nairobi and the Board should collaborate with the forty-seven (47) counties to ensure that they are fully supported and equipped to implement the national guidelines, standards, and norms effectively for fire and rescue services within their respective jurisdictions.

Other detailed observations are contained in Chapter Three of this Report. Consequently, the Committee recommends a number of amendments to the Bill which are attached to this Report as Annex and that the Bill **proceeds** to the next stage in the legislative process.

**Honourable Speaker,**

I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in considering this Bill.

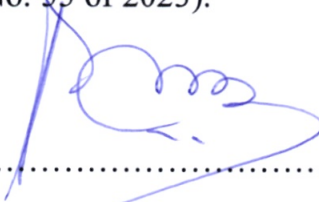
Lastly, I wish to thank the stakeholders who submitted written memoranda which greatly aided the Committee in considering the Bill.

**Honourable Speaker,**

**Honourable Speaker,**

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on National Security, Defence and Foreign Relations on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023).

Signed .....







Date.....

29.05.24

**SEN. WILLIAM CHEPTUMO, CBS, MP,  
CHAIRPERSON, STANDING COMMITTEE ON NATIONAL SECURITY,  
DEFENCE AND FOREIGN RELATIONS**

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE BILLS NO. 55 OF 2023)**

**We, the undersigned Members of the Standing Committee on National Security, Defence and Foreign Relations, do hereby append our signatures to adopt this Report**

No	Name	Signature
1.	Sen. William Kipkiror Cheptumo, CBS, MP <i>(Chairperson)</i>	
2.	Sen. Karen Njeri Nyamu, MP <i>(Vice-Chairperson)</i>	
3.	Sen. Fatuma Adan Dullo, CBS, MP	
4.	Sen. Abdul Mohamed Haji, CBS, MP	
5.	Sen. Julius Murgor Recha, CBS, MP	
6.	Sen. Joseph Githuku Kamau, MP	
7.	Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP	
8.	Sen. Lenku Ole Kanar Seki, MP	
9.	Sen. George Mungai Mbugua, MP	

## CHAPTER ONE: INTRODUCTION

### 1.1 Introduction

1. The Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023) sponsored by Sen. Mohamed Abass Sheikh, MP was published vide Kenya Gazette Supplement No. 239 and was introduced in the Senate by way of First Reading on Thursday, 29<sup>th</sup> February, 2024 and was committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration. A copy of the Bill referred to the Senate is attached to this Report as *Appendix 2*.

### 1.2 Objects of the Bill

2. The Bill seeks to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals. The Bill aims at providing uniform professional standards for the regulation of fire and rescue services professionals across all counties.

### 1.3 Overview of the Bill

3. **Part I (Clauses 1-3)** provides for preliminary matters. Clause 1 sets out the short title of the Act, while Clause 2 provides definitions for key terms used throughout the Bill. Clause 3 outlines the objects of the Bill, which include establishing a regulatory and institutional framework for fire and rescue services professionals, providing for their registration, licensing, and training, and setting uniform professional standards across all counties.
4. **Part II (Clauses 4-16)** establishes the Fire and Rescue Services Board as a body corporate with perpetual succession. Clauses 4 and 5 provide for the establishment and composition of the Board, which includes representatives from relevant government ministries, professional associations, and the Council of County Governors. Clauses 7 and 8 outline the functions and powers of the Board, which include registering and licensing fire and rescue services professionals, setting standards for professional practice and conduct, and advising the national and county governments on fire prevention and rescue services matters. Clauses 9-13 provide for the conduct of business and affairs of the Board, while Clauses 14-16 establish the office of the Registrar, outlining the appointment, functions and limitation of liability of the Registrar.
5. **Part III (Clauses 17-25)** provides for the registration of fire and rescue services professionals. Clause 17 makes it mandatory for all fire and rescue services

professionals and private fire brigade firms to be registered and licensed under the Act. Clause 18 sets out the qualifications for registration, which include holding a relevant degree, diploma, or certificate from a recognized institution and being a Kenyan citizen or permanent resident. Clauses 19-22 outline the application process for registration of professionals and consulting firms, as well as the consideration of such applications by the Board. Clauses 23-25 provide for the maintenance of the register, including the alteration of entries and removal of persons from the register under specified circumstances.

6. **Part IV (Clauses 26-28)** contains financial provisions for the Board. Clause 26 outlines the sources of funds for the Board, which include monies allocated by Parliament, fees charged for registration and licensing, grants, donations, and proceeds from investments. Clause 27 requires the Board to prepare annual estimates of revenue and expenditure, while Clause 28 provides for the keeping of proper books of accounts and auditing of the Board's accounts.
7. **Part V (Clauses 29-33)** outlines offences and penalties. Clause 29 makes it an offence to fraudulently procure registration or licensing, with penalties including fines and imprisonment. Clause 30 defines professional misconduct and empowers the Board to take disciplinary action against errant professionals, including deregistration, suspension, and imposition of fines. Clause 31 creates offences relating to unrecognized training institutions, while Clauses 32 and 33 prohibit the use of the title "fire and rescue services professional" by unregistered persons and the employment of unregistered persons, respectively.
8. **Part VI (Clauses 34-35)** provides for complaints and disciplinary proceedings by the Board. Clause 34 outlines the procedure for handling complaints against fire and rescue services professionals, including the right to a fair hearing and the powers of the Board in disciplinary proceedings. Clause 35 provides for appeals against decisions of the Board to the High Court.
9. **Part VII (Clauses 36-37)** contains miscellaneous provisions. Clause 36 grants the Cabinet Secretary the power to make regulations for the better carrying into effect of the Act, including on licensing, professional conduct, and training. Clause 37 provides transitional provisions, requiring all practicing professionals to obtain registration within six months of the operationalization of the Act.
10. **The Schedule** sets out provisions for the conduct of the affairs of the Board, including the election of a vice-chairperson, conduct of meetings, disclosure of conflicts of interest, quorum, voting, and keeping of minutes.

#### **1.4 Consequences of the Bill**

11. The Bill, if enacted, will provide a regulatory and institutional framework for fire and rescue services professionals.

## CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL

### 2.1 Introduction

12. The Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023) was read a First Time in the Senate on Thursday, 29<sup>th</sup> February, 2024 whereupon it stood committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration.
13. The Committee, pursuant to the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, proceeded to undertake public participation on the Bill.
14. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Saturday, 2<sup>nd</sup> March, 2024 inviting members of the public to submit written memoranda on the Bill. A copy of the advertisement is attached as *Appendix 3*.
15. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.
16. In response to the advertisement and invitations, the Committee received seven (7) written submissions from-
  - a) the National Disaster Operations Centre under the Ministry of Interior and National Administration;
  - b) the National Treasury and Economic Planning;
  - c) the Council of Governors (COG);
  - d) the County Assemblies Forum (CAF);
  - e) the Chief Fire Officers Association – Kenya (CFOA-K);
  - f) the Work Place Safety Professionals Association (WSPA); and
  - g) Mr. Andrew Kosgey, Airport Rescue Firefighting Officer.
17. Copies of the said submissions are attached as *Appendix 3*, with a summary thereon in the form of a matrix attached as *Appendix 4*.

### 2.2 Overview of Stakeholder Submissions on the Bill

#### *I. The National Disaster Operations Centre*

18. The National Disaster Operation Centre domiciled under the Ministry of Interior and National Administration made the following proposals-

- a) That clause 4 (2) (c) be amended to include indicators that highlight where the money will be sourced from, the entities involved in borrowing and lending money;
- b) That clause 5 (b) and (d) be amended by consolidating the two Principal Secretaries and renaming as the Principal Secretary in the Ministry responsible of Interior and National Administration;
- c) That clause 5 (e) be amended by deleting the words “Kenya Red Cross” and replacing with “the umbrella body of emergency responders”;
- d) That clause 5 (f) be amended by reducing the number of representatives of the Council of County Governors from two (2) to one (1) person;
- e) That clause 5 (h) be amended by deleting the words “Kenya Medical Association and replacing with the Ministry of Health;
- f) That clause 13 be amended to provide Board members with allowances as opposed to remuneration;
- g) That clause 14 (4) on the qualifications of the Registrar be amended to delete the requirement for an undergraduate degree in disaster management and to replace it with an undergraduate degree in social sciences as the provision would limit eligible applicants. Further that the number of years of experience be reduced from ten (10) to five (5) years;
- h) That clause 16 (1) (a) be amended by replacing the word “on” appearing after the word carrying with the word “out” as it is the correct preposition;
- i) That clause 27 (2) (d) be amended by deleting the words “members of the Board” which have erroneously been repeated;
- j) That clause 31 be amended by deleting the word “seeking” appearing before registration as the term seeking registration would make the clause susceptible to fraudulent activities in the name of awaiting registration;
- k) That clause 32 (3) be deleted entirely as exemptions may be misused to aid unqualified people to misrepresent themselves as Fire and Rescue Services professionals;
- l) That clause 2 of the Schedule be amended to include a maximum number of meetings in every financial year so as to assist in proper planning of the Board’s annual events.

## ***II. The National Treasury and Economic Planning***

19. The Cabinet Secretary, National Treasury and Economic Planning noted that-

- a) Clause 26 of the Bill provides that funds of the Board shall consist such monies or assets that may accrue to or vest in the Board in the course of the exercise of its powers as well as monies payable to the Board pursuant to this Act. In this regard, enactment of the Bill shall not lead to additional expenditure of public funds; and

- b) Clauses 19 (1), 21 (1) and 22 (7) of the Bill provide for fees that will be payable to the Board. This will form the main source of funding to the Board whose expenditure will be audited by the Auditor-General in accordance with the Public Audit Act as provided in clause 28 of the Bill.

20. In view of the above observations, the National Treasury submitted that it had no objection to the Bill as the revenue raised by the Board through the prescribed fees shall be adequate to fund operations of the Board without resorting to the Exchequer for additional funding.

### ***III. The Council of County Governors***

21. The Council of County Governors proposed the following-

- a) That the definition of a “fire and rescue services consulting firm” under clause 2 be amended to provide for the licensing of the firms by the County Governments as trade licensing is a devolved function under the Fourth Schedule to the Constitution. Further that a new definition be introduced of a “private fire brigade firm” to mean a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires”;
- b) That clause 5 (1) (a) and (f) be amended to have the Chairperson of the Board appointed by the President and to increase the persons nominated by the Council of County Governors from two (2) to four (4) persons so as to provide for sufficient representation of County Governments;
- c) That clause 6 on the headquarters of the Board be amended to provide that the Board shall not establish branches but shall instead collaborate with the forty seven (47) County Governments;
- d) That clause 7 (b) on the functions of the Board be amended to read “advise the National and County Governments on matters related to fire prevention and fire and rescue services professionals so as to ensure the Board’s advisory role includes a supportive function, emphasizing collaboration with county governments in managing local fire and rescue services;
- e) That clause 15 (b) on the functions of the Registrar to sign, issue and cancel certificates of registration and licenses as directed by the Board be deleted as it should be handled at the county level;
- f) That clause 17 be amended as trade licensing has been devolved to county governments under the Fourth Schedule to the Constitution. The Board should only register fire and rescue service consultant, a fire and rescue service professional or a private fire brigade firm and the County Governments to license the consultants and the firms;
- g) That clause 20 be amended by introducing a new clause 20A immediately after clause 20 to read “Every registered fire and rescue services consulting firm and

private fire brigade firm shall apply for a trade license from the County Governments where they intend to operate” so as to align with the provisions of the Fourth Schedule of the Constitution;

h) That clause 27 on annual estimates be amended to read-

*“(1) The County Fire and Rescue Services Committee is tasked with establishing a detailed and transparent accounting system for managing the collection, allocation and utilization of these fees. This system shall adhere to the principles of accountability and transparency to the public and relevant stakeholders”*

*“(3) The Committee shall prepare an annual report on the impact of the utilized fees on improving local fire and rescue services. This report must be submitted to the County Assembly for review and approval.”*

i) That clause 29 be amended by deleting the word “Registrar” and replacing with the words: County Fire and Rescue Services Committee”;

j) That clause 36 be amended to provide for a consultative process with the Board and the Council of County Governors in the development of regulations for effective implementation of the Act by the Cabinet Secretary.

#### **IV. The County Assemblies Forum**

22. The County Assemblies Forum (CAF) submitted that-

a) The Bill does not adequately address the issue of volunteer firefighters, who play a critical role in many communities and how they will be integrated into the regulatory framework. As such, CAF proposed that clause 5 (1) be amended to include representation of volunteer firefighters on the Board and reduce the dominance of government representatives in the Board while increasing the representation of other stakeholders such as private sector, civil society and professional associations;

b) The penalties for offences such as false registration and licensing may not be sufficiently deterrent especially for larger organizations. In this regard, CAF proposed amendment of clauses 29 and 30 to increase the fines and imprisonment terms;

c) The transitional provisions provide a relatively short timeline (six months) for the existing fire and rescue services professionals and firms to comply with the new registration and licensing requirements which may be challenging. In this regard, CAF proposed amendment to clause 37 to provide for a more realistic timeline and a phased compliance timeline; and

d) The Bill does not address the issue of coordination and collaboration between the national and county governments in the provision of fire and rescue services, which could lead to potential challenges in implementation.

23. The CAF further proposed additional clauses in the Bill as follows-

- a) A new clause requiring the Board to conduct periodic reviews of the regulatory framework, incorporating feedback from stakeholders and industry experts to ensure the framework remains relevant and effective over time;
- b) A new clause mandating the Board to submit regular progress reports to the Cabinet Secretary and the Parliament;
- c) A new clause outlining the roles and responsibilities of national and county governments in the provision of fire and rescue services and the mechanisms for coordination and collaboration; and
- d) A new clause to introduce clear conflict of interest safeguards such as requiring the Board to develop and implement a code of conduct for its members, officers and agents and prohibiting them from engaging in any activities that could lead to conflicts of interest.

**V. *The Chief Fire Officers Association – Kenya (CFOA-K)***

24. The Chief Fire Officers Association – Kenya proposed a raft of amendments to the Bill including amendment to the Long Title of the Bill to cover aspects of professional development and promotion of the profession as well as the objects of the Bill and amendment to various definitions under clause 2.
25. Notably, CFAO-K proposed the creation of an Institute of Fire and Rescue Services as a corporate body to promote professional development, competence, and welfare of its members. The Institute’s functions include promoting policies, laws, standards, and ethics in fire and rescue service practice, maintaining a register of professionals, and advising the government. The Membership consists of registered professionals, honorary members, and special members. Further, the proposed Institute is governed by a general meeting, a Council, and branches.
26. They further proposed that the Board composition be amended to consist of a non-executive Chairperson appointed by the Presidents, Principal Secretaries responsible for fire and rescue services, finance, and technical and vocational education and training, the chairperson of the Institute, two persons nominated by the Institute representing either gender, one faculty member representing academic institutions, one person representing private sector organizations, and the Registrar as an ex-officio member and secretary.
27. Detailed proposed amendments to the Bill by the CFAO-K are attached to this Report as *Appendix 3*.

**VI. *The Work Place Safety Professionals Association (WSPA)***

28. The Work Place Safety Professionals Association proposed the following amendments-

- a) That definitions of “fire and rescue services professional” and “fire and rescue services consulting firm” under clause 2 be amended to recognize the existence and role of the Fire Safety Advisors approved by the Directorate of Occupational Safety and Health Services (DOSHS);
- b) That the Board’s composition be expanded to include a representative nominated by the DOSHS and a representative from the WSPA to ensure a comprehensive approach to fire safety and rescue operations and incorporate insights from occupational safety and work place professionals;
- c) That clause 14(4) on qualifications of the Registrar be amended to allow any relevant undergraduate degree, not limited to disaster management;
- d) That clause 17 be amended to limit the registration to individuals or entities operating private fire brigade firms so as to resolve conflicts with DOSHS-approved fire safety advisors and health and safety advisors ensuring their roles are not inhibited by the Act; and
- e) That the registration process for the fire and rescue services consulting firms be re-evaluation taking into consideration those approved by DOSHS so as to streamline processes and remove duplicate registration requirements facilitating the operation of consulting firms that offer DOSHS-approved services on fire safety.

***VII. Mr. Andrew Kosgey, Airport Rescue Firefighting Officer***

29. Mr. Andrew Kosgey, an Airport Rescue Firefighting Officer proposed that clause 5 be amended to include one person nominated by the Kenya Airports Authority Airports Rescue Firefighting Services (ARFFS) so as to include airport rescue firefighters who may be called upon to support their counterparts the county fire brigades in times of fire disasters.

## **CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

### **3.1 Committee Observations**

30. Having considered the Bill and the submission received, the Committee made the following observations –

- a) There currently exists no piece of national legislation that regulates fire and rescue services. The Bill is therefore progressive as it seeks to provide a regulatory and institutional framework for fire and rescue services across the country.
- b) The Fourth Schedule to the Constitution provides for the functions of the national and county governments. Firefighting service and disaster management is devolved to the county governments. On the other hand, disaster management is a concurrent function of the national and county governments. From the foregoing, it is imperative that the county governments are well represented in the Board established under the Bill.
- c) Clause 5 of the Bill provides for a Chairperson of the Board to be appointed by the Cabinet Secretary. The Committee observes that there is need to amend this provision, so as to have a non-executive chairperson appointed by the President.
- d) Clause 18 of the Bill provides that for a person to be registered as a fire and rescue services professional, he/she must hold a degree, diploma or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign Institution. The Committee observes that this provision is restrictive and therefore the scope of qualifications should be broadened to include other relevant disciplines.
- e) Clause 18 further provides that for a person to be registered as a fire and rescue services professional, he/she must be a Kenyan citizen or have a permanent residence in Kenya. The Committee observed that the requirement unnecessarily restricts foreigners from practicing as fire and rescue services professionals and that there is need for a more inclusive approach.
- f) The CFOA-K proposed the establishment of an Institute of Fire and Rescue Services whose functions include promoting policies, laws, standards, and ethics in fire and rescue service practice, maintaining a register of professionals, and advising the government. The Committee noted that the Bill already

provides for the establishment of the Board, and therefore the proposed establishment of an Institute would amount to duplication of functions.

- g) Clause 7 (d) of the Bill provides for the functions of the Board which include, among others, the licensing and regulation of fire and rescue services professionals in Kenya. The Committee notes that the Fourth Schedule of the Constitution designates issuance of trade licenses to county governments. There is therefore need for clarity on which licenses to be issued by the Board and those to be issued by the county governments.
- h) Clause 3 of the Bill provides that the principal object of the Bill is to establish a regulatory and institutional framework for the fire and rescue services professionals. The Committee observes that there is need for the Bill to provide for a comprehensive objects and purpose clause, which is essential for providing the core purpose of the Bill.
- i) Clause 6 of the Bill provides that the headquarters of the Board shall be in Nairobi and it may establish branches in other counties. The Committee observes that the headquarters should be in Nairobi and the Board should collaborate with the forty-seven (47) counties to ensure that they are fully supported and equipped to implement the national guidelines, standards, and norms effectively for fire and rescue services within their respective jurisdictions.
- j) Clause 36 of the Bill on Regulations should make provision for a consultative process with the Board and the Council of County Governors in the development of the regulations for effective implementation of the Act.
- k) Clause 14 (4) (a) provides that a Registrar should hold at least an undergraduate degree in disaster management from a recognized institution. The Committee observes that this provision is restrictive and therefore needs to be broadened to include diverse disciplines.

### **3.2 Committee Recommendations**

31. Having considered the Fire and Rescue Services Bill, 2023 and the submissions received thereon, the Standing Committee on National Security, Defence and Foreign Relations recommends that-

- a) Clause 3 of the Bill be amended to provide for comprehensive objects and purpose of the Bill;

- b) Clause 5 of the Bill on the composition of the Board be amended to have a non-executive chairperson appointed by the President and increase the representation of the Council of County Governors to three persons.
- c) Clause 6 and 7 be amended to delete the provision for establishment of branches in other counties and provide for collaboration of the Board with every county government;
- d) Clause 14(4) (a) be amended to broaden the qualifications of a Registrar to include other relevant disciplines and require at least five years' experience in leadership;
- e) Clause 17 (2) be deleted and substituted with a new sub clause providing for the scope of fire and rescue services professional practice;
- f) Clause 18 (b) be amended to remove the requirement of a permanent residence for one to practice as a fire and rescue service professional to allow the inclusion of professionals from other countries;
- g) Clause 2 be amended to ensure the definitions of a "fire and rescue services consulting firm" and "private fire brigade" take into account the role of county governments in issuing trade licenses.
- h) Clause 37 of the Bill be amended to provide for a transitional period of one year
- i) the Bill be amended to distinguish between trade licenses issued by county governments and the professional licenses issued by the Board; and
- j) the Bill proceeds to the next stage of the legislative process.

## **LIST OF APPENDICES**

**Appendix 1:** Minutes of the sittings of the Committee in considering the Bill

**Appendix 2:** The Fire and Rescue Professionals Bill, 2023 (Senate Bills No. 55 of 2023)

**Appendix 3:** Advertisement in the local dailies on 2<sup>nd</sup> March, 2024

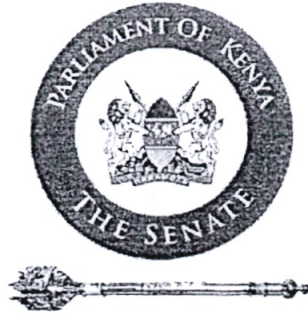
**Appendix 4:** Copy of the submissions received on the Bill

**Appendix 5:** Matrix of submissions received from the public

**Appendix 6:** Committee Stage amendments to the Bill

# **ANNEX 1**

Minutes of the sittings of the Committee in considering the Bill



13<sup>TH</sup> PARLIAMENT | 3<sup>RD</sup> SESSION

**MINUTES OF THE 80<sup>TH</sup> SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 16<sup>TH</sup> APRIL, 2024 AT 12.00 P.M. IN BILATERAL ROOM III, FIRST FLOOR, KICC BUILDING**

**PRESENT**

1. Sen. Karen Nyamu, MP - Vice-Chairperson
2. Sen. Abdul Haji, CBS, MP
3. Sen. Fatuma Adan Dullo, CBS, MP
4. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
5. Sen. Joseph Githuku Kamau, MP
6. Sen. George Mungai Mbugua, MP

**ABSENT WITH APOLOGY**

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Julius Murgor Recha, CBS, MP
3. Sen. Lenku Ole Kanar Seki, MP

**SECRETARIAT**

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Gilbert Juma - Legal Counsel II
3. Mr. Matano Kataa - Research Officer III
4. Mr. Emmanuel Barasa - Media Relations Officer III
5. Mr. Charles Oyosi - Audio Officer
6. Mr. Ralph Lenaiyarra - Attachee

**MIN. NO.SEN/NSDFR/378/2024**

**PRELIMINARIES**

The meeting was called to order at 12.00 noon followed by a word of prayer.

**MIN. NO.SEN/NSDFR/379/2024**

**ADOPTION OF THE AGENDA**

The agenda for the meeting was adopted having been proposed by Sen. Joseph Githuku, MP and seconded by Sen. George Mungai Mbugua, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the previous meetings
  - *Minutes of the 76<sup>th</sup> sitting held on 5<sup>th</sup> March, 2024*
  - *Minutes of the 77<sup>th</sup> sitting held on 7<sup>th</sup> March, 2024*
  - *Minutes of the 78<sup>th</sup> sitting held on 9<sup>th</sup> March, 2024*
  - *Minutes of the 79<sup>th</sup> sitting held on 26<sup>th</sup> March, 2024*
4. Matters arising from the previous Minutes
5. Consideration of submissions received from the public on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

**MIN.NO.SEN/NSDFR/380/2024**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

1. The Minutes of the 76<sup>th</sup> Sitting held on the 5<sup>th</sup> March, 2024 were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. George Mungai Mbugua, MP.
2. The Minutes of the 77<sup>th</sup> Sitting held on the 7<sup>th</sup> March, 2024 were confirmed as a true record of the proceedings after being proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. Abdul Haji, CBS, MP.
3. The Minutes of the 78<sup>th</sup> Sitting held on the 9<sup>th</sup> March, 2024 were confirmed as a true record of the proceedings after being proposed by Sen. Joseph Githuku, MP and seconded by Sen. Abdul Haji, CBS, MP.
4. The Minutes of the 79<sup>th</sup> Sitting held on the 26<sup>th</sup> March, 2024 were confirmed as a true record of the proceedings after being proposed by Sen. Abdul Haji, CBS, MP and seconded by Sen. Joseph Githuku, MP.

**MIN.NO.SEN/NSDFR/381/2024**

**MATTERS ARISING FROM THE PREVIOUS MINUTES**

*Under Min No. 356/2024 - Meeting with the Petitioner to deliberate on the Petition concerning non-fulfilment of a court order and decree against the Ministry of Defence and the Attorney General and non-payment of disability pension*

The meeting was informed that the Committee was in receipt of supplementary information from the Petitioner and that the scheduled meeting with the Cabinet Secretary, Ministry of Defence and the Attorney General to deliberate on the Petition did

not take place following a request for postponement of the meeting by the Cabinet Secretary, Ministry of Defence. Members were further informed that written submissions had been submitted by both the Cabinet Secretary and the Attorney General.

Following deliberations, the Committee directed the secretariat to prepare the Committee's Report for consideration at a Report Writing Retreat to be held between 25<sup>th</sup> and 29<sup>th</sup> April, 2024 in Mombasa County.

*Under Min No. 356/2024 - Meeting with the Petitioner to deliberate on the Petition concerning non-fulfilment of a court order and decree against the Ministry of Defence and the Attorney General and non-payment of disability pension*

The Committee was informed that supplementary information had been submitted by the Petitioners. Following deliberations, while noting that the Cabinet Secretary had submitted written submissions on the Bill, the Committee directed the secretariat to prepare the Committee's Report for consideration at a Report Writing Retreat to be held between 25<sup>th</sup> and 29<sup>th</sup> April, 2024 in Mombasa County.

*Under Min No. 374/2024 - Consideration of submissions received from the public on the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2024*

The Committee was informed that letters had been sent out to various research institutions seeking their views on the Bill.

**MIN.NO.SEN/NSDFR/382/2024**

**CONSIDERATION OF SUBMISSIONS RECEIVED FROM THE PUBLIC ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE BILLS NO. 55 OF 2023)**

The Committee considered Paper No. 89 (*Matrix of submissions received from the public on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2024)*).

Thereupon, the Committee-

1. noted the contents of the Paper;
2. directed the secretariat to prepare the draft amendments to the Bill for consideration at the next meeting; and
3. directed the secretariat to prepare the Committee Report on the Bill.

**MIN.NO.SEN/NSDFR/383/2024**

**ANY OTHER BUINESS**

There was no other business discussed at the meeting.

MIN.NO.SEN/NSDFR/384/2024

DATE OF THE NEXT MEETING AND  
ADJOURNMENT

The Session Chairperson adjourned the meeting at 1.12 p.m. The next meeting would be held on Thursday, 18<sup>th</sup> April, 2024 at 12.00 noon.

SIGNED: .....  .....

DATE: ..... 18/4/2024 .....



13<sup>TH</sup> PARLIAMENT | 3<sup>RD</sup> SESSION

**MINUTES OF THE 82<sup>ND</sup> SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON FRIDAY, 26<sup>TH</sup> APRIL, 2024 AT 11.00 A.M. IN BARAZA CONFERENCE ROOM 1, SAROVA WHITESANDS BEACH RESORT AND SPA**

**PRESENT**

1. Sen. Karen Nyamu, MP - Vice-Chairperson
2. Sen. Abdul Haji, CBS, MP
3. Sen. Julius Murgor Recha, CBS, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
6. Sen. George Mungai Mbugua, MP

**ABSENT WITH APOLOGY**

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Fatuma Adan Dullo, CBS, MP
3. Sen. Lenku Ole Kanar Seki, MP

**SECRETARIAT**

1. Mr. Njenga Njuguna - Director, DGAC
2. Mr. Ahmed Odhwa - Principal Clerk Assistant II
3. Ms. Carol Kirorei - Clerk Assistant I
4. Mr. Khatib Omar - Clerk Assistant III
5. Mr. Alex Mutuku - Senior Serjeant-at-Arms
6. Mr. Gilbert Juma - Legal Counsel II
7. Mr. Matano Kataa - Research Officer
8. Mr. Emmanuel Barasa - Media Relations Officer
9. Mr. Charles Oyosi - Audio Officer

**MIN. NO.SEN/NSDFR/390/2024**

**PRELIMINARIES**

The meeting was called to order at 11.20 a.m. followed by a word of prayer.

**MIN. NO.SEN/NSDFR/391/2024**

**ADOPTION OF THE AGENDA**

The agenda for the meeting was adopted having been proposed by Sen. Joseph Githuku, MP and seconded by Sen. George Mungai Mbugua, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Consideration of the draft amendments to the Fire and Rescue Services Professional Bill, 2023 (Senate Bills No. 55 of 2023) (*Committee Paper No. 91*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

**MIN.NO.SEN/NSDFR/392/2024**

**CONSIDERATION OF THE DRAFT AMENDMENTS TO THE FIRE AND RESCUE SERVICES PROFESSIONAL BILL, 2023 (SENATE BILLS NO. 55 OF 2023)**

The Committee considered the Paper No. 91 (*Draft amendments to the Fire and Rescue Services Professional Bill, 2023 (Senate Bills No. 55 of 2023)*).

During the deliberations, the Committee-

1. proposed that clause 5(e) be deleted and the three persons be redistributed to the Council of Governors, the association representing the largest number of professional fire fighters and the Red Cross, which is to be re-introduced to the membership of the Board; and
2. with regard to clause 14 (4) (b) the word sociology appearing twice be deleted and that a law degree be included in the list of qualifications of a Registrar. In addition the words “any other relevant qualification” be deleted.

**Resolution**

The Committee-

1. noted the contents of the Paper;
2. directed the secretariat to include the proposed amendments to the Bill and prepare a Report on the Bill for its consideration.

**MIN.NO.SEN/NSDFR/393/2024**

**ANY OTHER BUSINESS**

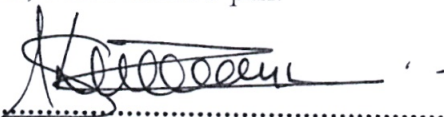
There was no other business discussed at the meeting.

**MIN.NO.SEN/NSDFR/394/2024**

**DATE OF THE NEXT MEETING AND ADJOURNMENT**

The Vice-Chairperson adjourned the meeting at 12.00 p.m. The next meeting would be held on Friday, 26<sup>th</sup> April, 2024 at 2.00 pm.

SIGNED: .....

A handwritten signature in black ink, appearing to be 'A. Woodcock', written over a dotted line.

DATE: .....

7/5/2024



**13<sup>TH</sup> PARLIAMENT | 3<sup>RD</sup> SESSION**

**MINUTES OF THE 89<sup>TH</sup> SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 9<sup>TH</sup> MAY, 2024 AT 9.30 A.M. IN COMMITTEE ROOM 12, BUNGE TOWER**

**PRESENT**

1. Sen. Karen Nyamu, MP - Vice-Chairperson
2. Sen. Abdul Haji, CBS, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. George Mungai Mbugua, MP -Ag. Chairperson

**ABSENT WITH APOLOGY**

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Fatuma Adan Dullo, CBS, MP
3. Sen. Julius Murgor Recha, CBS, MP
4. Sen. Lenku Ole Kanar Seki, MP

**SECRETARIAT**

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Alex Mutuku - Senior Serjeant-at-Arms
4. Mr. Gilbert Juma - Legal Counsel II
5. Mr. Matano Kataa - Research Officer
6. Mr. Charles Oyosi - Audio Officer
7. Mr. Emmanuel Barasa - Media Relations Officer
8. Ms. Eunice Mugo - Intern
9. Mr. Ralph Lenaiyarra - Attachee

**MIN. NO.SEN/NSDFR/427/2024**

**PRELIMINARIES**

The meeting was called to order at 9.50 a.m. followed by a word of prayer.

**MIN. NO.SEN/NSDFR/428/2024**

**ADOPTION OF THE AGENDA**

The agenda for the meeting was adopted having been proposed by Sen. Abdul Haji, CBS, MP and seconded by Sen. Joseph Githuku Kamau, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Consideration and adoption of the Report on the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023) (*Committee Paper No. 84A*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

**MIN.NO.SEN/NSDFR/429/2024**

**CONSIDERATION AND ADOPTION OF  
THE REPORT ON THE FIRE AND  
RESCUE SERVICES PROFESSIONALS  
BILL, 2023 (SENATE BILLS NO. 55 OF  
2023) (COMMITTEE PAPER NO. 84A)**

The Committee considered the Report on the the Fire and Rescue Services Professionals Bill, 2023 (Senate Bills No. 55 of 2023).

The Committee adopted the Report as presented after being proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Joseph Githuku Kamau, MP.

**MIN.NO.SEN/NSDFR/430/2024**

**ANY OTHER BUSINESS**

There was no other business discussed at the meeting.

**MIN.NO.SEN/NSDFR/431/2024**

**DATE OF THE NEXT MEETING AND  
ADJOURNMENT**

The Ag. Chairperson adjourned the meeting at 10.00 a.m. The next meeting would be held on Tuesday, 14<sup>th</sup> May, 2024 at 9.30 a.m.

*Nhan*

SIGNED: .....

DATE: .....

# **ANNEX 2**

The Fire and Rescue Professionals Bill, 2023 (Senate Bills No. 55 of 2023)

**SPECIAL ISSUE**

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

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2023**

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**NAIROBI, 8th December, 2023**

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CONTENT

Bill for Introduction into the Senate—	PAGE
The Fire and Rescue Services Professionals Bill, 2023 .....	1199

**THE FIRE AND RESCUE SERVICES  
PROFESSIONALS BILL, 2023  
ARRANGEMENT OF CLAUSES**

*Clause*

**PART I – PRELIMINARY**

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

**PART II – THE FIRE AND RESCUE SERVICES  
BOARD**

- 4— Establishment of the Board.
- 5— Members of the Board.
- 6— Headquarters.
- 7— Functions of the Board.
- 8— Powers of the Board.
- 9— Committees of the Board.
- 10— Delegation by the Board.
- 11— Conduct of business and affairs of the Board.
- 12— Tenure and vacation of office.
- 13— Remuneration of Board members.
- 14— Appointment of the registrar.
- 15— Functions of the registrar.
- 16— Limitation of liability.

**PART III – REGISTRATION OF FIRE AND RESCUE  
SERVICES PROFESSIONALS**

- 17— Registration of Fire and Rescue Services Professionals.
- 18— Qualifications of a Fire and Rescue Services Professional.
- 19— Application for registration.

20—Registration of the Fire and Rescue Services Consulting Firms.

21—Application for registration as a Fire and Rescue services Consulting Firm.

22—Consideration of application for registration.

23—Register.

24—Alteration of the register.

25—Removal of persons from the register.

#### **PART IV – FINANCIAL PROVISIONS**

26—Funds of the Board.

27—Annual estimates.

28—Accounts and Audit.

#### **PART V – OFFENCES AND PENALTIES**

29—False registration and licensing.

30—Professional misconduct.

31—Offences by persons or training institutions.

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

33—Prohibition of employment of unregistered persons.

#### **PART VI – COMPLAINTS AND DISCIPLINE BY THE BOARD**

34—Complaints and Disciplinary proceedings by the Board.

35—Appeals.

36—Regulations.

37—Transitional provisions.

#### **Schedule – Conduct of the Affairs of the Board.**

**THE FIRE AND RESCUE SERVICES  
PROFESSIONALS BILL, 2023**

**A Bill for**

**AN ACT of Parliament to provide for the establishment, administration, powers and functions of the Fire and Rescue Services Professionals Board; to provide for the examination, training, registration and licensing of fire and rescue services professionals and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I — PRELIMINARIES**

1. This Act may be cited as the Fire and Rescue Services Professionals Act, 2023.

Short title.

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

Interpretation.

“Board” means the Fire and Rescue Services Professionals Board established under section 4 of this Act.

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to fire and rescue services and disaster risk management.

“fire brigade” means a public or private organization of people who are trained and employed to put out fires and rescue people from fires.

“fire and rescue services professional” means a paid or volunteer firefighter, an officer or a member of a public or private fire protection agency that is engaged primarily in fire investigation, fire prevention, fire safety, fire control, fire suppression or fire rescue services.

“fire and rescue services consulting firm” means a registered private organization engaged in the provision of consultancy and advisory services pertaining to fire and rescue services.

“Register” means the Register of registered persons and firms kept by the Registrar in accordance with section 23 of this Act.

“Registrar” means the Registrar of the Board appointed under section 14 of this Act.

3. The principal object of this Act is to establish a regulatory and institutional framework for the fire and rescue services professionals.

Object of the Act

## **PART II – THE FIRE AND RESCUE SERVICES BOARD**

4. (1) There is established a Board to be known as the fire and rescue services Board.

Establishment of the Board.

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

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

5. (1) The Board shall comprise of —

Members of the Board.

- (a) a chairperson, who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire prevention and disaster risk management or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for internal security and Coordination of National Government or their representative appointed in writing by the Principal Secretary;

- (e) one person nominated by the Kenya Red Cross Society;
- (f) two persons nominated by the Council of County Governors;
- (g) one person nominated by the Kenya National Fire Brigades Association;
- (h) one person nominated by the Kenya Medical Association; and
- (i) the registrar who shall be an *ex-officio* member and who shall have no vote.

(2) The persons nominated under subsection 1 (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary through a notice in the Gazette.

6. The headquarters of the Board shall be in Nairobi and it may establish branches in other counties.

Headquarters.

7. The Board shall —

Functions of the Board.

- (a) protect public interest by ensuring that its members observe highest standards of professional and ethical conduct;
- (b) advise the National and County Governments on fire prevention and fire and rescue services matters;
- (c) collaborate with fire and rescue services training institutions, professional associations, fire brigade organizations and other relevant bodies in matters relating to training and professional development of fire and rescue services professionals;
- (d) license and regulate fire and rescue services professionals in Kenya;
- (e) register fire and rescue services professionals in Kenya;
- (f) supervise and discipline fire and rescue services professionals in Kenya;
- (g) develop a code of conduct for fire and rescue services professionals in Kenya;

- (h) develop and facilitate adequate training programmes for licensed fire and rescue services professionals in Kenya;
- (i) set, maintain and continuously improve the standards of learning, professional competence and professional conduct for the provision of fire and rescue services in Kenya;
- (j) determine, maintain and enhance the standards of professional practice and ethical conduct and learning for the fire and rescue services in Kenya;
- (k) enforce rules and regulations under this Act;
- (l) determine the fees chargeable by licensed fire and rescue services professionals in Kenya;
- (m) from time to time, review and revise the fees chargeable by licensed fire and rescue services professionals and firms in Kenya;
- (n) carry out any other function necessary towards meeting the objects of this Act.

**8.** The Board shall have such powers as are necessary or expedient for the proper discharge of its functions under this Act

Powers of the Board.

**9.** (1) The Board may establish committees which shall consist of such number of members as it may deem appropriate to perform such functions and duties as the Board may determine.

Committees of the Board.

(2) The Board shall appoint chairpersons of committees established under subsection (1) from among its members.

(3) The Board may where it considers appropriate, co-opt persons from outside the Board by virtue of their knowledge or expertise in specific areas to be members of its committees:

Provided that the persons co-opted by the Board shall be registered fire and rescue services professionals.

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

**10.** Subject to this Act, the Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or an agent of the Board, the exercise of any of the functions or duties of the Board under this Act.

Delegation by the Board.

**11.** The conduct and regulation of business and the affairs of the Board shall be in accordance with the Schedule.

Conduct of Business and Affairs of the Board.

**12.** 1) A member of the Board, except an *ex-officio* member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

Tenure and Vacation of Office.

(2) A member, other than an *ex-officio* member of the Board may—

- (a) at any time resign from office by notice, in writing, to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary on recommendation of the Board if that member—
  - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;
  - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;
  - (iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;
  - (iv) ceases to be a registered person under this Act; or
  - (v) is otherwise unable or unfit to discharge his or her functions.

**13.** The Board shall pay its members remuneration or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine.

Remuneration of Board Members.

**14.** (1) There shall be a Registrar of the Board who shall be competitively recruited by the Board and appointed by the Cabinet Secretary.

Appointment of  
the Registrar.

(2) The Registrar shall hold office for such period and on such terms and conditions of employment as the Board may determine.

(3) The Registrar shall be the Chief Executive Officer of the Board and shall, subject to the direction of the Board, be responsible for the day-to-day management of the Board.

(4) A person shall not be appointed as a Registrar unless such person is registered as a fire and rescue services professional under this Act and —

- (a) has at least an undergraduate degree in disaster management from a recognized institution;
- (b) has at least ten years proven experience in the fire and rescue services field;
- (c) has knowledge and experience in policy formulation, management and procedures of the Government;
- (d) is knowledgeable in, or has actively contributed to the promotion of fire and rescue services agenda; and
- (e) meets the requirements of Chapter Six of the Constitution

**15.** The Registrar shall—

- (a) maintain the Register of persons registered in accordance with this Act;
- (b) sign, issue, renew and cancel certificates of registration and licences as may be directed by the Board;
- (c) keep all documents and records including records of all assets of the Board;
- (d) prepare all documents due for *gazettement* as directed by the Board;
- (e) take and keep minutes of the Board meetings;

Functions of the  
Registrar.

- (f) enforce decisions of the Board;
- (g) keep the seal of the Board in such custody as the Board may direct;
- (h) in consultation with the Board, be responsible for the affairs and transactions of the Board;
- (i) Be responsible for the management of the staff of the Board;
- (j) manage the budget of the Board to ensure that its funds are properly expended and accounted for; and
- (k) exercise and perform any other functions which the Board may determine from time to time.

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

Limitation of Liability.

(2) Despite the provisions of subsection (1), the Board shall not be relieved of its liability to pay compensation to any person for any injury caused as a result of the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

### **PART III – REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS.**

**17.** No person shall practice as a fire and rescue service consultant, a fire and rescue service professional or operate a private fire brigade firm in Kenya unless registered and licensed in accordance with the provisions of this Act.

Registration of Fire and Rescue Services Professionals.

**18.** A person shall be eligible for registration as a fire and rescue services professional in Kenya if such a person

Qualifications of a fire and rescue services professional.

- (a) has a degree, diploma or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign Institution; and
- (b) is a Kenyan Citizen or a Permanent resident of Kenya.

**19.** (1) A person eligible to be registered as a fire and rescue services professional under section 18 of this Act, may apply to the Registrar, in a prescribed form and on payment of prescribed fee, to be registered under this Act.

Application for  
Registration.

(2) An application made under subsection (1) shall be accompanied with certified copies of certificates and other documents as are necessary to prove qualification for registration.

**20.** (1) Subject to the provisions of this Act, a person may register a fire and rescue services consulting firm if —

Registration of  
Fire and Rescue  
Services  
Consulting Firms.

- (a) the firm has a certificate of registration of a business name or a certificate of incorporation;
- (b) has at least one partner or principal shareholder who is registered as a fire and rescue services professional under this Act;
- (c) at least fifty one percent of the shares in the firm are held by Kenyan citizens; and
- (d) it fulfills any other condition as may be stipulated by the Board.

(2) The Board may register fire and rescue services consulting firms in different categories and disciplines based on the criteria as shall be established by the Board.

**21.** (1) A person who wishes to register a fire and rescue services consulting firm under section 20, may apply to the Registrar, in a prescribed form and on payment of a prescribed fee, to be registered under this Act.

Application for  
registration as a  
fire and rescue  
services  
consulting firm.

(2) An application made under subsection (1) shall —

- (a) be accompanied with such documents as are necessary to prove qualification for registration
- (b) provide the firm's profile of activities;
- (c) provide the curriculum vitae of partners and directors;
- (d) be accompanied with a written commitment that the Board shall be allowed to verify the suitability of the firm.

(3) The Board may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant to appear in person for an interview before the Board.

22. (1) The Registrar shall, so far as is practicable, bring every application before the Board for consideration at its first meeting after receiving the application.

Consideration of Application for registration.

(2) Where a person has complied with the provisions of this Act and has been accepted by the Board as being eligible for registration, that person shall be registered.

(3) The decision of the Board on an application for registration shall be communicated in writing to the applicant by the Registrar within twenty-one working days from the date of the decision of the Board.

(4) After the name of a person is entered in the register, the Board shall issue to the applicant, a certificate bearing a seal of the Board.

(5) The Board may issue other identification documents that are valid for a specified period to a person registered under this Act

(6) A certificate of registration and other identification documents issued under this section shall remain the property of the Board.

(7) Where the Registrar is satisfied that a certificate of registration or any other document has been lost, mutilated or destroyed, he may upon payment of a fee set by the Board, from time to time, furnish a duplicate of the certificate of registration or any other document to the person to whom the original certificate of registration of documents were issued.

23. (1) The Registrar shall keep and maintain a Register of all registered persons and firms under this Act in such manner as the Board may prescribe.

Register.

(2) The Register shall show the following details against the name of a person or firm whose name is entered in the Register—

(a) date of entry;

- (b) address;
- (c) qualifications;
- (d) category;
- (e) fire and rescue services discipline;
- (f) nationality; and
- (g) such other particulars as the Board may, from time to time, direct.

(3) Any person may inspect the Register and obtain from the Registrar a copy of or an extract from the Register, on payment of a prescribed fee.

**24.** (1) The Registrar may, from time to time, make changes or corrections in the Register relating to any entry.

Alteration of the register.

(2) Any changes or corrections in the entries made under this section shall be made by the Registrar as soon as it is practical after receipt of authenticated notification thereof.

**25.** The Registrar shall remove from the register the name of any person —

Removal of persons from the register.

- (a) found to be of unsound mind;
- (b) who requests that his name be removed from the register;
- (c) who is convicted of an offence under this Act or any other law;
- (d) whose registration is revoked through a disciplinary process under this Act;
- (e) is declared bankrupt; or
- (f) whose name has been incorrectly or fraudulently entered.

#### **PART IV — FINANCIAL PROVISIONS**

**26.** The funds of the Board shall consist —

Funds of the Board.

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

- (b) such monies as may be payable to the Board pursuant to this Act or any other written law;
- (c) donations, gifts and endowments from lawful organizations or sources;
- (d) proceeds of any investments by the Board; and
- (e) grants.

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

Annual estimates.

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

- (a) pay salaries, allowances and other charges in respect of staff of the Board;
- (b) payments of pensions, gratuities and other charges in respect of former staff of the Board;
- (c) proper maintenance and repair of the buildings, grounds, equipment and any other property of the Board;
- (d) payment of allowances of the members of the Board and the members of the Board; and
- (e) creation of such reserve funds to meet future or any contingent liabilities.

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

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Cabinet Secretary.

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

Accounts and Audit.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-

General the accounts of the Board, in respect of that year, together with —

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the Board on the last day of that financial year; and
- (c) any other statements of accounts.

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

Act No. 34 of  
2015.

### **PART V –OFFENCES AND PENALTIES**

**29.** (1) A person who willingly procures or attempts to procure registration or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction to a fine of not more than five hundred thousand shillings or to imprisonment for a term not exceeding five years, or both.

False Registration  
and Licensing.

(2) Where an offence under this section is committed by a legal person, that legal person shall be liable on conviction to a fine of not less than one million shillings.

(3) The Registrar shall remove from the Register the name of any person registered or licensed under this Act who is convicted of an offence under this section and cancel the licence held.

**30.** 1) A person who is licensed as a fire and rescue services professional under this Act commits an offence of professional misconduct if that person—

Professional  
misconduct.

- (a) deliberately fails to follow the standards of conduct and practice of the fire and rescue services profession set by the Board;
- (b) commits gross negligence in the conduct of his professional duties;
- (c) allows another person to practice in his name, where that person—

- i. is not registered or a holder of a license under this Act;
- ii. takes advantage of any person by abusing their position of trust, expertise or authority;
- iii. lacks regard or concern for client's needs or rights; or
- iv. shows incompetence or inability to render professional fire and rescue services;

(2) A person who commits an offence under this section shall, after due process, be de-registered, or be suspended and have his name removed from the Register for such a period as the Board may determine.

**31.** A person who, being in charge of a training institution which is not recognized by the Board as an institution registered or seeking registration under this Act—

Offences by  
Persons or  
Training  
Institutions.

- (a) admits into the institution under his charge any person for purposes of training in the fire and rescue services profession;
- (b) purports to be conducting a course of training or examining persons seeking registration under this Act; or
- (c) issues any document, statement, certificate or seal implying that—
  - i. the holder thereof has undergone a course of instruction or has passed an examination recognized by the Board; and
  - ii. the institution under his or her charge is recognised by the Board as an institution for training of persons seeking registration,

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

**32.**(1) The terms “fire and rescue services professional” and “fire and rescue services consultant” are protected under this Act and shall only be applied to persons or bodies fulfilling the requirements of this Act.

Prohibition for the  
use of the term  
“fire and rescue  
services  
professional” by  
unregistered.

(2) A person who, being not registered or licensed persons  
under this Act—

- (a) willfully and falsely takes or uses in any way the style or form or title of “fire and rescue services professional” or “fire and rescue services consultant” in describing his occupation; or
- (b) displays any sign, board, card or other device or uses a prescribed stamp representing or implying that he is a fire and rescue services professional commits an offence.

(3) The Board may however grant exemptions upon application to any person or group of persons for the use of the description or use of the term “fire and rescue services professional” or “fire and rescue services consultant”

**33.**(1) A person shall not employ or continue to employ any person to offer professional fire and rescue services or works if that person is not registered under this Act. Prohibition of employment of unregistered person.

(2) A person shall not take up or continue in any employment as a fire and rescue services professional or fire and rescue services consultant unless that person is registered as a fire and rescue services professional or fire and rescue services consultant.

(3) A person who contravenes any provision of this section commits an offence.

#### **PART VI — COMPLAINTS AND DISCIPLINE BY THE BOARD**

**34.**(1) A person who being dissatisfied with any professional fire and rescue services offered or alleging a breach of the standards of conduct, specified by the Board from time to time, by a registered or licensed person under this Act, may make, in a prescribed manner, a written complaint to the Board. Complaints and Disciplinary Proceedings by the Board.

(2) Upon an inquiry held by the Board to determine a complaint made under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or through a representative of his own choice.

(3) For the purposes of proceedings at any inquiry held under this section, the Board may administer oaths, enforce attendance of persons as witnesses and production of books and documents as evidence.

(4) A person who fails when summoned by the Board to attend as witness or to produce any books or documents which he is required to produce, commits an offence.

(5) Subject to this section and rules of procedure made under this Act, the Board may regulate its own procedure in disciplinary proceedings.

(6) Where the Board is satisfied that any person registered or licensed under this Act has been—

- (a) convicted of an offence under this Act or under any other law punishable by imprisonment, the commission of which, in the opinion of the Board, has dishonored him in the public estimation; or
- (b) guilty of negligence or malpractice in respect of his profession; or
- (c) guilty of impropriety or misconduct in respect of his profession,

the Board may, subject to the provisions of this Act —

- (a) direct the removal of such person's name from the Register;
- (b) issue a written warning or reprimand;
- (c) cancel such person's licence; or suspend such person's licence or registration for a period not exceeding two years or impose a fine, for a natural person, not exceeding two hundred and fifty thousand shillings and, for a legal person, a fine of two million shillings.

(7) A person whose name has been removed from the Register or whose licence has been cancelled or suspended under the provisions of this Act shall surrender his certificate of registration or the licence to the Registrar.

(8) A person who fails to surrender the licence or certificate of registration as required under subsection (7) commits an offence and is liable on conviction, in case of a natural person, to a fine of fifty thousand shillings and, in

case of a legal person, to a fine of one hundred thousand shillings.

(9) Despite any other provisions in this Act, the Board shall not remove the name of a person from the Register, or cancel a licence issued to that person unless—

- (a) at least two-thirds of the members of the Board so decide;
- (b) the Board has given the licensee at least twenty-one calendar days' notice of its intention to cancel a licence; and
- (c) it has provided the licensee with an opportunity to make representation to the Board.

**35.** A person aggrieved by a decision of the Board under this Act may, within thirty days from the date of the Board's decision, appeal to the High Court and in any appeal the High Court may annul or vary the decision as it may consider necessary.

Appeals.

#### **PART VII – MISCELLANEOUS PROVISIONS**

**36.** (1) The Cabinet Secretary may make Regulations generally for the better carrying into effect of any provisions of this Act.

Regulations.

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

- (a) the manner of issue, amendment, renewal, revocation, and suspension of licenses;
- (b) the duties of licensed fire and rescue services professionals when giving professional advice on fire prevention, conducting a fire disaster rescue operation, or other fire services under the provisions of any written law or contract;
- (c) the accounts and records to be kept by licensed fire brigade professionals;
- (d) the procedure for disciplining licensed fire brigade professionals;
- (e) the forms to be used, the fees payable by and the remuneration of licensed fire brigade professionals; and
- (f) the training of fire brigade professionals.

37. (1) Six months after the operationalization of this Act, the Cabinet Secretary shall through a notice in the Gazette, declare that no person shall practice as a fire and rescue services professional, a fire and rescue services consultant or run a fire brigade firm or business without a license or being registered by the Board.

Transitional Provisions.

(2) A person who disobeys a declaration under subsection (1) above commits an offense and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both.

**SCHEDULE (S. 11)**

**CONDUCT OF THE AFFAIRS OF THE BOARD**

1. The members of the Board shall at their first meeting elect a vice-chairperson from among themselves.

Election of the vice-chairperson.

2. (1) The Board shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

Meetings of the Board.

(2) Meetings shall be convened by the Secretary in consultation with the chairperson.

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

(4) The Chairperson shall preside at all meetings of the Board and in the absence of the chairperson, the vice-chairperson shall preside.

(5) In the absence of both the chairperson and the vice chairperson, the members present and forming a quorum shall elect one of their members to preside over the meeting of the Board.

(6) The Board shall hold a minimum of six meetings in every financial year.

(7) The Chairperson shall issue to members at least four days' notice before any meeting of the Board may be held.

3. (1) If a person 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

Declaration of conflict of interest.

contract, proposed contract or other matter is the subject of consideration, the 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 or discussion of, or vote on, any questions with respect to the contractor other matter or be counted in the quorum of the meeting during consideration of the matter.

(2) A member or staff of the Board whose personal interest conflicts with their official duties shall—

(a) in writing, declare the personal interest to their supervisor or other appropriate person or body and comply with any directions given to avoid the conflict; and

(b) refrain from participating in any deliberations with respect to the matter.

(3) A member or staff of the Board shall not award a contract or influence the award of a contract to—

(c) themselves;

(d) a spouse or relative;

(e) a business associate; or

(f) a corporation, partnership or body in which the member has an interest.

(4) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(5) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

(6) No member or staff of the Board shall transact any business or trade with the Board.

4. The quorum of meetings of the Board shall be six members. Quorum.

5. A decision of the Board shall be carried by a majority of the members present and voting and, in the case Voting.

of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

6. Minutes of all meetings shall be kept and entered in records kept for that purpose. Minutes.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of Objects and Reasons for the Bill**

The principal object of the Bill is to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals. The Bill aims at providing uniform professional standards for the regulation of fire and rescue services professionals across all counties.

**Part I** of the Bill provides for the preliminary matters such as the short title, the interpretation, objects and principles governing the Bill.

**Part II** of the Bill provides for the establishment of the fire and rescue services Board. The Board is a body corporate and shall be responsible for the registration of the fire and rescue services professionals, regulation of the professional fire and rescue services and setting uniform standards for the development and general practice of fire and rescue services.

**Part III** of the Bill provides for the registration of the fire and rescue services professionals. It provides for the qualifications for registration of the fire and rescue services professionals, the application process and the manner of keeping and alteration of the register of the fire and rescue services professionals.

**Part IV** of the Bill provides for the financial provisions. It sets out the funds of the Board, preparation of annual estimates and keeping of books of accounts and audit.

**Part V** of the Bill provides for offences and penalties.

**Part VI** provides for the manner of launching complainants against fire and rescue services professionals and the manner of conducting disciplinary proceedings.

**Part VII** provides for the miscellaneous provisions by delegating the power to make regulations to the Cabinet Secretary responsible for matters pertaining to the fire and rescue services and disaster management. It also provides for the transitional clauses.

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

This Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to fire and rescue services and disaster management. It does not limit any fundamental rights or freedoms.

**Statement that the Bill concerns county governments**

The Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution in that it contains provisions that affect the functions and powers of county governments as set out in the Constitution. Firefighting services and disaster management is a county function under part 2 of the fourth schedule to the Constitution of Kenya

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

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 9th October, 2023.

MOHAMED ABASS SHEIKH,  
*Senator, Wajir County.*

# ANNEX 3

Advertisement in the local dailies on 2<sup>nd</sup> March, 2024

REPUBLIC OF KENYA



MANDERA COUNTY GOVERNMENT

ADDENDUM TO TENDER

Mandera County Government wishes to notify all prospective bidders that the closing date for tenders advertised on the Standard of 6<sup>th</sup> February, 2024, which has been extended to 7<sup>th</sup> March, 2024 remains effective.

- That this addendum is hereby issued to bring to your attention that:
- Tender No. MCG/OT/66/2023-2024 - Proposed Desilting and Expansion of Kobadadi West Earth Pan By 20,000M3 In Mandera West Sub County has changed from 20,000M3 to 30,000M3
  - That the new tender document has been uploaded in the county website and can be downloaded at [www.mandera.go.ke](http://www.mandera.go.ke)
  - That the tenderers are advised to confirm the correct tender document before submitting their bids
  - That Tender no MCG/OT/012/2023-2024 Proposed Construction of 30,000m3 Earthpan at Mikoreb is erroneously indicated in Mandera West instead of Mandera South Sub-County. The BQ for this tender remains the same.

All other terms and conditions remain the same.

**N/B:** Bidders who have already submitted bids for tender no. MCG/OT/66/2023-2024 - Proposed Desilting and Expansion of Kobadadi West Earth Pan By 20,000M3 In Mandera West Sub-county need to resubmit their bids again.

County Head of Supply Chain Management.

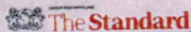
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REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Thursday, 29<sup>th</sup> February, 2024, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Friday, 15<sup>th</sup> March, 2024 at 5.00 p.m.**

BILL	Committee Referred To	Email Address
a) The Co-operative Societies (Amendment) Bill (Senate Bills No. 53 of 2023)	Standing Committee on Trade, Industrialization and Tourism	<a href="mailto:tradeindtourism.senate@parliament.go.ke">tradeindtourism.senate@parliament.go.ke</a>
b) The Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023)	Standing Committee on Education	<a href="mailto:educationcommittee.senate@parliament.go.ke">educationcommittee.senate@parliament.go.ke</a>
c) The Fire and Rescue Services Professionals Bill (Senate Bills No. 55 of 2023)	Standing Committee on National Security, Defense and Foreign Relations	<a href="mailto:senate.nsdfrr@parliament.go.ke">senate.nsdfrr@parliament.go.ke</a>
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The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

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

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Hi, Alice!

Jane has arrived. Please collect her from the Reception Area.

For more information: [kmaina2@standardmedia.co.ke](mailto:kmaina2@standardmedia.co.ke)

# Career For 27 years now, Mr Musyoka has been fully immersed into music and sound production, **Legendary producer's big money in film**

He has created records for big names like Sauti Sol, Morgan Heritage, Nyashinski, Profesa Jay, Mwana FA, Juliani and others

BY SINDA MATIKO

Eric Musyoka comes into his Decima Records studios patio on a KTM 1190 Adventure R-superbike. He loves zany speeds just as he loves music, the only thing he has done to alter his bread since the 1990s when he was still in high school. Six days ago, he and his friends had an overland of 240 kilometres from Moyale to Marsabit in one day and a half hours.

The bike has a top speed of 200km/h. After 220km/h you don't feel anything. It's like you're inside a bubble. The way the bike sounds, the rattle of the engine, the wind speed everything is constant, the gears aren't shifting, it's very relaxing but also dangerous if you do that on the streets. High speeds you hit them in the field — snowflakes like we did in Marsabit, it's just you and the desert. Mr Musyoka says as he walks us into the inner chambers of the studio.

Even then, the 34-year-old doesn't see any problems with it. Living is a risk, investing is a risk as well, I choose to invest in this kind of vibes. Bike is my dex, it helps me decompress after dealing with music tharade," he says as he brings the machines to life.

For 27 years now, starting out as a rapper, Mr Musyoka has been fully immersed into music and sound production, creating records for big names from Kenya and beyond — Sauti Sol, Morgan Heritage, Nyashinski, Profesa Jay, Mwana FA, Juliani, Hart The Band, you name it.

The walls of the Decima studio are a testament, littered with decorations of vinyls and placards of his creation, some dating as far back as 2000s. One that stands out is the Coca-Cola pop star group SE-A that Sanapei Twende into the night. For his virtuosity and wit, often than not there has been an argument as to whether Mr Musyoka is Kenya's Dr Dre or an American billionaire rapper and producer.

Despite lack of academic success, Dr Dre is ranked among the most shrewd and powerful forces of the world of hip-hop and music. Just like Mr Musyoka, Dr Dre is responsible for launching careers of a notable number of influential artists. The six-time Grammy award winner and Aftermath Entertainment founder was listed by Forbes as the second richest hip-hop producer in 2019. But Mr Musyoka politely agrees he has been instrumental in shaping a lot of musical careers in Kenya but insists he doesn't compare to Dr Dre in many ways. A case in point would be their different upbringing, whereas Mr Musyoka was raised a well-off household by a frugal



gal accountant, mother and an artistic father, Dr Dre grew up surrounded by questionable influences. The American associated with known drug dealers and spent most of his younger days getting well acquainted with the street hustle.

However just like Dr Dre, Mr Musyoka can easily point out to you where exactly the money is in the world of music, something which most music producers in Kenya seem to miss. Mr Musyoka reveals a chunk of his money comes from licensing of music and scoring for films — a business strategy majority of Kenya producers do not know or understand.

"Distribution and licensing are the two main aspects of monetising music. I don't subscribe to this idea of just creating and selling beats — a model liked by many Kenyan producers. With distribution is getting the content to different distributors through various music streaming platforms. Licensing is lending license to commercials, TVs etc for a set period of time at a fee," he says.

Running of his Decima record label is yet another venture that adds to his basket.

"A good example is a Somali

movie called Bufis by an Italian, shot in Eastleigh. I licensed four songs from Decima Records, used in the movie at \$4,000. The film is currently doing festival runs in Poland. The songs aren't even that huge in the country, but because they fit in the movie script they are good," he says.

Trained at School of Audio Engineering (SAE) Institute in the US, that's where Mr Musyoka fine-tuned his craft with key highlights being when he interned at the American rapper mogul Sean Combs alias Puff Daddy's record label.

"Our school had good connection with New York labels, some of my colleagues got placements at Wyclef Jean, Jay Z, some went to Sony Music. I landed mine at Diddy's," he says. Armed with all the knowledge, expertise and experience while in the US, Mr Musyoka says he saw an unexploited opportunity in Kenya and that's what informed his decision to start a music label immediately he jetted back.

P-Unit were the first artistes Mr Musyoka signed at Decima Records and that's when his name started gaining traction despite having been in the business for 10 years.

"The market was growing, social media had just started, we had proper PR (public relation) and now there was a face to the product, so I began to get noticed with the masses."

The model employed here was Decima to run as a label.

When the label began in 2009, Mr Musyoka says there was good money.

"In terms of performances P-Unit were making up to \$500,000 per concert right now I see people going home with \$1.8 million and even more. Licensing wasn't a big source of income for us but streaming sales and performances and brand endorsements," he says.

At this point, a majority of Digital Service Providers (DSP) hadn't

opened up in the Kenyan market. "What we did was find distributors for our music worldwide so people in diaspora had access to P-Unit music. iTunes was the biggest stop. Spotify was also there but not as huge. We would make about \$3,000 (\$300,000 at the then exchange rate) a year from streaming," he says. When the group P-Unit of Prasha, Gabu and Bon-eye folded in 2015, Mr Musyoka took a break from label business. "For close to three years I didn't sign any artiste. During this period, I became work for hire, producing Sauti Sol, Octopizzo, June Gachui, Elani, Gilad, Hart The Band, Arrow bowy albums."

Besides music placards furnishing the Decima Records wall studios, several films placed add to the tally. Katikati, Nafasi, Country Queen, Supa Modo, Nairobi Half Life, Veve, Twende are but a few of Kenyan films productions Mr Musyoka has written sound tracks for.

"I also score for movies. This is basically writing music to a motion picture. You are paid a one

of fee to write music for the project whether it flops or becomes a box office. We still earn money from movie royalties every time its screened from what is called a cue sheet," he says. The model of making money here is pretty much different from music.

"In the film world, you charge your labour cost, that's the amount of time you will spend writing music to the film. If its an hour movie I know I will need to compose 38 minutes of music, then I give a quote. After finishing scoring you do a cue sheet which you submit to your publisher. That cue sheet is what collects your royalties every time the films is screened from anywhere in the world."

"The beauty of films is that they have good budgets, I mean you could even make over \$6,000 plus if you lock in a good deal. Another beauty of scoring for film is that you don't have to wait long enough to get paid, you are paid up front," Mr Musyoka says.

tmatiko@ke.nationmedia.com

Legendary Kenyan producer Eric Musyoka, alias Musyox during an interview at his studio along Kiambu Road, Nairobi on Wednesday. WILFRED NYANGARESHI/NATION

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

**THE SENATE**

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

# **ANNEX 4**

Copy of the submissions received on the Bill



**OFFICE OF THE PRESIDENT**  
**MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION**  
**STATE DEPARTMENT FOR INTERNAL SECURITY AND NATIONAL**  
**ADMINISTRATION**  
**NATIONAL DISASTER OPERATIONS CENTRE**  
**MEMO**

**COMMENTS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL**  
**2023**

1. **MAJOR CONCERNS-** In the 'Memorandum of objects and reasons' of subject Bill it is stated that the Bill is not a Money Bill. However, it is felt that this Bill is a Money Bill for the following reasons: According to Article 114 of the constitution of Kenya, a Money Bill is a Bill that contains provisions dealing with taxes; the imposition of charges on a public fund or the variation or repeal of any of those charges; the appropriation, receipt, custody, investment or issue of public money; the raising or guaranteeing of any loan or its repayment. The provisions of the bill stipulated in Part II, Clause 4, sub Clause 2c and Part II, Clause 6 make it a Money Bill.

2. **OTHER CONCERNS:**

S/NO	PART	CLAUSE NO	PROVISIONS OF THE CLAUSE	PROPOSED AMENDMENT	RATIONALE FOR AMENDMENT
1.	PART II	CLAUSE 4, SUB CLAUSE 2(c)  (ESTABLISHMENT OF THE BOARD)	The Board shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—  (c) receiving, borrowing, and lending money;	Include indicators that highlight, where the money will be sourced from, the entities involved in borrowing and lending money	The sub-clause does not give information on the source of the money. Receiving from who? borrowing from what entity and lending to whom
2.	PART II	CLAUSE 5, SUB CLAUSE (b) and (d)  (MEMBERS OF THE BOARD)	(b) The Principal Secretary in the Ministry responsible for matters relating to fire prevention and disaster risk management or their representative-appointed in writing by the Principal	Consolidate the members of the Principal Secretaries as outlined in sub clauses (b) and (d).	The persons referred to in sub clauses (b) and (d) are one person and serve the same role.

			Secretary		
		SUB CLAUSE (d)  (MEMBERS OF THE BOARD)	(d) The principal Secretary in the Ministry responsible for internal security and Coordination of the National Government or their representative appointed in writing by the Principal Secretary	Amend clause 5(b) by rewriting, “ Ministry responsible For Internal Security and Coordination of the National Government,” to read the Ministry of Interior and National Administration.	The title of the Ministry changed from Internal security and Coordination of the National Government to the Ministry of Interior and National Administration
		SUBCLAUSE (e)	(e) one person nominated by the Kenya Red Cross Society	One person nominated by the umbrella body of emergency responders	In the interest of inclusivity, we should not settle on one specific entity.
		SUBCLAUSE (f)	(f) two persons nominated by the Council of County Governors;	One person nominated by the Council of County Governors	One person is sufficient to represent the Council of County Governors
		SUBCLAUSE (h)	(h) one person nominated by the Kenya Medical Association	One person nominated by the Ministry of Health	The Ministry of Health is the Primary National Institution responsible for health.
3.	PART II	CLAUSE 13  (RENUMERATION OF BOARD MEMBERS)	The Board shall pay its members remuneration or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine:	Rewrite the clause to read: the Board shall pay its members allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine:	Board members should be given allowances instead of remunerations.

4.	PART II	<p>CLAUSE 14, SUBCLAUSE 2</p> <p>SUBCLAUSE (4a)</p>	<p>a) has at least an undergraduate degree in disaster management from a recognized institution</p>	<p>a) has at least an undergraduate degree in social sciences</p>	<p>Should not specify on disaster management course only as it limits eligible applicants.</p>
		<p>SUBCLAUSE (4b)</p>	<p>(b) has at least ten years of proven experience in the fire and rescue services field</p>	<p>(b) has at least five years proven experience in the fire and rescue services field</p>	<p>The number of years of experience should be reduced to five as it would lock out candidates.</p>
5.	PART II	<p>CLAUSE 16, SUBCLAUSE (1a)</p>	<p>A member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying on the functions of, or Exercising powers conferred upon the Board under this Act.</p>	<p>A member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the functions of, or Exercising powers conferred upon the Board under this Act.</p>	<p>Wrong use of preposition. Carrying on functions and <b>carrying out</b> functions.</p>
6.	PART IV	<p>CLAUSE 27 SUBCLAUSE (2d)</p>	<p>(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for—  (d) payment of allowances of the members of the Board and the members of the Board:</p>	<p>2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for—  (d) Payment of allowances of the</p>	<p>Repetition of the phrase: Members of the Board and the members of the Board.</p>

				members of the board.	
7.	PART V	CLAUSE 31  (OFFENCES BY PERSONS OR TRAINING INSTITUTIONS)	A person who, being in charge of a training institution which is not recognized by the Board as an institution registered or seeking registration under this Act—	Amend clause 31 by omitting “seeking registration.” The clause should instead read: A person who, being in charge of a training institution which is not recognized by the Board as an institution registered under this act	The term seeking registration would make the clause susceptible to fraudulent activities in the name of awaiting registration.
8.	PART V	CLAUSE 32,	(3) The Board may however grant exemptions upon application to any person or group of persons for the use of the description or use of the term “fire and rescue services professional” or “fire and rescue services consultant”	Omit clause 32 sub clause 3 entirely.	Remove exemptions. They may be misused to aid unqualified people to misrepresent themselves as Fire and Rescue Services professionals.
9.	SCHEDULE  (MEETINGS OF THE BOARD)	(S.11)  CLAUSE 2, CONDUCT OF THE AFFAIRS OF THE BOARD	(1) The Board shall have at least four meetings in every financial year and not more than four months shall Elapse between one meeting and the next meeting.	Amend clause 2 under schedule to add a maximum number of meetings in every financial year	Add a maximum number of meetings. This will assist in proper planning of the Board’s annual events.

Regards,

**C O OWINO, MBS**

Col (Rtd)

**DIRECTOR**



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND ECONOMIC PLANNING

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Finance - Nairobi  
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DGAC D

THE NATIONAL TREASURY  
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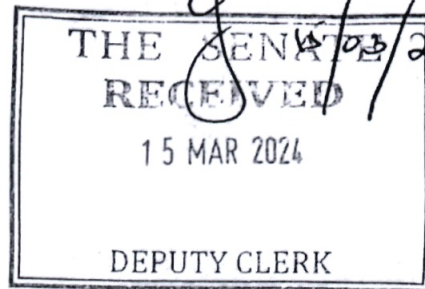
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RES/2044/23/01/ 'A' (18)

13<sup>th</sup> March, 2024

J.M. Nyegenye, CBS  
Clerk of the Senate  
Parliament Buildings  
NAIROBI



Dear *Bw. Nyegeuye,*

**RE: INVITATION TO SUBMIT WRITTEN MEMORANDA ON THE  
FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023  
(SENATE NO.55 OF 2023)**

We refer to your letter Ref. SEN/DGA/NSDFR/CORR/D/2024/02(5) dated 5<sup>th</sup> March, 2024 on the above subject.

We note that you are requesting the National Treasury to provide comments on Fire and Rescue Services Professionals Bill, 2023. We have reviewed the Bill and note as follows:

- (i) Section 26 of the Bill provides that the funds of the Board shall consist such monies or assets that may accrue to or vest in the Board in the course of the exercise of its powers as well as monies payable to the Board pursuant to this Act. In this regard, enactment of the Bill shall not lead to additional expenditure of public funds; and
- (ii) Sections 19 (1), 21(1) and 22 (7) of the Bill provide for fees that will be payable to the Board. This will form the main source of funding to the Board whose expenditure will be audited by the Auditor-General in

② HOD - GOVERNANCE  
LEAD CLERK - NSDFR

Kindly deal


15/03/2024

accordance with the Public Audit Act as provided for in Section 28 of the Bill.

In view of the above, the National Treasury has no objection to enactment of the Bill on the understanding that the revenue raised by the Board through the prescribed fees shall be adequate to fund operations of the Board without resorting to the Exchequer for additional funding.

The purpose of this letter is to communicate the views of the National Treasury on the above mentioned Bill for your necessary action.

Yours

*Sincerely,*  


**NJUGUNA NDUNG'U, CBS**  
**CABINET SECRETARY**



**COUNCIL OF GOVERNORS**

**LEGISLATIVE MEMORANDUM ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL 2023 (SENATE BILL  
NO. 55 OF 2023)**

**TO**

**THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN AFFAIRS**

**FROM  
THE COUNCIL OF GOVERNORS**

## MEMORANDUM ON THE FIRE AND RESCUE SERVICE PROFESSIONALS, 2023

The Council of Governors,

**In recognition** of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level.

**In further recognition** of Article 6 (2) that governments at the national and county levels are distinct; and

**Aware** of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

The Council hereby makes the following proposals on The Fire And Rescue Service Professionals Bill, 2023 (The Bill):

### A: SPECIFIC COMMENTS

CLAUSE OF THE BILL	PROVISION OF CLAUSE IN THE BILL	PROPOSED AMENDMENT	RATIONALE FOR AMENDMENT AND RECOMMENDATION
2. Interpretation	County Government  “fire and rescue services consulting firm” means a registered private organization engaged in the provision of consultancy and	Include “ body responsible for the establishment of <b>County Fire and Rescue Services Committee</b> ”  Amend the definition of the word “ <b>fire and rescue services consulting firm</b> ” to read as follows:	To provide for the licensing of the firms by the County Governments as trade licensing is a devolved function

	advisory services pertaining to fire and rescue services	<p><b>“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services</b></p> <p>Introduce the following new definition:</p> <p><b>“Private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.</b></p>	under the Fourth Schedule to the Constitution.
<b>4— Establishment of the Board.</b>	<p>5. (1) The Board shall comprise of —</p> <p>(a) chairperson, who shall be appointed by the Cabinet Secretary.</p> <p>(b)...</p> <p>(f) two persons nominated by the Council of County Governors;</p>	<p>Amend clause 5(1)(a)(f) to read as follows:</p> <p><b>5. (1) There shall be a Board comprise of —</b></p> <p><b>(a) a chairperson, who shall be appointed by the President.</b></p> <p><b>(b)...</b></p> <p><b>(f) Four persons nominated by the Council of County Governors:</b></p>	To provide for sufficient representation of the County Governments in the Board of the Authority since Firefighting services a fully functions
<b>6—Headquarters.</b>	6. The headquarters of the Board shall be in Nairobi and it may establish branches in other counties.	<p>Amend to read as follows:</p> <p><b>6. The headquarters of the Board shall be in Nairobi. The Board shall not establish branches but shall</b></p>	The headquarters should be in Nairobi and the Board should collaboration will ensure that counties are fully supported and equipped to implement

		<b>instead collaborate with each of the 47 County Governments.</b>	the national guidelines, standards, and norms effectively for fire and rescue services within their respective jurisdictions. The Board will facilitate a framework for this collaboration, focusing on capacity building, sharing of best practices, and technical support to uphold national standards across all counties
<b>7- Functions of the Board</b>	7. The Board shall —  <b>(b)advise the National and County Governments on fire prevention and fire and rescue services matters;</b>	Amend clause 7(b) to read as follows:  <b>(b) Advise the National and County Governments on matters related to fire prevention and fire and rescue services professionals.</b>	This amendment ensures the Board's advisory role includes a supportive function, emphasizing collaboration with county governments in managing local fire and rescue services.
<b>15- Functions of registrar</b>	The registrar shall .. b.) sign, issue, renew and cancel certificates of registration and licences as may be directed by the Board;	Delete Clause 15(b)	This function is to be handle at the County level. There is need for a clear distinction between professional licenses to be imposed by the Authority and the Business and Permit Licenses to be imposed by the County Government. The County Government Acts mandates the County Government the powers to charge business and permit fees and issue licenses for any trade or business conducted within the County Government
<b>17. Registration of</b>	17. No person shall practice as a fire and rescue service consultant, a fire and rescue service professional or operate a private fire	Amend to read as follows:	Trade licensing has been devolved to the County Governments under the Fourth Schedule to the Constitution.

<p><b>Fire and Rescue Services Professionals</b></p>	<p>brigade firm in Kenya unless registered and licensed in accordance with the provisions of this Act.</p>	<p><b>17. No person shall practice as a fire and rescue service consultant, a fire and rescue service professional or operate a private fire brigade firm in Kenya unless registered in accordance with the provisions of this Act.</b></p>	<p>The Board should only register <b>fire and rescue service consultant, a fire and rescue service professional or operate a private fire brigade firm in Kenya</b> and the County Governments to licenses fire and rescue service consultant and private fire brigade firms.</p>
<p><b>20. Registration of Fire and Rescue Services Consulting Firms.</b></p>	<p>20. (1) Subject to the provisions of this Act, a person may register a fire and rescue services consulting firm if —</p>	<p>Amend Clause 20 by introducing a new clause (20A) immediately after Clause 20 to read as follows:</p> <p><b>20A. Every registered fire and rescue services consulting firms and private fire brigade firms shall apply for a trade license from the County Governments where they intend to operate.</b></p>	<p>To align to the provisions of the Fourth Schedule of the Constitution which devolved trade licenses to the County Governments. We recommend that the licensing of the <b>registered fire and rescue services consulting firms and private fire brigade firms is done by the respective County Governments.</b></p>
<p><b>27—Annual estimates.</b></p>	<p>27.(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that financial year.</p>	<p>Amend 27(1) to read as follows:</p> <p><b>(1) The County Fire and Rescue Services Committee is tasked with establishing a detailed and transparent accounting system for managing the collection, allocation, and utilization of these fees. This system shall adhere to the principles of accountability and transparency to the public and relevant stakeholders.</b></p>	

		(3) The Committee shall prepare an annual report detailing the impact of the utilized fees on improving local fire and rescue services. This report must be submitted to the County Assembly for review and approval	
<b>29 Professional Misconduct</b>	29 (3) The Registrar shall remove from the Register the name of any person registered or licensed under this Act who is convicted of an offence under this section and cancel the licence held.	Delete the Word “Registra” and substitute with “ <b>County Fire and Rescue Services Committee</b> ”	
<b>36. Regulations</b>	<p>36. (1) The Cabinet Secretary may make Regulations generally for the better carrying into effect of any provisions of this Act.</p> <p>(2) Without prejudice to the foregoing, regulations made under this section may provide for —</p> <p>(a) the manner of issue, amendment, renewal, revocation, and suspension of licenses;</p>	<p>Amend to read as follows:</p> <p><b>36. (1) The Cabinet Secretary may in consultation with the Board and Council of County Governors make Regulations generally for the better carrying into effect of any provisions of this Act.</b></p> <p><b>(2) Without prejudice to the foregoing, regulations made under this section may provide for —</b></p> <p><b>(a) the manner of issue, amendment, renewal, revocation, and suspension of licenses by the Board and County Governments.</b></p>	To provide for a consultative process in the development of the regulations for effective implementation of the Act.

## **B: GENERAL COMMENTS**

- i. **Inter-Governmental Collaboration:** Strengthening collaboration between the national and county governments is essential. This should encompass not only policy development and fund allocation but also operational aspects like joint training, resource sharing, and coordinated responses to emergencies. The formation of intergovernmental committees could enhance the effectiveness and integration of fire and rescue services nationwide.
- ii. **Capacity Enhancement:** Prioritizing capacity building and the professional development of fire and rescue personnel is vital. This effort should be a collaborative endeavor between the county and national governments, focusing on comprehensive training programs that cover technical, leadership, and emergency management skills to elevate service delivery standards.
- iii. **Public Awareness and Participation:** Amplifying efforts in public education on fire safety and prevention is critical. County governments should spearhead regular awareness campaigns and community engagement initiatives, leveraging media and partnerships with local organizations to foster a culture of safety and preparedness among the populace.
- iv. **Diverse Funding Strategies:** Investigating alternative financing options for fire and rescue services is crucial for their sustainability. Counties could explore partnerships with the private sector, international grants, and community fundraising to augment resources for equipment, infrastructure improvement, and service expansion, ensuring robust and responsive fire and rescue services.



## COUNTY ASSEMBLIES FORUM (CAF)

Flamingo Towers, 5th Floor Wing B, Mara Road, Upper Hill P.o Box 73552- 00200 Nairobi Kenya Tel: 0701 046 933  
Email:communication@countyassembliesforum.org www.countyassembliesforum.org

### **CAF MEMORANDUM ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023 (SENATE NO.55 OF 2023)**

**TO:** Mr. Jeremiah Nyengenyé  
Clerk of the National Assembly, Parliament of Kenya.

**FROM:** The County Assemblies Forum.

**DATE:** 12<sup>th</sup> April 2024.

**SUBJECT:** CAF Memorandum on the Fire and Rescue Services Professionals Bill,2023

## **1.0 INTRODUCTION**

1. The County Assemblies Forum (CAF) is the coordinating body of the 47 County Assemblies in Kenya. The primary mandate of CAF is to promote networking and synergy among the 47 County Assemblies, coordinate intergovernmental relations and enhance good practice in legislative development. Our Mission is to provide effective leadership and coordination of the 47 County Assemblies and through policy and legislative action, promote a conducive working environment for all its members, and in that way deliver quality services to the people.
2. As one of the pillars of the devolved government system, CAF is committed to engage in processes that provide for uniform professional standards for the regulation of fire and rescue services professionals across all counties

## **2.0. BACKGROUND**

- 2.1. The principal object of the Bill is to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals. The Bill aims at providing uniform professional standards for the regulation of fire and rescue services professionals across all counties.
- 2.2. Further, the Bill provides for the establishment of the fire and rescue services Board. The Board is a body corporate and shall be responsible for the registration of the fire and rescue services professionals, regulation of the professional fire and rescue services and setting uniform standards for the development and general practice of fire and rescue services.
- 2.3. This Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to fire and rescue services and disaster management. It does not limit any fundamental rights or freedoms.
- 2.4. This Bill is a Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution in that it contains provisions that affect the functions and powers of county governments as set out in the Constitution. Firefighting services and disaster management is a county function under part 2 of the fourth schedule to the Constitution of Kenya



### **3.0. GENERAL COMMENTS.**

- 3.1. The Forum appreciates Senate for developing this bill that establishes a regulatory and institutional framework for the fire and rescue services professionals, which is important for professionalizing the sector and ensuring consistent standards.
- 3.2. The creation of the Fire and Rescue Services Professionals Board provides a centralized body to oversee the registration, licensing, training, and discipline of fire and rescue services professionals, which can help improve accountability and quality of service.
- 3.3. The Bill deserves praise for its comprehensive provisions, particularly, the requirement for fire and rescue services professionals and firms to be registered and licensed helps protect the public by ensuring a certain level of competence and integrity.
- 3.4. The Forum recognizes and appreciates the inclusion of various stakeholders, such as the Kenya Red Cross Society and Kenya Medical Association, on the Board helps ensure a comprehensive approach to fire and rescue services.
- 3.5. Further, CAF notes that the bill provides adequate financial provisions, including the ability to generate revenue through fees and grants, provide the Board with the resources needed to effectively carry out its mandate.
- 3.6. While the Bill is comprehensive, its worthy noting the bill does not adequately address the issue of volunteer firefighters, who play a critical role in many communities, and how they will be integrated into the regulatory framework. Further, The penalties for offenses, such as false registration and licensing, may not be sufficiently deterrent, especially for larger organizations.
- 3.7. The transitional provisions provide a relatively short timeline (6 months) for the existing fire and rescue services professionals and firms to comply with the new registration and licensing requirements, which may be challenging.
- 3.8. The bill does not address the issue of coordination and collaboration between the national and county governments in the provision of fire and rescue services, which could lead to potential challenges in implementation.
- 3.9. CAF appreciates the opportunity to contribute to this Bill and on the basis of the foregoing proposes the following amendments

4.0 SUMMARY MATRIX OF THE PROPOSED AMENDMENTS.

	CLAUSE	AMENDMENT	JUSTIFICATION/COMMENTS
1.	<p><b>Clause 5 of the Bill</b></p> <p><b>5. (1) The Board shall comprise of –</b>  <b>(a)</b> a chairperson, who shall be appointed by the Cabinet Secretary;  <b>(b)</b> the Principal Secretary in the Ministry responsible for matters relating to fire prevention and disaster risk management or their representative appointed in writing by the Principal Secretary;  <b>(c)</b> the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;  <b>(d)</b> the Principal Secretary in the Ministry responsible for internal security and Coordination of National Government or their representative appointed in writing by the Principal Secretary;  <b>(e)</b> one person nominated by the Kenya Red Cross Society;</p>	<ul style="list-style-type: none"> <li>• Amend Clause 5(1) to include representation of volunteer firefighters on the Board, either through a nominated member or by allowing for the co-option of volunteer firefighter representatives.</li> <li>• Amend Clause 5(1) to include representation of volunteer firefighters on the Board, either through a nominated member or by allowing for the co-option of volunteer firefighter representatives.</li> <li>• Amend Clause 5(1) to reduce the dominance of government representatives on the Board and increase the representation of other stakeholders, such as private sector, civil society, and professional associations. Consider introducing independent members on the Board to enhance its objectivity and independence.</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Representation of Volunteer Firefighters:</b> Volunteer firefighters play a crucial role in many communities, particularly in rural and underserved areas, and their engagement is essential for the effective delivery of fire and rescue services. Ensuring their representation on the Board and integrating them into the regulatory framework will help ensure the bill addresses the needs and concerns of all fire and rescue services professionals, both paid and volunteer.</li> <li>2. <b>Balanced Board Composition:</b> A more balanced Board composition, with reduced dominance of government representatives and increased representation of other stakeholders, will help enhance the independence, objectivity, and credibility of the regulatory body. This will promote better decision-making, stakeholder engagement, and ultimately, more effective regulation of the fire and rescue services profession.</li> </ol>

	<p>(f) two persons nominated by the Council of County Governors;</p> <p>(g) one person nominated by the Kenya National Fire Brigades Association;</p> <p>(h) one person nominated by the Kenya Medical Association; and</p> <p>(i) the registrar who shall be an ex-officio member and who shall have no vote.</p>		
	<p><b>Clause 29 and 30 of the Bill</b></p> <p>29. (1) A person who willingly procures or attempts to procure registration or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction to a fine of not more than five hundred thousand shillings or to imprisonment for a term not exceeding five years, or both. (2) Where an offence under this section is committed by a legal person, that legal person shall be liable on conviction to a fine of not less than one million shillings. (3) The Registrar shall remove from the Register the name of any person</p>	<ul style="list-style-type: none"> <li>• Amend Clauses 29 and 30 to increase the fines and imprisonment terms for offenses, especially for larger organizations or repeat offenders, to provide a stronger deterrent.</li> <li>• Consider introducing additional sanctions, such as license revocation or debarment, for more severe offenses.</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Deterrent Penalties:</b> Increasing the fines and imprisonment terms for offenses, especially for larger organizations or repeat offenders, will provide a stronger deterrent against non-compliance and help reinforce the importance of professionalism and ethical conduct within the fire and rescue services sector. Harsher penalties are necessary to ensure the regulations are taken seriously and the public's safety is adequately protected.</li> </ol>

<p>registered or licensed under this Act who is convicted of an offence under this section and cancel the licence held. False Registration and Licensing. 30. 1) A person who is licensed as a fire and rescue services professional under this Act commits an offence of professional misconduct if that person— (a) deliberately fails to follow the standards of conduct and practice of the fire and rescue services profession set by the Board; (b) commits gross negligence in the conduct of his professional duties; (c) allows another person to practice in his name, where that person— Professional misconduct. The Fire and Rescue Services Professionals Bill, 2023 1213 i. is not registered or a holder of a license under this Act; ii. takes advantage of any person by abusing their position of trust, expertise or authority; iii. lacks regard or concern for client’s needs or rights; or iv. shows incompetence or inability to render professional fire and rescue services; (2) A person who commits an offence under this section shall, after due process, be de-registered, or be suspended and have his name removed from the Register for such a period as the Board may determine.</p>		
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	<p><b>Clause 37 of the Bill</b>  37. (1) Six months after the operationalization of this Act, the Cabinet Secretary shall through a notice in the Gazette, declare that no person shall practice as a fire and rescue services professional, a fire and rescue services consultant or run a fire brigade firm or business without a license or being registered by the Board. Transitional Provisions.</p> <p>(2) A person who disobeys a declaration under subsection (1) above commits an offense and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both.</p>	<ul style="list-style-type: none"> <li>• Clause 37 sets a 6-month timeline for compliance, which may be challenging.</li> <li>• Amend Clause 37 to provide a more realistic and phased compliance timeline, possibly with longer transition periods for existing professionals and firms to adapt to the new requirements.</li> </ul>	<p><b>1. Realistic Compliance Timeline:</b> Providing a more realistic and phased compliance timeline, with longer transition periods, will allow existing professionals and firms to adapt to the new requirements without undue hardship. A smoother implementation process will help ensure a higher rate of compliance and minimize disruptions to the provision of fire and rescue services.</p>
<b>ADDITIONAL CLAUSES TO BE CONSIDERED FOR INCLUSION INTO THE BILL</b>			
i	<ul style="list-style-type: none"> <li>• Add a new clause that requires the Board to conduct periodic reviews of the regulatory framework, incorporating feedback from stakeholders and industry experts, to ensure the framework remains relevant and effective over time.</li> </ul>		<p><b>1. Provisions for Continuous Improvement:</b> Incorporating mechanisms for the periodic review and improvement of the regulatory framework will enable the Board to adapt to emerging trends, best practices, and changing industry needs. This will ensure the bill remains relevant and effective over time, enhancing its long-term sustainability</p>

			and impact.
i	<ul style="list-style-type: none"> <li>Mandate the Board to submit regular progress reports to the Cabinet Secretary and the National Assembly and the Senate.</li> </ul>		<p><b>1. Enhance Accountability and Oversight:</b> Requiring the Board to submit regular progress reports will enhance the accountability of the regulatory body to the executive (Cabinet Secretary) and the legislative (National Assembly) branches of the government. This will strengthen the system of checks and balances, ensuring the Board is operating effectively and in line with the objectives of the Act.</p>
	<ul style="list-style-type: none"> <li>Add a new clause that outlines the roles and responsibilities of national and county governments in the provision of fire and rescue services, and the mechanisms for coordination and collaboration.</li> </ul>		<p><b>1. Coordination between National and County Governments:</b> : Establishing a clear framework for coordination and collaboration between national and county governments in the provision of fire and rescue services will help ensure a cohesive and integrated approach. This will prevent duplication of efforts, optimize the use of resources, and improve the overall effectiveness of service delivery across the country.</p>

	<ul style="list-style-type: none"> <li>• Add a new clause to introduce clear conflict of interest safeguards, such as requiring the Board to develop and implement a code of conduct for its members, officers, and agents, and prohibiting them from engaging in any activities that could lead to conflicts of interest.</li> </ul>		<p><b>1. Conflict of Interest Safeguards:</b> Introducing clear conflict of interest safeguards, such as a code of conduct and prohibitions on Board members, officers, and agents engaging in activities that could lead to conflicts, will help maintain the integrity and credibility of the regulatory process. This will instill public trust and confidence in the Board's decision-making and actions.</p>
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Thank you.  
Yours sincerely,



**MS. LONAH LOSEM**  
**Ag. CHIEF EXECUTIVE OFFICER**



**MEMORANDUM ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL,  
2024**

**PRESENTED TO  
THE CLERK OF THE SENATE  
PARLIAMENT OF THE REPUBLIC OF KENYA  
PARLIAMENT BUILDINGS  
NAIROBI**

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

**CONTACTS**

C/O Samuel Kahura

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Kiambu, Kenya

15.03.2024

## 1. BACKGROUND

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

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

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

The Association appreciate the efforts and steps taken by the Senate to legislate on the professional development and regulation of fire safety professionals in Kenya. The enactment of the Bill will go along way in improving fire safety practice in Kenya and enhancement of public safety in relation to fire risks.

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

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

## **2. LONG TITLE**

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**THAT** the Long Title of the Bill be deleted and substituted therefor with the following new Long Title–

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

### **Justification**

The proposed new Long Title covers issues related to professional development and promotion of the profession, which would be the essence of the Bill. In addition, the proposed new Long Title places instruments of regulation of the practice i.e. licensing and registration under the term “Regulation”, which is the policy direction covered by the policy instruments of registration and licensing.

## PART I – PRELIMINARY

### 3. CLAUSE 2

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**THAT** Clause 2 of the Bill be amended as follows–

- 1) By deleting the words “and disaster risk management” in the definition of the term “Cabinet Secretary”–
- 2) By deleting the definition of the term “Fire Brigade”
- 3) By deleting the definition of the term “Fire and Rescue Service Professionals and substituting therefor the following definition as follows –  
“Fire and Rescue Service Professional” means a person registered under section 17;
- 4) By inserting a definition of the term “Institute” as follows–  
“Institute” means the Institute of Fire and Rescue Service Professionals” established under section 26;

#### **Justification**

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

### 4. CLAUSE 3

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**THAT** clause 3 of the Bill be amended by deleting clause 3 and substituting therefor the following –

- Objects                      and      3. The objects and purpose of this Act to provide for a legal framework purpose of the Act.      for recognition, promotion, development and regulation of the fire and rescue service professional practice to –
- (a) promote and facilitate development and adoption of standards for professional practice;

- (b) promote and ensure compliance with standards for professional practice;
- (c) ensure provision of quality fire and rescue professional services;
- (d) promote quality professional training and education for fire and rescue service professionals;
- (e) promote development and advancement of knowledge in the field of practice for fire and rescue service;;
- (f) protect the public from unethical professional practice in fire and rescue services;
- (g) to provide for institutional framework for representation and participation of fire and rescue professionals to participate and
- (h) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

**Justification**

The Bill does not provide for the objects and purpose clause, which is essential for providing the core purpose of the Bill.

## **PART II**

### **5. TITLE TO PART II**

**THAT** the title to Part II of the Bill be deleted and substituted therefor the following–

#### **“PART II – ADMINISTRATION”**

**Justification**

The purpose of Title II is to provide for the administrative mechanism hence the need to adopt the title, which is a conventional practice.

## 6. CLAUSE 4

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**THAT** clause 4 (1) of the Bill be amended by inserting the word “professionals” after the word “services” so that the name of the Board shall be “Fire and Rescue Services Professionals Board”

### **Justification**

The title of the Board should be aligned with the title of the Bill and the purpose of the Board, which is to regulate the profession.

## 7. CLAUSE 5

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

Compositing of the 5. (1) The Board shall consist of –  
Board.

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to fire and rescue services;
- (c) the Principal Secretary for the time being responsible for matters related to finance;
- (d) the Principal Secretary for the time being responsible for matters related to technical and vocational education and training;
- (e) the chairperson of the Institute;
- (f) two persons nominated by the Institute: Provided that one person shall represent either gender
- (g) one person, being a member of a faculty, representing academic institutions providing training and education for fire and rescue service appointed by the Cabinet Secretary from amongst persons nominated by the academic institutions;
- (h) one person representing private sector organizations providing fire and rescue services services appointed the Cabinet Secretary from among persons nominated by the private sector organizations; and

(i) the Registrar who shall be an ex-officio member and the secretary to the Board.

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

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

(b) hold at least a diploma in fire management or fire and rescue management from a recognized institution or its equivalent, where a person is not a holder of a Bachelor's degree in Fire and Rescue management or its equivalent;

(c) be a member of the Institute in good professional standing;

(d) have at least ten years experience in leadership in public or private sector;

(e) meet the requirements of Public Officer and Ethics Act; and

(f) not be an office bearer in any political party.

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

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

No. 4 of 2003.

No. 4 of 2003.

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

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

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

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No. 4 of 2003

### **Justification**

The Board, being a professionals' regulatory board should align to the best practices for such Boards. The membership of the professional body i.e. the Institute should be a member of the

Board with substantial representation. A private association cannot be deemed to be a representative of the professionals. The best practice is to have the Institute, which is created under the act as proposed in this memorandum, and which will have the statutory mandate to manage professional practice matters.

## **8. CLAUSE 7**

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**THAT** Clause 7 of the Bill be amended by deleting paragraphs (a), (b), (f), (g), (h) and (j)

### **Justification**

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

## **9. CLAUSE 14**

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**THAT** Clause 14 (4) be amended as follows –

- 1) In the introductory legislative sentence in subclause (4), by inserting the words “and in good professional standing” after the words “under this Act”
- 2) In paragraph (a) by deleting the words “disaster management” and substituting therefor the words “fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification”
- 3) By inserting a new paragraph (b) and renumbering the section accordingly as follows–  
  
(b) holds at least a diploma in fire management or fire and rescue management from a recognized institution, where a person is not a holder of a Bachelors degree in Fire and Rescue Service, Fire Management or its equivalent.
- 4) In paragraph (b) by inserting the words “with at least five years experience in leadership in public or private sector” after the word “field”.

- 5) By deleting paragraph (c)

**Justification**

A person being appointed as a Registrar should be in good professional standing, therefore an active member of the proposed Institute, which is the best practice in professional practices.

The primary qualification for a fire and rescue service professional is not disaster management but fire management, fire engineering, or fire and rescue service. In addition, a person may be a holder of a degree in fields related to fire and rescue services which would be relevant qualification. However, to ensure that a person to be appointed as a Registrar possesses the essential qualification in fire and rescue services, the person should be a holder of at least a diploma in fire and rescue services if the person does not hold a degree in fire and rescue services.

It is a restrictive practice and discriminatory in requiring that a person being appointed as a Registrar must have experience in policy formulation and knowledge in government procedures. This locks out qualified persons with experience in private sector management. Paragraph (c) should not be an essential qualification for the position of a Registrar.

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## PART III – REGISTRATION OF FIRE AND RESCUE PROFESSIONALS

### 10. CLAUSE 17

**THAT** Clause 17 of the Bill be amended as follows –

- 1) by deleting the words “fire and rescue consultant” and “or operate private fire brigade firm”
- 2) by numbering the clause as subclause (1) and inserting a new subclause (2) as follows –
  - 17 (2) For purposes of this section, professional practice includes but not limited to–
    - (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue

- professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;
- (b) carrying out or holding oneself as a fire and rescue service professional; or
  - (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

### **Justification**

The clause should provide for the primary requirement which is registration and licensing of a professional. The matters related to what amounts to professional practice should be dealt with separately. This memorandum has proposed a new sub clause 17 (2), which defines what professional practice is.

## **11. Clause 18**

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**THAT** Clause 18 of the Bill be amended as follows–

- 1) By deleting clause (b)
- 2) By inserting a new paragraph (c) as follows –
  - (c) has undertaken and received practical and experiential learning in fire and rescue service practice and graduating from the academic or education institution in an organization that ordinarily deals with matters related to fire and rescue service for a period of not less than one year.

### **Justification**

Clause 18 (b) does not conform with the Immigration law and practice. For a foreigner to work in Kenya, the person is not required to be a permanent resident in order to qualify for a work permit. They would only be required to provide their practice licenses from their country of origin. In addition, a foreigner would only be required to register with the Institute and the Board. In other professions, one does not need to be a permanent resident to qualify for a work permit or practice recognition. The main requirement is for a person to meet professional qualifications in their country of origin.

For a person to qualify to be registered under the Act, the person should have post-graduate practical learning such as internship to ensure that such a person has the necessary practical experience in the practice.

## 12. CLAUSE 20 and 21

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**THAT** Clause 21 and 22 of the Bill be deleted.

### **Justification**

The fire and rescue services profession is at its nascent development. Through CFOA-K's initiative, the government has embarked on curriculum development and recognition of prior learning. The Bill should focus on regulating the professional practice and not the place of professional practice. The places and context of professional practice goes beyond the consulting firms. Directorship or partnership of a licensed professional in an entity providing fire and rescue services should not be a condition an entity to operate.

Clause 21 is restrictive in investment and practice by persons licensed outside Kenya. Requiring percentage of shareholding or ownership by foreigners does not conform with the investment promotion strategy. For company, the best practice as provided under the Companies Act is to have a local director where a foreigner is incorporating a company.

## 6. STRUCTURE OF THE POLICY NEW PART IV

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

### **PART III – THE INSTITUTE OF FIRE AND RESCUE SERVICE PROFESSIONALS**

Establishment of the Institute.

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

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding or disposing of movable or immovable property;
- (c) entering into contracts;
- (d) borrowing and lending money; and

- (e) performing such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate.

Functions of the Institute.

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

(2) Specifically, the Institute shall –

- (a) promote and participate in the development of policies, laws, standards, protocols and code of practice for fire and rescue service practice;
- (b) promote and regulate ethical and professional practice among fire and rescue service professionals;
- (c) promote, facilitate and ensure compliance by its members with the standards, protocols and code of conduct and practice for fire and rescue service professionals;
- (d) promote advancement of knowledge in the field of fire and rescue service practice through carrying out research and development in the field and through other related processes;
- (e) promote the welfare of its members;
- (f) advocate and promote the development of fire and rescue services field;
- (g) promote, facilitate, provide and accredit continuous professional development and training for its members;
- (h) carryout disciplinary measures for members who fail to comply with the code of practice in accordance with this Act;
- (i) maintaining a register of fire and rescue service professionals;
- (j) provide certification for processes, practices, including certification for good professional

- standing as may be prescribed under this Act;
- (k) promote and facilitating collaboration and networking between the Institute and its members with other international organizations involved in fire and rescue services and related practice as well as other professionals in the field at regional and global level;
  - (l) promote and facilitate where appropriate coordination and collaboration with other public or private entities involved in fire and rescue services;
  - (m) advise the Board and institutions providing education and learning on fire and rescue services on the provision of appropriate education and learning for persons undertaking courses for qualification as fire and rescue service profession;
  - (n) advise the national and county governments on development and management of fire and rescue professionals practice in their jurisdictions; and
  - (o) advise the Board and the cabinet secretary generally on the implementation of this Act and any matter related to fire and rescue services practice.

### **Membership**

Membership of the Institute.

28. The membership of the Institute shall consist of–

- (a) any fire and rescue service professional registered with the Board and whose name has been entered in the register stipulated under this Act;
- (b) a person admitted to membership under section 27;
- (c) a person admitted as a special member under section 29.

Honorary membership.

29. The Council may elect a person, who not being a member described under section 28 (a), to be an honorary member of the

Institute where the person has made significant contributions to the advancement of knowledge and practice in fire and rescue service profession.

Special member.

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

Fellows of the Institute.

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

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

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

(a) enter the name of each person admitted to the Roll of Fellows of the Institute;

(b) confer to the person the tittle “Fellow of the Institute of Fire and Rescue Service Profession” which may be initialed as “F.I.F.R.S.P”.

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

Application for membership.

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

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

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

Membership fees.

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

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

Members rights.

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

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

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

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

### **Governance organs and structures**

Governance organs and structures.

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

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

(c) the Branches.

General meeting.

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

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

(3) The ordinary general meeting shall consist of all members of the Institute.

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

(5) The Council shall convene the ordinary general meeting

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

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

(7) The Institute may hold such extraordinary general meetings or

special general meetings during the year in order to consider and dispense with specific business of the Institute as may be determined from time to time.

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

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

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

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

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

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

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

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

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

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

The Council

Establishment of the Council.

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

Functions of the Council.

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

Composition of the Council.

39. (1) The Council shall consist of –

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

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

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

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

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

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

Eligibility for election as member of the Council.

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

Election of member of the Council.

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

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

Removal from office.

43. (1) Save for the secretary, a member of the Council may be removed from the office before the expiry of the term by the decision of a general meeting, by a vote of at least two thirds of the members present and voting on the ground of–
- (a) being absent from the four consecutive meetings of the Council without a good cause and without notification to the chairperson; or
  - (b) gross violation of the code of conduct;
  - (c) ceasing being in good professional standing;

- (d) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (e) physical or mental incapacity to perform the functions of the office; or
- (f) incompetence in the performance of duties of the office or neglect of duty.

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

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

shall cease to hold office.

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

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

#### Committees.

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

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

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

#### **Conduct of business and accounts**

Procedures of meetings and conduct of business.

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

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

Records of meetings.

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

Accounts.

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

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

Remuneration of Council members.

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

#### Branches

Branches of the Institute.

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

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

(2) A branch shall responsible for-

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

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

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

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

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

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

### **The Secretary and the Secretariat**

The Secretary.

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

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

(3) The Secretary shall –

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

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

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

Secretariat.

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

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

Staff.

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

### **Justification**

In accordance with the best practice adopted in Kenya for the regulation and development of professions and practice, it is important to establish the Institute, which is constituted by the professionals registered to practice under the Act. The Institute is the professional body for members to participate in promotion of industry's growth and development and members' welfare. The Institute, being a membership organization should include the branches in the

governance structures and processes to avoid the professionals practicing in Nairobi dominating the membership in the Council and the governance process.

### **13. Clause 37**

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**THAT** Clause 37 of the Bill be deleted and substituted therefor as follows –

Transition and savings. 37 (1) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act, shall not later than four years comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for a practicing certificate within twelve months from the date of issuance of notice for application for practicing licenses by the inaugural Board.

#### **Justification**

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

If Clause 36 is implemented as proposed, over 90% of fire and rescue services currently serving in government and therefore providing the services in the whole country will be rendered non-compliant with the requirements under the Bill.

## 14. SCHEDULE

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

### SCHEDULE (S.49)

#### THE REGIONS FOR BRANCHES

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

#### **Justification**

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

professionals practicing in Nairobi dominating the membership in the Council and the governance process.

### **15. Clause 36**

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**THAT** Clause 36 be amended by deleting the word “brigade” and substituting therefor the words “and rescue”

#### **Justification**

The title of the profession is “Fire and Rescue Professionals”

### **16. New Clause 38 and 39**

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

Inaugural Board.

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

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

Interim Council.

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

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

(a) deliberate and set out the procedure for selecting the Interim Council;

(b) deliberate and set out the procedure for selecting the representatives of the fire and rescue professionals to the Inaugural Board;

- (c) generally deliberate on the better operationalization of this Act; and
- (d) any other matter and the Cabinet Secretary may determine.

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

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

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

- (a) select the representatives of the fire and rescue professionals to the Inaugural Board;
- (b) setting the basic structures of the Institute;

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

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

**Justification**

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

**To:** The Senate, Standing Committee on National Security, Defense and Foreign Relations.

**From:** The National Executive Council, Workplace Safety Professionals Association of Kenya.

**Date:** 15<sup>th</sup> MARCH 2024

**Our Ref:** WSPA/15324/1

**RE: SUBMISSION OF MEMORANDUM ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**

**Recommendations for the Fire and Rescue Services Professionals Bill**

**PART I — PRELIMINARY**

**Section 2 Definitions:**

- Adjust the definition of "fire and rescue services professional" and "fire and rescue services consulting firm". This change should recognize the existence of the role and authority of Fire Safety Advisors and Health and Safety Advisors, who are approved by the Directorate of Occupational Safety and Health Services (DOSHS). The definition should mitigate any overlap in mandates.

**PART II — THE FIRE AND RESCUE SERVICES BOARD**

**Board Composition:**

- Expand the Board's composition to include a representative nominated by the Directorate of Occupational Safety and Health Services and a representative from the Workplace Safety Professionals Association of Kenya. This inclusion ensures a comprehensive approach to fire safety and rescue operations, incorporating insights from occupational safety and workplace safety professionals.

## **PART III – REGISTRATION OF FIRE AND RESCUE SERVICES PROFESSIONALS**

### **Section 14 (4)(a) - Registrar Appointment:**

- Modify the qualification requirements for the Registrar position to accept candidates with any relevant undergraduate degree, not limited to disaster management. This change acknowledges the diverse educational backgrounds that contribute to the fire and rescue profession.

### **Section 17 - Professional Practice:**

- We propose an amendment to limit the registration requirement exclusively to individuals or entities operating private fire brigade firms. This adjustment aims to resolve conflicts with DOSHS-approved fire safety advisors and health and safety advisors, ensuring their roles are not inhibited by the Act.

### **Section 20 (1) - Consulting Firms Registration:**

- Recommend a reevaluation of the registration process for fire and rescue services consulting firms. This amendment should take into consideration those already approved by DOSHS. This reconsideration should aim to streamline processes and remove duplicative registration requirements, facilitating the operations of consulting firms that offer DOSHS-approved services on fire safety.

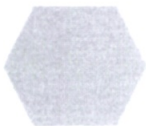
Ken Kogei,



Chairman, WSPAK.

For and on behalf:

The National Executive Council, WSPAK



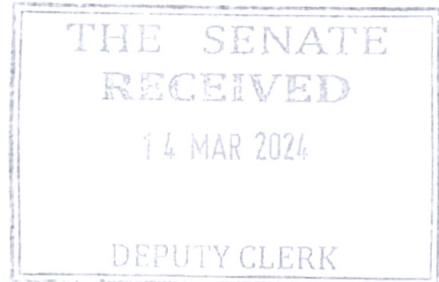
MEMORANDUM ON THE FIRE AND RESCUE SERVICES PROFESSIONAL BILL, 2023



PRESENTED TO:  
THE SENATE THE THITEENTH PARLIAMENT (THIRD SESSION)

SUBMITTED TO:  
CLERK OF THE SENATE PO BOX 41842-00100, NAIROBI

IN THE MATTER OF CONSIDERATION BY THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENSE AND FOREIGN RELATIONS: THE FIRE AND RESCUE SERVICES PROFESSIONAL BILL [SENATE BILLS NO. 55 OF 2023]



14 MARCH 2024

SUBMITTED BY:  
Andrew K. Kosgey, Airport Rescue Firefighting Officer, P.O. Box 19001-00501, Nairobi, Kenya. Tell +254 720901619 Email: [akkossv@gmail.com](mailto:akkossv@gmail.com)

14 MAR 2024

① DGAC

DLC

kindly deal

② HOD - GOVERNANCE  
Lead Clerk - NSDFR

Kindly deal

14/03/24

EP 14/03/2024

## **1.0 Introduction**

The Kenya Airports Authority (KAA), established in 1991 under KAA Act, Chapter 395 of the Laws of Kenya, provides facilitative infrastructure for aviation services between Kenya and the outside world. Its main functions amongst others is to provide rescue and firefighting equipment and services. The objective of airport rescue firefighting services is to save live, protect property and offer humanitarian services. Personally, I have reviewed and interrogated the proposed Fire and Rescue Services Professional Bill, 2023. I submit this memorandum on my own behalf in understanding of KAA's mandate and my own industry experience. Further, its a responds to the invitation for public participation and submission of memoranda by the Senate - The Thirteenth parliament (Third Session) dated 29th February, 2024. This memorandum highlights my select views of the proposals included in the Bill.

## **2.0 Background**

Over the recent past, the country has witnessed fire disasters where different fire and rescue agencies deployed their teams. Though the different teams have been recording success in battling fires with combined efforts, it's with great concern that the interagency coordination is still a big challenge. KAA Fire and Rescue Services have been called upon to help in many fires occurring outside the aviation industry. The most recent being the Embakasi fire explosion amongst other responses. The Authority's fire academy apart from offering structural firefighting courses for the county firefighters, have come in handy through interagency training and coordination by sponsoring and hosting annual fire and rescue symposiums for two consecutive years, i.e. 2022 and 2023. The symposium participants include all county fire brigades and emergency providers. All the undertakings mentioned but a few above is the main reason for my own submission towards this bill.

## **3.0 The issues**

### **3.1 PART II —THE FIRE AND RESCUE SERVICES BOARD**

#### **3.1.1 Clause 5 of the bill**

Clause of the bill proposes establishment of the board which shall comprise of —

(a) a chairperson, who shall be appointed by the Cabinet Secretary;

- (b) the Principal Secretary in the Ministry responsible for matters relating to fire prevention and disaster risk management or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for internal security and Coordination of National Government or their representative appointed in writing by the Principal Secretary;
- (e) one person nominated by the Kenya Red Cross Society;
- (f) two persons nominated by the Council of County Governors;
- (g) one person nominated by the Kenya National Fire Brigades Association;
- (h) one person nominated by the Kenya Medical Association; and
- (i) the registrar who shall be an ex-officio member and who shall have no vote.

**Observations:** Since international and domestic Airports are located in various towns across our counties, Airport Rescue firefighters other than their core mandated (aircraft firefighting), are available when requested to support their counterparts' "county fire brigades" in times of fire disasters involving structural fires. It's my submission therefore, that to avoid isolation, clause 5 be amended to include 5(j) one person nominated by the Kenya Airports Authority; Airport Rescue Firefighting Services(ARFFS).

#### 4.0 Recommendation and conclusions

The proposed fire and rescue professional bill 2023, is an achievement in a fast developing country like Kenya where investors gain confidence in the safety of their businesses. Considering the above observations, the development of fire emergency response teams may lack significant contribution from key agencies that could have been utilized through interagency planning and coordination. This therefore implies that, the highlighted proposed clause 5 presented directly without amendment denies the profession a good opportunity to build a dependable capacity with diverse specialties.

---End---

# ANNEX 5

Matrix of submissions received from the public

**THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

**STAKEHOLDERS VIEWS ON THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL, 2023**

(SENATE BILLS NO. 55 OF 2023)

**PAPER NO. 89**

No.	CLAUSE	STAKEHOLDER	PROPOSAL	RATIONALE	COMMITTEE OBSERVATIONS/COMMENTS AND DETERMINATION.
1.	1. <b>Long Title</b>	The Chief Fire Officers Association – Kenya (CFOA–K)	Proposes an amendment to the long title to provide as follows;  <b>AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.</b>	The proposed new Long Title covers issues related to professional development and promotion of the profession, which would be the essence of the Bill. In addition, the proposed new Long Title places instruments of regulation of the practice i.e., licensing and registration under the term “Regulation”, which is the policy direction covered by the policy instruments of registration and licensing	<b>Accept.</b> The proposed title covers aspects of professional development and promotion of the profession.
2.	2. 2-	Workplace Safety Professional	Proposes an amendment to the definition the words “ <b>Fire and Rescue Services Professional</b> ”	To recognise the existence of the role and authority of Fire Safety	<b>Reject.</b> All fire and rescue services professionals must be

<b>Interpretation</b>	Association (WSPA)	and <b>“Fire and Rescue Services Consulting Firm”</b> .	Advisors and Health and Safety advisors, who are approved by the Directorate of Occupational Safety and Health Services (DOSHS). The definition should further mitigate any overlap in mandate.	governed by similar standards notwithstanding their places of work.
	Council of Governors	Proposes an amendment to the definition of the word <b>“fire and rescue services consulting firm”</b> to read as follows:  <b>“Fire and rescue services consulting firm”</b> means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services	To provide for the licensing of the firms by the County Governments as trade licensing is a devolved function under the Fourth Schedule to the Constitution.	<b>Accept:</b> Since fire services is a devolved function it is important that licensing of the fire and rescue services consulting firms and private fire brigades be licensed by county governments.
		Proposes the introduction of the following new definition;  <b>“Private fire brigade firm”</b> means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.		
	The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes an amendment of Clause 2 of the Bill as follows– 1) By deleting the words <b>“and disaster risk management”</b> in the definition of the term <b>“Cabinet Secretary”</b> –	Administration of the Bill should be placed specifically under the Cabinet Secretary responsible for fire and rescue services.  Fire and rescue services is not the	<b>Accept:</b>  1. The use of the word’s <b>“disaster management”</b> in the definition of the term

			<p>2) By deleting the definition of the term “<b>Fire Brigade</b>”</p> <p>3) By deleting the definition of the term “<b>Fire and Rescue Service Professionals</b> and substituting therefor the following definition as follows – “<b>Fire and Rescue Service Professional</b>” means a person registered under section 17;</p> <p>4) By inserting a definition of the term “<b>Institute</b>” as follows– “<b>Institute</b>” means the <b>Institute of Fire and Rescue Service Professionals</b>” established under section 26</p>	<p>same as disaster management hence the two fields should not be included together in assigning the administration to the Cabinet Secretary. There is proposed establishment of the Institute, hence the need to provide for definition of the term.</p>	<p>cabinet secretary creates ambiguity.</p> <p>2. It is important that the term “Fire and Rescue Service Professional” be defined with reference to the section providing for the qualifications for registration as such.</p> <p>Reject the proposal for the definition of the establishment of an Institute of Fire and Rescue Service Professionals as the establishment of the Institute will lead to a clash of functions with the Board.</p>
3.	3. <b>3- Objects and Purpose of the Act</b>	The Chief Fire Officers Association – Kenya (CFOA-K)	<p>Proposes an amendment to clause 3 of the Bill by deleting clause 3 and substituting therefor the following –</p> <p><b>3. The objects and purpose of this Act shall be –</b></p> <p>(a) <b>promote and facilitate development and adoption of standards for professional practice;</b></p> <p>(b) <b>promote and ensure compliance with</b></p>	<p>The Bill does not provide for the objects and purpose clause, which is essential for providing the core purpose of the Bill.</p>	<p><b>Accept:</b> The proposal provides for a comprehensive list of objects taking into consideration the structure of the entire Bill.</p>

			<p>standards for professional practice;</p> <p>(c) ensure provision of quality fire and rescue professional services;</p> <p>(d) promote quality professional training and education for fire and rescue service professionals;</p> <p>(e) promote development and advancement of knowledge in the field of practice for fire and rescue service;</p> <p>(f) protect the public from unethical professional practice in fire and rescue services;</p> <p>(g) to provide for institutional framework for representation and participation of fire and rescue professionals to participate and</p> <p>(h) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.</p>		
4.	4. <b>Part II</b>	The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes to delete the heading to “Part II” of the Bill and substitute therefor the following;  “ <b>Part II – Administration</b> ”	The purpose of Title II is to provide for the administrative mechanism hence the need to adopt the title, which is a conventional practice.	<b>Accept:</b> Since the primary focus of the Bill is not on the establishment of the Board but rather professional development

					and promotion of the profession, the proposal is suitable.	
5.	5.	<b>4 – Establishment of the Board</b>	The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes that clause 4 (1) of the Bill be amended by inserting the word “professionals” after the word “services” so that the name of the Board shall be “Fire and Rescue Services Professionals Board”	The title of the Board should be aligned with the title of the Bill and the purpose of the Board, which is to regulate the profession.	<b>Accept:</b> The title of the Board should be aligned with the title of the Bill and the purpose of the Board, which is to regulate the profession.
			The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes an amendment to clause 4 of the Bill to include indicators that highlight, where the money will be sourced from, the entities involved in borrowing and lending money	The sub-clause does not give information on the source of the money. Receiving from who? borrowing from what entity and lending to whom.	<b>Reject:</b> A specific mention of the sources of funds would limit the Boards borrowing powers
6.	6.	<b>5- Members of the Board</b>	Council of Governors	Proposes an amendment to clause 5(1)(a)(f) to read as follows: <b>5. (1) The Board shall comprise of —</b> <b>(a) a chairperson, who shall be appointed by the President.</b> <b>(b)...</b> <b>(f) Four persons nominated by the Council of County Governors</b>	To provide for sufficient representation of the County Governments in the Board of the Authority since Firefighting services a fully functions.	<b>Reject:</b> In order to keep up with the Mwongozo guidelines in managing state corporations and Agencies, the committee may retain the number County Government nominees to two (2) as provided for in the Bill.
			The Ministry of Interior and National Administration, State Department for Internal Security,	Proposes an amendment to clause 5 (b) and (d) by consolidating the members under these provisions into one.	The persons referred to in sub clauses (b) and (d) are one person and serve the same role.	<b>Accept:</b> The ministry of interior and National Administration is the responsible ministry on matters of disaster management. The proposal for consolidation is

	National Disaster Operations Centre.			therefore justified.
		Proposes an amendment to clause 5(b) by rewriting, “Ministry responsible For Internal Security and Coordination of the National Government,” to read the Ministry of Interior and National Administration.	The title of the Ministry changed from Internal security and Coordination of the National Government to the Ministry of Interior and National Administration	<b>Accept:</b> this is a minor change to reflect the actual title of the ministry.
		Proposes an amendment to clause 5 (e) to remove a representative of Red Cross from the Board and instead replace with one person nominated by the umbrella body of emergency responders.	In the interest of inclusivity, we should not settle on one specific entity.	<b>Accept:</b> Besides Red cross, there are other emergency responders and therefore the proposal ensures inclusivity.
		Proposes an amendment to clause 5 (f) to reduce the representation of Council of Cuntly Governors representatives to the Board to only one member.	One person is sufficient to represent the Council of County Governors.	<b>Reject:</b> The proposal is rejected since firefighting services is a devolved function and thus the need for more representation to the Board.
		Proposes an amendment to clause 5 (h) to replace a representative of the Kenya Medical Association with a representative of the ministry of health.	The Ministry of Health is the Primary National Institution responsible for health.	The committee rejects this proposal since the main aim of the Bill is to provide for the institutional and regulatory framework for the regulation of the professionals.
	The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes deleting of clause 5 and substituting therefore a provision that provides that the;  <b>The Board shall consist of a non-executive chairperson appointed by the President, Principal Secretaries responsible for fire and rescue services, finance, and technical and</b>	The Board, being a professionals’ regulatory board should align to the best practices for such Boards. The membership of the professional body i.e., the Institute should be a member of the Board with substantial representation. A private association	The committee accepts the proposal to include a representative of the technical and vocational education and training and a representative of private sector organizations.

			<p><b>vocational education and training, the chairperson of the Institute, two persons nominated by the Institute representing either gender, one faculty member representing academic institutions, one person representing private sector organizations, and the Registrar as an ex-officio member and secretary.</b></p> <p>Further, they propose that appointees must hold relevant degrees, have leadership experience, be in good professional standing, meet the requirements of the Public Officer and Ethics Act, and not be office bearers in any political party.</p>	<p>cannot be deemed to be a representative of the professionals. The best practice is to have the Institute, which is created under the act as proposed in this memorandum, and which will have the statutory mandate to manage professional practice matters.</p>	<p>Since the Committee rejects the proposal to establish the Institute of Fire and Rescue Services it follows that their representation to the Board cannot stand. The proposal for a faculty member representing academic institutions is also rejected.</p>
	County Assemblies Forum (CAF)	<p>Proposes an amendment to clause 5 of the Bill include representation of volunteer firefighters on the Board, either through a nominated member or by allowing for the co-option of volunteer firefighter representatives.</p> <p>They further propose an amendment to clause 5(1) to reduce the dominance of government representatives on the Board and increase the representation of other stakeholders, such as private sector, civil society, and professional associations. Consider introducing independent members on the Board to enhance its objectivity and independence</p>	<p>Volunteer firefighters play a crucial role in many communities, particularly in rural and underserved areas, and their engagement is essential for the effective delivery of fire and rescue services. Ensuring their representation on the Board and integrating them into the regulatory framework will help ensure the bill addresses the needs and concerns of all fire and rescue services professionals, both paid and volunteer.</p> <p>Further, a more balanced Board composition, with reduced dominance of government representatives and increased representation of other stakeholders,</p>	<p><b>Accept:</b> a balanced Board comprising of both the government and other stakeholders increases objectivity of the Board.</p>	

				will help enhance the independence, objectivity, and credibility of the regulatory body. This will promote better decision-making, stakeholder engagement, and ultimately, more effective regulation of the fire and rescue services profession.	
		Andrew K. Kosgey, Airport Rescue Fire Fighting Officer	Proposes an amendment to section 5 by introducing a new paragraph (j) to include one person nominated by the Kenya Airports Authority; Airports Rescue Firefighting Office.	Since international and domestic airports are located across the counties, Airport rescue firefighters other than their core mandate (Airport firefighting) are available when requested to support their counterparts (country fire brigades) in the event of a disaster involving structural fires.	<b>Reject:</b> Besides the Airports Rescue Fire Fighting Office, there are a number of other industry-based brigades. As such the inclusion of the brigade in the Board would be discriminatory to other industry-based brigades.  Instead, it would be appropriate to have one member representing industry brigades to the Board.
7.	7. <b>6</b> – <b>Headquarters</b>	Council of Governors	Proposes an amendment to clause 6 to read as follows;  <b>The headquarters of the Board shall be in Nairobi. The Board shall not establish branches but shall instead collaborate with each of the 47 County governments.</b>	The headquarters should be in Nairobi and the Board should collaborate with counties to ensure that they are fully supported and equipped to implement the national guidelines, standards, and norms effectively for fire and rescue services within their respective jurisdictions. The Board will facilitate a framework for this collaboration, focusing on capacity building, sharing of best practices, and technical support to uphold	Accept: the proposal takes into consideration the need for collaboration between the National Government and County Governments.

				national standards across all counties	
8.	8. 7 – Functions of the Board	Council of Governors	Proposes deletion of clause 15 (b) which provides that the registrar shall sign, issue, renew and cancel certificates of registration and licenses as may be directed by the Board.	This function is to be handle at the County level. There is need for a clear distinction between professional licenses to be imposed by the Authority and the Business and Permit Licenses to be imposed by the County Government. The County Government Acts mandates the County Government the powers to charge business and permit fees and issue licenses for any trade or business conducted within the County Government.	<b>Accept:</b> The Bill should provide with clarity that professional licenses will be issued by the Board but the business and permit licenses be a preserve of the County Governments.
		The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes that Clause 7 of the Bill be amended by deleting paragraphs (a), (b), (f), (g), (h) and (j).	The Board should be responsible specifically for core regulatory matters such as registration and licensing of members and standards setting. The proposed Institute should be responsible for the matters provided for under clause (a), (b), (f), (g), (h) and (j), which is the best practice for the professional bodies such as ICPAK, ICPSK and LSK.	<b>Reject:</b> The establishment of the institute will conflict with the mandate of the Board.
9.	9. Clause 13 – Remuneration of Board Members	The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster	Proposes to amend clause 13 to read: the Board shall pay its members allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission may determine:	Board members should be given allowances instead of remunerations.	<b>Accept:</b> Board members do not hold full time jobs and neither do they sit on a daily basis, as such important that they are only entitled to allowances as opposed to remuneration.

		Operations Centre.			
10.	14 – Appointment of the Registrar.	The Chief Fire Officers Association – Kenya (CFOA-K)	<p>Proposes that Clause 14 (4) be amended as follows –</p> <p>1) In the introductory legislative sentence in subclause (4), by inserting the words “and in good professional standing” after the words “under this Act”</p> <p>2) In paragraph (a) by deleting the words “disaster management” and substituting therefor the words “fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, sociology, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other equivalent qualification”</p> <p>3) By inserting a new paragraph (b) and renumbering the section accordingly as follows– (b) holds at least a diploma in fire management or fire and rescue management from a recognized institution, where a person is not a holder of a Bachelor’s degree in Fire and Rescue Service, Fire Management or its equivalent.</p> <p>4) In paragraph (b) by inserting the words “with at least five years’ experience in leadership in public or private sector” after the word “field</p> <p>5) By deleting paragraph (c).</p>	<p>The Registrar should be an active member of the proposed Institute, in good professional standing. The primary qualification should be a degree in fire management, fire engineering, or fire and rescue service, or a related field. If the person does not hold a relevant degree, they should have at least a diploma in fire and rescue services. Requiring experience in policy formulation and knowledge of government procedures is restrictive and discriminatory, as it excludes qualified individuals with private sector management experience. Paragraph (c) should not be an essential qualification for the Registrar position.</p>	<p><b>Accept:</b> The academic qualifications should also not be restrictive. However, knowledge in policy formulation is a key attribute required of the position of the registrar as such an appointee will serve as the Chief Executive Officer to the Board.</p>

		The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes an amendment to clause 14 by;  a) Substituting the requirement for one to hold a degree in disaster management with a degree in social sciences; and  b) Reducing the years of experience from 10 years to five (5) years	Should not specify on disaster management course only as it limits eligible applicants.  The number of years of experience should be reduced to five as it would lock out candidates.	Limiting the requirement to social sciences is also still restrictive and as such rejected.  The committee further notes that the ten years provided is important taking into consideration the nature of the job.
11.	16— Limitation of Liability	The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes an amendment to clause 16 to replace the words “carrying on” with “carrying out”	To correct the use of preposition.	<b>Accept:</b> this is a minor change to use the correct preposition.
12.	17- Registration of Fire and Rescue Services Professionals.	Council of Governors	Proposes an amendment to clause 17 to read as follows;  <b>17. No person shall practice as a fire and rescue service consultant, a fire and rescue service professional or operate a private fire brigade firm in Kenya unless registered in accordance with the provisions of this Act.</b>	The Board should only register fire and rescue service consultant, a fire and rescue service professional or operate a private fire brigade firm in Kenya and the County Governments to licenses fire and rescue service consultant and private fire brigade firms.	<b>Accept:</b> Since Fire Services is a devolved function, the Board should register the fire and rescue services professionals and firms only upon being licensed by County governments.
		The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes that clause 17 of the Bill be amended as follows –  1) by deleting the words “fire and rescue consultant” and “or operate private fire brigade	The clause should provide for the primary requirement which is registration and licensing of a professional. The matters related to what amounts to professional	<b>Accept:</b> the proposal defines the scope of practice for fire and rescue services professionals.

			<p>firm”</p> <p>2) by numbering the clause as subclause (1) and inserting a new subclause (2) as follows –</p> <p><b>17 (2) For purposes of this section, professional practice includes but not limited to –</b></p> <p>(a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue Page  11 professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;</p> <p>(b) carrying out or holding oneself as a fire and rescue service professional; or</p> <p>(c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.</p>	<p>practice should be dealt with separately. This memorandum has proposed a new sub clause 17 (2), which defines what professional practice is.</p>	
13.	<b>18- Qualifications of a Fire and Rescue Services Professional</b>	The Chief Fire Officers Association – Kenya (CFOA-K)	<p>Proposes that clause 18 of the Bill be amended as follows–</p> <p>1) By deleting clause (b)</p> <p><b>2) By inserting a new paragraph (c) as follows –</b></p> <p><b>(c) has undertaken and received practical and experiential learning in fire and rescue service</b></p>	<p>Clause 18 (b) does not conform with the Immigration law and practice. For a foreigner to work in Kenya, the person is not required to be a permanent resident in order to qualify for a work permit. They would only be required to provide their practice licenses from their country of origin. In addition, a</p>	<b>Accept:</b> Permanent residence should not be a requirement for one to practice as a fire and rescue service professional in Kenya. Such a requirement is restrictive to the growth of the profession.

			practice and graduating from the academic or education institution in an organization that ordinarily deals with matters related to fire and rescue service for a period of not less than one year.	foreigner would only be required to register with the Institute and the Board. In other professions, one does not need to be a permanent resident to qualify for a work permit or practice recognition. The main requirement is for a person to meet professional qualifications in their country of origin. For a person to qualify to be registered under the Act, the person should have post-graduate practical learning such as internship to ensure that such a person has the necessary practical experience in the practice.	
14.	20 - Registration of Fire and Rescue Services Consulting Firms	Council of Governors	Proposes an amendment to Clause 20 by introducing a new clause (20A) immediately after Clause 20 to read as follows:  <b>20A. Every registered fire and rescue services consulting firms and private fire brigade firms shall apply for a trade license from the County Governments where they intend to operate.</b>	To align to the provisions of the Fourth Schedule of the Constitution which devolved trade licenses to the County Governments. We recommend that the licensing of the registered fire and rescue services consulting firms and private fire brigade firms is done by the respective County Governments.	<b>Accept:</b> the proposal only seeks to align the provisions of the Bill with the Fourth Schedule of the Constitution.
15.	21 - Application for registration as a Fire and Rescue	The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes that clause 21 and 22 of the Bill be deleted.	The fire and rescue services profession is nascent, and the government is developing curriculum and recognizing prior learning. The Bill should focus on regulating professional practice, not the place of practice. Directorship or	<b>Reject:</b> Clause 21 seeks to guard against people who are not recognised as fire and rescue services professionals from undertaking such business.

	<p><b>Services Firm; and</b></p> <p><b>22- Consideration of Application for Registration</b></p>			<p>partnership of a licensed professional should not be a condition for an entity to operate. Clause 21 is restrictive to foreign investment and practice. Requiring percentage of foreign shareholding or ownership does not conform with investment promotion strategy. The best practice is to have a local director for foreign-incorporated companies.</p>	
<p><b>16.</b></p>	<p><b>New Part – IV – The Institute of Fire and Rescue Service Professionals</b></p>	<p>The Chief Fire Officers Association – Kenya (CFOA-K)</p>	<p>Proposes the introduction of a new part IV immediately after part III and renumbering the Bill accordingly.</p> <p>The new part establishes the Institute of Fire and Rescue Service Professionals as a corporate body to promote professional development, competence, and welfare of its members.</p> <p>The Institute’s functions include promoting policies, laws, standards, and ethics in fire and rescue service practice, maintaining a register of professionals, and advising the government.</p> <p>Membership consists of registered professionals, honorary members, and special members.</p> <p>The Institute is governed by a general meeting, a Council, and branches.</p> <p>The Council is responsible for management and administration, while the Secretary serves as the</p>	<p>In accordance with the best practice adopted in Kenya for the regulation and development of professions and practice, it is important to establish the Institute, which is constituted by the professionals registered to practice under the Act.</p> <p>The Institute is the professional body for members to participate in promotion of industry’s growth and development and members’ welfare. The Institute, being a membership organization should include the branches in the governance structures and processes to avoid the professionals practicing in Nairobi dominating the membership in the Council and the governance process.</p>	<p><b>Reject:</b> the introduction of the Institute would lead to a duplication of functions between the Board and the Institute.</p>

			chief executive officer.		
			The Institute also has a secretariat and staff to support its operations.		
17.	27 - Annual estimates	Council of Governors	<p>Proposes an amendment to section 27 (1) to read as follows;</p> <p>(1) The County Fire and Rescue Services Committee is tasked with establishing a detailed and transparent accounting system for managing the collection, allocation, and utilization of these fees. This system shall adhere to the principles of accountability and transparency to the public and relevant stakeholders</p> <p>(2) The Committee shall prepare an annual report detailing the impact of the utilized fees on improving local fire and rescue services. This report must be submitted to the County Assembly for review and approval</p>	No rationale given.	<b>Reject:</b> The Bill does not establish a County Fire and Rescue Services Committee and in any case, the committee cannot take over the functions of the registrar to the Board.
18.	27- Annual estimates	The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes an amendment to clause 27 (2) (d) by deleting the words “and the members of the Board” appearing immediately after the words “members of the Board”	The phrase “members of the Board” is repeated.	<b>Accept:</b> Correct the repetition

	<b>29 Professional Misconduct</b>	Council of Governors	Proposes a deletion of the Word “Registrar” and substituting with “County Fire and Rescue Services Committee.	No rationale	<b>Reject:</b> Clause 29 deals with offences relating to registration and licensing of the fire and rescue services professionals. Since the Registrar will be the custodian of all the registration details of the professionals, it is not proper to delink the office holder from clause 29.
		County Assemblies Forum (CAF)	Proposes an amendment of clauses 29 and 30 to increase the fines and imprisonment terms for offenses, especially for larger organizations or repeat offenders, to provide a stronger deterrent.  Further, CAF indicates that there is need for introducing additional sanctions, such as license revocation or debarment, for more severe offenses.	Increasing the fines and imprisonment terms for offenses, especially for larger organizations or repeat offenders, will provide a stronger deterrent against noncompliance and help reinforce the importance of professionalism and ethical conduct within the fire and rescue services sector. Harsher penalties are necessary to ensure the regulations are taken seriously and the public's safety is adequately protected.	<b>Reject:</b> this being an emerging profession, punitive penalties may slow down the growth of the profession.
20.	<b>31— Offences by persons or training institutions.</b>	The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes amendment to clause 31 by deleting the words “or seeking registration” appearing immediately after the words “an institution registered” in the introductory clause.	The term seeking registration would make the clause susceptible to fraudulent activities in the name of awaiting registration.	<b>Accept:</b> This ensures that only registered institutions are able to provide training in fire and rescue services.
		The Ministry of	Proposes an amendment to clause 32 (3) by	To remove exemptions. They may be	<b>Accept:</b> the exemptions may be

21.	32— <b>Prohibition of the use of the term “fire and rescue services professional”</b>	Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	deleting the provision entirely	misused to aid unqualified people to misrepresent themselves as Fire and Rescue Services professionals	misused by unqualified persons to masquerade as fire and rescue services professionals.
22.	36 <b>Regulations</b>	Council of Governors	Proposes an amendment to clause 36 to read as follows:  <b>36. (1) The Cabinet Secretary may in consultation with the Board and Council of County Governors make Regulations generally for the better carrying into effect of any provisions of this Act.</b>  <b>(2) Without prejudice to the foregoing, regulations made under this section may provide for —</b>  <b>(a) the manner of issue, amendment, renewal, revocation, and suspension of licenses by the Board and County Governments.</b>	To provide for a consultative process in the development of the regulations for effective implementation of the Act.	<b>Accept:</b> The proposal seeks to promote collaboration in the development of regulations between the National Government and the County Governments.
		The Chief Fire Officers Association – Kenya (CFOA-K)	Proposes that clause 36 be amended by deleting the word “brigade” and substituting therefor the words “and rescue.	The title of the profession is “Fire and Rescue Professionals”	<b>Accept.</b> This is a minor grammatical change.
23.		The Chief Fire Officers Association – Kenya (CFOA-K) County Assemblies Forum (CAF)	Proposes that clause 37 of the Bill be deleted and substituted therefor as follows –  37 (1) A person who prior to the date of commencement of this Act was practicing as a fire	Most fire and rescue professionals lack the Bill’s prescribed academic qualifications, and few institutions offer training. A 4-year transition period is necessary for employed	<b>Reject:</b> Four years is quite a long time to fully implement the law. One year would be a sufficient period.

			<p>and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act, shall not later than four years comply with the requirements of this Act.</p> <p>(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for a practicing certificate within twelve months from the date of issuance of notice for application for practicing licenses by the inaugural Board.</p>	<p>professionals to gain qualifications and more institutions to provide education. The government is conducting prior learning recognition and curriculum development. Implementing Clause 36 would make over 90% of fire and rescue personnel noncompliant with the Bill's requirements.</p>	
			Enhance the transition period.	To ensure that the staff already employed in the counties are able to comply with the provisions of the Act	<b>Accept:</b> the period can be extended to one year.
24.	37 – <b>Transitional provisions</b>	The Ministry of Interior and National Administration, State Department for Internal Security, National Disaster Operations Centre.	Proposes amendment to clause 2 of the schedule to add a maximum number of meetings that can be conducted by the Board in any given year.	For proper financial planning of the Board.	<b>Reject:</b> Setting a maximum number may hinder the Board from effectively discharging its mandate.
25.	<b>New schedule</b>	The Chief Fire Officers Association – Kenya (CFOA-K)	<p>Proposes the introduction of a new schedule to provide the regions and counties covered by each branch of the Institute of Fire and Rescue Service Professionals as follows:</p> <p>1. Coast: Kwale, Mombasa, Lamu, Kilifi, Taita Taveta, and Tana River</p>	<p>The establishment and governance of the Institute need to be separated from the establishment and governance of the Board.</p> <p>The Institute, being a membership organization should include the</p>	<b>Reject:</b> The establishment of the institute will conflict with the mandate of the Board.

			<p>2. South Rift: Narok, Nakuru, Bomet, Kericho, Laikipia, and Samburu</p> <p>3. North Rift: Uasin Gishu, Trans Nzoia, Nandi, Turkana, West Pokot, Elgeyo Marakwet, and Baringo</p> <p>4. West Kenya: Kisumu, Siaya, Busia, Kakamega, Bungoma, and Vihiga</p> <p>5. South West Kenya: Kisii, Nyamira, Migori, and Homa Bay</p> <p>6. Central Kenya: Nyeri, Murang'a, Kiambu, Kirinyaga, Nyandarua, Embu, Meru, and Tharaka Nithi</p> <p>7. South Eastern: Machakos, Kajiado, Kitui, and Makueni</p> <p>8. North Eastern: Mandera, Wajir, Garissa, Marsabit, and Isiolo</p> <p>9. Nairobi.</p>	branches in the governance structures and processes to avoid professionals practicing in Nairobi dominating the membership in the Council and the governance process.	
26.	New clauses 38 and 39	The Chief Fire Officers Association – Kenya (CFOA-K)	<p>Proposes the inclusion of new clauses 38 and 39 to the Bill to provide that the Cabinet Secretary, in consultation with the Interim Council, shall establish the inaugural Board within nine months of the Act's commencement and issue guidelines for registering qualifying professionals.</p> <p>The Cabinet Secretary shall convene a meeting of</p>	There are more than registered member organizations for fire and rescue professionals. Therefore, no single organization should be designated to solely set up the Interim Council. Currently, most of the fire and rescue professionals practice within the county	<b>Reject:</b> The establishment of the institute will conflict with the mandate of the Board.

			<p>registered member associations or organizations of fire and rescue professionals within three months to deliberate on the procedure for selecting the Interim Council and representatives to the Inaugural Board, and to discuss the operationalization of the Act.</p> <p>The Interim Council shall consist of representatives from county governments, national government agencies, private sector organizations, private practice, and charitable or nongovernmental organizations. Its purpose is to select representatives, set basic structures, publicize the Act, advise on operationalization, and undertake functions as required. The Interim Council's term shall be one year from its establishment.</p>	<p>governments as the fire and rescue service is a function of county governments. Therefore, representatives from the county government should take a leading role in setting up the Interim Council.</p>	
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**GENERAL**

**COMMENTS**

1. To strengthen fire and rescue services, collaboration between national and county governments should be enhanced, encompassing policy development, resource allocation, joint training, and coordinated emergency responses.
2. Capacity building and professional development of personnel should be prioritized through comprehensive training programs.
3. Public awareness and community engagement initiatives should be amplified to foster a culture of safety.
4. Diverse funding strategies, including partnerships with the private sector, international grants, and community fundraising, should be explored to augment resources for equipment, infrastructure improvement, and service expansion. These measures will ensure robust and responsive fire and rescue services nationwide.
5. The Cabinet Secretary for Finance and National Planning affirmed that the Bill does not qualify as a money Bill and, consequently, expressed no reservations regarding its provisions.

# **ANNEX 6**

Committee Stage amendments to the Bill

17<sup>th</sup> May, 2024

The Clerk of the Senate,  
Parliament Buildings,  
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE FIRE AND RESCUE SERVICES PROFESSIONALS BIL, 2023, SENATE BILLS NO. 55 OF 2023**

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**NOTICE** is given that Sen. William Cheptumo, the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Fire and Rescue Services Professionals Bill 2023, Senate Bills No. 55 of 2023, at the Committee Stage

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Objects of the Act

3. The objects of this Act are to –

- (a) provide a framework for standards for professional practice and their enforcement;
- (b) facilitate the delivery of quality fire and rescue professional services;
- (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
- (d) protect the public from unethical professional practice in fire and rescue services; and
- (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

#### **CLAUSE 4**

**THAT** the Bill be amended in clause 4 -

- (a) by deleting the heading to Part II and substituting therefor the following new heading—

#### **PART II – ADMINISTRATION**

- (b) in subclause (1) by inserting the word “professionals” immediately after the words “and rescue services”.

#### **CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

Composition of the Board    **5.** (1) The Board shall comprise of -

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
- (e) three persons nominated by the Council of County Governors;
- (f) two persons nominated by the association representing the largest number of professional

firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;

(g) one person nominated by the umbrella body of emergency responders in Kenya;

(h) one person representing private sector organizations in Kenya; and

(i) the registrar who shall be an ex-officio member and who shall have no vote.

(2) The persons nominated under subsection (1) (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

#### **CLAUSE 6**

**THAT** the Bill be amended in clause 6 by deleting the words “and it may establish branches in other counties” appearing immediately after the words “be in Nairobi”.

#### **CLAUSE 7**

**THAT** the Bill be amended in clause 7 by –

(a) renumbering the existing introductory phrase as sub-clause (1); and

(a) inserting the following new sub cause (2) immediately after paragraph (n) –

(2) collaborate with each county government in the performance of its functions.

#### **CLAUSE 14**

**THAT** clause 14 of the Bill be amended by deleting subclause (4) and substituting therefor the following subclause –

(4) A person shall not be appointed as a Registrar unless such person

(a) is registered as a fire and rescue services professional under this Act;

- (b) is in good professional standing;
- (c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, paramedicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;
- (d) has at least ten years' experience in the field of fire and rescue;
- (e) has at least five years' experience in leadership in the public or private sector;
- (f) has knowledge and experience in policy formulation;
- (g) meets the requirements of Chapter Six of the Constitution

#### **CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (1) by deleting the words “carrying on” appearing immediately after the words “the course of” and substituting thereof with words “carrying out”.

#### **CLAUSE 17**

**THAT** the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

Registration of Fire and  
Rescue Services  
Professionals

**17.** (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes –

- (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit

and inspection or rescue operation;

- (b) carrying out or holding oneself as a fire and rescue service professional; or
- (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

#### **CLAUSE 18**

**THAT** clause 18 of the Bill be amended by deleting paragraph (b) and replacing it with the following -

- (b) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

#### **CLAUSE 20**

**THAT** the Bill be amended in clause 22 by inserting the following new proviso immediately after sub-clause (7) —

Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

#### **CLAUSE 36**

**THAT** clause 36 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

- (f) the training of fire and rescue services professionals.

#### **CLAUSE 37**

**THAT** the Bill be amended by deleting Clause 37 and substituting therefor the following new clause—

Transitional provision.

**37. (1)** A person who prior to the date of commencement of this Act was practicing as a fire and

rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

## **CLAUSE 2**

**THAT** the Bill be amended in clause 2 by -

- (a) deleting the definition of “fire and rescue services consulting firm” and substituting therefor the following new definition –

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services

- (b) deleting the definition of the word “fire brigade”

- (c) deleting the definition of the words “fire and rescue services professional” and substituting therefor the following new definition –

“fire and rescue service professional” means a person registered under section 17.

- (d) Inserting a new definition of the word “private fire brigade firm”

“private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.

## **LONG TITLE**

**THAT** the Bill be amended by deleting the long title and substituting therefor the

following new title –

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

Date.....29.05....., 2024.



William Cheptumo,  
Chairperson,

*Standing Committee on National Security, Defence and Foreign Relations.*