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FIRST SCHEDULE — PROVISION AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL,

**THE ENVIRONMENTAL PROFESSIONALS
SOCIETY OF KENYA BILL, 2025**

A Bill for

AN ACT of Parliament: to provide a legal framework for the regulation of environmental professionals; for the establishment of an environmental professionals' Society and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

PART I — PRELIMINARY

1. This Act may be cited as the Environmental Professionals Society of Kenya Bill, 2025.

Short title.

2. In this Act, —

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters related to the environment and climate change;

“Council” means the Environmental Professionals Council established under section 13”;

“Environmental Professional” means a person registered under section 22;

“Institute of Certified Public Accountants of Kenya” means the Institute of Certified Public Accountants established under section 3 of the Accountants Act;

Cap 531.

Cap. 18.

“Law Society of Kenya” means the Law Society of Kenya established under section 3 of the Law Society of Kenya Act;

Cap. 387.

“National Environmental Management Authority” means the National Environmental Management Authority established under section 7 of the Environmental Management and Co-ordination Act;

Cap. 286.

“Physical Planners Registration Board” means the Physical Planners Registration Board established under section 3 of the Physical Planning Act;

“Society” means the Environmental Professionals Society of Kenya established under section 5.

3. The object of this Act is to—

Object.

- (a) provide a mechanism for monitoring and compliance of professional standards among environmental professionals;
- (b) establish an environmental professionals Society;
- (c) establish a regulatory council exercising oversight over environmental professionals;
- (d) formulate a code of conduct and ethics for environmental professionals; and
- (e) foster accountability among regulatory authorities in relation to the environment and climate change.

4. In carrying out functions and in the exercise of powers under this Act, all persons shall have regard to the following principles—

Guiding principles.

- (a) commitment to responsible environmental stewardship;
- (b) upholding standards of professional integrity and excellence;
- (c) ethical conduct and professionalism;
- (d) collaboration and partnership;
- (e) education and knowledge sharing; and
- (f) public engagement and outreach.

PART II — ESTABLISHMENT OF THE ENVIRONMENTAL PROFESSIONALS SOCIETY

5. (1) There is established the Environmental Professionals Society of Kenya.

Establishment of Society.

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

- (a) suing and be sued;
- (b) taking, purchasing or otherwise acquiring, holding, developing or disposing of movable and immovable property;
- (c) borrowing or raising money;

- (d) investing and dealing with monies of the Society not immediately required in such manner as may from time to time be determined by the Society; and
- (e) doing or performing all such other things or acts, which may lawfully, be done by a body corporate.

6. The functions of the Society shall be to—

Functions of the Society.

- (a) uphold constitutional provisions on protection of the environment and enforcement of environmental rights;
- (b) ensure that all environmental professionals meet the standards of professional competence and professional conduct that is appropriate for the services they provide;
- (c) set, maintain and continuously improve the standards of learning, professional competence and professional conduct for the provision of environmental services in Kenya;
- (d) facilitate the acquisition of knowledge by members of the Society and ancillary service providers through promotion of high standards of environmental education and training;
- (e) provide for licensing and registration of environmental professionals;
- (f) provide for certification and accreditation of environmental professionals;
- (g) represent, protect and assist members of the Society in matters relating to the conditions of practice and welfare;
- (h) protect and promote the interests of users of the services of environmental professionals and the public interest generally, by providing a fair, effective, efficient and transparent procedure for the resolution of complaints against environmental professionals;
- (i) advocate for policies and regulations that promote environmental conservation, sustainability and protection;

- (j) support research initiatives, grants and scholarships to foster innovation and advancements in environmental science, technology and policy;
- (k) facilitate international collaboration and knowledge exchange through partnerships with similar organisations worldwide, organising joint conferences and promoting cross-cultural understanding;
- (l) establish and uphold professional standards and codes of ethics to guide the conduct of members, ensuring integrity, transparency and accountability in environmental practise; and
- (m) develop and facilitate capacity building initiatives for environmental professionals.

7. The Society shall have the powers necessary for the proper performance of its functions under this Act.

General powers.

PART III – MEMBERSHIP OF THE SOCIETY

8. (1) The membership of the Society shall consist of any person who has been registered under section 22 of this Act.

Membership.

(2) Subject to subsection (1), a member of the Society whose name has been, as a result of disciplinary proceedings, struck off the register of environmental professionals shall not be a member of the Society during the period of expulsion.

(3) A person who has been expelled from membership of the Society shall not be re-admitted as a member of the Society without the authority of a special resolution of the Council.

9. The Council may make regulations prescribing matters relating to non-practising membership that may be necessary for the promotion of the objects and the regulation of the affairs of the Society.

Regulations for non -practising members.

10. The members of the Society shall have the following rights—

Membership rights.

- (a) a paid-up member with a practicing license shall have all rights of a member;
- (b) a non-practicing member shall have all the rights except that such member shall have no right to practice or vote or vie for office in any election of the Society;
- (c) vote at any election of the Society or on any matter of the Society;
- (d) vie for any office of the Society; and
- (e) be nominated by the Society to any constitutional or statutory body.

11. (1) Any member of the Society, may be suspended or expelled from the Society upon such grounds as are set out in the Society's code of conduct;

Termination of membership.

(2) A person shall not be suspended or expelled from membership of the Society unless the person has been given reasonable opportunity to answer all allegations made.

12. A member who is suspended or expelled from the Society shall, from the date of suspension or expulsion, cease to be qualified to practice as an environmental professional and if such member holds a practising license, the practising license shall where the member is—

Non-member to cease to practice.

- (a) suspended, be suspended for the duration for which that person is suspended; or
- (b) expelled, ceased to be valid.

PART IV — ESTABLISHMENT OF THE ENVIRONMENTAL PROFESSIONALS COUNCIL

13. (1) There is established the Environmental Professionals Council which shall be the governing body of the Society.

Environmental Professionals Council.

(2) The Council shall have its offices in Nairobi.

14. The functions of the Council shall be to —

Functions of the Council.

- (a) review and approve applications for registration of environmental professionals;
- (b) develop and update the code of conduct and ethics for environmental professionals;

- (c) investigate complaints against registered environmental professionals;
- (d) investigate complaints from the public against environmental professionals in relation to matters of the environment and climate change;
- (e) collaborate with various related professional bodies to set industrial standards of competence for respective professionals undertaking environmental work.
- (f) collaborate with educational institutions to set standards for environmental education and training;
- (g) provide recommendations to the Cabinet Secretary on matters related to the regulation of environmental professionals;
- (h) submit an annual report on its activities, registered professionals and recommendations for improvement; and
- (i) perform all functions necessary for the achievement of its objects.

15. The Council shall consist of the following members—

Membership of
the Council.

- (a) a chairperson elected by registered environmental professionals;
- (b) one person nominated by the National Environmental Management Authority;
- (c) two persons nominated by the Cabinet Secretary to represent environmental organizations registered and operational in Kenya for at least ten years;
- (d) two persons nominated by the Society;
- (e) one person nominated by the Law Society of Kenya;
- (f) a person nominated by the Physical Planners Registration Board.
- (g) a person nominated by the Institute of Certified Public Accountants of Kenya.

16. (1) The chairperson shall have at least ten years of experience in environmental and climate change management or a related discipline;

Qualifications of Council members.

(2) The persons nominated by the Society shall be registered environmental professionals with at least ten years of practice in the environment and climate change sector;

(3) The person nominated by the Law Society of Kenya shall have ten years' experience in environmental law;

(4) The person nominated by the Physical Planners Registration Board shall have at least ten years' experience in environmental planning; and

(5) The person nominated by the Institute of Certified Public Accountants of Kenya shall have practised as an accountant for at least five years.

17. (1) The term of office for the Council members shall be as follows—

Term of office.

(a) the Chairperson shall serve for a period of four years, the term of which shall be renewable for one additional term;

(b) nominated environmental professionals under section 16 (2) above shall serve for four years, with the possibility of re-election for one additional term;

(c) the representative from the Law Society of Kenya shall serve for four years;

(d) the representative from the Institute of Planners shall serve for four years; and

(e) the representative from the Institute of Certified Public Accountants of Kenya shall serve for four years.

(2) In the event of a vacancy in the office of the chairperson, the Council members shall nominate and by way of resolution appoint an acting chairperson from persons serving in the Council under paragraph (b) in subsection (1).

18. The conduct of the affairs of the Council shall be as prescribed in the First Schedule.

Conduct of the affairs of the meetings of the Council.
Secretariat.

19. (1) The Council may establish a secretariat to assist in the day-to-day operations of the Council.

(2) The Council shall establish regional chapters of the secretariat for purposes of representation of counties within the secretariat.

(3) The secretariat shall be headed by a Secretary appointed by the Council.

(4) The Secretary appointed in subsection (3) shall be the Secretary to the Council.

(5) The Secretary shall satisfy the requirements of chapter six of the Constitution on leadership and integrity and be a certified public secretary in good standing.

(6) The secretariat and its operations shall be funded by the Society's monies including but not limited to subscription fees collected from members and shall be allocated accordingly in the Society's budget.

20. (1) The general meeting shall be the supreme authority of the Society which shall approve all resolutions and important decisions of the Society.

Annual general meeting.

(2) The general meeting shall consist of all the members of the Society.

(3) The secretary of the Council shall be the secretary to the general meeting.

(4) The expenses of the annual general meeting shall be defrayed from the general funds of the Council.

(5) The quorum of the general meeting shall be at least five percent of all the registered environmental professionals.

(6) The Chairperson of the Council shall preside at the general meeting and in the absence of the Chairperson, an appointed member of the Council shall preside at the meeting.

21. The Council may receive funding from the government, donor agencies, fees collected from registration and licensing and any other lawful sources.

Funding.

PART V –REGISTRATION OF ENVIRONMENTAL PROFESSIONALS

22. (1) A person shall not practice as an environmental professional unless registered with the Council.

Requirement for registration.

(2) The Council shall establish and maintain a register of environmental professionals.

23. (1) A person seeking registration as an environmental professional shall possess the following qualifications—

Qualifications for registration.

- (a) possession of a Bachelor's degree or higher in environmental science, environmental management, ecology, natural resource management, or a related field from a recognized institution and in the case of foreign qualifications, an equivalent certificate issued by a recognized accreditation body;
- (b) submission of at least two professional references from individuals familiar with the applicant's work in the environmental sector;
- (c) possession of relevant professional certifications in environmental management;
- (d) a declaration of adherence to the Code of Conduct and Ethics as established by the Environmental Professionals Council;
- (e) verification of compliance with any additional regulatory requirements set forth by the Environmental Management and Co-ordination Authority or other relevant authorities; and
- (f) no record of violation of environmental laws or regulations.

(2) The council shall prescribe regulations on the registration of environmental professionals who do not possess formal academic qualifications.

(3) The Council may from time to time by way of notice to the Society amend or vary the requirements for registration as an environmental professional.

24. (1) A person practicing as an environmental professional shall register with the Council.

Application for registration.

(2) The application for registration shall be in the prescribed form; and

(3) The Cabinet Secretary shall, within six months of the enactment of this Act, set out regulations on the process of application, approval and issuance of a registration certificate and licence under this Act.

PART VI – CODE OF CONDUCT AND ETHICS

25.(1) The Council shall within six months of its appointment following the enactment of this Act, formulate and cause to be published, a code of conduct and ethics for environmental professionals.

Establishment of code of conduct and ethics.

(2) Environmental professionals shall adhere to the code of conduct and ethics and any breach may result in disciplinary action.

26.(1) The Council shall have the authority to investigate complaints against environmental professionals pursuant to the code of conduct and ethics.

Disciplinary measures.

(2) Disciplinary measures shall be administered and enforced pursuant to the code of conduct and ethics.

PART VII – MISCELLANEOUS PROVISIONS

27. The Council shall collaborate with various institutions for purposes of research, growth and capacity development and advancement of environmental professionals.

Collaboration with institutions.

28.(1) The Council shall submit an annual financial report and submit it to the Cabinet Secretary at the end of each financial year.

Annual report.

(2) The Council shall publish its financial reports within six months of receipt of the audited financial statements in two newspapers of nationwide circulation.

29.(1) The nominating bodies in paragraphs (a),(c), (e),(f) and (g) in section 15 shall nominate the first interim chairperson of the Council.

Transitional provisions.

(2) The interim chairperson of the Council shall hold office until the first elections of the Society are held in which a chairperson shall be elected pursuant to section 15 (a).

FIRST SCHEDULE

(s.18)

CONDUCT OF BUSINESS AND THE AFFAIRS OF THE MEETINGS OF THE COUNCIL

- (a) The Council shall meet at least once in every four months to conduct the business of the Council
- (b) The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Council at any time, where he or she considers it expedient for the transaction of the business of the Council
- (c) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council by the secretary
- (d) The quorum at a meeting of the Council shall be half of the members or such great number as may be determined by the Council in respect of an important matter.
- (e) The chairperson shall preside at the meetings of the Council and in the absence of the chairperson, the vice chairperson or a member of the Council elected by the members present from among their members.
- (f) The matters of the Council shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
- (g) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
- (h) At the first meeting of the Council, the members shall elect a vice-chairperson, not being an ex-officio member, from among its members.
- (i) Subject to the provisions of this Schedule, the Council may determine its own procedure and the procedure including the attendance of any other persons at the meetings and may make standing orders in respect thereof.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to provide a framework for the registration, regulation and oversight of environmental professionals in Kenya. There is currently no regulatory framework providing for the same.

The environment is a key component of policy and institutional reform in the nation's Vision 2030. Consolidation of environmental professionals and maintenance of information in this regard is a critical institutional development in the environment and climate change space.

The implementation of a bill regulating environmental professionals holds paramount significance in fostering sustainable development and safeguarding ecological integrity. Environmental professionals play a pivotal role in shaping policies, conducting assessments, and devising strategies that mitigate the adverse impacts of human activities on the environment.

The regulation of professionals not only safeguards the credibility of environmental assessments but also instills public trust in the decisions and recommendations put forth by these professionals.

Ultimately, the regulation of environmental professionals enhances the effectiveness of environmental conservation measures, promotes sustainable practices and reinforces the critical role of these experts in addressing contemporary environmental challenges.

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

The Cabinet Secretary for matters relating to the environment shall within six months of the enactment of this Bill set out regulations on the process of application, approval and issuance of registration certificates and licences. There are further no provisions limiting fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Implementation of specific national government policies on natural resources and environmental conservation is a devolved function under Part 2 of the Fourth Schedule to the Constitution.

The regulation of environmental professionals who also work in counties supports national government policies relating to environmental conservation, data collection through maintenance of a central register and professional and capacity building of environmental professionals.

Statement that the Bill is not 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 22nd January, 2025.

BETH SYENGO,
Senator.