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THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES

REPORT ON THE CONSIDERATION OF THE IRRIGATION BILL,

(NATIONAL ASSEMBLY BILLS No. 46 of 2017)

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NAIROBI

JUNE, 2017

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ABBREVIATIONS

CS	-	Cabinet Secretary
EIA	-	Environmental Impact Assessments
NIB	-	National irrigation Board
SEA	-	Strategic Environmental Assessment
WRA	-	Water Resources Authority

PREFACE

Mr. Speaker Sir,

Establishment of the Committee

The Senate Standing Committee on Agriculture, Livestock and Fisheries was constituted on Thursday, 14th December, 2017 during the First Session of the Twelfth (12th) Parliament pursuant to the provisions of standing order 212 (1) of the Standing Orders of the Senate which states:

“There shall be Select Committees to be designated Standing Committees which shall be nominated by the Senate Business Committee in consultation with parliamentary parties at the commencement of every Parliament.”

Mandate of the Committee

The Standing Committee on Agriculture, Livestock and Fisheries is mandated under the Second Schedule of the Standing Orders to *consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.*

The Committee is established under standing order 212(3) of the Senate Standing Orders and is mandated to-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments in respect to devolved functions and county governments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation of devolution;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives on devolved policies and functions;*

- e) *investigate and inquire into all matters relating to the assigned departments as they may deem necessary, in relation to counties and as may be referred to them by the Senate;*
- f) *to consider petitions, reports and appeals by county assemblies/executives-including impeachments; and*
- g) *make reports and recommendations to the Senate as often as possible, including recommendation of proposed legislation to provide policy and legal guidelines and standards applicable across the 47 counties.*

Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely-

- i. The State Department of Agriculture;
- ii. The State Department of Livestock;
- iii. The State Department for Fisheries; and
- iv. The State Department of Irrigation.

Membership of the Committee

The Committee is comprised of the following members-

- 1. Sen. Peter Njeru Ndwiga, MP - **Chairperson**
- 2. Sen. Ltumbesi Lelegwe, MP - **Vice-Chairperson**
- 3. Sen. Naomi Jillo Waqo, MP
- 4. Sen. (Dr.) Michael Malinga Mbito, MP
- 5. Sen. Wario Golich Juma, MP
- 6. Sen. Justice (Rtd.) Madzayo Stewart Mwachiru, MP
- 7. Sen. Naomi Shiyonga, MP
- 8. Sen. Moses Otieno Kajwang', MP
- 9. Sen. Ben Oluoch Okello, MP

Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of its meetings and the public hearing. The Committee also thanks members of the public who made submissions, both orally and in writing.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 137 (1), to present the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Irrigation Bill (National Assembly Bills No. 34 of 2018) for consideration by the House.

Signed.......... Date.....21-6-18.....

SEN. PETER NJERU NDWIGA, EGH, M.P.

CHAIRPERSON

EXECUTIVE SUMMARY

The Irrigation Bill, (National Assembly Bills No. 46 of 2017) sponsored by Hon. Aden Duale, EGH, M.P., Leader of Majority in the National Assembly was read a First Time in the Senate on 16th May, 2017 and was thereafter committed to the Senate Standing Committee on Agriculture, Livestock and Fisheries for consideration pursuant to standing order No. 146 (5) of the Standing Orders of the Senate.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and standing order 130(4) of the Standing Orders of the Senate, the Senate Standing Committee on Agriculture, Livestock and Fisheries invited interested members of the public to submit their views on the Bill. The Committee held a Public Hearing on Wednesday, 30th May, 2017 in the Mini Chamber, 1st Floor, County Hall, Parliament Buildings and received memoranda through the Office of the Clerk of the Senate.

At its 13th Sitting held on 5th June, 2017, the Committee resolved to visit the Mwea Irrigation Scheme to assess the Irrigation Scheme and enrich its deliberations on the Bill on Monday, 11th June, 2017. The Committee also met with the Governor, the County Executive Committee Member responsible for Agriculture, the counterpart committee of the County Assembly of Kirinyaga responsible for matters of agriculture and farmers, and received views on the Bill.

The Committee thereafter, considered all the proposed amendments and came up with its recommendations for amendments to the Bill as documented in this Report.

1 INTRODUCTION

1.1 Background on the Irrigation Bill, (National assembly Bills No. 46 Of 2017)

The Irrigation Bill (National Assembly Bills No. 46 of 2017) seeks to provide for the development, management and regulation of irrigation, to support sustainable food security and socioeconomic development in Kenya and for the connected purposes.

The Bill seeks to repeal the Irrigation Act, CAP 467 of the Laws of Kenya, which commenced on 24th June, 1966. The Bill makes provisions for Cabinet Secretary (CS) in consultation with County Governments, to regulate and promote the development and proper management of irrigation throughout Kenya. The CS shall ensure effective exercise and performance in relation to irrigation and drainage, including water harvesting and storage for irrigation.

This legislative framework is based on the need by the national and county governments to put in place measures and mechanisms to address irrigation. The Bill provides a framework and mechanisms through which the national and county governments shall fulfill their obligations in relation to irrigation matters.

The Bill establishes the National Irrigation Development Authority, a legal entity with its headquarters in Nairobi and makes provision for the establishment of offices as may be created by the Board. The Board of the National Irrigation Development Authority comprises a membership of thirteen led by the Chairperson with a Chief Executive Officer as an *ex officio* member.

The Bill further establishes in each county a county irrigation development unit for better carrying out of an irrigation function delegated by the Cabinet secretary as may be prescribed in the regulations.

1.2 Committal of the Bill to the Standing Committee on Agriculture Livestock and Fisheries

The Irrigation Bill (National Assembly Bills No. 46 of 2017) was published on 29th December, 2017 and was read a First Time in the Senate on 16th May, 2017. The Bill was thereafter committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 146(5) of the Standing Orders of the Senate, the Committee invited views on the Bill from the public by placing advertisements in the Standard and Daily Nation newspapers on 22nd May, 2017.

The Committee received oral submissions at the Public Hearings held on Wednesday, 30th May, 2017 in the Mini Chamber, 1st Floor, County Hall, Parliament Buildings. The Committee also received written submissions delivered through the Office of the Clerk of the Senate.

The Committee received submissions from the following:

1. The Ministry of Agriculture and Irrigation;
2. National Irrigation Board(NIB);
3. Water Resources Authority(WRA);
4. Nature Kenya -the East Africa Natural History Society; and
5. Mr. Daniel Omino- *email* danielomino@yahoo.com Cellphone No. 0722746700

The Committee undertook a County Visit to Kirinyaga County in which the Mwea Irrigation Scheme is situated, on Monday, 11th June, 2017. The Committee met with the Governor, the County Executive Committee Member responsible for Agriculture, the counterpart committee of the County Assembly of Kirinyaga responsible for matters of agriculture and farmers, and received views on the Bill. The Committee also toured the Irrigation Scheme.

2 SUBMISSIONS

2.1 Submissions from the Ministry of Agriculture and Irrigation

The Ministry of Agriculture and Irrigation through the State Department of Irrigation stated that they satisfied with the amendments already made to the Bill by the National Assembly.

2.2 Submissions from Water Resources Authority (WRA)

The Water Resources Authority in their submissions proposed several amendments for consideration by the Committee on Agriculture, Livestock and Fisheries in respect to the Irrigation Bill (National Assembly Bills No. 46 of 2017). The Authority was concerned with the provisions for which justifications for amendments are provided as in the adjacent pages as follows:

	Clause	Proposed Amendment	Justifications for the Proposed Amendment
1.	Clause 2: Interpretation	Amend Clause 2 of the Bill in the following interpretations:	Water Resources Users Associations are given a different meaning under the Water Act, 2016 and are not limited to Irrigation activities. The amendment seeks to harmonize this term and avoid confusion with WRUA as defined under the Water Act, 2016.
		Amend the interpretation of "irrigation water user association" by deleting the words "water user" appearing after "Irrigation" and substitute them with "Irrigation Scheme Associations"	
		Delete the words "and utilization" appearing on the definition of "Water Harvesting" .	Water Harvesting does not include utilization.
2.	Clause 3(1) Scope of the Act	Amend Clause 3(1) of the Bill by deleting the words "as more specifically provided in the Act" and replacing them with the following words "Subject to the provisions of the Water Act, 2016"	The scope of irrigation as relates to water abstraction, utilization and storage infrastructure is regulated under the Water Act, 2016. The scope of the Irrigation Act should therefore be subject to the relevant provisions of the Water Act, 2016 to avoid conflict in the two legislations.
3.	Clause 4 Act to prevail in irrigation matters	Amend Clause 4 of the Bill by adding the words "Subject to Section 3(1) of this Act," at the beginning of the Sentence.	The scope of the Irrigation Act should therefore be subject to the relevant provisions of the Water Act, 2016 to avoid conflict in the two legislations. This will also harmonize it to the amendment proposed under Clause 3(1).
4.	Clause 6 (1) Role of National	Amend Clause 6(1) of the Bill by adding the words "subject to Section 6(3) of	Regulations proposed to be developed under this Clause relate to management of water resources and

	Government	<i>this Act</i> ” immediately after “The Cabinet Secretary shall”	requiring regulation as contemplated under Section 6 and 8 of the Water Act, 2016. The proposed amendment will harmonize these two legislations.
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5.	Clause 6 Role of National Government	Delete Clause 6(2) (e) of the Bill in its entirety.	The proposed amendment will harmonize the Bill with the provisions of the Water Act, 2016.
		Delete Clause 6(2) (f) of the Bill in its entirety.	The Bill seeks to confer powers of receiving and determining applications for Irrigation projects to the National Irrigation Authority; this is a function that is vested to the Water Resources Authority (WRA) under the Water Act. WRA considers and issues water use permits for irrigation based on the availability and adequacy of water. Account is also taken for other water users and domestic use priorities. The proposed amendment will also avoid duplication of functions between the two Government agencies.
6.	Clause 6 (2) (i) Role of National Government	Amend Clause 6(2)(i) of the Bill by adding “water resources abstraction status,” immediately after the word “supplies,”.	To harmonize with the provisions of the Water Act, 2016.
7.	Clause 8 Powers and Functions of the Authority	Amend Clause 8(2) (b) of the Bill to read as follows: -b)in consultation with the Water Resources Authority, facilitate strengthening of	Establishment of Water Resources Users’ Associations (which are made up of all water users) has since inception of the WRA been undertaken by WRA. A total of 700 Water Resources Users’

		<p>water resources users' associations established pursuant to the provisions of the Water Act, 2016.</p> <p>Amend Clause 8(2)(k) of the Bill by adding "<i>safe storage</i>," immediately after the words "<i>marketing and</i>".</p>	<p>Associations have been formed across the country so far. Conflict on roles of these associations would be addressed by harmonizing legislative provisions in this regard. Such association would be an association for using water and there is need to have it under one entity. To ensure safe storage and disposal of farm products.</p>
8.	Clause 14 Role of County Government	<p>Amend Clause 14 of the Bill by adding the following new subsection 14(4):</p> <p>-14(4) Each county government through their respective county irrigation development unit shall comply with relevant provisions of the Water Act, 2016 prior to Implementation of any irrigation projects.</p>	<p>Allowing counties unfettered and uncontrolled use of water for irrigation is dangerous in that some counties may initiate projects which may completely drain our water resources and deny other water users/counties water, leading to conflict and serious consequences.</p>
9.	Clause 15(2) Water for Irrigation	<p>Amend Clause 15(2) of the Bill as follows: Delete Clause 15(2)(a)- in its entirety Delete clause 15(2)(c)-in its entirety</p>	<p>The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.</p> <p>The function of approval of inters basin (also known as catchment) water transfer is vested with the Water Resources Authority on behalf of the National Government under Section 13 (d) of the Water Act, 2016.</p>
10.	Clause 16 Setting apart land, access rights, etc.	<p>Amend Clause 16 of the Bill by deleting Clause 16(1).</p>	<p>The provisions contradict the spirit of the Constitution (Article 62(3)) and provisions of the Water Act, 2016 (Section 5) which vests ownership of every water resource the National Government in trust for</p>

			the people of Kenya. Rights to water resources are regulated under Section 7 and regulated under Sections 36 to 55 of the Water Act, 2016.
		Amend Clause 16 of the Bill by deleting Clause 16(6)	The function of approving water works on any water resources vests with the Water Resources Authority under the Water Act, 2016.
11.	Clause 17 Establishment of Administrative and legal framework	Amend Clause 17(1) of the Bill by deleting the words “and regulatory” appearing at the first sentence. Amend Clause 17 of the Bill by introducing the following new Clause 17(3) after Clause 17(2)-In consultation with Water Resources Authority and other relevant stakeholders ensure sustainable use of the water sources through such guidelines that may be put in place by Water Resources Authority including water resources monitoring stations.	Regulatory role of management of water infrastructure is vested with the Water Resources Authority under Section 6 of the Water Act, 2016. Harmonizes provisions of the law.
		Amend Clause 17 of the Bill by introducing the following new Clause 17(4) after the new Clause 17(3):- Ensure standards of irrigation water effluent are within standards as stipulated by the Water Resources Authority effluent discharge guidelines	

12.	Clause 19	Amend Clause 19(3) and (4) of the Bill by deleting the words “irrigation water users associations and replacing with “Irrigation Associations”. Accordingly amend the marginal note to Clause 19.	Harmonizes to the provisions of the Water Act, 2016.
13.	Clause 20 Formation of irrigation water users’ associations	Amend Clause 20 of the Bill by amending Clause 20(1) to read as follows: - A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source may, together with other members or persons resident in the same area, form or join an irrigation association and such membership shall include a Water Resources Users Association established pursuant to the provisions of the Water Act, 2016.	The proposed amendment seeks to put all associations of water users under the umbrella of a body whose mandate does not conflict with the interests of the intended associations. For effective management, fair and equitable use of our water resources, this mandate should be left to the Water Resources Authority as contemplated under the Water Act, 2016.

		Amend Clause 20(4) by deleting the words “irrigation water users’ associations” and replacing them with “Irrigation Associations”	Harmonizes the provisions of the Bill.
		Accordingly amend the marginal note to Clause 20 by deleting the use of “irrigation water users’ associations” and replacing them with “Irrigation Associations”	Harmonizes the provisions of the Bill.
14.	Clause 25 Dispute Resolution	Amend Clause 25(1) of the Bill by deleting the words “water allocations”	Grievances in respect to decisions of the Water Resources Authority (which includes water allocation) are addressed by the Water Appeals Tribunal established under Section 119 of the Water Act, 2016.
15.	Clause 32 Harmful Chemicals	Amend Clause 32 of the Bill by adding the words “persistent pollutants” after the word “chemicals.	To make the provision all encompassing
16.	Clause 33 Abstraction of Water	Delete Clause 33 of the Bill in its entirety.	Abstraction of water may only be from a water resource and not an irrigation scheme. Issuance of Irrigation permits would be a duplication of roles as irrigation involves use of water which is already regulated by Water Resources Authority. Offences in respect to illegal/unlawful abstraction are provided for under the Water Act, 2016 and penalty thereof prescribed.

17.	Clause 46 (1) Role of National Government	Amend Clause 46(1) of the Bill to read as follows: -- -The Cabinet Secretary shall in consultation with the Water Resources Authority and County Governments, make Regulations for the better carrying out of the purposes and provisions of this Act.	Regulations proposed to be developed under this Clause relate to management of water resources and requiring regulation as contemplated under Section 6 and 8 of the Water Act, 2016. The proposed amendment will harmonize these two legislations.
		Delete Clause 46(2) (g) of the Bill in its entirety.	The Clause creates a conflict. The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.
		Delete Clause 46(2) (e) of the Bill in its entirety.	The Clause creates a conflict. The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.
18.		Delete the use of “irrigation water user” and substitute them with “scheme member” wherever these appear in the Bill.	
19.		Delete the use of “irrigation water user association” wherever it appears in the Bill and substitute them with “Irrigation Scheme Associations”	

2.3 Submissions from National Irrigation Board (NIB)

The National Irrigation Board submitted the following amendments in the Bill for consideration by the Committee as shown in the table below-

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
1. Object	<p>Delete <i>An act of Parliament to promote and regulate the development and management of irrigation in Kenya and for connected purposes</i></p> <p>Replace with <i>An Act of Parliament to provide for the development, management and regulation of irrigation, to support sustainable food security and socio-economic development in Kenya, and for connected purposes</i></p>	To approach this legislation from a positive angle factoring in the national development priorities of food security and social economic growth. This consistent with Article 43 (c) of the constitution that prescribes freedom from hunger and adequacy of acceptable quality of food. In addition, article 10 (2) (d) that espouses the value sustainable development.	Our recommendation included
2. Definition “Authority”	<p>Delete <i>“Authority” means the National Irrigation Development Authority established under section 7;</i></p> <p>Replace with <i>“Authority” means the National Irrigation Authority established under section 7;</i></p>	To ensure coverage of all items in the object above without over emphasis on development alone.	Our recommendation included
3. Definition “irrigation”	<p>Delete <i>means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plans, livestock, aquaculture and desired forest trees</i></p> <p>Replace with <i>means any hydraulic engineering process, which abstracts, storage and supplies water to crops or any other cultivated plans, livestock, aquaculture and desired forest trees.</i></p>	To conform to the letter and spirit of the constitution in as far as irrigation is accommodated in the distribution of functions under schedule 4. Also provide for hydraulic processes pertaining irrigation water.	Captured as <i>means any hydraulic engineering process, which abstracts, stores and supplies water to crops or any other cultivated plans, livestock, aquaculture and desired forest trees.</i>
4. Definition “irrigation”	<p>Delete <i>means the rates to be</i></p>	This is to comply with provisions of article 6	Captured as <i>Means the rates</i>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
n service fees”	<p><i>charged to water users for receiving irrigation services;</i></p> <p>Replace with <i>means the rates to be charged to any recipient of irrigation services;</i></p>	(3) of the constitution of Kenya and in that context uphold the universality of irrigation services	<p><i>to be charged to water users for receiving irrigation services.</i></p> <p><i>*(Ok, retain as captured)</i></p>
5. Definition “Large Scale Irrigation Schemes”	<p>Delete the definition <i>means a scheme which acreage size covers over three thousand acres, and is implemented by the authority or other state agencies in the case of national schemes in consultation with the counties and established for national strategic purposes or such schemes as implemented by the private sector</i></p> <p>Replace with <i>means a scheme which acreage size covers over three thousand acres, and is developed and managed by the authority and is established for national strategic purposes or such schemes as implemented by the private sector</i></p>	To secure the national strategic interests and provide avenues for strategic interventions on account of irrigation.	Our recommendation included
6. Definition “License”	<p>Delete the definition <i>means a licence issued by the Director or county government under this act</i></p> <p>Replace with <i>mean means a licence issued by the Cabinet Secretary as otherwise upon delegation.</i></p>	To centralize the issuance of licencing instruments with a window for delegation in order to ensure effective regulation	<p>Captured as <i>means a license issued by the Cabinet Secretary or such other person as the Cabinet Secretary may authorize;</i></p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
7. Definition "Storage"	<p>Delete the definition <i>means infrastructure and practices designed to capture and store water for use in agriculture</i></p> <p>Replace with <i>means infrastructure and practices designed to capture and store water for use in irrigation</i></p>	To be constituent with the object of the act citing irrigation and not agriculture	Our recommendation included
8. Section 3 (1): Scope of application	<p>Delete</p> <p><i>(1) The provision of the act shall apply as more specifically provided in the act, to regulation, development, management, financing, and the provision of support services and of the entire irrigation sub-sector in Kenya.</i></p> <p>Replace with</p> <p><i>(1) The provision of the act shall apply as more specifically provided in the Act, for development, management, financing, provision of support services and regulation of the entire irrigation sector in Kenya.</i></p>	To align with the statement of the object of the act and conform with requirements of article 6 (3) of the constitution that provides for access to services all over the Republic.	Our recommendation included
9. PART II	<p>Delete</p> <p><i>REGULATION OF IRRIGATION</i></p> <p>Replace with</p> <p><i>DEVELOPMENT, MANAGEMENT AND REGULATION OF</i></p>	To align with the statement of the object of the act and be consistent with content and framing of section 6 (1) below	Our recommendation included

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<i>IRRIGATION</i>		
<p>10. Section 6 (1) Role of National government</p>	<p>Delete <i>(1) The Cabinet Secretary shall, in consultation with county governments, regulate and promote the development and proper management of irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage including water harvesting and storage for irrigation.</i></p> <p>Replace with <i>(1) The Cabinet Secretary shall, develop, manage and regulate irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage including water harvesting and storage for irrigation.</i></p>	<p>To observe the provisions of article 6 (2) of CoK 2010 which establishes the constitutional arrangement between the National and County levels of Government on account of consultation and cooperation.</p>	<p>Our recommendation included</p>
<p>11. Section 6 (2) (b) Role of National government</p>	<p>Delete <i>(2) (b) Develop general principles, guidelines and standards for promoting development and for coordination of planning by the counties</i></p> <p>Replace with <i>(2) (b) Develop general</i></p>	<p>To make this provision all-encompassing and not limited to counties.</p>	<p>Captured as <i>2 (b) develop general principles, guidelines and standards for promoting development and</i></p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<i>principles, guidelines and standards for promoting development and for coordination of planning.</i>		<i>for the coordination of irrigation planning.</i> *(Ok, retain as captured)
12. Section 6 (2) (d) Role of National government	Delete <i>(2) (d) Promote the use of efficient irrigation system across the country.</i> Replace with <i>(2) (d) Facilitate the use of efficient irrigation system across the country.</i>	To give a wider responsibility on adoption of efficient irrigation systems	Our recommendation included
13. Section 6 (2) (j) Role of National government	Delete <i>(2) (j) Carry out other mandate as may be specified in this Act</i> Replace with <i>(2) (j) Carry out other mandate as may be specified in this and any other Acts</i>	To provide for any roles assigned to the Cabinet Secretary through legislation at both levels of government	Section 6 (2) (j) of the bill has captured as <i>conduct periodic technical and management audits of irrigation schemes infrastructure, governance, management and financing;</i> However, the statement; <i>Carry out other mandate as may be specified in this Act or any other written law.</i> Has been captured under section 6 (2) (l)
14. Section 6 (4) Role of National government	Delete <i>(4) The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the Kenya Gazette, a national</i>	To synchronize with planning policy cycle of five years applicable to government development blue print	Our recommendation included

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>irrigation services strategy, based on, among others, the national irrigation policy for the time being in force.</i></p> <p>Replace with <i>(4) The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the Kenya Gazette, a Five year national irrigation services strategy, based on, among others, the national irrigation policy for the time being in force.</i></p>		
<p>15. Section 6 (5) Role of National government</p>	<p>Delete <i>(5) The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute periodic review of the strategy.</i></p> <p>Replace with <i>(5) The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute reviews aligned to planning cycles or at such times as otherwise dictated.</i></p>	<p>To synchronize with planning policy cycle of five years applicable to government development blue print</p>	<p>16. <i>(5) The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute reviews aligned to planning cycles or at such times as the Cabinet Secretary may determine.</i></p>
<p>17. PART III and Section 7 (1) Power and</p>	<p>Delete The National Irrigation Development Authority</p> <p>Replace With The National Irrigation</p>	<p>To ensure coverage of all items in the object above without over emphasis on development alone.</p>	<p>Our recommendation included</p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
functions of the Authority	Authority		
18. Section 8 (3) Power and functions of the Authority	Delete <i>(3) The Authority shall exercise its various powers and functions under this section primarily through the mechanism of agency contracts, unless in the opinion of the Authority and with the permission of the Cabinet Secretary, such powers and functions are best performed directly by the Authority.</i>	Creation of the Authority in section 7 (1) is to provide for a public institution to deliver the object of this act. This section 7 (3) creates an amorphous arrangement without due structures and upon which oversight cannot be guaranteed outside the confines of article 6 (3) of CoK.	Our recommendation included (Section 8 (3) deleted)
19. Section 8 (2) Powers and Functions of the Authority	Delete <i>(j) provide land in national irrigation schemes for public purposes;</i> Replace with <i>(j) Provide, manage and administer land in national or public irrigation schemes, as well as schemes which traverse or straddle more than one county for public use.</i>	<ul style="list-style-type: none"> <i>To conform to the interpretation of "Land" under CoK2010 this includes anybody of water on or under the surface.</i> <i>Apply the Principles of Land Policy which include sustainable & productive management of land as well as transparent and cost effective administration of land</i> 	Our recommendation not included (i.e. Change not effected as recommended)
20. Section 9 (1) : The Board of Authority	Delete <i>(e) six other members, who shall be appointed by the Cabinet Secretary, and approved by the President, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.</i>	<ul style="list-style-type: none"> <i>To provide for all state departments critical to irrigation</i> <i>To provide for a balance between independent and non-independent members of the board for</i> 	Our recommendation captured However, sub-section (e) reads as follows <i>the Principal Secretary for the time being</i>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p>Add <i>(e) the Principal Secretary, State Department of Water or his representative;</i> <i>(f) five other members, who shall be appointed by the Cabinet Secretary, and approved by the President, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.</i></p>	<p>objectivity and effectiveness of governance. In addition, diversity in professional representation can be realised.</p>	<p><i>responsible for water or his representative;</i></p>
<p>21. Section 9 (5) (c): The Board of Authority</p>	<p>Delete <i>(c) holds relevant academic and professional qualifications including a university degree in any field relevant to or related to irrigation.</i></p> <p>Replace with <i>(c) holds relevant academic and professional qualifications including a university degree in any field relevant to or related to irrigation, agriculture, finance, law or business.</i></p>	<p>This increases the pool of professionals available to bring diverse knowledge in matters of agriculture, finance and law.</p> <ol style="list-style-type: none"> i. Agriculture to ensure that policies are with an aim of optimum and sustainable utilization of installed infrastructure for agricultural production ii. Finance, business and law for prudent financial management for effective and proper governance as prescribed in the governing instruments of state corporations. 	<p>Captured as <i>(c) holds relevant academic and professional qualification including a university degree or its equivalent in any field.</i></p>
<p>22. Section 12 (2) : The Board of</p>	<p>Delete <i>(c) holds relevant academic and professional</i></p>	<p>This provides for a wider coverage of eligible professionals</p>	<p>Captured as <i>Adopted the use</i></p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
<p>Authority</p>	<p><i>qualifications including a university degree in irrigation engineering or any field related to irrigation; or (d) in addition to relevant academic and professional qualifications including at least a university degree in irrigation engineering or any field related to irrigation, has at least fifteen years' experience in the management of a public or private institution, five of which should be at senior management level, or is a distinguished scholar in a discipline relevant to irrigation.</i></p> <p>Replace with</p> <p><i>(c) holds relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; or (d) in addition to relevant academic and professional qualifications, has at least fifteen years' experience in the management of a public or private institution, five of which should be at senior management level, or is a distinguished practitioner in a discipline relevant to irrigation.</i></p>	<p>consistent with the board scope of elements within irrigation covering agriculture, irrigation, business among others</p>	<p><i>of the word "and" instead of "or" as recommended between line (c) and (d) (d) has at least fifteen years' experience in the management of a public or private institution, five of which should be at senior management level or is a distinguished scholar in a discipline relevant to irrigation.</i></p> <p><i>*Our Recommendation, use "practitioner"</i></p>
<p>23. Section 14 (1): Role of county government.</p>	<p>Delete</p> <p><i>(1) Each county government may within its area of jurisdiction establish a county irrigation development unit for the</i></p>	<ul style="list-style-type: none"> This is to conform with the distribution of functions as provided for in the Fourth Schedule of the Constitution and 	<p>Our recommendation included</p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>better carrying out of the county government's irrigation mandates in accordance with Part 2 of the Fourth Schedule of the Constitution.</i></p> <p>Replace with <i>(1) Each county government may within its area of jurisdiction establish a county irrigation development unit for the better carrying out irrigation function delegated by the cabinet secretary as prescribed in the regulations.</i></p>	<p>provisions of article 6 (2)</p> <ul style="list-style-type: none"> • Irrigation is not agriculture hence it is not a devolved function since it is not included in Part 2 of the fourth Schedule of the constitution. • Subsequent thereto, irrigation is a residual function of national government in accordance with article 186 (3) which provides for functions not assigned by the constitution or national legislation to a county being retained as functions of National Government. 	
24. PART V	<p>Delete Irrigation Services Replace with Irrigation Services And Research</p>	<ul style="list-style-type: none"> • <i>This is to reposition irrigation research in its current context.</i> 	Our recommendation not captured (Irrigation services retained)
25. Section 15 Sub section title	<p>Delete <i>water for irrigation</i> Replace with <i>Irrigation Services and water for irrigation</i></p>	<ul style="list-style-type: none"> • <i>This is to comply with provisions of article 6 (3) of the constitution of Kenya</i> 	Our recommendation not captured (<i>Water for irrigation sub-title retained</i>)
26. Section 15	Delete	<ul style="list-style-type: none"> • This is to comply with provisions of article 6 (3) of the 	Our recommendation not captured

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>15. (1) The Cabinet Secretary shall, after and in consultation with county governments, stakeholders ensure the adequacy and quality of water for purposes throughout the country.</i></p>	<p><i>constitution after and Kenya</i></p>	<p><i>(Section 15 (1) and (2) retained)</i></p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>(2) In pursuance of subsection (1), the Cabinet Secretary shall take the following measures to—</i></p> <p><i>(a) approve appropriate tariff structures and make arrangements with the Water Resources Authority in respect of requisition of water in bulk;</i></p> <p><i>(b) seek advice of the Water Resources Authority on the development of new irrigation water sources, including water harvest, control and storage for irrigation;</i></p> <p><i>(c) approve appropriate arrangements on inter-catchment transfer of irrigation water in consultation with county governments and the Water Resources Authority;</i></p> <p><i>(d) develop a mechanism on return on investment formula for the construction of irrigation schemes using public funds;</i></p> <p><i>(e) develop guidelines on private sector involvement at various stages of the irrigation project implementation cycle.</i></p>		

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>15. (1) The Cabinet Secretary shall, through the authority ensure provision irrigation services throughout the country. The irrigation services shall comprise the following: -</i></p> <ul style="list-style-type: none"> <i>(a) Development and improvement of irrigation infrastructure.</i> <i>(b) Operation and management of irrigation installations</i> <i>(c) Irrigation research and production support</i> <i>(d) Any other associated herewith</i> <p><i>(2) The Cabinet Secretary shall, subject to water and other resource constraints, and in consultation with county governments, and other stakeholders ensure the adequacy and quality of water for irrigation purposes throughout the country.</i></p> <p><i>(3) In pursuance of subsection (2), the Cabinet Secretary shall take measures to—</i></p> <ul style="list-style-type: none"> <i>(e) approve appropriate tariff structures and make arrangements with the Water</i> 		

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>Resources Authority in respect of requisition of irrigation water in bulk;</i></p> <p><i>(f) seek advice of the Water Resources Authority on the development of new irrigation water sources, including water harvesting, flood control and storage for irrigation;</i></p> <p><i>(g) approve appropriate arrangements on inter-catchment transfers of irrigation water in consultation with county governments and Water Resources Authority;</i></p> <p><i>(h) develop a mechanism on return on investment formula resulting from construction of irrigation schemes using public funds; and</i></p> <p><i>(i) develop guidelines on private sector involvement at various stages of the irrigation project</i></p>		

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p style="text-align: center;"><i>implementation cycle.</i></p> <p><u>Replace with</u></p>		
<p>27. Section 19 (1): Management of irrigation schemes.</p>	<p>Delete <i>(1) The Cabinet Secretary shall, through the Authority, manage existing and new national or public schemes, except those under county governments, and particularly storage dams, intake, main and secondary systems as necessary.</i></p> <p><u>Replace with</u> <i>(1) The Cabinet Secretary shall, through the Authority, oversee management of existing and new national or public schemes, except those under county governments, and particularly storage dams, intake, main and secondary systems as necessary.</i></p>	<ul style="list-style-type: none"> • This is to conform with the distribution of functions as provided for in the Fourth Schedule of the Constitution and provisions of article 6 (2) • The Cabinet Secretary having appointed the Board to the Authority ceases to exercise direct management over the schemes • Subsequent thereto, the Cabinet Secretary can only exercise oversight in the management of the schemes. 	<p>Recommendation included</p>
<p>28. Section 20 (1) Formation of Irrigation Water Users' Associations.</p>	<p><u>Delete</u> <i>A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or a small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source may, together with other members or persons resident in the same area, form or join an irrigation water user association.</i></p> <p><u>Replace with</u> <i>A resident of a catchment area who is a crop farmer, livestock producer, fish pond</i></p>	<p>This is to compel members to form and join the associations so as the function within the regulatory framework of utilizing the resources.</p>	<p>Our Recommendation not Captured;</p> <p>The proposed use of the word "shall" not adopted. The word "may" retained</p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>user, or a small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source shall, together with other members or persons resident in the same area, form or join an irrigation water user association.</i></p>		
<p>29. Section 20 (2) Formation of Irrigation Water Users' Associations.</p>	<p>Delete <i>Where an association pre-exists an irrigation scheme, the said association may be recognized as the bona fide association to operate and maintain a scheme established in the association's area of coverage, and more than one association may operate and maintain a scheme on appropriate and mutually agreed terms.</i></p> <p>Replace with <i>Where an association pre-exists an irrigation scheme, the said association may be recognized as the bona fide association to operate and maintain a scheme established in the association's area of coverage subject to agreed terms and conditions with the authority.</i></p>	<ul style="list-style-type: none"> • Presence of more than one association working in a scheme is a potential source of conflict. • To protect the authority from assuming responsibility of debts and any dues accumulated by an existing association. 	<p>Our recommendation on formation of IWUA not included.</p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
<p>30. Section 20 (3) Formation of Irrigation Water Users' Associations.</p>	<p><u>Delete</u> <i>An irrigation water users association shall be entitled to set and collect from its members, irrigation services fees based on the actual cost of operation and full maintenance of the scheme: Provided that the fees referred to in this subsection shall be agreed upon with the members of the association.</i></p> <p><u>Replace with</u> <i>The authority in consultations with irrigation water users association shall be set operation and maintenance fees the case of Public/National irrigation schemes based on the actual cost of operation and full maintenance of the scheme. Irrigation water users association shall collect from its members the operation and maintenance fees and remit to the authority. Provided that the fees referred to in this subsection shall be agreed upon with the members of the association</i></p>	<ul style="list-style-type: none"> This provides a legal framework of establishment and collection of operation and maintenance fees for the national irrigation schemes. 	<p>Recommendation not adopted. Instead Section 20(3) reads as follows</p> <p><i>31. An association may enter into cost-sharing agreements with the National Government, county governments, private sector institutions or other farmers' associations for implementing improvements, modernization, establishment or expansion of a scheme, subject to approval by the Cabinet Secretary and concurrence of the National Treasury.</i></p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
<p>32. Section 20 (5) Formation of Irrigation Water Users' Associations.</p>	<p>Delete <i>The Cabinet Secretary, in consultation with the county governments, may make rules for the establishment and governance of irrigation water users' associations under this section</i></p> <p>Replace with <i>The Cabinet Secretary through the Authority, in consultation with the county governments, shall make rules for the establishment and governance of irrigation water users' associations under this section</i></p>	<ul style="list-style-type: none"> To ensure that the rules for establishment and governance of irrigation water users' are made. 	<p>Recommendation not captured. Section 20 (5) not in the bill. Instead, it has been captured as Section 20(4) that was retained without amendment.</p>
<p>33. Section 20 Formation of Irrigation Water Users' Associations.</p>	<p>Include <i>(6) The Functions of the Irrigation Water Users' Association (IWUA) should be defined as;</i></p> <ul style="list-style-type: none"> <i>(a) Distribute irrigation water equitably to all its members</i> <i>(b) Operate and maintain irrigation system on behalf of its' members directly or through agreed terms with the authority</i> <i>(c) Collect operation and maintenance from its' members and remit to the authority in the case of public or national irrigation system</i> <i>(d) Apply for and hold the water abstraction permit for the irrigation scheme on behalf of its member</i> 	<p>To provide for the scope of responsibilities to be covered by the Irrigation Water Users' Association (IWUA)</p>	<p>Our recommendation not captured. Section 20 (6) not included in the bill</p>

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>and ensure that the permit is renewed annually.</i></p> <p><i>(e) Collect the water use charges and remit to water resources authority on behalf of its members.</i></p> <p><i>(f) Resolution of disputes related to irrigation and drainage scheme development, management, irrigation water allocation and delivery, financing, property, operation and maintenance.</i></p>		
<p>34. Section 46 (2) (f): Repeal of Cap. 467.</p>	<p>Delete <i>(f) any person who, immediately before the commencement of this Act, was an officer, agent, or member of staff appointed, seconded or deployed or otherwise employed by the National Irrigation Board shall be deemed to be an employee or otherwise seconded or deployed to the Authority on similar terms or as may be provided by the law.</i></p> <p>Replace with <i>(f) any person who, immediately before the commencement of this Act, was an officer, agent, or member of staff appointed, seconded or deployed or otherwise employed by the National Irrigation Board shall become an employee</i></p>	<ul style="list-style-type: none"> • This brings clarity and guarantees smooth transition that ensures continuity with respect to staff 	

IRRIGATION BILL 2017	RECOMMENDED CHANGE	RATIONALE	Remarks:
	<p><i>or otherwise seconded or deployed to the Authority on similar terms and conditions of service or as may be provided by the law.</i></p>		

2.4 Submissions from Mr.Daniel Omino (Email danielomino@yahoo.com 0722746700)

Mr. Daniel Omino, an interested member of the public, submitted that there were errors or omissions and inconsistencies in the Irrigation Bill 2017. For instance, he noted that the Object of the Bill has three cornerstones, Irrigation Development, Management and Regulation and that each of them warranted an interpretation in Section 2 for the respective contexts to have common application in the ultimate application of the provisions of the Act. The detailed amendments are captured in the table below:

ITEM REFERENCE	RECOMMENDED CHANGES/INTRODUCTION	RATIONALE/REMARKS
PART I		
Section 2 Interpretation	<p>“Cabinet Secretary” <u>Delete</u> <i>matters relating to;</i> “Irrigation” <u>Delete</u> <i>supplies;</i> <u>Replace with</u> <i>conveys;</i> <u>Delete</u> <i>plans;</i> <u>Replace with</u> <i>plants;</i> <u>Delete</u> <i>forest tress;</i> <u>Replace with</u> <i>trees;</i> “Irrigation service fee” <u>Delete</u> <i>water users for receiving;</i></p>	<ul style="list-style-type: none"> • To be specific e.g. Water relates to irrigation but falls under a different Cabinet Secretary. • To give water delivery the lengthy process connotation and give the other terms the right applications

	<p><u>Replace with</u> <i>recipients of;</i> “Irrigation service plan”</p> <p><u>Delete</u> <i>water acquisition and distribution, scheme maintenance and repairs, other management tasks, staff and group labour mobilization, budget and irrigation service fees;</i></p> <p><u>Replace with</u> <i>delivery of irrigation services including development, management, regulation, water abstraction and conveyance, research, resourcing, operations and maintenance;</i> “Irrigation water user”</p> <p><u>Delete</u> <i>scheme;</i></p> <p><u>Replace with</u> <i>infrastructure;</i> “Large scale irrigation scheme”</p> <p><u>Delete</u> <i>which;</i></p> <p><u>Replace with</u> <i>whose;</i></p> <p><u>Delete</u> <i>as implemented by the private sector;</i></p> <p><u>Replace with</u> <i>as developed and managed by a private entity;</i> “Medium scale irrigation scheme”</p> <p><u>Delete</u> <i>over one hundred acres to;</i></p> <p><u>Replace with</u> <i>between one hundred acres and;</i></p> <p><u>Delete</u></p>	<ul style="list-style-type: none"> • To widen the scope of those entitled to irrigation services in accordance with Art. 6 of CoK2010 • To give irrigation service the scope meant under Art. 6 of CoK2010 and relate the same to the Object of the Irrigation Bill No. 46, 2017 • To align with the interpretation given to irrigation herewith and the fact that access to irrigation water is not limited to schemes • To enhance clarity and uphold the object of the bill in terms of irrigation development and management
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implemented;

Replace with

developed and managed;

“monitoring and evaluation”

Insert after *immediate,*

outputs delivered

“national irrigation scheme”

Delete

a notice;

Replace with

a gazette notice;

“state department”

Delete

matters relating to irrigation;

“small holder irrigation and

drainage scheme”

Delete

and drainage;

Delete

communities as;

Replace with

entities including county

irrigation development units,

irrigation water users, licensed

or contracted agencies or

individual farmers;

“storage”

Delete

capture and store;

Replace with

collect and secure;

“water harvesting”

Delete

or surface runoff is collected;

Replace with

surface runoff, ground or

underground is abstracted;

Insert after *utilized*

for irrigation

Include interpretation of the following;

	<p><i>“Abstraction” means the process of sustainable extracting water from natural sources including but not limited to rainfall, rivers, lakes, ground water aquifers, wells for use in irrigation.</i></p> <p><i>“Conveyance” means the transportation of water from the main supply source including intake structure, pumping station, reservoir or river through the primary, secondary and tertiary levels of delivery to the crop fields.</i></p> <p><i>“Irrigation development” means the collection and review of statistics on irrigation, related agriculture, trends thereto, formulation of intervention plans, project designs and programmes, construction of infrastructure through application of enabling policies, procedures, processes, compliance to standards, upholding of quality, adaptation of technology, seamless transition into operation and provision of post-transition support.</i></p> <p><i>“Irrigation management” means the optimal utilization of irrigation infrastructure in abstracting, storing and conveyancing of water to the cropland for sustainable agro-production through application of enabling policies, procedures, processes, compliance to standards, upholding of quality, adaptation of technology,</i></p>	<ul style="list-style-type: none"> • To include interpretation of terms used in the bill and critical for common understanding leading to effective application of provisions thereof
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	<p><i>seamless transition into operation and provision of post-transition support.</i></p> <p><i>“Irrigation regulation” means the systems of policies, laws, rules, tools, methods, mechanisms, standards, practices, principles, penalties, incentives and norms that are established, promoted and enforced to ensure sustainable irrigation development and management.</i></p> <p><i>“Irrigation services” means the full complement of technical and non-technical initiatives drawn from the mandate on irrigation development, management and regulation profiled, packaged and availed to consumers all over the Republic in accordance with Article 6(3) of the constitution.</i></p>	
Section 3 (2) Scope of application.	<p><u>Delete</u> <i>no irrigation development;</i></p> <p><u>Replace with</u> <i>no irrigation development, management and regulation</i></p>	<ul style="list-style-type: none"> • To align with the object of the bill in full.
Section 4 Act to prevail on irrigation matters.	<p><u>Delete</u> <i>in matters relating to irrigation;</i></p> <p><u>Replace with</u> <i>in irrigation matters</i></p>	<ul style="list-style-type: none"> • To confine to irrigation matters
PART II		
PART II Title	<p><u>Delete</u> IRRIGIGATION</p> <p><u>Replace with</u> IRRIGATION</p>	<ul style="list-style-type: none"> • To correct spelling error

<p>Section 6 Role of national government</p>	<p>Section 6(1) <u>Delete</u> <i>in relation to irrigation and drainage including water harvesting and storage for irrigation</i> Replace with <i>on irrigation</i> Section 6 (2) <u>Delete</u> <i>development and management</i> Replace with <i>development, management and regulation</i> Section 6 (2) (a) <u>Delete</u> <i>and,and</i> Section 6 (2) (b) <u>Delete</u> <i>for promoting development coordination of irrigation planning</i></p>	<ul style="list-style-type: none"> • To ensure clarity and focus on irrigation
	<p>Section 6 (2) (e) <u>Delete</u> <i>subject to resource constraints</i> Section 6 (2) (h) <u>Delete</u> <i>On the state of and needs for irrigation development and management in the country</i> Replace with <i>on the status and needs in the country</i> Section 6 (2) (i) <u>Delete</u> <i>In collaboration with county governments, gather information and maintain data bases on irrigation development and management including data on irrigation water supplies,</i></p>	<ul style="list-style-type: none"> • To comply with provisions of article 6 (3) of the constitution of Kenya • To ensure clarity and focus in the provisions

demands, projects, irrigated areas, management performance, potential for expansion and human resource.

Replace with

gather information and maintain data bases including data on irrigation water status, irrigation potential, projects, irrigated areas, performance, expansion rate and human resource.

Insert

Section 6 (2) (m)

develop and oversee the execution of an irrigation investment programme.

Section 6(3)

Delete

development and management

Replace with

development, management and regulation

Section 6 (4)

Delete

the national irrigation policy

Replace with

the global, continental and national development blue prints and national irrigation policy for the time being in force.

PART III

<p>Section 8 Powers and functions of the Authority</p>	<p>Section 8 (1)(a) <u>Insert after</u> <i>or public schemes</i> <i>In accordance with the scales provided for in this Act and any other relevant legislation.</i></p> <p><u>Insert a new section 8 (1) (b)</u> <i>Manage and operate irrigation infrastructure in accordance with the scales provided in this Act.</i></p> <p><u>Insert a new section 8 (1) (c)</u> <i>To regulate irrigation initiatives and practices including standards, control measures, penalties and remedial action</i></p> <p><i>Change Section 8(1) (b) to 8(1)(d)</i></p> <p>Section 8 (1)(d) <u>Delete</u> <i>irrigation support services to private, medium and small holder schemes</i></p> <p><u>Replace with</u> <i>irrigation services including but not limited to development, management and regulation</i></p> <p><i>Change Section 8(1) (c) to 8(1)(e)</i></p>	<ul style="list-style-type: none"> • To align with other provisions of the bill and enhance consistency
	<p>Section 8 (2) <u>Delete</u> <i>may</i></p> <p><u>Replace with</u> <i>shall</i></p> <p>Section 8 (2) (n) <u>Delete</u> <i>maintenance, expansion and availability of irrigation support services</i></p> <p><u>Replace with</u> <i>management, regulation and irrigation services</i></p>	

<p>Section 9 The Board of Authority</p>	<p><u>Section 9 (1) Title</u> <u>Delete</u> <i>Board of Authority</i> <u>Replace with</u> <i>Constitution of the Board of the Authority</i> <u>Section 9 (1) (b)</u> <u>Delete</u> <i>of</i> <u>Replace with</u> <i>responsible for</i> <u>Section 9 (1) (c)</u> <u>Insert after</u> <i>Principal Secretary</i> <i>State Department</i> <u>Section 9 (1) (d)</u> <u>Insert after</u> <i>Principal Secretary,</i> <i>State Department</i> <u>Section 9 (1) (e)</u> <u>Delete</u> <i>for the time being</i> <u>Insert after</u> <i>Principal Secretary,</i> <i>State Department</i> <u>Section 9 (1) (f)</u> <u>Delete</u> <i>development and management as defined in</i> <u>Replace with</u> <i>development, management and regulation subject to</i> <u>Section 9 (6)</u> <u>Insert after</u> <i>functions, guided by administrative circulars and regulations issued from time to time</i></p>	<ul style="list-style-type: none"> • To state the correct title for the content of the section • To align to the objects of the Bill • To enhance legitimacy through recognition and application of government directives.
<p>Section 19 Management of irrigation schemes</p>	<p><u>Section 19 (4)</u> <u>Delete</u> <i>and management responsibility</i> <u>Replace with</u> <i>management and regulation responsibilities</i></p>	<ul style="list-style-type: none"> • To align to the objects of the Bill
<p>PART VI</p>		

Section 21 Finances of the Authority.	<u>Section 21(c)</u> <u>Delete</u> <i>Board</i> <u>Replace with</u> <i>Authority</i>	<ul style="list-style-type: none"> To apply the right titles
Section 24 Annual reports	<u>Section 24 (2)</u> <u>Delete</u> <i>and its auditors</i>	<ul style="list-style-type: none"> To conform to legislation and administrative directives
PART VII		
Section 25 Dispute resolution	<u>Section 25 (1)</u> <u>Insert after</u> <i>management</i> <i>regulation</i>	<ul style="list-style-type: none"> To cover the full object of the Bill
PART VIII		
Section 27 Monitoring and evaluation	<u>Section 27 (1)(a)</u> <u>Insert after</u> <i>management</i> <i>regulation</i>	<ul style="list-style-type: none"> To cover the full object of the Bill
PART IX		
Section 46 Making of Regulations	<u>Section 46 (2)</u> <u>Insert</u> a new section 46(2)(a) <i>the development of national,</i> <i>public and other irrigation</i> <i>projects</i> <u>Insert</u> a new section 46(2)(b) <i>the provision of irrigation</i> <i>services all over the republic</i> <u>Align the numbering that</u> <u>follow the insertion of new</u> <u>sections 46(2) (a) and (b)</u>	<ul style="list-style-type: none"> To cover the full object of the Bill and Article 6 of CoK 2010
SCHEDULE (s 10)		
Section 3 Meetings	<u>Section 3(4)</u> <u>Delete</u> <i>seven</i> <u>Replace with</u> <i>fifty plus one percent</i> <u>Section 3(5)</u>	<ul style="list-style-type: none"> To secure legitimacy of meetings

	<u>Insert after</u> <i>absence</i> <i>the Vice-Chairman shall</i> <i>preside, but in the absence of</i> <i>both the Chairperson and the</i> <i>Vice-Chairman,</i>	
Section 5 Common seal	<u>Section 5</u> <u>Insert after</u> <i>the Chairperson</i> <i>the Vice-Chairman</i>	<ul style="list-style-type: none"> • To secure legitimacy of meetings

2.5 Nature Kenya - the East Africa Natural History Society

Nature Kenya- the East Africa Natural History Society made the following general comments on the following:

- a) Water – that while Kenya wants to irrigate, there was little water available to support large scale irrigation initiatives. That there was not enough water in the country for people, livestock and wildlife to drink and to maintain critical ecological services and sustenance of living things. Irrigation schemes should therefore be subjected to strict legal requirements to ensure water efficiency in food production and to limit the amount of water that maybe abstracted. It observed that it was possible to promote small scale irrigation schemes if seasonal water in river valleys could be harvested
- b) Land- that any plans to irrigate needed to recognize that land was currently not under crop production supported other services to humans including water sources, wildlife, and biodiversity and other livelihood initiatives e.g. livestock production which was more compatible with conservation than crop production.
- c) Irrigation negative impacts- irrigation schemes have severe social, economic and environmental impacts. The bill should include Environmental Impact Assessments (EIA) and /or Strategic Environment Assessment (SEA) in line with Environmental Management and Coordination Act. That it was not enough to refer to other legislation without mentioning the critical elements that irrigation Board must require from all irrigation proponents
- d) Wetlands/ deltas- Wetlands and deltas should not be targeted for irrigation and if they were then there should be clear land use plans. Draining wetland was dangerous as they reduce the impacts from storm damage and flooding, maintain good water quality in the rivers, recharge ground water, sustain biodiversity, and help stabilize climatic conditions. The bill should recognize and include a provision for developing multiple land use plans that ensure sustainable development, economic viability of irrigation schemes and that biodiversity conservation objectives and targets are fully mainstreamed into food production.
- e) Technological advancement in irrigation- Kenya's irrigation initiatives were currently wasteful and generally were social, ecological and economic liabilities. The bill should limit these by

setting minimum standards for irrigation and identify areas of technological advancement that reduce waste and losses, including biodiversity loss in the food production chain

- f) Integrated Natural Resources management- that any irrigation scheme should take into account: **Ecosystem services**, such as sustainable clean water, reducing the impacts of floods and droughts and producing timber and biomass energy; **Mixed regimes of production**, i.e. avoiding monoculture crops and generally ensure soil conservation, vegetation maintenance and rich biodiversity in agricultural ecosystems. That therefore requires setting aside habitats for wildlife even in most intensive irrigation schemes. The bill needed to be revised to consider the full scale ecosystem services; provisioning e.g. water and timber, regulating e.g. carbon sequestration and clean air, aesthetic e.g. tourism ,education and cultural as critical indicators of good agricultural production

Nature Kenya- the East Africa Natural History Society further observed that it was critical that inter catchment water transfers be kept to a Minimum and be informed by a strategic environmental assessment (SEA) to be conducted on both the supplying and receiving basins. Such SEAs should establish water demand for all downstream users, including environmental flows. The specific areas of amendments included;

1. **AMEND Section 15 (C)** *Approve appropriate arrangement on inter-catchment transfer of irrigation water in consultation with county government and Water Resources Authority" to read:*

"15 (C) Require a Strategic Environmental Assessment (SEA) in both the supplying and receiving basins for any inter-catchment transfer of water. Any arrangement on inter-catchment transfer of irrigation water to be approved only after a Strategic Environmental Assessment and in consultation with county governments, Water Resources Authority, and relevant stakeholders.

2. **AMEND Section 16 (1)** *The Cabinet Secretary may in consultation with National Land Commission, the Board and County government, and by notice in Kenya Gazette, designate an area of land for which an irrigation water permit may be issued by the Water Resources Authority and irrigation license may be issued*

Amend by inserting 'through public participation' to read as *"The Cabinet Secretary may, may in consultation with National Land Commission, the Board, County government and through public participation, and by notice in Kenya Gazette, designate an area of land for which an irrigation water permit may be issued by the Water Resources Authority and irrigation license may be issued."*

3. **AMEND Section 16 (6)** *"The Cabinet Secretary shall in consultation with county governments, ensure that the design of national or public irrigation schemes and others, take into account the needs of various irrigation water users, including livestock and fish producers"*

Amend by inserting 'environmental requirements' to read as *"16 (6) The Cabinet Secretary shall in consultation with county governments, ensure that the design of national or public irrigation schemes and others, take into account the needs of various irrigation water users, including livestock , fish producers and environmental requirements"*

4. **The bill under Section 20 (1)** *should clearly define the mandate /synergy of Irrigation. Water Users Associations and the Water Resource Associations defined in the Water act 2016 (Sect 29) to reduce role and governance conflict.*

5. **AMEND Section 20 (5)** *"The cabinet secretary, in consultation with county governments may make rules for the establishment and governance of irrigation of water user's association under this section "* **by inserting relevant stakeholders to read as** *"The cabinet secretary, in consultation with county government and relevant stakeholders, may make rules for the establishment and governance of irrigation of water user's association under this section.*

3 COMMITTEE FINDINGS FROM FIELD VISITS ON THE BILL

The Committee undertook a County Visit to Kirinyaga County in which the Mwea Irrigation Scheme is situated, on Monday, 11th June, 2017. The Committee met with the Governor, the County Executive Committee Member responsible for Agriculture, the counterpart committee of the County Assembly of Kirinyaga responsible for matters of agriculture and farmers, and received views on the Bill.

Below is a summary of views received on the Bill-

- a) That the Bill should expressly provide that the Authority's Board should comprise of representation from major irrigation schemes and that Irrigation scheme management should be selected from the area; -Clause 9 (1)(f)
- b) That the Bill should provide that the Dispute Resolution Committee be appointed in consultation with farmers;
- c) The Bill should provide for a means of ownership of the land and that farmers be issued with title deeds or certificates so as to be able to access credit facilities;
- d) That the Bill should expressly provide that water users associations must ensure that there is portable water that is safe for human consumption. This will prevent the consumption of contaminated water in the schemes resulting in diseases;
- e) That the Bill should expressly provide detailed functions/roles of the Dispute Resolution Committee;
- f) That conservation of catchment areas be included in the Bill;
- g) That the role of water users associations be expressly defined in the Bill;
- h) That the Bill should provide for insurance for farmers to cushion them during difficult seasons;
- i) That there should be provision on the regulation of water sources to prevent misuse of water to the extent that no water is available during dry seasons/drought; (Possibly a role of the water users associations)
- j) That the Authority should promote research and ensure pricing of rice is well recommended. (That Clause 8(l) be clearer)
- k) That there should be provision of a linkage between the Scheme Management Committee and water users associations;

4 COMMITTEE OBSERVATIONS

The Committee observed the following from the submissions:

1. The Irrigation Bill, 2017 repeals the Irrigation Act CAP 467 of the Laws of Kenya which was outdated and oppressive to farmers;
2. The irrigation schemes lack portable water for the provision of safe drinking water resulting in the use of contaminated water causing diseases among farmers;

3. Rice should be included in the National Strategic Reserve to ensure food security in the country;
4. Subsidized seed and fertilizers should be provided by the government to rice farmers to promote rice growing in the country;

5 COMMITTEE RECOMMENDATIONS

The Committee recommends the following amendments to the Irrigation Bill, (National Assembly Bills No. 46 of 2017-

CLAUSE 3

THAT clause 3 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “, as more specifically provided in the Act, for” appearing immediately after the words “apply to the” and substituting therefor the words “to matters relating to”.

CLAUSE 6

THAT clause 6 of the Bill be amended —

- (a) in the title to part II by deleting the word “Irrigation” appearing immediately after the words “management and regulation” and substituting therefor the word “Irrigation”
- (b) in paragraph (d) by deleting the word “facilitate” appearing immediately before the words “the use of efficient irrigation systems” and substituting therefor the word “promote”; and
- (c) by deleting paragraph (h).

CLAUSE 8

THAT clause 8 be amended —

- (a) in sub-clause 2 paragraph (k) by deleting the word “and” appearing immediately before the words “the marketing” and substituting therefor the words “safe storage,”; and

(b) in sub-clause 2 by inserting the following new paragraph —

(aa) Receive and determine applications for licencing of irrigation schemes and submit a copy of such application to the county government within the area of jurisdiction the scheme is to be developed.

CLAUSE 15

THAT clause 15 be amended —

(a) in sub-clause (2) by deleting paragraph (a); and

(b) in sub-clause (2) by deleting paragraph (c).

CLAUSE 16

THAT clause 16 be amended —

(a) in sub-clause (6) by inserting the words “and environmental requirements” appearing immediately after the words “fish producers”.

CLAUSE 17

THAT clause 17 of the Bill be amended —

(a) by inserting the following new sub-clause immediately after sub-clause (2) —

(2a) Ensure standards of irrigation water effluent are handled within the effluent discharge stipulated by the Water Resources Authority.

CLAUSE 25

THAT clause 25 of the Bill be amended —

(a) in sub-clause (1) by deleting the words “water allocations” appearing immediately after the words “drainage scheme development, management”.

CLAUSE 46

THAT clause 46 of the Bill be amended —

- (a) in sub-clause (2) by deleting paragraph (e); and
- (b) in sub-clause (2) by deleting paragraph (g).

SCHEDULE

THAT the schedule to the Bill be amended—

- (a) by deleting paragraph 3 sub-paragraph 5 and substituting the following new sub-paragraph —

“The Chairperson shall preside at every meeting of the Board but in their absence the Vice-chairperson shall preside and in their absence, the members present shall elect one of their members to preside and shall have all the powers of a Chairperson”.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

“Authority” means the National Irrigation Authority established under section 7;

“irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees;

“large scale irrigation scheme” means a scheme whose acreage size covers over three thousand acres, and is developed and managed by the Authority, and is established by national strategic purposes, or such schemes as implemented by the private sector;

“medium scale irrigation scheme” means a scheme which in acreage size covers three thousand acres, and is implemented by the Authority, or another state agency in collaboration with county government, or such schemes as implemented by a private entity;

“Board” means the board of the Authority established under section 9;

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

“chief executive officer” means the Chief Executive Officer of the Authority appointed under section 12;

“licence” means a licence issued by the National Irrigation Authority;

“ministry” means the Ministry for the time being responsible for matters related to irrigation;

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new title—

A Bill for an Act of Parliament to promote and regulate the development and management of irrigation in Kenya and for connected purposes.

APPENDICES

1. The Irrigation Bill, 2017
2. Newspaper advertisement
3. Minutes

THE IRRIGATION BILL, 2017
ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Scope of application.
- 4—Act to prevail in irrigation matters.
- 5— Guiding principles.

PART II— REGULATION OF IRRIGATION

- 6— Role of National Government.

**PART III—THE NATIONAL IRRIGATION DEVELOPMENT
AUTHORITY**

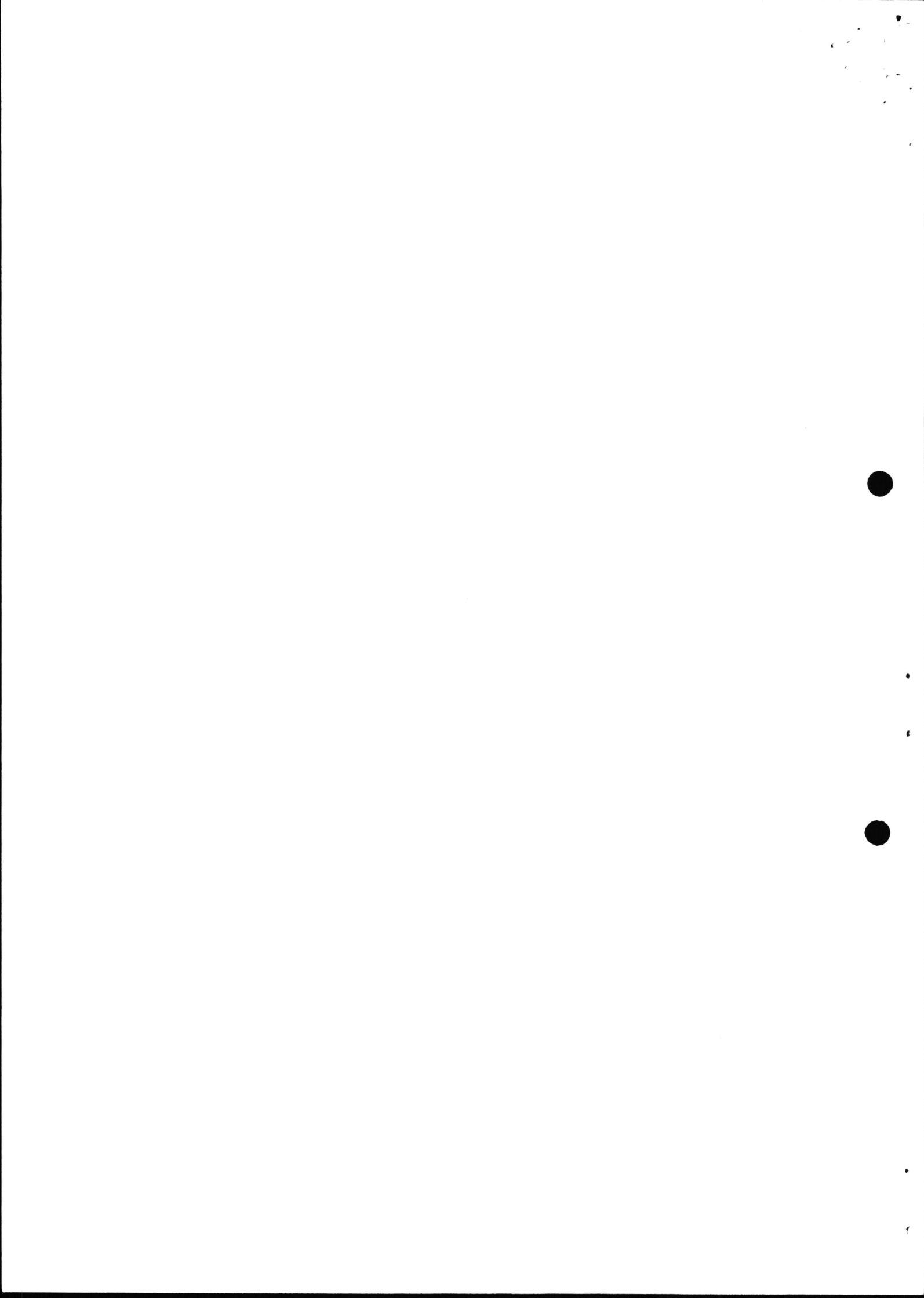
- 7— Establishment of the Authority.
- 8— Powers and Functions of the Authority.
- 9— The Board of the Authority.
- 10— Conduct of business of the Board.
- 11— Powers of the Board.
- 12— Chief Executive Officer.
- 13— Other Staff.

PART IV—RESPONSIBILITY OF COUNTY GOVERNMENTS

- 14— Role of county government.

PART V— IRRIGATION SERVICES

- 15— Water for irrigation
- 16— Setting apart of land, access rights etc.
- 17—Establishment of Administrative and legal framework.
- 18— Irrigation research, innovation and training.
- 19— Management of irrigation schemes.
- 20—Formation of irrigation water users' associations.



PART VI— FINANCIAL PROVISIONS

- 21— Finances of the Authority.
- 22— Annual estimates.
- 23— Accounts and Audit.
- 24— Annual reports.

PART VII—DISPUTE RESOLUTION

- 25— Dispute resolution.
- 26— Appeals.

**PART VIII—MISCELLANEOUS AND OFFENCES
PROVISIONS**

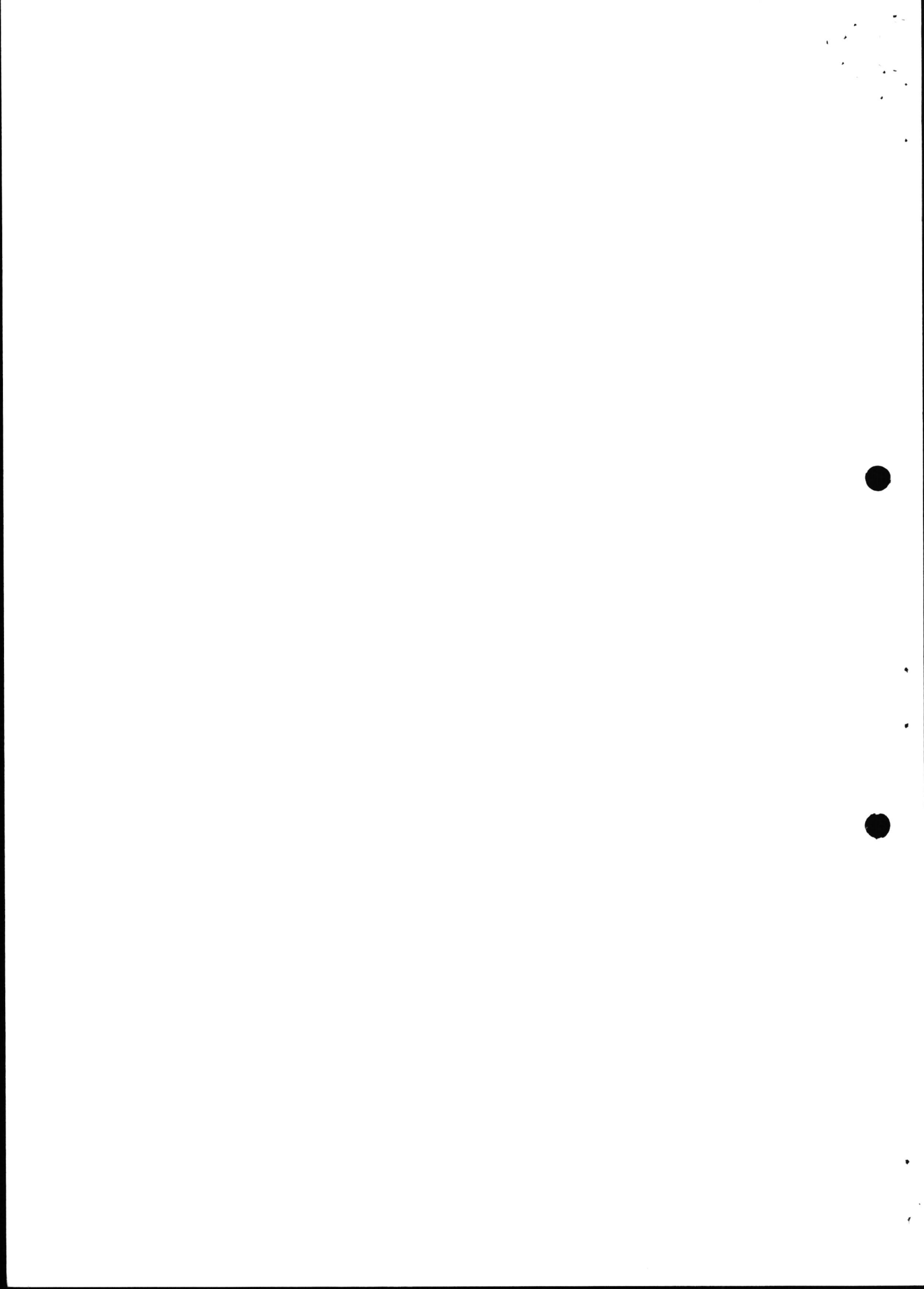
- 27— Monitoring and evaluation.
- 28— Protection from Liability.
- 29— Wilful damage.
- 30— Destructive practices.
- 31— Setting fire.
- 32— Harmful chemicals.
- 33— Abstraction of water.

PART IX—PROVISIONS ON DELEGATED POWERS

- 34— Making of regulations.

PART X—REPEALS AND TRANSITIONAL

- 35— Repeal of Cap. 347.



THE IRRIGATION BILL, 2017

A Bill for

AN ACT of Parliament to provide for the development, management and regulation of irrigation, to support sustainable food security and socioeconomic development in Kenya, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I —PRELIMINARY

1. This Act may be cited as the Irrigation Act, 2017.

Short title.

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

Interpretation.

“agriculture” shall have the meaning assigned to it under section 2 of the Agriculture, Fisheries and Food Authority Act, 2013;

No 13 of 2013.

“Authority” means the National Irrigation Authority established under section 7;

“authorized” means authorized by or under this Act;

“Board” means the Board of the Authority established under section 9;

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

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 12;

“commercial irrigation farmer” means a farmer who by means of irrigation grows crops primarily for sale;

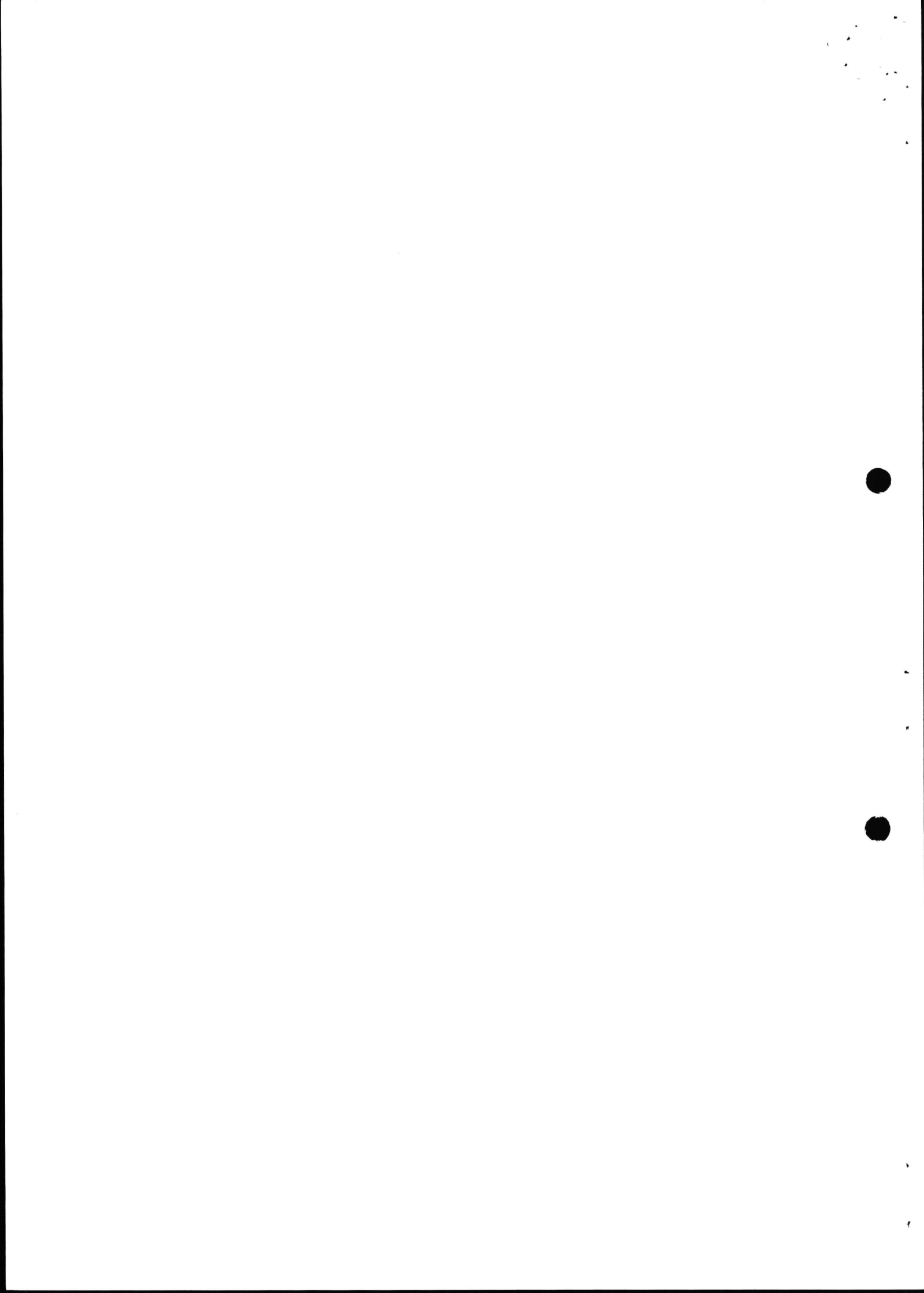
“county irrigation development unit” means the unit or entity established by a county government to carry out irrigation matters under section 14;

“Department” means State Department of Irrigation;

“Dispute Resolution Committee” means the Dispute Resolution Committee established under section 8(2)(d).

“farmer” includes a crop, livestock or fish farmer;

“irrigation” means any hydraulic engineering process, which abstracts, stores and supplies water to crops or any other cultivated plants, livestock, aquaculture and desired



forest trees;

“irrigation scheme” means a systematic and orderly irrigation system covering a defined area of land regardless of the type or system of irrigation employed;

“irrigation management transfer” means the transfer to the users of authority and responsibility for both governance and delivery of management services in an irrigation and drainage scheme;

“irrigation service fee” means the rates to be charged to water users for receiving irrigation services;

“irrigation service plan” means the annual plan for water acquisition and distribution, scheme maintenance and repairs, other management tasks, staff and group labour mobilization, budget and irrigation service fee;

“irrigation water user” means a member of a water users’ association who uses water from an irrigation scheme for an approved purpose such as for crops, livestock, and fish farming;

“irrigation water users’ association” means any association established under section 20;

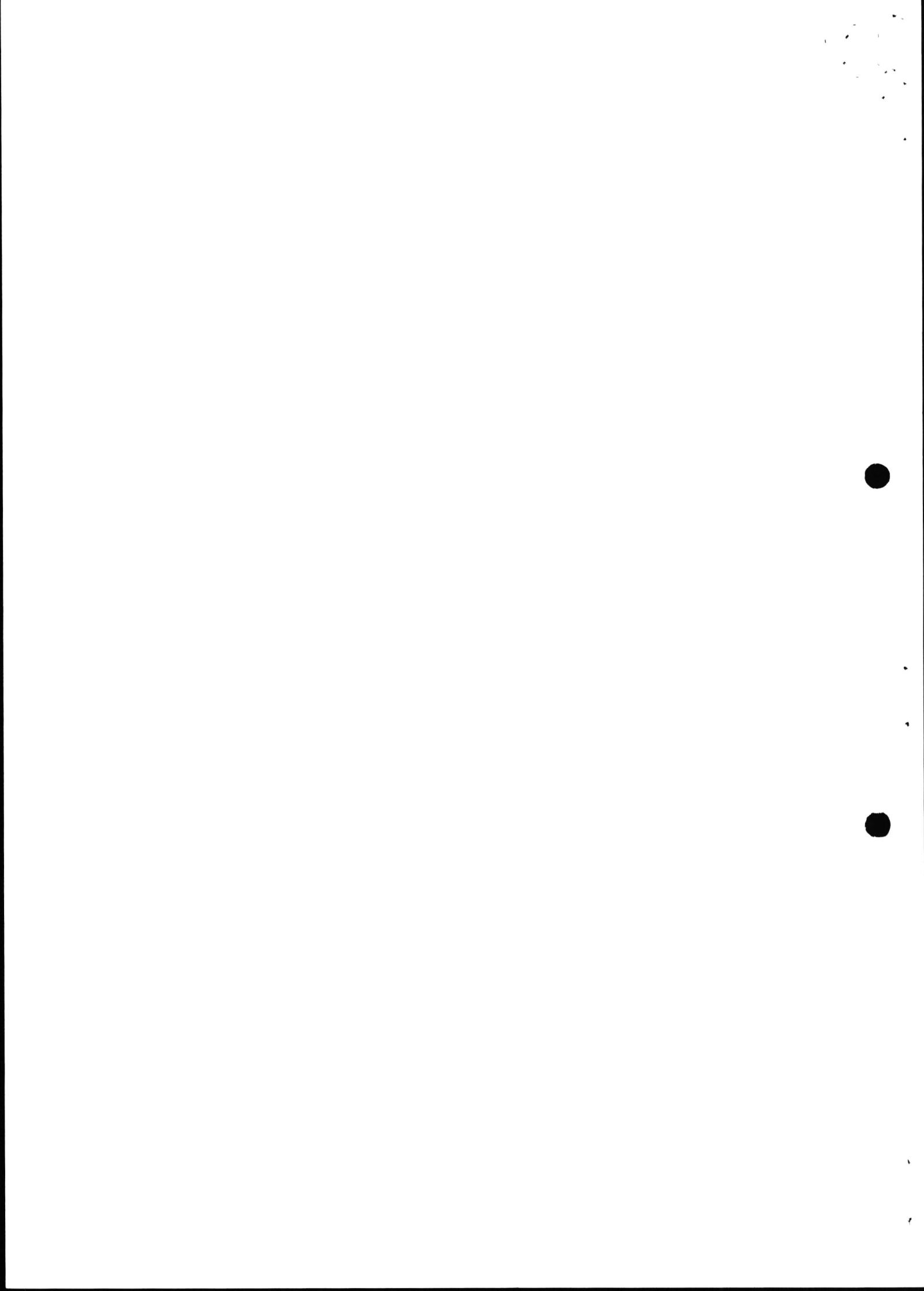
“large scale irrigation scheme” means a scheme which acreage size covers over three thousand acres, and is developed and managed by the Authority, and is established for national strategic purposes, or such schemes as implemented by the private sector; ;

“license” means a license issued by the Cabinet Secretary or such other person as the Cabinet Secretary may authorize; ;

“medium scale irrigation scheme” means a scheme which in acreage size covers over one hundred acres to three thousand acres, and is implemented by the Authority, or another state agency in collaboration with county government, or such schemes as implemented by a private entity;

“Ministry” means the Ministry for the time being responsible for matters related to irrigation;

“monitoring and evaluation” means a system of measuring, reporting and interpreting the quantity and quality of inputs provided, actions implemented, immediate



outcomes achieved and ultimate impacts realized;

“national irrigation scheme” means an area of land designated as such by the Authority through a notice;

“Scheme Management Committee” means the Scheme Management Committee established under section 8 (2)(c);

“State department” means the State Department responsible for matters relating to Irrigation;

“smallholder irrigation and drainage scheme” means an irrigation scheme that is developed, owned and managed by communities as irrigation water user groups or individual farmers;

“small scale irrigation scheme” means a scheme which in acreage size covers less than one hundred acres and implemented by a county government, or by the national government through Authority in case of trans boundary or inter county schemes or strategic schemes or such schemes as implemented by a private entity;

“storage” means infrastructure and practices designed to capture and store water for use in irrigation;

“Water Tribunal” means the Water Tribunal established under section 119 of the Water Act, 2016;

No. 43 of 2016.

“water harvesting” means activities where water from rainfall or surface runoff is collected, diverted, stored and utilized; and

“Water Resources Authority” has the meaning assigned to it under section 2 of the Water Act, 2016.

No. 43 of 2016.

3. (1) The provisions of this Act shall apply, as more specifically provided in the Act, for development, management, financing, provision of support services and regulation of the entire irrigation sector in Kenya.

Scope of application.

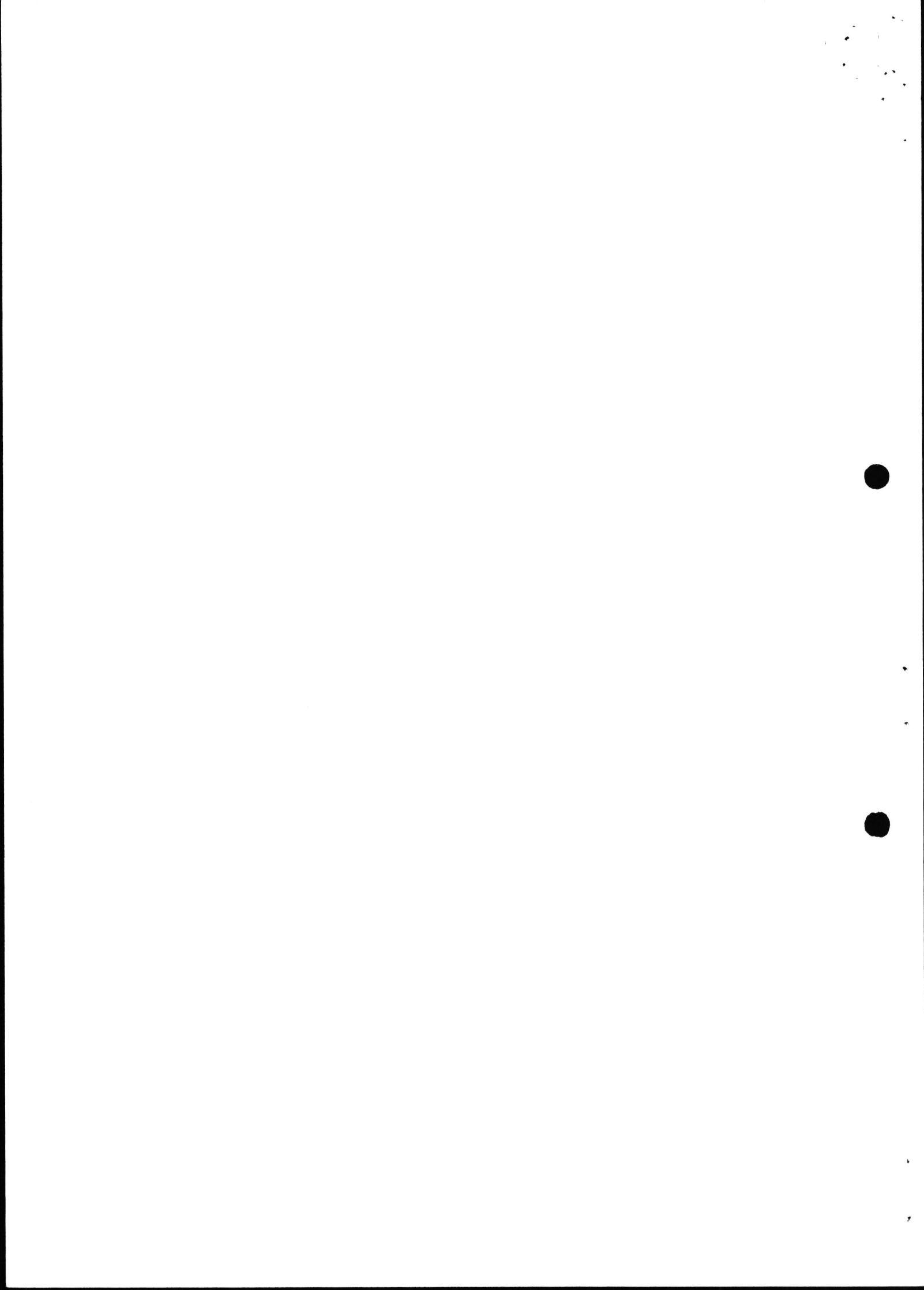
(2) Upon the commencement of this Act, no irrigation development may be carried out in Kenya otherwise than under this Act.

4. The provisions of this Act shall prevail in the case of any inconsistency between this Act and any other legislation in matters relating to irrigation.

Act to prevail in irrigation matters.

5. In discharging functions under this Act, the Cabinet

Guiding principles.



Secretary, any State corporation established under this Act, county governments and any person or persons administering or applying this Act shall be guided by the principles and values set out in Articles 10, 43, 60 and 232 of the Constitution.

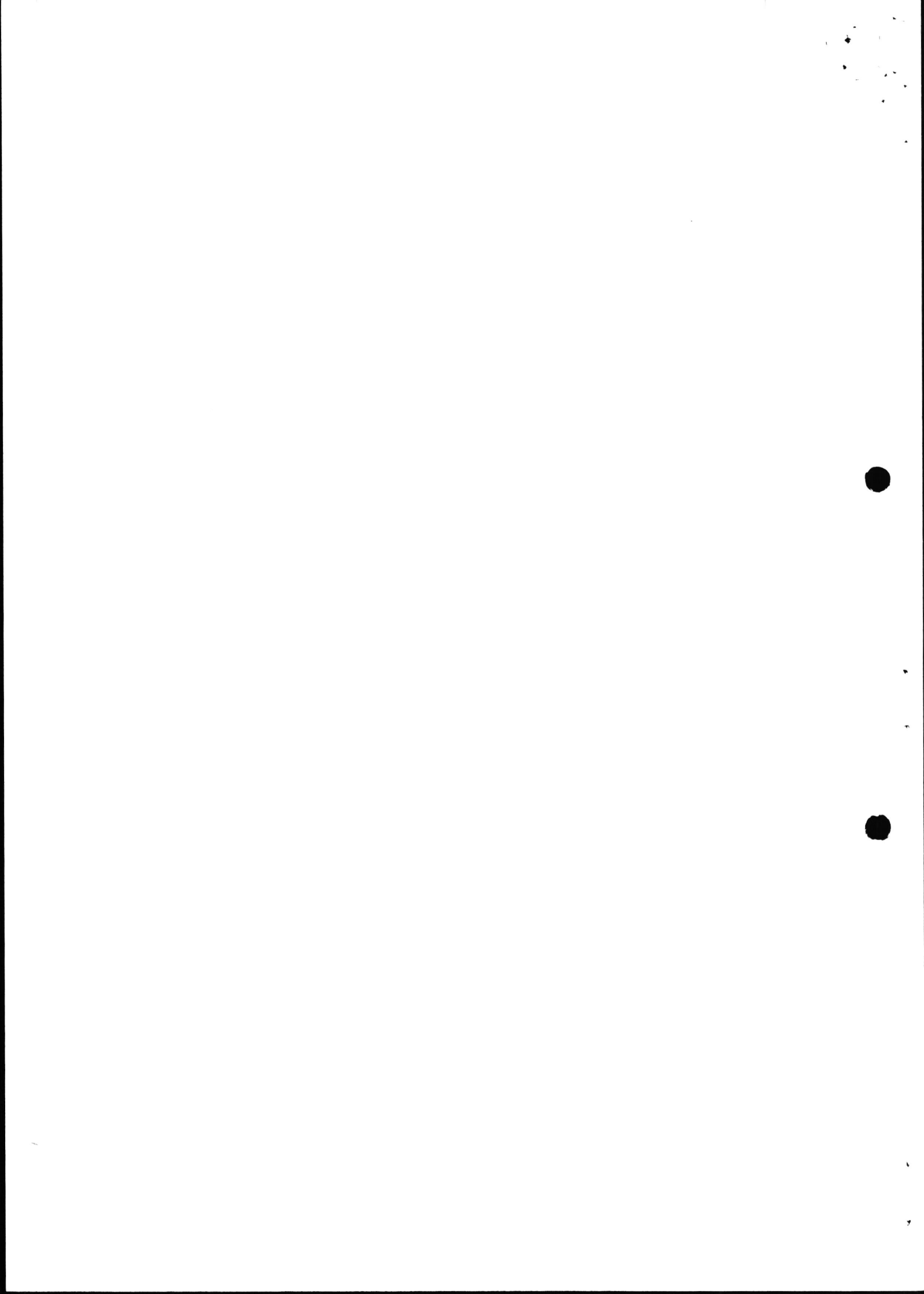
**PART II—DEVELOPMENT, MANAGEMENT
AND REGULATION OF IRRIGATION**

6. (1) The Cabinet Secretary shall develop, manage and regulate irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage, including water harvesting and storage for irrigation.

Role of national
government

(2) Without prejudice to the generality of the foregoing, the Cabinet Secretary shall have responsibility with regard to development and management of irrigation to—

- (a) formulate policies, make legislative proposals to Parliament, provide sector regulation, coordination and guidance, and monitoring and evaluation;
- (b) develop general principles, guidelines and standards for promoting development and for the coordination of irrigation planning;
- (c) establish, through a gazette notice, national, public or strategic schemes of any category as defined in this Act;
- (d) facilitate the use of efficient irrigation systems across the country;
- (e) subject to resource constraints, ensure availability and adequacy of water for irrigation;
- (f) receive and determine applications for any irrigation projects, including issuance of irrigation licences for irrigation schemes;
- (g) monitor and enforce conditions attached to licenses for all irrigation projects;
- (h) report to Parliament annually, and from time to time as may be necessary, on the state of, and



needs for, irrigation development and management in the country;

- (i) in collaboration with county governments, gather information and maintain data bases on irrigation development and management including data on irrigation water supplies, demands, projects, irrigated areas, management performance, potential for expansion and human resources;
- (j) conduct periodic technical and management audits of irrigation schemes infrastructure, governance, management and financing;
- (k) maintain storage investments for their proper use implementation; and
- (l) carry out other mandate as may be specified in this Act or any other written law.

(3) The Cabinet Secretary shall consult and seek the co-operation of other ministries and agencies of the National Government, county governments, as well as non-government entities, so as to encourage broad support for irrigation development and management.

(4) The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the *Kenya Gazette*, a five-year national irrigation services strategy, based on, among others, the national irrigation policy for the time being in force.

(5) The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute reviews aligned to planning cycles or at such times as the Cabinet Secretary may determine.

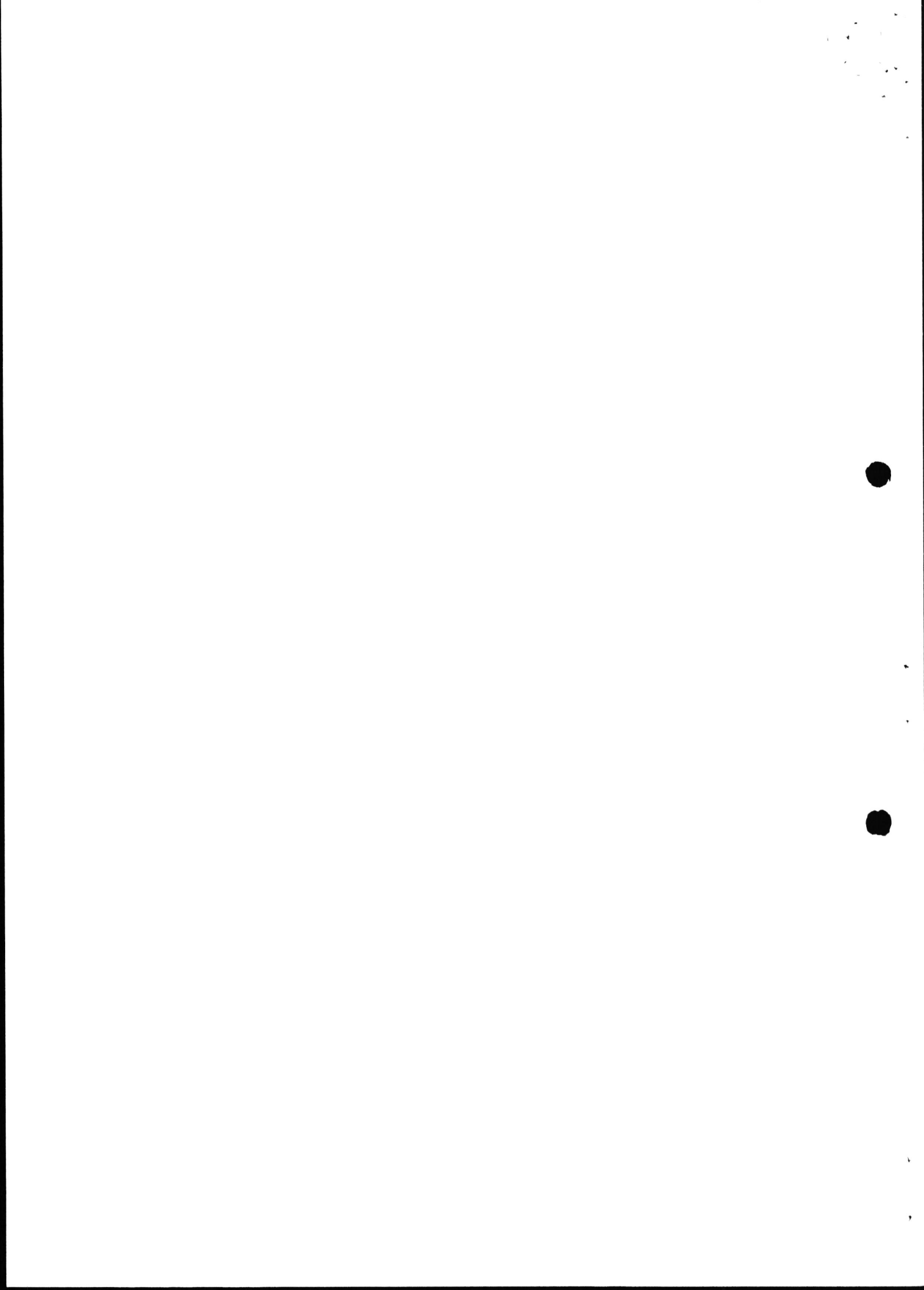
(6) The Cabinet Secretary may exercise any or some of the duties and functions under subsection (1) above directly or through the Authority.

PART III—THE NATIONAL IRRIGATION AUTHORITY

7. (1) There is established an authority to be known as the National Irrigation Authority.

Establishment of
the Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall, in its



corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts; and
- (e) doing such other acts necessary for the proper performance of the functions of the Authority.

(3) The headquarters of the Authority shall be in Nairobi.

(4) The Authority may establish such regional, county, catchments or sub-catchment or sub-county level offices as the Board, may consider necessary.

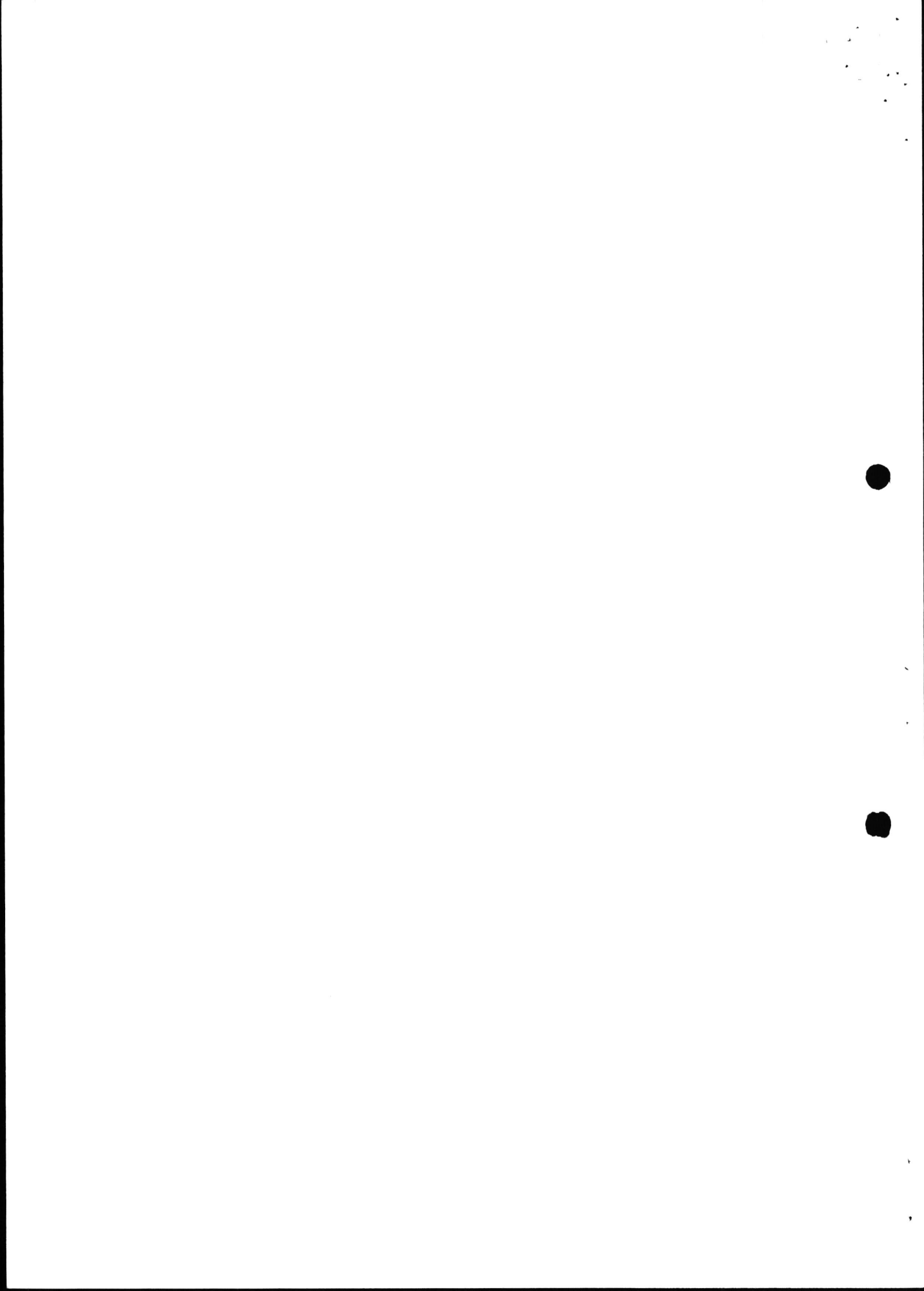
8. (1) The functions of the Authority shall be to—

- (a) develop and improve irrigation infrastructure for national or public schemes;
- (b) provide irrigation support services to private medium and smallholder schemes, in consultation and cooperation with county governments and other stakeholders;
- (c) provide technical advisory services to irrigation schemes in design, construction supervision, administration, operation and maintenance under appropriate modalities, including agency contracts, as may be elaborated in regulations to this Act.

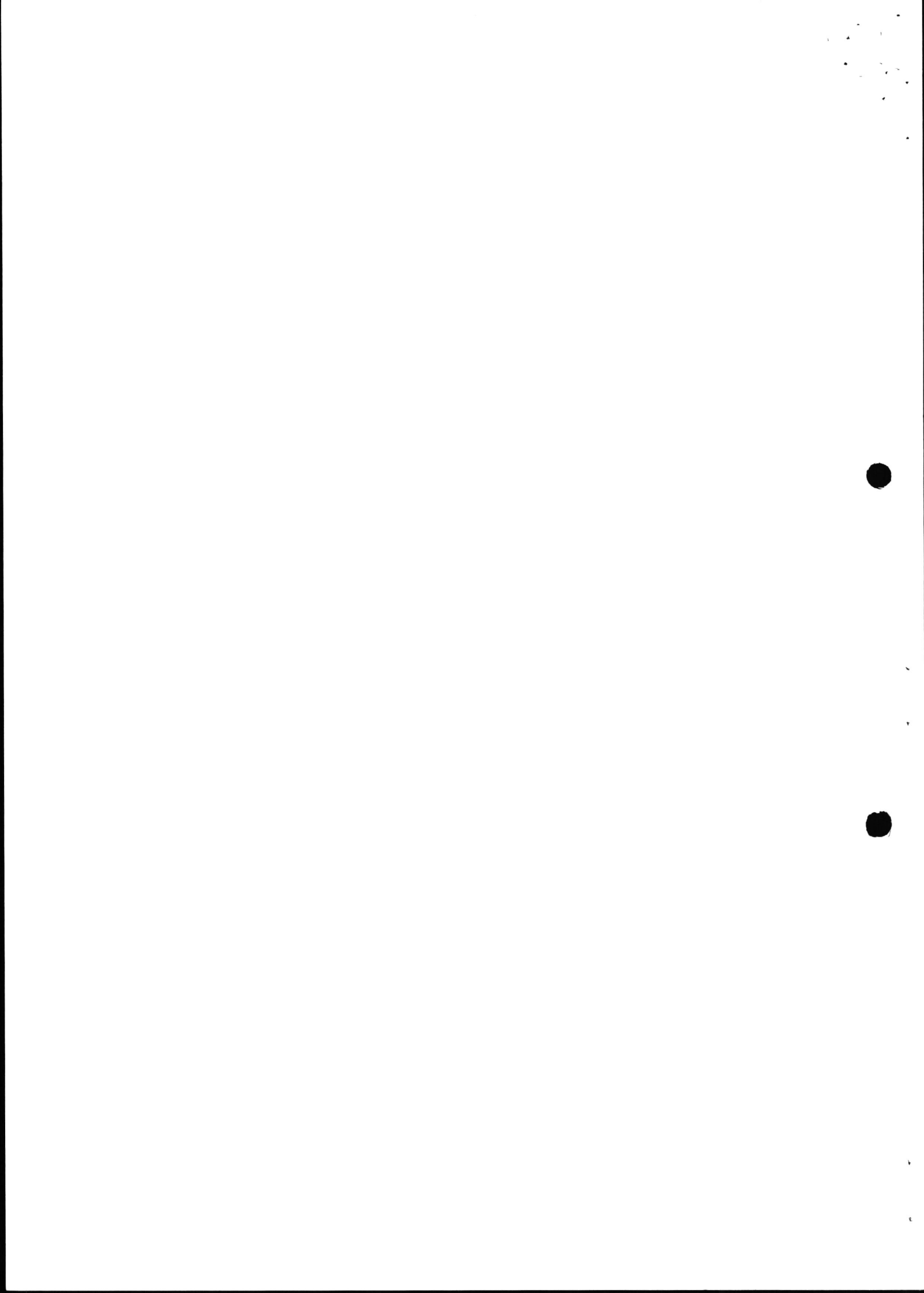
Powers and functions of the Authority.

(2) The Authority shall exercise all such powers necessary to enable it to perform its functions under this Act and, without prejudice to the generality of the foregoing, the Authority may—

- (a) undertake irrigation development, including infrastructure, in national or public and smallholder schemes, including schemes which traverse or straddle more than one county;
- (b) in consultation with county governments, facilitate formation and strengthening of irrigation water users' associations at scheme



- level for operation, maintenance and management;
- (c) in consultation with the county governments and other stakeholders facilitate formation and strengthening of scheme management committees at scheme level for management of the schemes;
 - (d) in consultation with the county governments and other stakeholders facilitate formation and strengthening of dispute resolution committees at scheme level for the resolution of disputes relating to scheme management;
 - (e) in consultation with the Cabinet Secretary, the Cabinet Secretary for the time being responsible for finance, and the county governments raise funds for the development of infrastructure in national, public and smallholder schemes under appropriate mechanisms, including under agency contracts;
 - (f) in consultation with the Cabinet Secretary and county governments, co-ordinate and plan settlement on national or public irrigation schemes, as well as schemes which traverse or straddle more than one county and determine the number of settlers thereof;
 - (g) provide technical advisory services on a commercial basis, on irrigation water management, including water harvesting and storage, and waste water recycling for agricultural use to all schemes under appropriate modalities, including agency contracts;
 - (h) in collaboration with county governments, the private sector, civil society organizations and other stakeholders, provide technical advisory services to community and smallholder irrigation schemes concerning design, construction supervision, administration and maintenance of irrigation infrastructure under appropriate modalities, including agency contracts;
 - (i) facilitate linkages between and among the



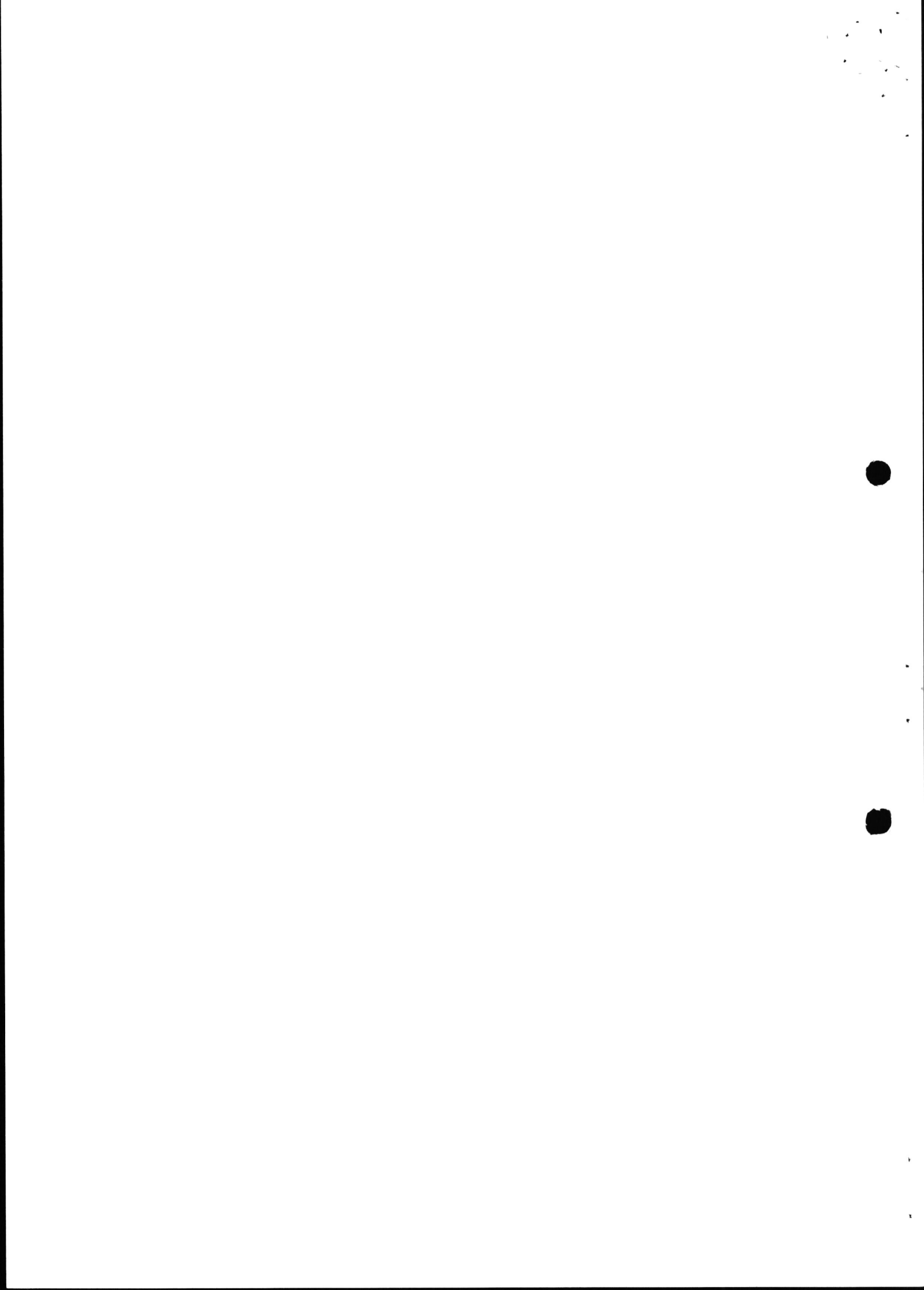
National Government and county governments, private sector, civil society organizations, communities and other stakeholders for the provision of support services to irrigation water user associations;

- (j) provide land in national irrigation schemes for public purposes;
- (k) in collaboration with county governments and other stakeholders, promote the marketing and processing of crops, animal and fish products grown or produced on national and other irrigation schemes and to liaise in this regard with other responsible state agencies and organizations;
- (l) in collaboration with county government and other stakeholders and government agencies carry out periodic researches to determine and make recommendation on fair prices for crops, animals and fish products grown or produced on national and other irrigation schemes;
- (m) prepare and submit to the Cabinet Secretary, through the Principal Secretary, annual and other periodic reports concerning the performance of its mandate and functions; and
- (n) advise the Cabinet Secretary, through the Principal Secretary, on any matter in connection with the development, maintenance, expansion and availability of irrigation support services.

9. (1) There shall be a Board of the Authority which shall consist of—

The Board of
Authority.

- (a) a chairperson, who shall be appointed by the President subject to subsection (5);
- (b) the Principal Secretary, State Department of Irrigation or his representative;
- (c) the Principal Secretary responsible for finance or his representative;
- (d) the principal secretary responsible for Agriculture



or his representative;

- (e) the Principal Secretary for the time being responsible for water or his representative;
- (f) five other members, who shall be appointed by the Cabinet Secretary and approved by the President, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.

(2) The members of the Board shall—

- (a) reflect gender and regional balance in accordance with the Constitution; and
- (b) include two representatives of county governments nominated by the Council of Governors and shall be reflective of an appropriate professional, disciplinary and stakeholder mix.

(3) The Chief Executive Officer of the Authority shall be an *ex officio* member of the Board.

(4) The members of the Board shall elect a vice-Chairperson from among themselves:

Provided that where the Chairperson is male, the vice chairperson shall be female and *vice versa*.

(5) A person shall be qualified for appointment as Chairperson of the Board if such a person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution; and
- (c) holds relevant academic and professional qualification including a university degree or its equivalent in any field.

(6) The Board may from time to time establish committees for better carrying out of its functions.

10. The conduct of business of the Board shall be in accordance with the Schedule.

11. (1) The Board shall have all powers necessary for the proper performance of the functions of the Authority

Conduct of
business of the
Board.

Powers of the
Board.

under this Act.

(2) Without prejudice to the generality of the foregoing the Board shall have power to—

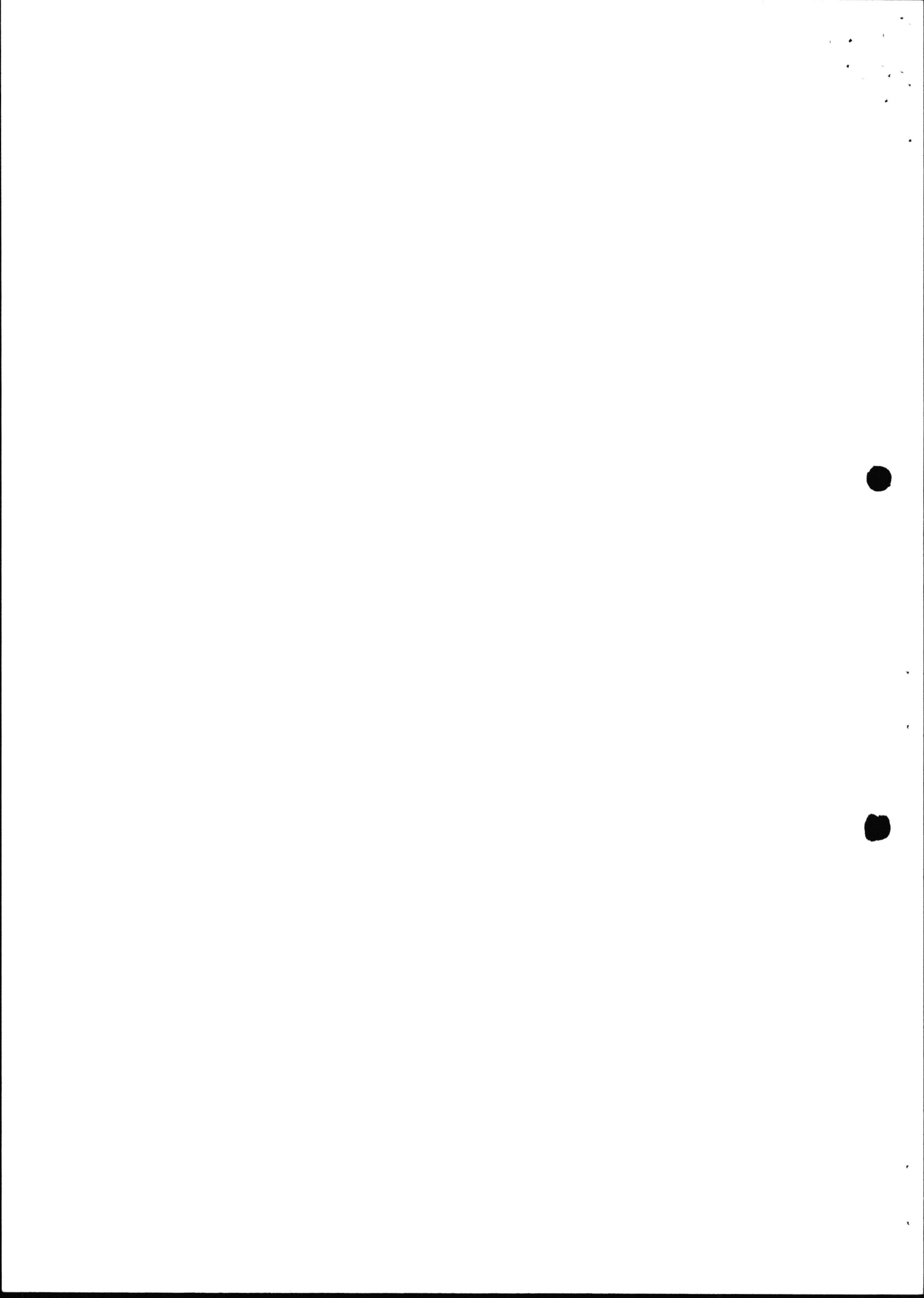
- (a) secure continuing improvement of performance, protect the long term viability, and ensure fiscal discipline of the Authority;
- (b) administer the assets of the Authority in such manner as best promotes the purposes for which the Authority is established;
- (c) ensure protection of the assets and developments of the Authority;
- (d) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (e) receive any grants, gifts, donations or endowment and make legitimate disbursements therefrom;
- (f) invest any funds of the Authority not immediately required for its purposes;
- (g) undertake any activity necessary for the fulfilment of any of the functions of the Authority.

12. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Cabinet Secretary on recommendation of the Board on a competitive basis and on such terms and conditions as may be specified in the instrument of appointment.

Chief Executive
Officer.

(2) A person shall be qualified to be appointed as Chief Executive Officer of the Authority if that person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;
- (c) holds relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; and
- (d) has at least fifteen years' experience in the management of a public or private institution, five of which should be at senior management level or is a distinguished scholar in a discipline



relevant to irrigation.

(3) The Chief Executive Officer shall be responsible to the Board for the day-to-day management of the affairs of the Authority and for the performance of any other functions as the Board may direct, and shall be the accounting officer of the Authority.

(4) The Chief Executive Officer shall hold office for a term of three years and is eligible for re-appointment for a further term of three years.

(5) The Chief Executive Officer may be removed from office by the Cabinet Secretary on the recommendation of the Board in accordance with the terms and conditions of service.

13. Subject to the provisions in section 34 regarding transitional arrangements, the Authority may engage such other officers and staff as it may consider sufficient for the performance of its functions under this Act on such terms and conditions as are provided in approved establishment.

Other staff.

PART IV— RESPONSIBILITY OF COUNTY GOVERNMENTS

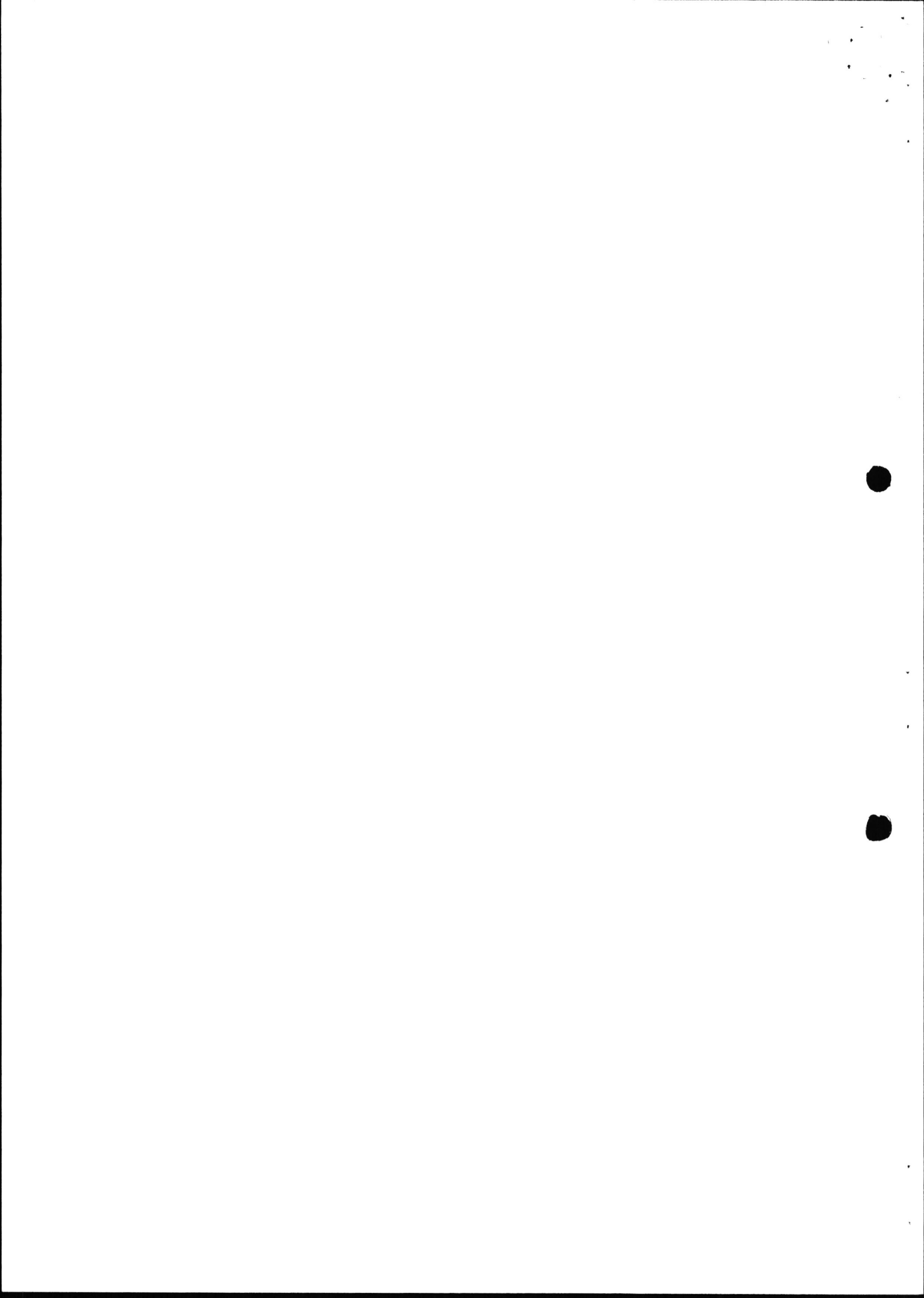
14. (1) Each county government may, within its area of jurisdiction, establish a county irrigation development unit for the better carrying out of an irrigation function delegated by the Cabinet Secretary as may be prescribed in the Regulations.

Role of county government.

(2) Each county government shall, for purposes of ensuring uniformity and national standards in the irrigation sub-sector, through its legislative and administrative action, implement and act in accordance with the national policy guidelines issued by the Cabinet Secretary and approved by Parliament.

(3) The county irrigation development units established under subsection (1) shall have the following functions—

- (a) formulate and implement county irrigation strategy in collaboration with relevant stakeholders, in line with national policies and strategies;
- (b) develop and maintain an irrigation database and integrate systematic monitoring and evaluation;



- (c) identify community-based smallholder schemes for implementation in line with national guidelines;
- (d) mainstream irrigation related statutory obligations such as those that relate to the environment, water and health;
- (e) provide capacity building for farmers and support establishment of viable farmer organizations, and in particular irrigation water users associations to develop and manage irrigation schemes including actively participating in conflicts resolution within irrigation schemes;
- (f) set up measures to implement adaptation and mitigation to climate change, and enhance sustainable environmental management.

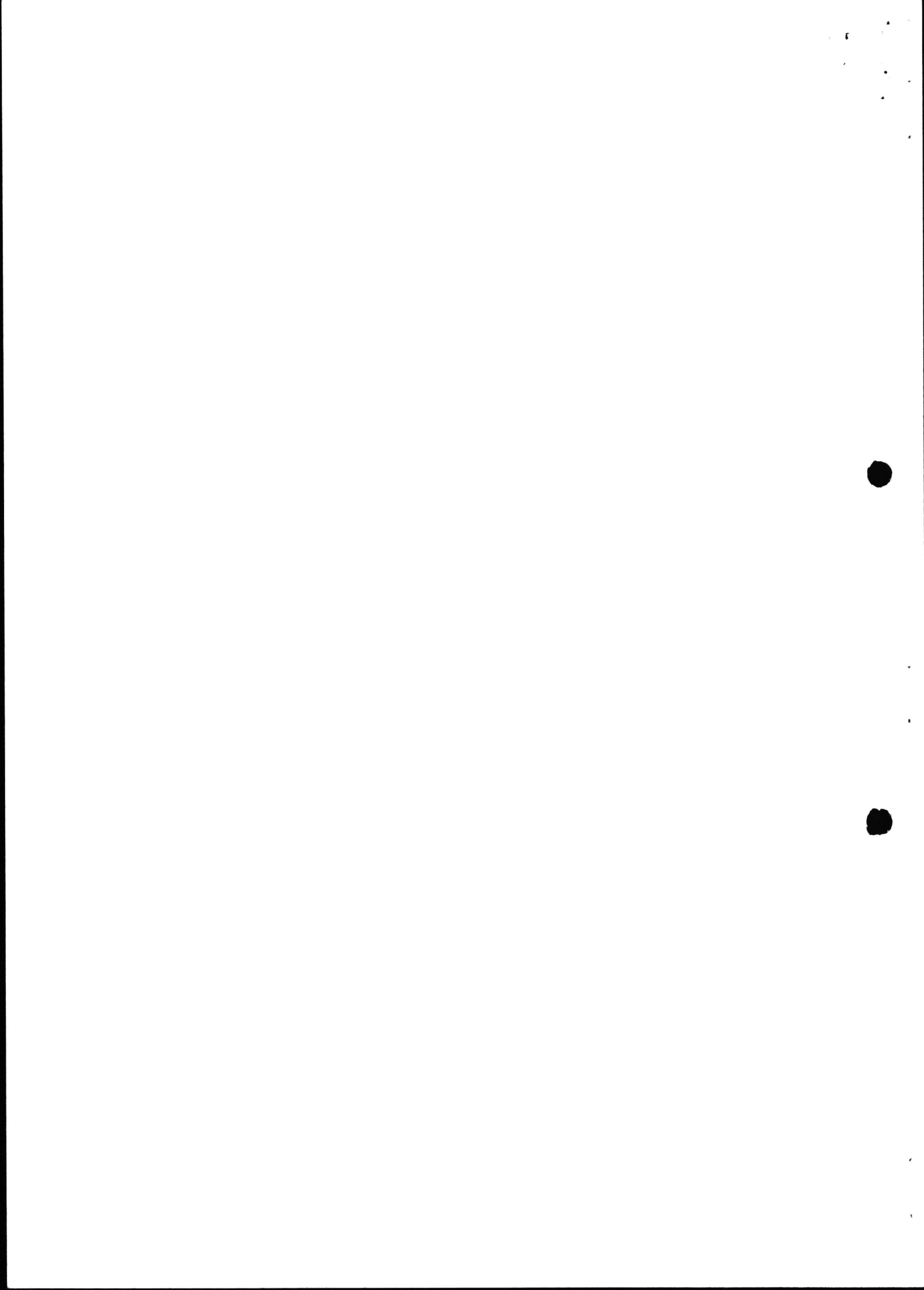
PART V— IRRIGATION SERVICES

15. (1) The Cabinet Secretary shall, subject to water and other resource constraints, and in consultation with county governments, and other stakeholders ensure the adequacy and quality of water for irrigation purposes throughout the country.

Water for irrigation.

(2) Pursuant to subsection (1), the Cabinet Secretary shall take measures to—

- (a) approve appropriate tariff structures and make arrangements with the Water Resources Authority in respect of requisition of irrigation water in bulk;
- (b) seek advice of the Water Resources Authority on the development of new irrigation water sources, including water harvesting, flood control and storage for irrigation;
- (c) approve appropriate arrangements on inter-catchment transfers of irrigation water in consultation with county governments and Water Resources Authority;
- (d) develop a mechanism on return on investment formula resulting from construction of irrigation schemes using public funds; and
- (e) develop guidelines on private sector involvement



at various stages of the irrigation project implementation cycle.

16. (1) The Cabinet Secretary may, in consultation with the National Lands Commission, the Board and county governments, and by notice in the *Kenya Gazette*, designate an area of land, for which an irrigation water permit may be issued by the Water Resources Authority and an irrigation license may be issued.

Setting apart of land, access rights etc.

(2) In respect of land, other than public land, in a national or public irrigation scheme, the Cabinet Secretary shall, in accordance with the law for the time being relating to the compulsory acquisition of land, take such steps as may be necessary to acquire the right, title or interest in such land and to vest it in the Department for the purposes of this Act.

(3) In the case of community land forming part of a national or public irrigation scheme, the Cabinet Secretary, on behalf of the Department, may take the land on lease and on terms to be agreed between the Cabinet Secretary and the county government concerned.

(4) In default of agreement between the Cabinet Secretary and the county government as to the terms of a lease under subsection (3) of this section, the relevant provisions of the Land Act, 2012, shall have effect.

No. 6 of 2012.

(5) The Cabinet Secretary shall, in collaboration with county governments support and facilitate access rights to land for all irrigators on national irrigation schemes in order to provide livelihoods for poor and vulnerable persons and groups, and adequate security for investments in land improvement and the irrigation schemes.

(6) The Cabinet Secretary shall, in consultation with county governments, ensure that the design of national or public irrigation schemes and others, takes into account the needs of various irrigation water users, including livestock and fish producers.

17. (1) The Cabinet Secretary shall establish administrative and regulatory framework—

Establishment of Administrative and legal framework for water storage.

(a) for management and development of water storage infrastructure, and flood control and land

reclamation, dams and dykes; and

- (b) for water storage creation requirement on all existing and future irrigation projects.

(2) Despite the provisions under subsection (1), the Cabinet Secretary shall, in consultation with the county governments, ensure that irrigation developments are planned and implemented within the framework of Integrated Water Resources Management, and in accordance with agreements between irrigation and other stakeholders, in such a manner as to reduce water resource conflicts, protect the environment and public health, and share water appropriately and equitably for multiple uses.

18. (1) The Cabinet Secretary shall take legislative and administrative measures to ensure that irrigation research, innovation and training functions are carried out and appropriately coordinated.

Irrigation
research,
innovation and
training.

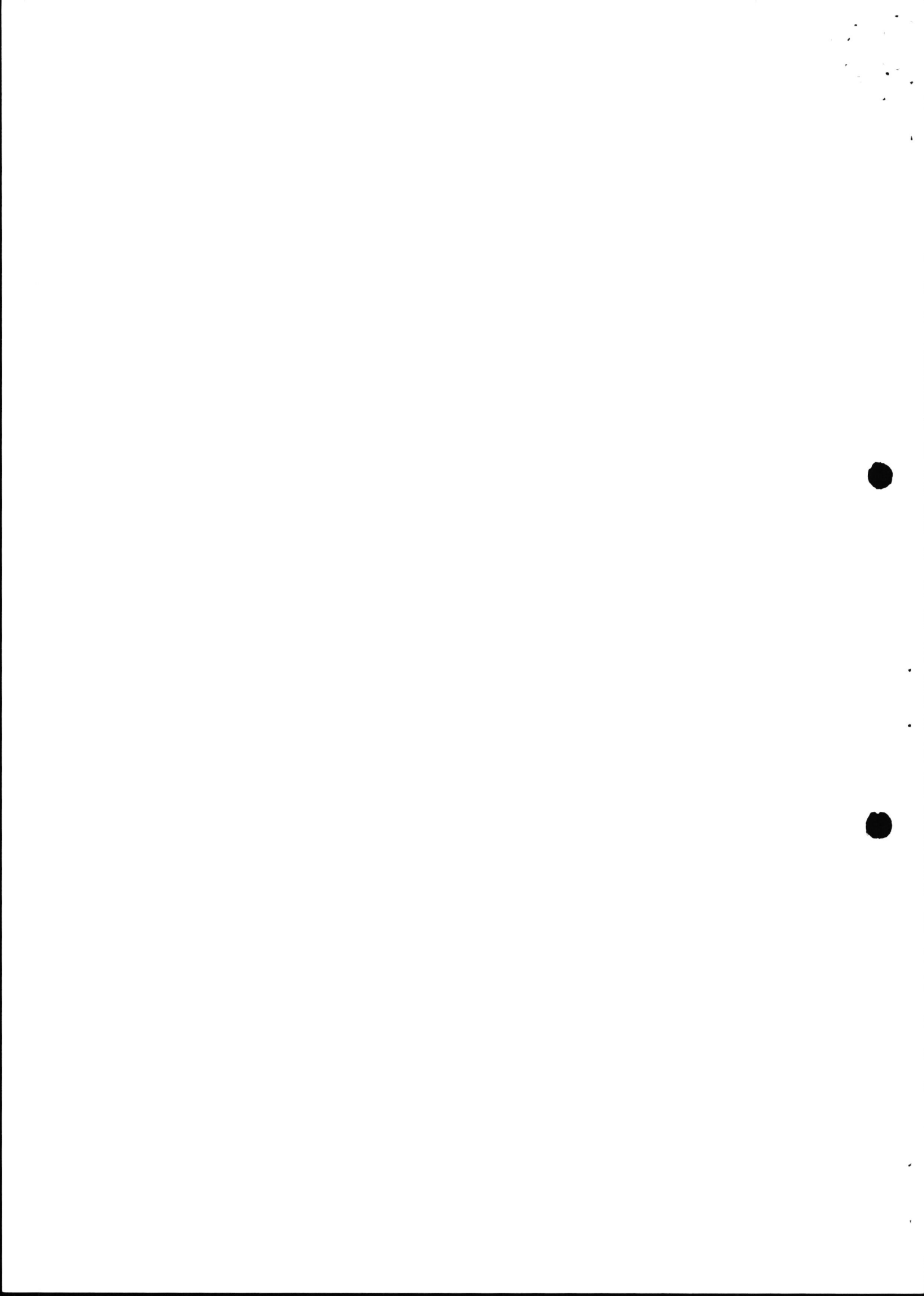
(2) Each county government may identify priority irrigation research, innovation and training areas and participate in irrigation research, innovation and training processes, in collaboration with the national government.

19. (1) The Cabinet Secretary shall, through the Authority, oversee management of existing and new national or public schemes, except those under county governments, and particularly storage dams, intake, main and secondary systems as necessary.

Management of
irrigation
schemes.

(2) The Cabinet Secretary through the Authority shall provide resources and direction for capacity building and technical services to irrigation water users associations, scheme management committees, dispute resolution committees and other farmer associations to enable them to progressively accept and assume full responsibility for management of national or public schemes under appropriate agency contracts with the National Government or county governments, as the case may be.

(3) Despite any agency contracts between the National Government or county governments and any irrigation water users' association, scheme management committees, dispute resolution committees under subsection (2), all assets of the national or public irrigation schemes shall remain vested in the national government or county government as appropriate, which shall also retain



regulatory oversight over governance, management and financing of such schemes.

(4) The Cabinet Secretary shall, through the Authority and in collaboration with county governments and relevant stakeholders provide support, subject to availability of resources, and direction for capacity building and technical advisory services to irrigation water users' associations, scheme management committees, dispute resolution committees and other farmer associations to enable them to take over governance and management responsibility for smallholder schemes as soon as possible after they are developed.

20. (1) A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source may, together with other members or persons resident in the same area, form or join an irrigation water users association.

Formation of irrigation water users' associations.

(2) Where an association pre-exists an irrigation scheme, the said association may be recognized as the *bona fide* association to operate and maintain a scheme established in the association's area of coverage, and more than one association may operate and maintain a scheme on appropriate and mutually agreed terms.

(3) An association may enter into cost-sharing agreements with the National Government, county governments, private sector institutions or other farmers' associations for implementing improvements, modernization, establishment or expansion of a scheme, subject to approval by the Cabinet Secretary and concurrence of the National Treasury.

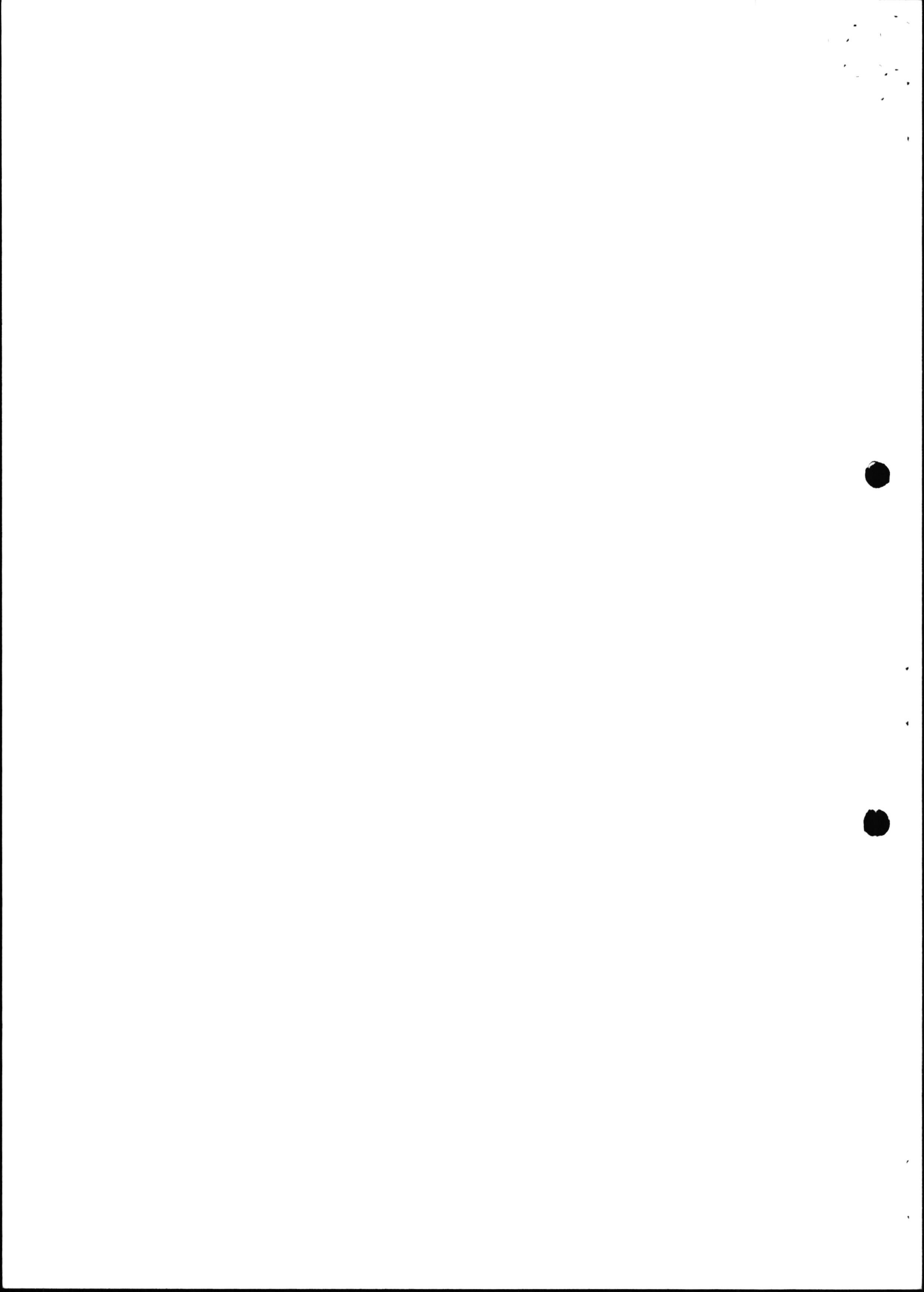
(4) The Cabinet Secretary, in consultation with county governments, may make rules for the establishment and governance of irrigation water users' associations under this section.

PART VI— FINANCIAL PROVISIONS

21. The funds and assets of the Authority shall consist of—

Finances of the Authority.

- (a) such monies as may be appropriated by the National Assembly for the purposes of the



Authority;

- (b) any monies or property which may in any manner accrue or vest in the Authority in the course of the exercise of its functions under this Act;
- (c) such monies as may become payable to the Authority by way of fees in respect of services rendered by or through the Board; and
- (d) all monies from any other sources provided, donated or lent to the Authority.

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

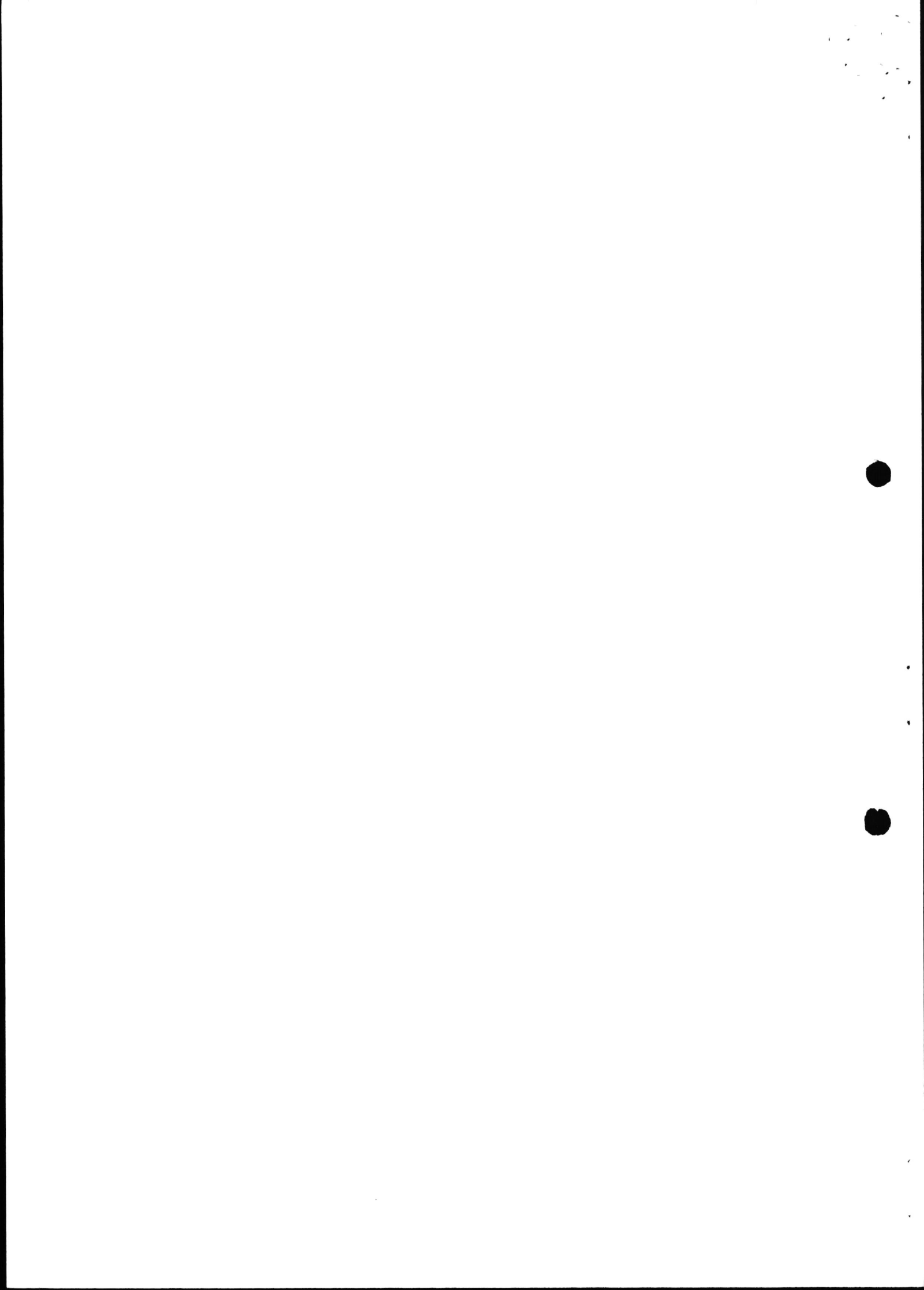
Annual estimates.

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

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Authority and the Board of the Authority as the case may be;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance and the replacement of buildings or equipment, or in respect of such other matters as the Board may deem fit.

(3) The annual estimates shall be approved by the Board at least two months before commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Board given with prior written approval of the Cabinet Secretary and the Cabinet Secretary



to the National Treasury.

23. The Board shall ensure that proper books of account of the income, expenditure, assets and liabilities of the Authority are kept, and shall in this regard be subject to the provisions of the State Corporations Act.

Accounts and
Audit.

Cap. 446.

24. (1) The Board shall, within a period of seven months after the end of each financial year, or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report on the operations of the Authority during that year, and the auditor's report, together with the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, and the Board shall publish them in such manner as the Cabinet Secretary may specify.

Annual reports.

(2) A copy of every auditor's report, balance sheet and other statements of accounts submitted in accordance with subsection (1) shall be sent by the Authority to the Auditor-General, who may at any time examine the accounts, and the Auditor-General shall be entitled to require from the Authority and its auditors such further information and explanation as he may consider necessary.

(3) The financial reports of the Authority with the yearly balance sheet and such other statements of account as the Cabinet Secretary may deem appropriate, together with the auditor's report and any report made by the Auditor-General, shall be submitted through the Principal Secretary and the same shall be laid by the Cabinet Secretary before Parliament as soon as possible after it has been submitted to the Cabinet Secretary and shall constitute an integral part of the Cabinet Secretary's report required under this section.

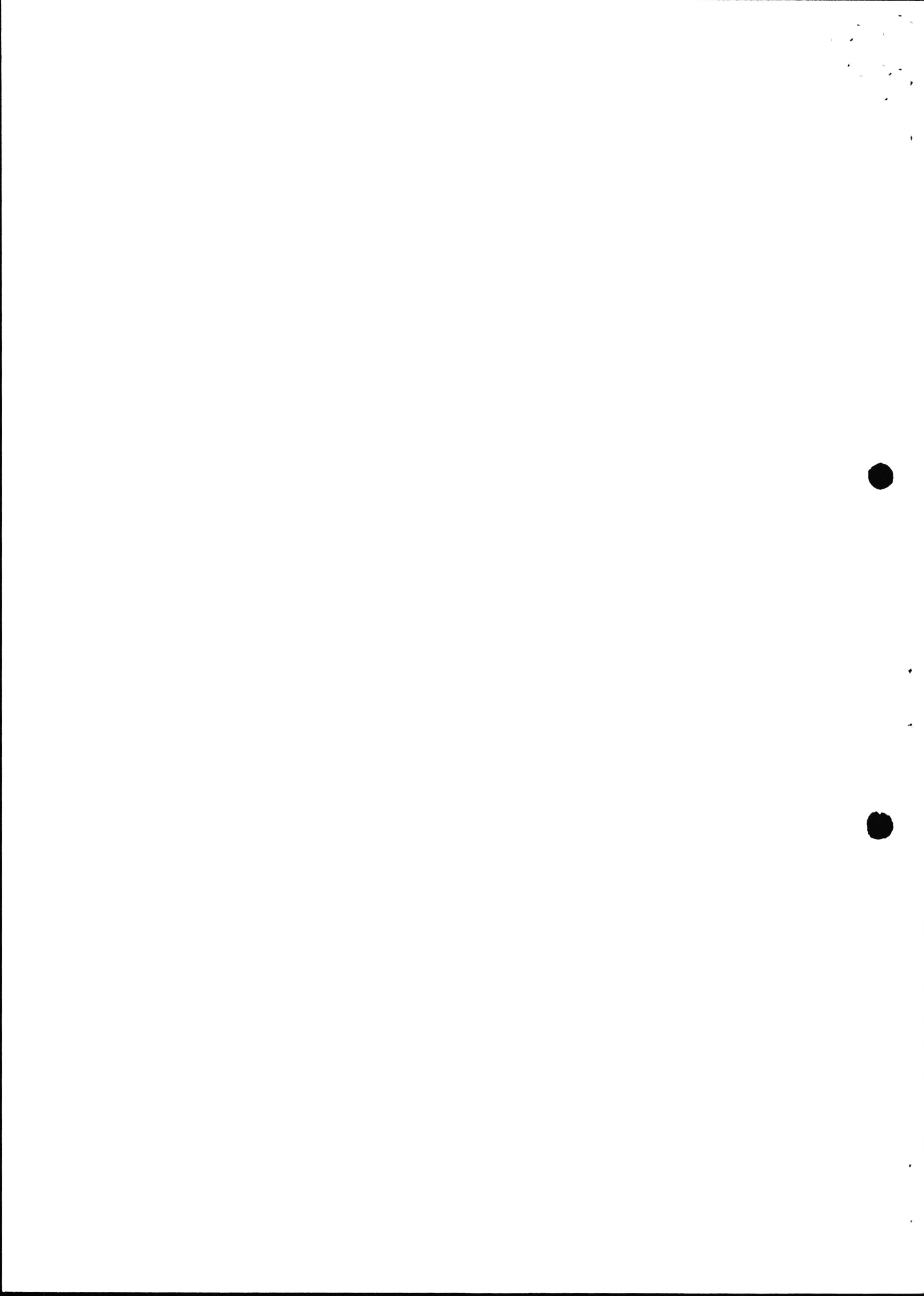
PART VII—DISPUTE RESOLUTION

25. (1) Disputes related to irrigation and drainage scheme development, management, water allocations and delivery, financing, operation and maintenance and other matters shall be resolved within the irrigation water users association or at irrigation scheme level wherever possible.

Dispute
resolution.

(2) Each association which is legally registered shall have a Dispute Resolution Committee that consists of at least three members selected by its governing body.

(3) Decisions regarding any dispute contemplated



under this section shall be made by the relevant Dispute Resolution Committee within thirty days of the hearing of the dispute in question.

26. Where the water users association or at the irrigation scheme level is unable to resolve a dispute, the same shall be referred to the Dispute Resolution Committee at the first instance to consider and determine the matter before the same is referred to Court.

Appeals.

PART VIII—MISCELLANEOUS AND OFFENCES PROVISIONS

27. (1) The Cabinet Secretary shall, in consultation with the county governments—

Monitoring and evaluation.

- (a) develop and implement a monitoring and evaluation system for the development, governance, management and financing of irrigation at all levels, and this may include assessment of inputs, immediate outcomes and ultimate impacts based on the results; and
- (b) conduct periodic irrigation management and performance audits in strategically important schemes, and may assess the financial management and quality of governance obtaining in the schemes.

28. No liability shall attach to the Authority or its Board or its members, officers, agents or servants for any loss or damage sustained by any person as a result of any act or omission done or omitted to be done in good faith and without negligence in the performance or exercise of any duty or power imposed or conferred by or under this Act.

Protection from liability.

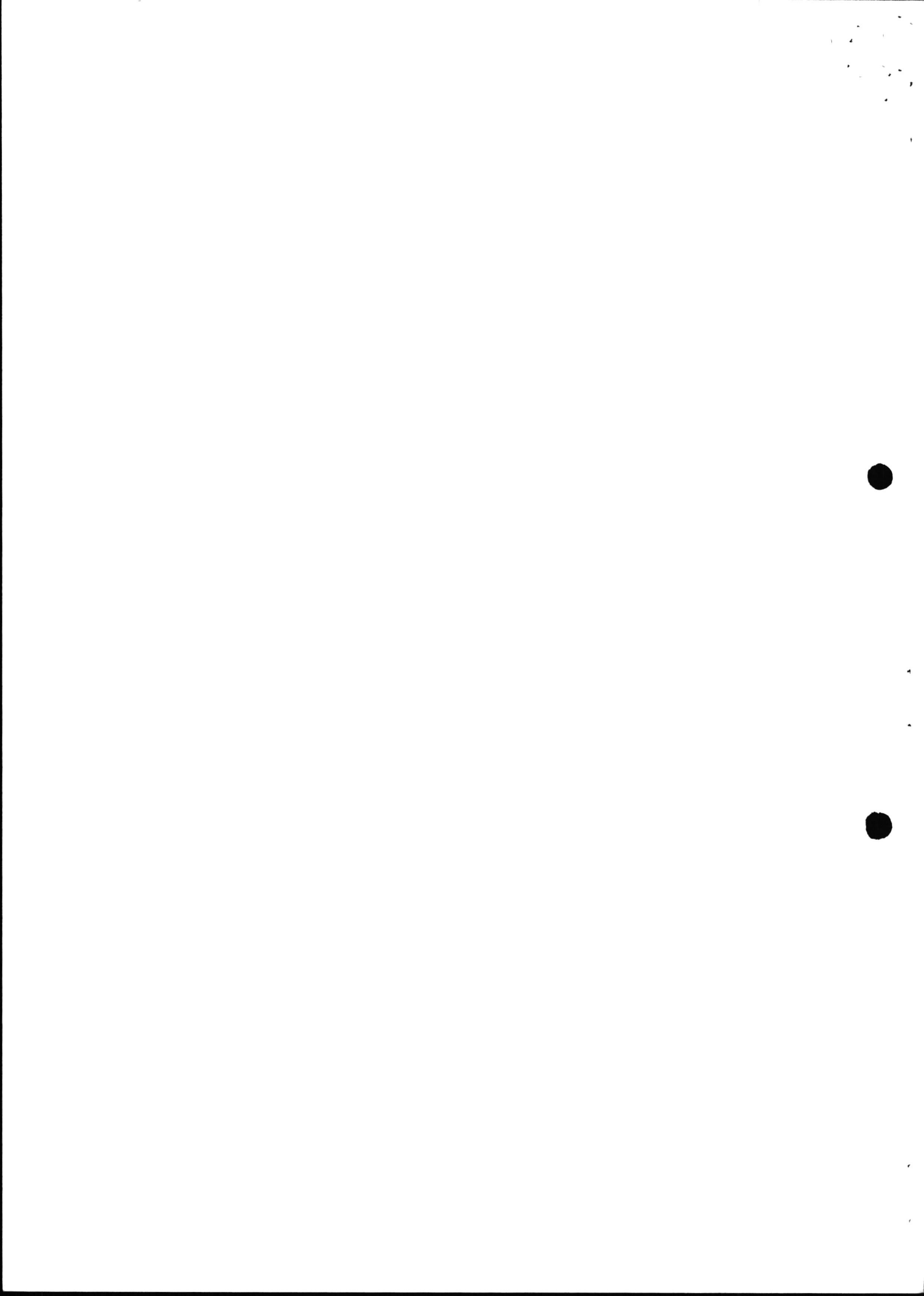
29. Any person who wilfully damages an irrigation infrastructure, water course, equipment or other appliances, or steals or otherwise unlawfully tampers or interferes with such infrastructure, watercourse, equipment, or other appliance, commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding 24 months or to both such fine and imprisonment.

Wilful damage.

30. Any person who—

Destructive practices.

- (a) engages in activities or practices which are



destructive or potentially destructive to the catchment areas of a river or public water body supplying water to an irrigation scheme; or

- (b) permits or causes animals to damage irrigation areas or infrastructure,

that person commits an offence and shall be liable upon conviction to a fine of not more than five hundred thousand shillings or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

31. Any person who—

Setting fire.

- (a) sets or causes to be set on fire on an irrigation scheme or on any irrigated or drained farm, garden or plot; or
- (b) being a person with responsibility over any aspect of an irrigation scheme, without reasonable excuse or cause, refuses to assist in averting, fighting or extinguishing a fire on an irrigation and or drainage scheme or on any irrigated and or drained farm, garden or plot,

that person commits 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 12 months or to both such fine and imprisonment.

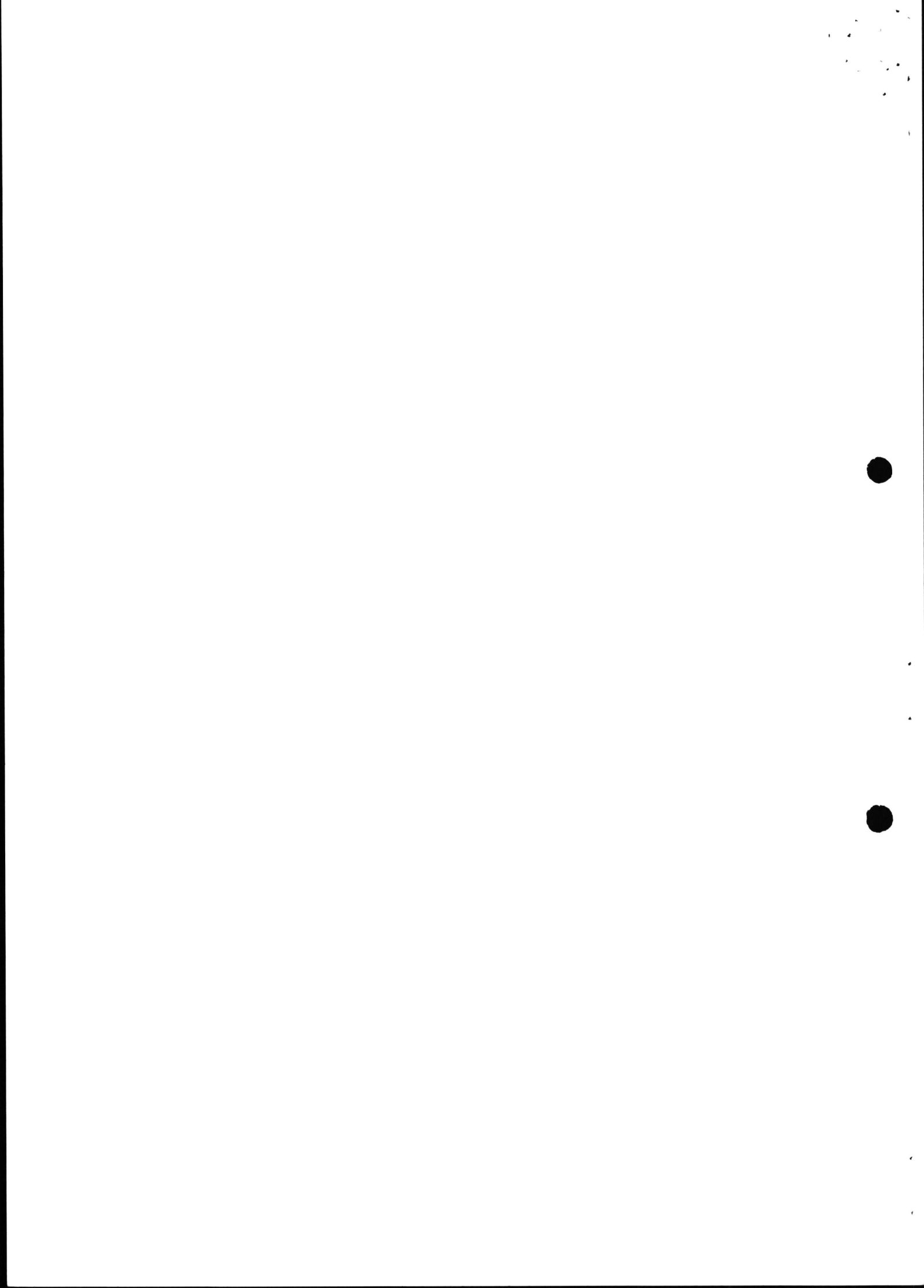
32. Any person who applies or causes to be applied on an irrigation scheme, farm, garden or plot under irrigation any chemicals or substances prohibited under this Act or any other law for the time being in force, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term of five years or to both such fine and imprisonment.

Harmful chemicals.

33. Any person who abstracts water from an irrigation system or disrupts the distribution plan of a scheme commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term of one year or to both such fine and imprisonment.

Abstraction of water.

PART IX—PROVISIONS ON DELEGATED



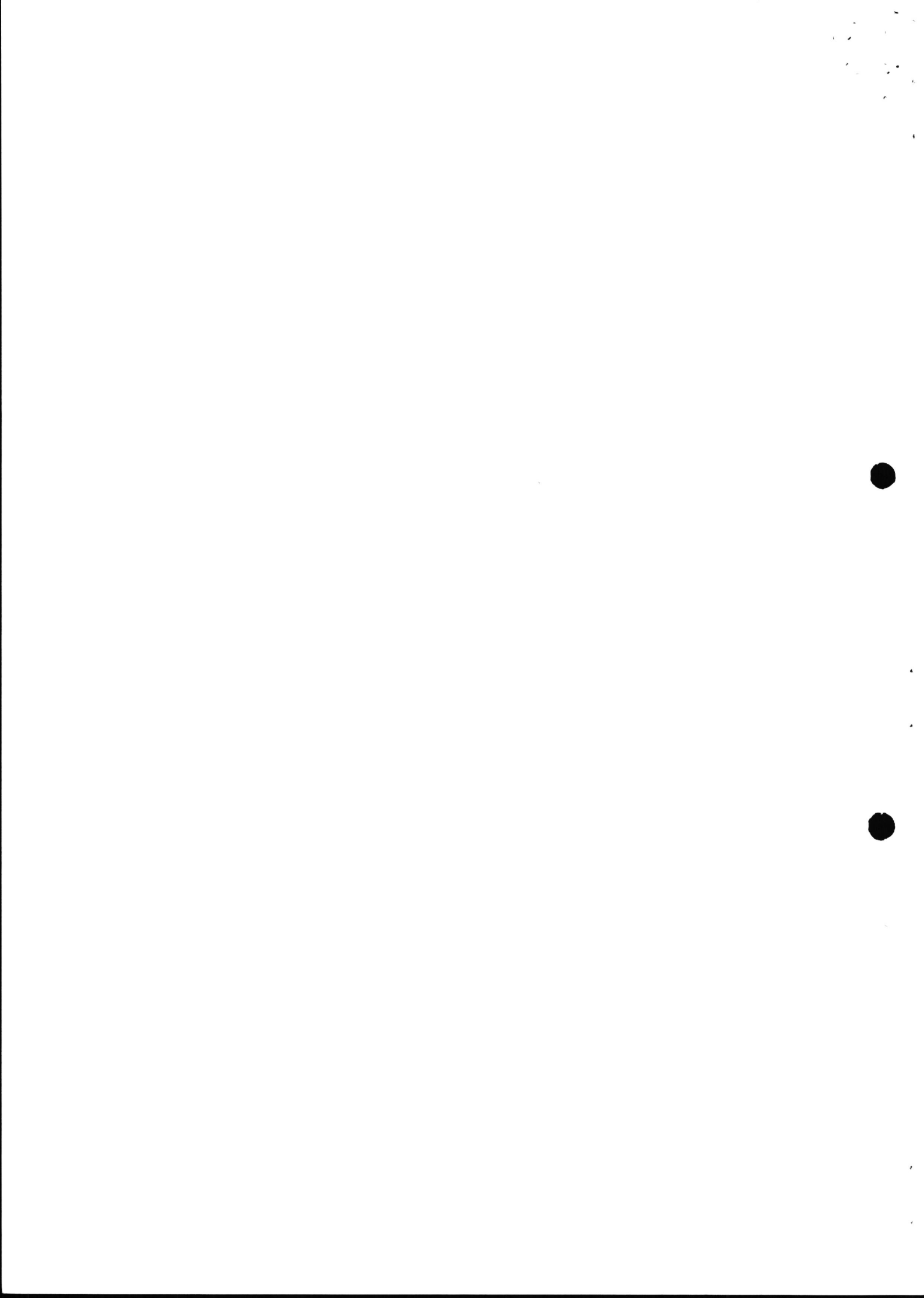
POWERS

34. (1). The Cabinet Secretary may, in consultation with county governments, make Regulations, for the better carrying out of the purposes and provisions of this Act.

Making of
Regulations.

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

- (a) the management of national, public and other irrigation schemes;
 - (b) the standards of good on-farm water management;
 - (c) the regulation of, and tariffs payable for, the use of water on national, public and other irrigation schemes;
 - (d) the control of persons occupying any land comprising or forming part of a national irrigation scheme, the introduction of or the control of settlers on such land, the issue by the Authority as the case may be, of licenses or permits or leases to such persons or settlers, the revocation of such licenses and leases, and the terms and conditions which may be attached to such licenses and leases;
 - (e) the licensing of contractors to perform any function connected with a national or other irrigation scheme;
 - (f) the establishment, operations and governance of irrigation water users' associations, scheme management committees and dispute resolution committees;
 - (g) prescribe fees payable by irrigation water users based on costs of operation and maintenance of the scheme;
 - (h) monitoring and evaluation and audits required under the Act; and
 - (i) adherence to environmental and public health matters.
- (3) Any Regulations made under this section may—



- (a) require acts to be performed to the satisfaction of a prescribed authority, may prohibit their performance without the prior approval of a specified authority, and may empower a specified authority to impose conditions for the performance of specific acts;
- (b) be made to apply generally to all irrigation schemes or to any specified irrigation or to any specified area or areas thereof;
- (c) provide for such penalty for the breach of any provision thereof, not exceeding a fine of fifty thousand shillings and or imprisonment for one year, as the Cabinet Secretary may regulate from time to time.

PART X—REPEALS AND TRANSITIONAL PROVISIONS

35. (1) The Irrigation Act is repealed.

Repeal of Cap.
347.

(2) Notwithstanding subsection (1) and upon commencement of this Act—

- (a) all the funds, assets and other property, both movable and immovable which were vested in the National Irrigation Board shall, by virtue of this paragraph, vest in the Authority;
- (b) all rights, powers and liabilities which were vested in, imposed on or enforceable against the National Irrigation Board shall, by virtue of this paragraph, be vested in, imposed on or enforceable against the Authority;
- (c) any reference in any written law or in any document or instrument to the National Irrigation Board shall be construed to be a reference to the Authority;
- (d) the annual estimates of the National Irrigation Board for the current financial year shall be deemed to be the annual estimates of the Authority for the remainder of that financial year:

Provided that such estimates may be varied by the Authority in such manner as the Cabinet Secretary may approve.

- (e) the administrative directions made by the National Irrigation Board or by the Cabinet Secretary which were in force before the commencement of this Act shall have force as if they were directions made by the Authority or the Cabinet Secretary under this Act;
- (f) any person who, immediately before the commencement of this Act, was an officer, agent, or member of staff appointed, seconded or deployed or otherwise employed by the National Irrigation Board shall become an employee or otherwise seconded or deployed to the Authority on similar terms and conditions of service or as may be provided by the law.

SCHEDULE (s. 10)

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

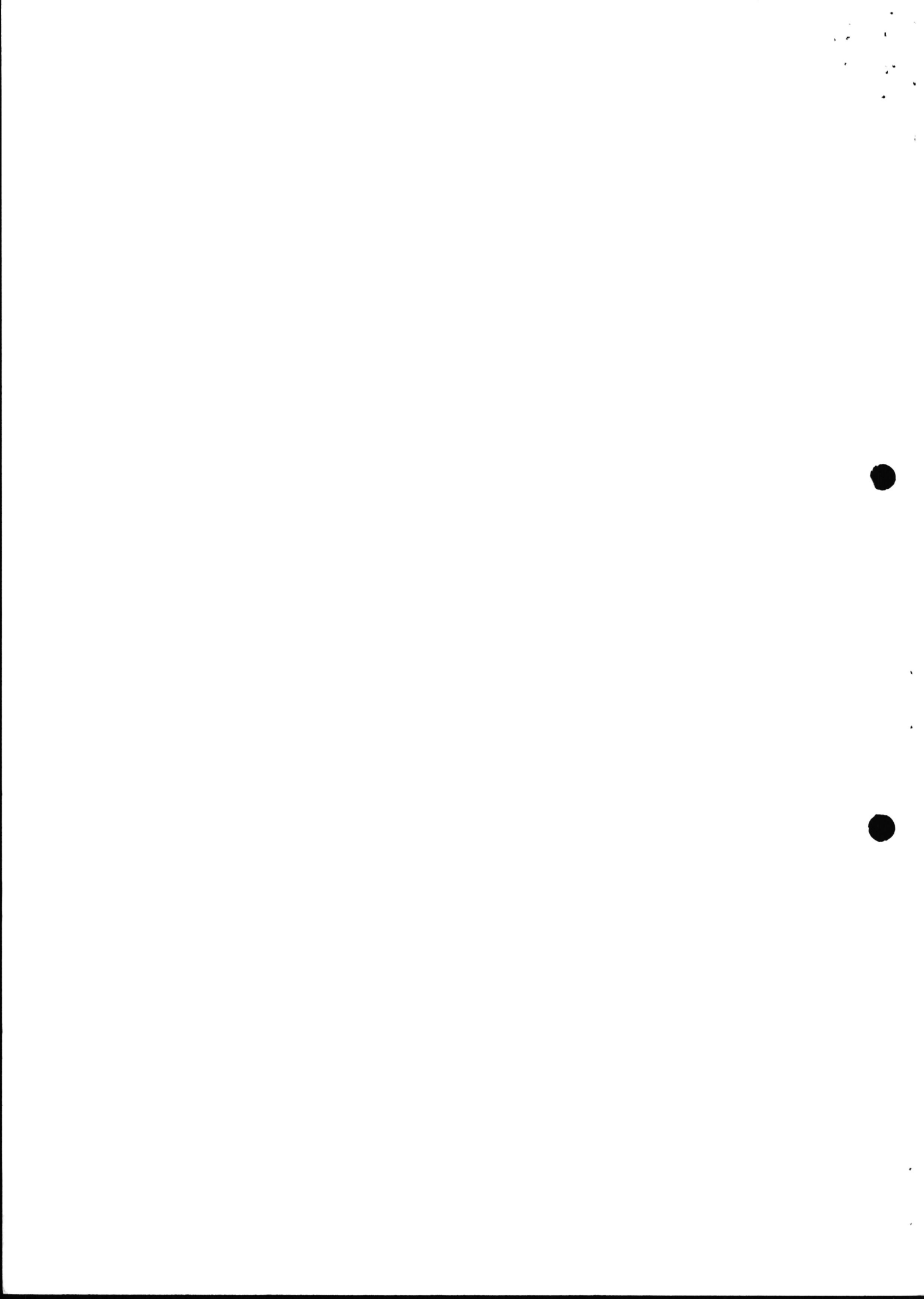
1. The Chairperson or a member of the Board other than an *ex officio* member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for a further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

Tenure of office.

2. The Chairperson or a member other than an *ex officio* member may—

Vacation of office.

- (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 the recommendation of the Board if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the Board;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is incapacitated by prolonged physical or mental illness; or



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

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

(2) Despite the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members, convene a special meeting of the Board at any time for the transaction of the business of the Board.

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

(4) The quorum for the conduct of the business of the Board shall be seven members including the Chairperson or the person presiding.

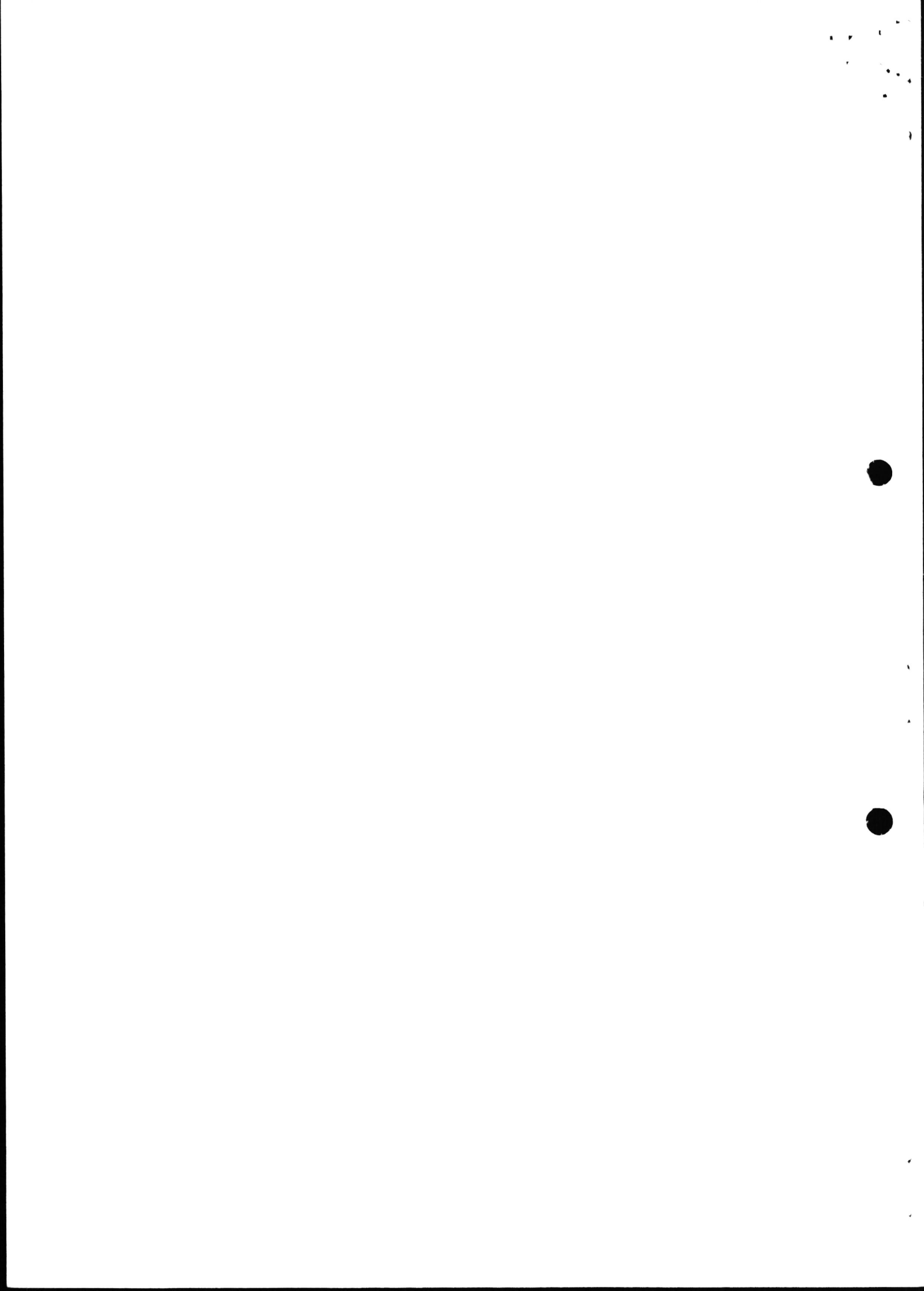
(5) The Chairperson shall preside at every meeting of the Board at which he or she is present but in his or her absence, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

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

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

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

4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which contract, proposed contract or other matter is the subject of Disclosure of interest.



consideration, he or she shall, at the meeting and as soon as reasonably 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 contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

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

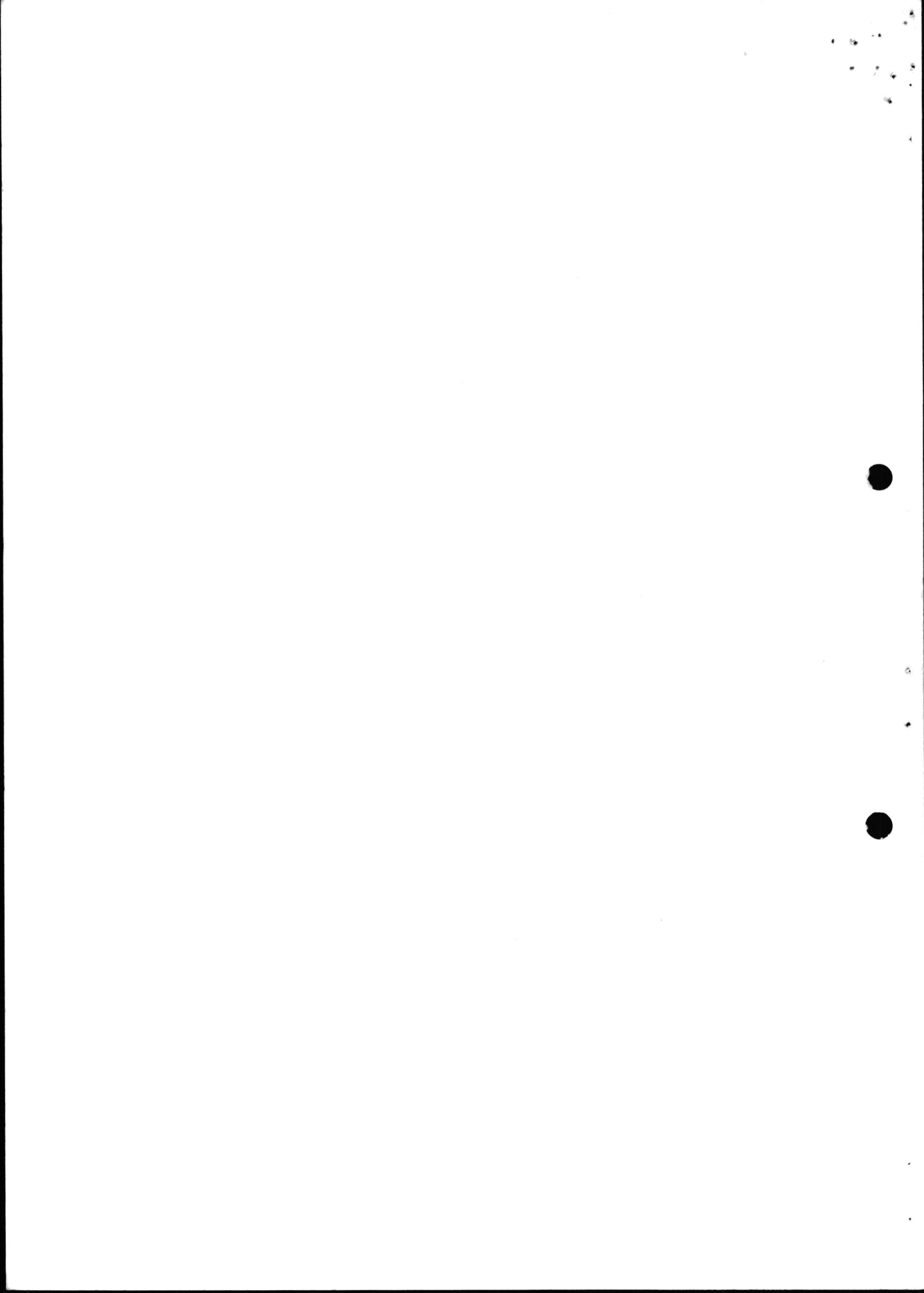
5. The affixing of the Common seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer:

Common seal.

Provided that the Board shall, in the absence of either the Chairperson or the Chief Executive Officer in any particular matter, nominate one member to authenticate the seal on behalf of either the Chairperson or the Chief Executive Officer.

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

Contracts and instruments.



PUBLIC ANNOUNCEMENT



The Capital Markets Act

Chapter 485A of the Laws of Kenya Regulation 19 and paragraph 6.05 of the Fifth Schedule (Continuing Obligations) of the Capital Markets (Securities) Public Offers, Listing and Disclosures Regulations, 2002

WPP SCANGROUP LIMITED

(Company Number C.11/2006)

PROPOSED ACQUISITION OF KANTAR TNS AND THE ISSUE OF 53,290,883 NEW ORDINARY SHARES IN WPP SCANGROUP LIMITED TO RUSSELL SQUARE HOLDING B.V.

Further to the public announcement dated 26 April 2018 and published in the local dailies on the same date announcing the proposal by WPP Scangroup Limited (WPP Scangroup) to purchase 3,660 shares which comprise 70% of the total issued share capital in Research and Marketing Group Investment Limited (Mauritius) (Kantar TNS) from Russell Square Holding B.V (Russell BV), in consideration of 53,290,883 shares in WPP Scangroup (the Additional Shares) being issued to Russell BV.

We hereby inform the shareholders of WPP Scangroup and the investing public that WPP Scangroup has received approval from the Capital Markets Authority (CMA) to circulate a shareholder circular to the WPP Scangroup shareholders. The shareholder circular provides further information on the proposal by WPP Scangroup to acquire 70% of the issued share capital in Kantar TNS. A copy of the approved shareholder circular is available for review and download on the WPP Scangroup website at <http://www.wpp-scangroup.com>.

Subject to obtaining the requisite shareholder approval, the CMA has also granted WPP Scangroup approval to issue the Additional Shares to Russell BV in consideration of the purchase of 70% of the issued share capital in Kantar TNS.

It is expected that the proposed transaction will be completed before 31 July 2018, although this date may be extended by mutual agreement of Russell BV and WPP Scangroup.

Dated 22 May 2018

By order of the Board
WPP Scangroup Limited



UNGA GROUP PLC

(Incorporated in Kenya with registration number C.11/56)

The Capital Markets Act

(Chapter 485A of the Laws of Kenya)

The Capital Markets (Take Overs and Mergers) Regulations 2002

PUBLIC ANNOUNCEMENT

Offer by Seaboard Corporation acting in concert with Victus Limited to acquire the ordinary shares in Unga Group Plc

Unga Group Plc (the "Company") announces that it has secured approval from the Capital Markets Authority on 21st May 2018 pursuant to Regulation 9 and 10 of the Capital Markets (Take Overs and Mergers) Regulations 2002 to issue the Shareholders Circular and the Independent Adviser Circular to the Shareholders of the Company. The Shareholders Circular is in relation to the 7th February 2018 take-over offer by Seaboard Corporation, acting in concert with Victus Limited, for the acquisition of 34,939,396 ordinary shares in Unga Group Plc.

Consequently, the Company has published the Shareholders Circular, the Independent Adviser Circular, the Offer Document and the Form of Acceptance on its website at www.ungagroup.com.

Hard copies of the Shareholders Circular, the Independent Adviser Circular, the Offer Document and the Form of Acceptance are being posted to each shareholder of the Company.

The offer made by Seaboard Corporation closes at 5:00 p.m. on 13th June 2018.

By order of the Board
Isabela Ochola-Wilson
Chairman
Date: 22nd May, 2018

DISCLAIMER: This announcement has been issued with the approval of the Capital Markets Authority pursuant to the Capital Markets (Take Overs and Mergers) Regulations 2002. As a matter of policy, the Capital Markets Authority assumes no responsibility for the correctness of the statements appearing in this announcement.

REPUBLIC OF KENYA



**TWELFTH PARLIAMENT
THE SENATE**

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The Irrigation Bill (National Assembly Bills No. 34 of 2018) was read a First Time in the Senate on 16th May, 2018 and was thereafter committed to the Senate Standing Committee on Agriculture, Livestock and Fisheries for consideration.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and standing order 130(4) of the Standing Orders of the Senate, the Senate Standing Committee on Agriculture, Livestock and Fisheries now invites interested members of the public to submit their views on the Bill. The views may be submitted in the following manner-

1. Public Hearings shall be held on **Wednesday, 30th May, 2018 from 11:00 a.m. to 1:00 p.m. at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi;** or
2. Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk/ Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi** or emailed to cSenate@parliament.go.ke, to be received **on or before Wednesday, 30th May, 2018 at 5.00 p.m.**

The Bills may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

**CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA



**TWELFTH PARLIAMENT
THE SENATE**

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The County Statistics Bill (Senate Bills No. 9 of 2018)

The County Statistics Bill (Senate Bills No. 9 of 2018) was read a First Time in the Senate on 10th May, 2018 and thereafter stood committed to the Senate Standing Committee on Finance and Budget.

Pursuant to the provisions of Article 118 and standing order 134 (5) of the Standing Orders of the Senate, the Standing Committee on Finance and Budget now invites interested members of the public to submit any representations that they may have on the County Statistics Bill (Senate Bills No. 9 of 2018). The representations may be made orally or by submission of written memoranda in the following manner-

1. Public Hearings shall be held on **Wednesday, 30th May, 2018 from 9:00 a.m. to 11.00 a.m. at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi;** or
2. Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi** or emailed to cSenate@parliament.go.ke, to be received **on or before Wednesday, 30th May, 2018 at 1:00 pm.**

The County Statistics Bill (Senate Bills No. 9 of 2018) may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

**CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

Illegal move > Democratic lawmakers denounce efforts to identify an FBI informant

Trump demands spy probe on poll

Obama team accused of sending UK-based American professor to spy on campaign

WASHINGTON, Monday

US President Donald Trump demanded yesterday that the Justice Department investigate whether his presidential campaign was "infiltrated" or spied on for political purposes, prompting it to announce it would look into those issues.

Mr Trump has described the infiltration allegations as being potentially "bigger than Watergate," but Democrats say he is attempting to undermine the year-old investigation into Russian interference in the 2016 election and possible collusion with his campaign, headed by special counsel Robert Mueller.

"I hereby demand, and will do so officially tomorrow, that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump Campaign for Political Purposes - and if any such demands or requests were made by people within the Obama Administration!" Mr Trump tweeted.

Trump's angry order came amid building pressure from the year-old Russia meddling

investigation, and as US media reported that the Federal Bureau of Investigations sent a Britain-based American professor to speak separately with Trump campaign advisers in 2016.

A *New York Times* report described the professor as "an informant," saying the federal agency was looking into evidence that Carter Page and George Papadopoulos had suspicious contacts with Russia.

The *Washington Post* called him "a longtime US intelligence source," and said he met with a third campaign adviser - Sam Clovis - as well as Page and Papadopoulos.

Trump and his supporters have cast the man as a mole possibly sent by the Obama administration to burrow into his campaign.

The Justice Department tasked its internal watchdog with looking into the issues raised by Mr Trump. But it paired that inquiry with an existing "review" of the application process for FISA national security warrants, which Republicans allege was abused in connection with the surveillance of Page. "The department has asked the inspector general



PHOTO | AFP

US President Donald Trump hugs Gina Haspel after she was sworn in as CIA director during a swearing-in ceremony at agency headquarters, yesterday in Langley, Virginia.

to expand the ongoing review of the FISA application process to include determining whether there was any impropriety or political motivation in how the FBI conducted its counterintelligence investigation of persons suspected of involvement with the Russian agents who interfered in the 2016 presidential election," spokeswoman Sarah Isgur Flores said in a statement.

Deputy attorney general Rod Rosenstein, who oversees the Russia investigation, said: "If anyone did infiltrate or surveil participants in a presidential campaign for inappropriate purposes, we need to know about it and take appropriate action."

While Trump allies in Congress

have demanded more information about the informant, law enforcement officials have refused, saying the source - not yet officially identified - could be in danger if named.

Efforts to identify the FBI informant - and Trump's claims - have drawn fire from Democratic lawmakers.

"It would be at best irresponsible, and at worst potentially illegal, for members of Congress to use their positions to learn the identity of an FBI source for the purpose of undermining the ongoing investigation into Russian interference in our election," said Senator Mark Warner, the Senate Intelligence Committee's top Democrat. (AFP)

BRIEFLY

MOSCOW

Putin hails Venezuela's Maduro on election win

Russian President Vladimir Putin Monday congratulated his Venezuelan counterpart Nicolas Maduro on his re-election, after a vote the opposition rejected as a farce. "The Russian president wished Maduro good health and success in resolving the social and economic issues facing the country," the Kremlin said in a statement. Putin also hoped there would be a "national dialogue in the interests of the entire Venezuelan people," the statement said. Mr Maduro won 68 per cent of the vote in Sunday's election, far ahead of his nearest rival. The main opposition boycotted the vote and charged it was rigged. The United States, Canada, the European Union and a dozen Latin American countries said they would not recognise the results. (AFP)

JERUSALEM

Israel summons envoys over UN Gaza vote

Israel has summoned the ambassadors of Spain, Slovenia and Belgium over their votes at a UN body calling for an international probe of the deadly shootings of dozens of Palestinians on the Gaza border, the foreign ministry said on Monday. The Spanish and Slovenian ambassadors were called in on Monday, while the Belgian envoy was to be received on Tuesday, the ministry said in a statement. The UN Human Rights Council voted Friday to send a team of international war crimes investigators to probe the deadly shootings. (AFP)

2016 The year election was held.

REPUBLIC OF KENYA



TWELFTH PARLIAMENT THE SENATE

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The Irrigation Bill (National Assembly Bills No. 34 of 2018) was read a First Time in the Senate on 16th May, 2018 and was thereafter committed to the Senate Standing Committee on Agriculture, Livestock and Fisheries for consideration.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and standing order 130(4) of the Standing Orders of the Senate, the Senate Standing Committee on Agriculture, Livestock and Fisheries now invites interested members of the public to submit their views on the Bill. The views may be submitted in the following manner-

1. Public Hearings shall be held on **Wednesday, 30th May, 2018 from 11:00 a.m. to 1:00 p.m. at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi;** or
2. Written Memoranda may be forwarded to the Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk/ Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi or emailed to cSenate@parliament.go.ke, to be received on or before **Wednesday, 30th May, 2018 at 5.00 p.m.**

The Bills may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

CLERK OF THE SENATE/ SECRETARY, PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA



TWELFTH PARLIAMENT THE SENATE

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The County Statistics Bill (Senate Bills No. 9 of 2018)

The County Statistics Bill (Senate Bills No. 9 of 2018) was read a First Time in the Senate on 10th May, 2018 and thereafter stood committed to the Senate Standing Committee on Finance and Budget.

Pursuant to the provisions of Article 118 and standing order 134 (5) of the Standing Orders of the Senate, the Standing Committee on Finance and Budget now invites interested members of the public to submit any representations that they may have on the County Statistics Bill (Senate Bills No. 9 of 2018). The representations may be made orally or by submission of written memoranda in the following manner-

1. Public Hearings shall be held on **Wednesday, 30th May, 2018 from 9:00 a.m. to 11:00 a.m. at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi;** or
2. Written Memoranda may be forwarded to the Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi or emailed to cSenate@parliament.go.ke, to be received on or before **Wednesday, 30th May, 2018 at 1:00 pm.**

The County Statistics Bill (Senate Bills No. 9 of 2018) may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

CLERK OF THE SENATE/ SECRETARY, PARLIAMENTARY SERVICE COMMISSION.

MINUTES OF THE EIGHTEENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON WEDNESDAY, 21ST JUNE, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 12.00 NOON.

PRESENT

1. Sen. Peter Njeru Ndwiga, MP - Chairperson
2. Sen. Naomi Jillo Waqo, MP
3. Sen. Golich Juma Wario, MP
4. Sen. (Dr.) Michael Malinga Mbiti, MP
5. Sen. Naomi Shiyonga, MP

ABSENT WITH APOLOGY

1. Sen. Ltumbesi Lelegwe, MP - Vice Chairperson
2. Sen. Moses Kajwang', MP
3. Sen. Justice (Rtd.) Stewart Madzayo, MP
4. Sen. Ben Oluoch Okello, MP

IN ATTENDANCE

1. Ms. Carol Kirorei - Clerk Assistant
2. Mr. David Ng'eno - Research Officer
3. Mr. Leonard Kibet - Legal Counsel

SENATE

MIN. NO. 88/2018 PRAYER

The Chairperson called the meeting to order at 12.10 p.m. followed by a word of prayer.

MIN. NO. 89/2018 ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Wario Golich and seconded by Sen. Naomi Waqo.

MIN.NO. 90/2018 CONFIRMATION OF PREVIOUS MINUTES

This agenda item was deferred to the next meeting.

MIN. NO. 91/2018 CONSIDERATION OF AMENDMENTS TO THE IRRIGATION BILL, 2018

Members were taken through the amendments to the Irrigation Bill, (National Assembly Bills No. 34 of 2018) as per the paper annexed to the Minutes. The Committee adopted the amendments as presented after being proposed by Sen. Naomi Waqo and seconded by Sen. Wario Juma.

MIN. NO. 92/2018 CONSIDERATION AND ADOPTION OF THE REPORT ON THE IRRIGATION BILL, 2018

Members were taken through the Report on the Irrigation Bill, (National Assembly Bills No. 34 of 2018). The Committee adopted the Report after being proposed by Sen. (Dr.) Michael Mbito and seconded by Sen. Naomi Shiyonga.

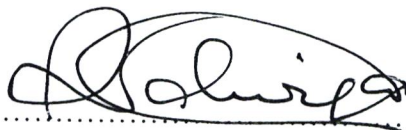
MIN. NO. 93/2018 DATE OF NEXT MEETING

The next meeting would be on notice.

MIN. NO. 94/2018 ADJOURNMENT

There being no other business the Sitting was adjourned at 1.05 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

21-6-18

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON TUESDAY, 19TH JUNE, 2018 IN THE GROUND FLOOR BOARDROOM, RED CROSS BUILDING AT 9.00 A.M.

PRESENT

1. Sen. Peter Njeru Ndwiga, MP - Chairperson
2. Sen. Naomi Shiyonga, MP
3. Sen. Naomi Jillo Waqo, MP

ABSENT WITH APOLOGY

1. Sen. Ltumbesi Lelegwe, MP - Vice Chairperson
2. Sen. Justice (Rtd.) Stewart Madzayo, MP
4. Sen. (Dr.) Michael Malinga Mbito, MP
3. Sen. Moses Kajwang', MP
4. Sen. Golich Juma Wario, MP
5. Sen. Ben Oluoch Okello, MP

IN ATTENDANCE

1. Ms. Carol Kirorei - Clerk Assistant
2. Mr. Leonard Kibet - Legal Counsel
3. Ms. Lucianne Limo - Media Relations Officer
4. Mr. Philemon Okinda - Serjeant-At-Arms

SENATE

MIN. NO. 84/2018 PRAYER

The Chairperson called the meeting to order at 11.30 a.m. followed by a word of prayer. The Chairperson expressed his sadness at the demise of Sen. Ben Okello, M.P. a Member of the Committee. The Committee observed a moment of silence in honour of the Late Sen. Ben Okello.

MIN. NO. 85/2018 ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Naomi Shiyonga and seconded by Sen. Naomi Waqo.

MIN. NO. 86/2018 CONSIDERATION OF SUBMISSIONS ON THE
IRRIGATION BILL, (NATIONAL ASSEMBLY BILLS
NO. 34 OF 2018)

Members considered the submissions received on the Irrigation Bill, 2018 as summarized below:

1. **Clause 6(2)(i)**

Proposal: That the clause be amended by adding “*water resources abstraction status,*” immediately after the word “*supplies,*”

Rationale: To harmonize the clause with the provisions of the Water Act, 2016.

Resolution: Not agreed to.

2. **Clause 6(2)(j)**

Proposal: That the clause be replaced with “*carry out other mandate as may be specified in this and any other Act.*”

Rationale: To provide for any roles assigned by the Cabinet Secretary through legislation at both levels of government.

Resolution: Not agreed to.

3. **Clause 6(4)**

Proposal: That the clause be replaced with the following:

“The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the Kenya Gazette, a five year national irrigation services strategy, based on, among others, the national irrigation policy for the time being in force.”

Rationale: To synchronize with the planning policy cycle of five years applicable to government development blue print.

Resolution: Agreed to with amendments. It was agreed that the clause be redrafted to include the aspect of review to be done every five years.

4. **Clause 6(5)**

Proposal: That the clause be replaced with the following:

“The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute reviews aligned to planning cycles or at such times as the Cabinet Secretary may determine.”

Rationale: To synchronize with the planning policy cycle of five years applicable to government development blueprint.

Resolution: Agreed to.

5. **Clause 8 (2)**

Proposal: That Clause 8(2) (b) be amended to read as follows-

(b) in consultation with the Water Resources Authority, facilitate strengthening of water resources users’ associations established pursuant to the provisions of the Water Act, 2016.

Rationale: Establishment of Water Resources Users’ Associations (which are made up of all water users) has since inception of the WRA been undertaken by WRA. A total of 700 Water Resources Users’ Associations have been formed across the country so far.

Conflict on roles of these associations would be addressed by harmonizing legislative provisions in this regard. Such association would be an association for using water and there is need to have it under one entity.

Resolution: Not agreed to.

6. **Clause 8(2)(k)**

Proposal: That the clause be amended by adding “safe storage,” immediately after the words “marketing and”.

Rationale: To ensure safe storage and disposal of farm products.

Resolution: Agreed to.

7. **Clause 9(5)(c)**

- **Proposal:** That the clause be amended by replacing with the following words “holds relevant academic and professional qualifications including a

university degree in any field relevant to or related to irrigation, agriculture, finance, law or business.”

Rationale: To increase the pool of professionals available to bring diverse knowledge.

Resolution: Not agreed to.

8. **Clause 14**

Proposal: That the clause be amended by adding the following new subsection 14(4)

“14(4) Each county government through their respective county irrigation development unit shall comply with relevant provisions of the Water Act, 2016 prior to implementation of any irrigation projects.”

Rationale: Allowing counties unfettered and uncontrolled use of water for irrigation is dangerous in that some counties may initiate projects which may completely drain our water resources and deny other users/counties water, leading to conflict and serious consequences.

Resolution: Not agreed to.

9. **Clause 15(2)**

Proposal: That the clause 15(2)(a) and 15(2)(c) be deleted.

Rationale: The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.

The function of approval of inter-basin (also known as catchment) water transfers is vested with the Water Resources Authority on behalf of the National Government under Section 13 (d) of the Water Act, 2016.

Resolution: Not agreed to.

10. **Clause 16(1)**

Proposal: That the clause be amended by inserting ‘through public participation’ to read as “The Cabinet Secretary may in consultation with the National Land Commission, the Board, county government and

through public participation, and by notice in Kenya Gazette, designate an area of land for which an irrigation water permit may be issued by the Water Resources Authority and irrigation licence may be issued.”

Rationale: The provisions contradict the spirit of the Constitution (Article 62(3)) and provisions of the Water Act, 2016 (Section 5) which vests ownership of every water resource the National Government in trust for the people of Kenya.

Rights to water resources are regulated under Section 7 and regulated under Sections 36 to 55 of the Water Act, 2016.

Resolution: Not agreed to.

11. **Clause 16(6)**

Proposal: That the clause be amended by inserting “*environmental requirements*” to read as:

“16(6) The Cabinet Secretary shall in consultation with county governments, ensure that the design of national or public irrigation schemes and others, take into account the needs of various irrigation water users, including livestock, fish producers and environmental requirements.”

Rationale: The function of approving water works on any water resources vests with the Water Resources Authority under the Water Act, 2016.

Resolution: Agreed to.

12. **Clause 17(1)**

Proposal: by deleting the words “*and regulatory*” under Section 6 of the Water Act, appearing at the first 2016.

Amend Clause 17 by introducing the following new Clause 17(3) after Clause 17(2)-

In consultation with Water Resources Authority and other relevant stakeholders ensure sustainable use of the water sources through such

guidelines that may be put in place by Water Resources Authority including water resources monitoring stations.

Rationale: Regulatory role of management of water infrastructure is vested with the Water Resources Authority.

Resolution: Not agreed to.

13. **Clause 17(4)**

Proposal: That the clause be amended by introducing the following new Clause 17(4) after the new Clause 17(3):

“Ensure standards of irrigation water effluent are within standards as stipulated by the Water Resources Authority effluent discharge guidelines.”

Resolution: Agreed to with amendments.

14. **Clause 19**

Proposal: That Clause 19(3) and (4) be amended by deleting the words “irrigation water users associations and replacing with “Irrigation Associations”.

Rationale: To harmonize with the provisions of the Water Act, 2016.

15. **Clause 20(1)**

Proposal: That clause 20(1) be amended to read as follows:

“A resident of a catchment area who is a crop farmer, livestock producer, fish pond user, or small rural industry entrepreneur or otherwise uses water for irrigation purposes from a common water source may, together with other members or persons resident in the same area, form or join an irrigation association and such membership shall include a Water Resources Users Association established pursuant to the provisions of the Water Act, 2016.”

That Clause 20(1) be amended to clearly define the mandate of Irrigation Water Users Association and the Water Resource Associations defined in the Water Act, 2016 (Section 29) to reduce governance conflict.

Resolution: Agreed to with amendments.

16. **Clause 20(4)**

Proposal: That the clause be amended by deleting the words “irrigation water users” associations” and replacing them with “Irrigation Associations”

Rationale: To harmonize the provisions of the Bill.

Resolution: Not agreed to.

Proposal: That the clause be amended by inserting the words ‘*relevant stakeholders*’ to read as follows:

“The Cabinet Secretary, in consultation with county governments and relevant stakeholders, may make rules for the establishment and governance of irrigation of water users association under this section.”

Resolution: Not agreed to. The Statutory Instruments Act, 2013 already makes provision for stakeholder consultations during the development of regulations.

17. **Clause 25**

Proposal: That clause 25(1) be amended by deleting the words “*water allocations*”.

Rationale: Grievances in respect to decisions of the Water Resources Authority (which includes water allocation) are addressed by the Water Appeals Tribunal established under Section 119 of the Water Act, 2016.

Resolution: Agreed to.

18. **Clause 33**

Proposal: That the clause be deleted.

Rationale: Abstraction of water may only be from a water resource and not an irrigation scheme.

Issuance of Irrigation permits would be a duplication of roles as irrigation involves use of water which is already regulated by Water Resources

Authority. Offences in respect to illegal/unlawful abstraction are provided for under the Water Act, 2016 and penalty thereof prescribed.

Resolution: Agreed to.

19. **Clause 34(2)(g)**

Proposal: That the clause be deleted.

Rationale: The Clause creates a conflict. The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.

Resolution: Agreed to.

20. **Clause 34(2)(e)**

Proposal: That the clause be deleted.

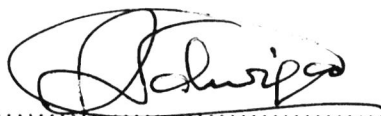
Rationale: The Clause creates a conflict. The function of approval of water use fees is vested with the Water Resources Authority on behalf of the National Government under Sections 6 and 12 of the Water Act, 2016.

Resolution: Agreed to.

MIN. NO. 87/2018 ADJOURNMENT

There being no other business the Sitting was adjourned at 12.30 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

21 - 6 - 18

**MINUTES OF THE FIFTEENTH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON THURSDAY,
14TH JUNE, 2018 IN COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDING
AT 11.00 A.M.**

PRESENT

1. Sen. Peter Njeru Ndwiga, MP - Chairperson
2. Sen. Naomi Shiyonga, MP
3. Sen. Naomi Jillo Waqo, MP
4. Sen. Golich Juma Wario, MP

ABSENT WITH APOLOGY

1. Sen. Ltumbesi Lelegwe, MP - Vice Chairperson
2. Sen. Justice (Rtd.) Stewart Madzayo, MP
3. Sen. (Dr.) Michael Malinga Mbiti, MP
4. Sen. Moses Kajwang', MP
5. Sen. Ben Oluoch Okello, MP

IN ATTENDANCE

- | | | |
|------------------------|---|------------------|
| 1. Ms. Carol Kirorei | - | Clerk Assistant |
| 2. Mr. Leonard Kibet | - | Legal Counsel |
| 3. Mr. David Ng'eno | - | Research Officer |
| 4. Mr. Philemon Okinda | - | Serjeant-At-Arms |

SENATE

MIN. NO. 76/2018 PRAYER

The Chairperson called the meeting to order at 11.30 a.m. followed by a word of prayer.

MIN. NO. 77/2018 ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Naomi Shiyonga and seconded by Sen. Naomi Waqo.

Members considered the submissions received on the Irrigation Bill, 2018 received during oral submissions at the Public Hearing held on 30th May, 2018 and written memoranda submitted to the Committee through the Office of the Clerk of the Senate. Submissions were received from the following:

1. The National Irrigation Board (NIB);
2. The Water Resources Management Authority;
3. Nature Kenya; the East Africa Natural History Society;
4. Mr. Daniel Omino;

Below is a summary of submissions as considered by the Committee-

1. **Object**

Proposal: That the object be replaced with *“An Act of Parliament to provide for the development, management and regulation of irrigation, to support sustainable food security and socio-economic development in Kenya, and for connected purposes”*

Rationale: To factor in the national development priorities of food security and social economic growth consistent with Article 43 (c) of the Constitution.

Resolution: Not agreed to.

2. **Clause 2**

Proposal: That the definition of *“irrigation water user”* be amended by deleting the words *“water user”* appearing after *“Irrigation”* and substitute them with *“scheme member”*;

That the definition of *“irrigation water user association”* be amended by deleting the words *“water user”* appearing after *“Irrigation”* and substitute them with *“Irrigation Scheme Associations”*.

That the words "*and utilization*" appearing on the definition of "Water Harvesting" be deleted.

Rationale: Water Resources Users Associations are given a different meaning under the Water Act, 2016 and are not limited to Irrigation activities. The amendment seeks to harmonize this term and avoid confusion with WRUA as defined under the Water Act, 2016.

Resolution: Not agreed to.

3. **Clause 2**

Proposal: That the definition of "Authority" be replaced to mean, the National Irrigation Authority established under section 7.

Resolution: Agreed to.

4. **Clause 2**

Proposal: That the definition of irrigation be captured to mean- "*any hydraulic engineering process, which abstracts, stores and supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees.*"

Resolution: Not agreed to. This is because not all irrigation involves hydraulic engineering.

5. **Clause 2**

Proposal: That the definition of 'licence' be replaced to mean a licence issued by the Cabinet Secretary as otherwise upon delegation.

Rationale: To centralize the issuance of licensing to ensure effective regulation.

Resolution: Not agreed to. It was agreed that this function be given to the Authority under Clause 34(2)(e)

6. **Clause 3(1)**

Proposal: That the clause be amended by deleting the words "*as more specifically provided in the Act*" and replacing them with the following words "*Subject to the provisions of the Water Act, 2016*".

Rationale: The scope of irrigation as relates to water abstraction, utilization and storage infrastructure is regulated under the Water Act, 2016. The scope of the Irrigation Act should therefore be subject to the relevant provisions of the Water Act, 2016 to avoid conflict in the two legislations.

Resolution: Not agreed to. It was agreed that the clause be amended by replacing the words “as more specifically provided in the Act” with the words “to matters relating to the Act”.

7. **Clause 4**

Proposal: That the clause be amended by adding the words “*Subject to Section 3(1) of this Act,*” at the beginning of the Sentence.

Rationale: The scope of the Irrigation Act should therefore be subject to the relevant provisions of the Water Act, 2016 to avoid conflict in the two legislations.

Resolution: Not agreed to.

8. **Clause 6(1)**

Proposal: That the clause be amended by adding the words “*subject to Section 6(3) of this Act*” immediately after “The Cabinet Secretary shall”.

Rationale: Regulations proposed to be developed under this Clause relate to management of water resources and requiring regulation as contemplated under Section 6 and 8 of the Water Act, 2016. The proposed amendment will harmonize the two legislations.

Resolution: Not agreed to. The Constitution of Kenya 2010 already makes provision for this.

9. **Clause 6(2)(d)**

Proposal: That the clause be replaced with “*facilitate the use of efficient irrigation system across the country.*”

Rationale: To give a wider responsibility on adoption of efficient irrigation systems.

Resolution: Not agreed to. It was agreed that the clause be replaced with the “promote the use of efficient irrigation systems across the country”.

10. **Clause 6(2)(e)**

Proposal: That the clause be deleted.

Resolution: Not agreed to.

11. **Clause 6(2)(f)**

Proposal: That the clause be deleted.

Rationale: The Bill seeks to confer powers of receiving and determining applications for Irrigation projects to the National Irrigation Authority; this is a function that is vested to the Water Resources Authority (WRA) under the Water Act. The Water Resources Authority considers and issues water use permits for irrigation based on the availability and adequacy of water. Account is also taken for other water users and domestic use priorities. The proposed amendment will also avoid duplication of functions between the two Government agencies.

Resolution: Not agreed to.

MIN. NO. 79/2018

ADJOURNMENT

There being no other business the Sitting was adjourned at 12.30 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

21-6-18

MINUTES OF THE THIRD SITTING OF THE COUNTY VISIT TO KIRINYAGA COUNTY BY THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON MONDAY, 11TH JUNE, 2018 AT THE NATIONAL IRRIGATION BOARD OFFICES AT 2.30 P.M.

PRESENT

- | | | |
|--------------------------------|---|------------------|
| 1. Sen. Peter Njeru Ndwiga, MP | - | Chairperson |
| 2. Sen. Ltumbesi Lelegwe, MP | - | Vice Chairperson |
| 3. Sen. Naomi Shiyonga, MP | | |

ABSENT WITH APOLOGY

1. Sen. Justice (Rtd.) Stewart Madzayo, MP
2. Sen. (Dr.) Michael Malinga Mbitto, MP
3. Sen. Moses Kajwang', MP
4. Sen. Ben Oluoch Okello, MP
5. Sen. Naomi JilloWaqo, MP
6. Sen. GolichJumaWario, MP

IN ATTENDANCE

1. Sen. Charles Kibiru, MP
2. Hon. WachiraKabinga, MP

PARLIAMENT OF KENYA

- | | |
|---|---------------------------|
| - | Senator, Kirinyaga County |
| - | MP, Mwea Constituency |

IN ATTENDANCE

1. Ms. Carol Kirorei -
2. Mr. Christopher Gitonga-
3. Ms. Lucianne Limo -
4. Mr. Philemon Okinda -

THE SENATE

- | | |
|---|-------------------------|
| - | Clerk Assistant |
| - | Clerk Assistant |
| - | Media Relations Officer |
| - | Serjeant-At-Arms |

IN ATTENDANCE

1. Mr. Innocent Ariemba
2. Eng. Charles Koskey
3. Eng. Mutinda Stephen
4. Mr. Kipngetch Vincent
5. Eng. Kelvin Kinoti

NATIONAL IRRIGATION BOARD

- | | |
|---|-------------------------------------|
| - | Scheme Manager |
| - | Deputy General Manager NIB |
| - | Mwea irrigation Development Project |
| - | Research Projects |
| - | Scheme Engineer |

6. Mr. Morris Mutugi - Chairman, Mwea Irrigation Water Users Association
7. Farmers as per attached list

MIN. NO. 07/CV/2018 **PRELIMINARIES**

The Scheme Manager, Mr. Ariemba welcomed the Committee to Mwea Irrigation Scheme. He then led in a self-introductory session of those present.

Hon. Kabinga welcomed the Senate Committee to Mwea as did Sen. Kibiru noting that he was not a Member of the Committee but was persuaded to join the Committee because of his interest in hearing the views on the Bill from those affected who are the farmers.

The Chairperson informed the meeting that the Standing Committee on Agriculture and Irrigation was currently considering the irrigation Bill, (National Assembly Bills No. 34 of 2018 and was in the process of receiving views on the Bill from the public. It was therefore a resolution of the Committee to visit Kirinyaga County, which hosts the largest irrigation scheme in Kenya the Mwea Irrigation Scheme, to receive views on the Bill and to enrich its deliberations on the Bill.

MIN. NO. 08/CV/2018 **MEETING WITH THE NATIONAL IRRIGATION BOARD AND FARMERS**

The submissions were made as follows:

1. The participatory irrigation management was working well but enhancement was required. There was need to clearly entrench their role in the law;
2. The Bill should ensure that management of irrigation scheme was a mandate of the farmers' committees;

3. The farmers should be involved in election of the advisory / dispute resolution committees;
4. The Bill should facilitate land tenure – a means of ownership of the land should be issued;
5. The farmers in major scheme in the country should have a representative in the board that oversees the function of the authority;
6. The farmers supported the repealing of the CAP 347;
7. Due to heavy rains canals were destroyed and required approximately Kshs. 800 million;
8. There was need to provide mechanisms to ensure water catchment areas were conserved. Usage of water upstream should be controlled to ensure there was sufficient water for irrigation;
9. It was important for the law to embrace the 'Turkey Model' in managing irrigation schemes through committees
10. There was no accountability on how the charges remitted to the Board were spent. Yet farmers were obligated to pay KShs 3000 per acre.
11. The farmers were not adequately represented in the NIB. Further, most of the employees were not from the irrigation practicing zones (local).
12. Government continuously gave farmers subsidized fertilizer and seeds however, the programme does not benefit rice farmers since the fertilizer and seeds are meant for maize farmers. The fertilizer cannot be used in rice farming.
13. Mwea Rice Millers (MRM) which was co-owned (55% government and 45% farmers) owned several investments including in the Nairobi Central Business District (CBD). However, the management have never declared any profits. Farmers should benefit from the investment they made in MRM.
14. National Cereals and Produce Board (NCPB) should declare rice one of the strategic food reserves. They should be purchasing the grain from the

farmers and setting prices to ensure farmers were not exploited by the brokers.

15. MIAD should be conducting research on the best variety of rice for the area and distributing/ providing certified seeds to the farmers.

MIN. NO. 09/CV/2018

ADJOURNMENT

There being no other business the Sitting was adjourned at 1.15 p.m.

SIGNED:.....

(CHAIRPERSON)

DATE:.....

MINUTES OF THE SECOND SITTING OF THE COUNTY VISIT TO KIRINYAGA COUNTY BY THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON MONDAY, 11TH JUNE, 2018 IN THE COUNTY ASSEMBLY OF KIRINYAGA AT 12.30 P.M.

PRESENT

1. Sen. Peter Njeru Ndwiga, MP - Chairperson
2. Sen. Ltumbesi Lelegwe, MP - Vice Chairperson
3. Sen. Naomi Shiyonga, MP

ABSENT WITH APOLOGY

1. Sen. (Dr.) Michael Malinga Mbitto, MP
2. Sen. Moses Kajwang', MP
3. Sen. Ben Oluoch Okello, MP
4. Sen. Justice (Rtd.) Stewart Madzayo, MP
5. Sen. Naomi Jillo Waqo, MP
6. Sen. Golich Juma Wario, MP

IN ATTENDANCE

1. Sen. Charles Kibiru, MP -

THE SENATE

Senator, Kirinyaga County

IN ATTENDANCE

1. Ms. Carol Kirorei -
2. Mr. Christopher Gitonga -
3. Ms. Lucianne Limo -
4. Mr. Philemon Okinda -

THE SENATE

Clerk Assistant
Clerk Assistant
Media Relations Officer
Serjeant-At-Arms

IN ATTENDANCE

1. Hon. John Kanga -
2. Hon. Lilian Gitahi -
3. Hon. Caroline Wanjiku -
4. Hon. Pius Gathuri -
5. Hon. Antony Munene -
6. Hon. Johnson Muraguli -
7. Mr. Ibrahim Mutwiri -

COUNTY ASSEMBLY OF KIRINYAGA

Chairperson, Agriculture Committee
Vice-Chairperson, Agriculture
Member
Member
Member
Member
Deputy Clerk

8. Mr. Solomon Munene - Principal Clerk Assistant
9. Mr. Lawrence Wambu - Clerk Assistant
10. Ms. Jacqueline Muchiri - Clerk Assistant
11. Mr. James Kangethe - Serjeant-At-Arms

MIN. NO. 04/CV/2018 **PRELIMINARIES**

The Chairperson of the Kirinyaga County Departmental committee on Agriculture welcomed Senators to Kirinyaga County. He conveyed the apologies of the Speaker of the County Assembly of Kirinyaga who was engaged in other activities in Nairobi. He then led in a self-introductory session of members present.

The Chairperson informed the meeting that the Standing Committee on Agriculture and Irrigation was currently considering the irrigation Bill, (National Assembly Bills No. 34 of 2018 and was in the process of receiving views on the Bill from the public. It was therefore a resolution of the Committee to visit Kirinyaga County, which hosts the largest irrigation scheme in Kenya the Mwea Irrigation Scheme, to receive views on the Bill and to enrich its deliberations on the Bill.

MIN. NO. 05/CV/2018 **MEETING WITH THE GOVERNOR, KIRINYAGA COUNTY**

The Committee was informed as follows:

- a) Land tenure for farmers living in the scheme should be considered;
- b) CAP 347, the Irrigation Act should be amended since its provisions were outdated and oppressive, e.g. that farmers on schemes cannot own livestock and that once children attain the age of 18 years they must leave the scheme;

- c) The charges paid to the National Irrigation Board have never been accounted for; farmers have never been informed on how the funds are utilized;
- d) Rice farmers did not benefit from subsidized fertilizers and seeds program;
- e) Mwea Rice Millers (MRM) was a partnership (farmers and Government) had various investments (including residential apartments in Nairobi) but farmers never benefited from the earnings of the Partnership;
- f) The role of both levels of government in management of the irrigation scheme needed to be very clear to avoid any conflict;
- g) The cooperative movements should be recognized especially their role in marketing the produce;
- h) The Dispute Resolution Committee should be entrenched in the Bill and its role stated very clearly such that its decisions are authoritative and enforceable;
- i) The irrigation water suppliers should also ensure there was provision of safe drinking water (piped) for the farmers.

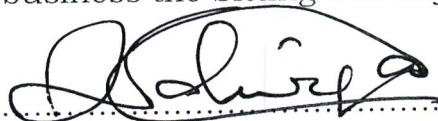
Following a request from the counterpart committee of the Assembly, it was agreed that the Senate Standing Committee shall invite the counterpart committee for benchmarking in the Senate.

MIN. NO. 06/CV/2018

ADJOURNMENT

There being no other business the Sitting was adjourned at 1.15 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

21-6-18

MINUTES OF THE FIRST SITTING OF THE COUNTY VISIT TO KIRINYAGA COUNTY BY THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON MONDAY, 11TH JUNE, 2018 IN THE GOVERNOR'S OFFICE, KIRINYAGA AT 10.30 A.M.

PRESENT

1. Sen. Peter Njeru Ndwiga, MP - Chairperson
2. Sen. Ltumbesi Lelegwe, MP - Vice Chairperson
3. Sen. Naomi Shiyonga, MP

ABSENT WITH APOLOGY

1. Sen. (Dr.) Michael Malinga Mbiti, MP
2. Sen. Moses Kajwang', MP
3. Sen. Ben Oluoch Okello, MP
4. Sen. Justice (Rtd.) Stewart Madzayo, MP
5. Sen. Naomi Jillo Waqo, MP
6. Sen. Golich Juma Wario, MP

IN ATTENDANCE

1. Sen. Charles Kibiru, MP -

THE SENATE

Senator, Kirinyaga County

IN ATTENDANCE

1. Ms. Carol Kirorei -
2. Mr. Christopher Gitonga -
3. Ms. Lucianne Limo -
4. Mr. Philemon Okinda -

THE SENATE

Clerk Assistant
Clerk Assistant
Media Relations Officer
Serjeant-At-Arms

IN ATTENDANCE

1. Hon. Peter Ndambiri -
2. Dr. Gutu -
3. Ms. Sheila Mukira -
4. Mr. Joe Muriuki -
5. Bishop Kariuki -
6. Ms. Pauline Wairimu -

COUNTY GOVERNMENT OF KIRINYAGA

Deputy Governor
CEC Member, Agriculture
CEC Member, Trade & Industry
Head of County Service
Director, Communications
Director, Administration

MIN. NO. 01/CV/2018

PRELIMINARIES

The Deputy Governor welcomed Senators to Kirinyaga County. He conveyed the apologies of the Governor, Hon. Anne Waiguru who was engaged in other activities in Nairobi. He then led in a self-introductory session of members present.

The Chairperson informed the meeting that the Standing Committee on Agriculture and Irrigation was currently considering the irrigation Bill, (National Assembly Bills No. 34 of 2018 and was in the process of receiving views on the Bill from the public. It was therefore a resolution of the Committee to visit Kirinyaga County, which hosts the largest irrigation scheme in Kenya the Mwea Irrigation Scheme, to receive views on the Bill and to enrich its deliberations on the Bill.

MIN. NO. 02/CV/2018

MEETING WITH THE GOVERNOR, KIRINYAGA COUNTY

The Members were briefed as follows:

1. Kirinyaga County is one of the largest producers in Kenya and has the largest irrigation scheme in Kenya;
2. Rice is grown between August and December, there was need for alternative crops to be grown to allow the soils to rest; the county government is exploring tomato growing for this purpose;
3. The County Government is exploring the farming of an alternative rice variety that is farmed without water;
4. Cotton is also being explored as an alternative crop as the cotton nodules enrich the soil;
5. The Bill should be clear on the appointment to the Authority and major irrigation schemes should have representatives

6. There were efforts to introduce an alternative crop since rice was only grown during the August – December season. The proposed alternative was cotton, sunflower and practice of dry rice farming;
7. Mwea produces 65,000 metric tons of rice and Kenyans consumption was about 80,000 metric tons.
8. Kenya was spending about USD 562 million annually on importation of rice from Pakistan. If local production was doubled it would reduce this amount;
9. There is need for a legal framework to ban the importation of rice starting in phases;
10. There is need for legislation on crop rotation;
11. The county government is working in collaboration with Italian investors with interest in growing tomato production and growing of rain fed rice. County government is planning to provide land to assess production levels. Mitshubishi, another investor has proposed to introduce sugar cane farming project which would cost Kshs. 12 billion.
12. To optimize production efficiency there was proposed intercropping, further there was need for regulations to help give direction and form cooperatives especially for marketing the produce. Intercropping would be useful to ensure soils were not exhausted hence winding up of scheme like it had happened to Kibirigwi Irrigation Scheme.
13. The rice farmers have never benefitted from subsidized fertilizers and seeds.
14. There were issues of insufficient water for irrigation especially in South Ngariama;
15. There was proposal to use of Public Private Partnerships to improve agriculture but the guidelines on the approval were not favourable.
16. There is need for consistency and reliability of data and statistics on rice production in the country.

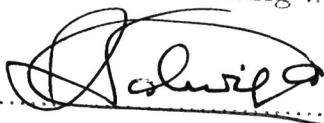
Members encouraged the revival of the cooperatives in the rice production areas as this would spur production greatly.

MIN. NO. 03/CV/2018

ADJOURNMENT

There being no other business the Sitting was adjourned at 12.00 p.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

21-6-18

MIN.NO. 62/2018

**PUBLIC HEARINGS ON THE IRRIGATION BILL,
(NATIONAL ASSEMBLY BILLS NO. 34 OF 2018)**

The Chairperson informed the meeting that pursuant to the provisions of Article 118(1)(b) of the Constitution and standing order 134(5) of the Senate Standing Orders, the Senate Standing Committee on Agriculture, Livestock and Fisheries had scheduled Public Hearings in order to obtain views on The Irrigation Bill, (National Assembly Bills No. 34 of 2018) - read a First Time in the Senate on 16th May, 2018.

He added that after obtaining the views, the Committee will prepare its report and may, where appropriate and if necessary, propose amendments to the Senate during the Committee of the Whole House. He then welcomed the public to submit their views.

The members of the public informed the committee that they were in agreement with the Bill as presented to the Senate, however, submissions if any would be submitted to the Senate through the Office of the Clerk of the Senate before 5.00 p.m.

The Chairperson thanked the members of the public for attending the Public hearings.

MIN. NO. 63/2018

ADJOURNMENT

There being no other business the Sitting was adjourned at 11.45 a.m.

SIGNED:.....



(CHAIRPERSON)

DATE:.....

5/6/18

MINUTES OF THE TWELFTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES HELD ON WEDNESDAY, 30TH MAY, 2018 IN THE MINI CHAMBER, COUNTY HALL AT 11.00 A.M.

PRESENT

- | | | |
|--------------------------------|---|------------------|
| 1. Sen. Peter Njeru Ndwiga, MP | - | Chairperson |
| 2. Sen. Ltumbesi Lelegwe, MP | - | Vice Chairperson |
| 3. Sen. Naomi Jillo Waqo, MP | | |
| 4. Sen. Naomi Shiyonga, MP | | |

ABSENT WITH APOLOGY

1. Sen. Moses Kajwang', MP
2. Sen. (Rtd.) Justice Stewart Madzayo, MP
3. Sen. (Dr.) Michael Malinga Mbito, MP
4. Sen. Golich Juma Wario, MP
5. Sen. Ben Oluoch Okello, MP

IN ATTENDANCE

- | | | |
|-----------------------|---|------------------|
| 1. Ms. Carol Kirorei | - | Clerk Assistant |
| 2. Mr. Leonard Kibet | - | Legal Counsel |
| 3. Mr. Reuben Kimosop | - | Serjeant-At-Arms |
| 4. Mr. Eugene Luteshi | - | Audio Officer |

SENATE

IN ATTENDANCE

- | | | |
|---------------------|---|---------------------------------|
| 1. Mr. Daniel Atula | - | National Irrigation Board |
| 2. Mr. Dennis Aroka | - | National Irrigation Board |
| 3. Mr. Aboud | - | State Department for Irrigation |
| 4. Mr. Dan Omino | - | National Irrigation Board |

MIN. NO. 60/2018

PRAYER

The Chairperson called the meeting to order at 11.30 a.m. followed by a word of prayer. He then led in a self introductory session of members present.

MIN. NO. 61/2018

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting as presented after being proposed by Sen. Ltumbesi Lelegwe and seconded by Sen. Naomi Jillo.