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THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

REPORT OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (*SENATE BILL NO. 10 OF 2023*)

PURSUANT TO ARTICLE 113 OF THE CONSTITUTION

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/ secretary, PSC
Date: 03/12/25

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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Mediation Committee on the Coffee Bill *(Senate Bill No. 10 of 2023)*. The Senate considered the Bill and transmitted their amendments to the National Assembly for consideration on 1st August, 2024.

The Senate approved the Motion on the Report of the Committee of the Whole House on the consideration of National Assembly amendments to the Coffee Bill, 2023 on Tuesday, 20th May, 2025. The Committee rejected some of the National Assembly amendments to the Bill, warranting the committal of the Bill to the Mediation Committee according to Article 112 (2) (b) of the Constitution.

The Speaker of the National Assembly appointed Members to the Mediation Committee on 22nd July 2025 as required by Standing Order 149 (2) of the National Assembly Standing Orders while the Speaker of the Senate appointed Senators to the Committee on 20th May 2025 under provisions of Standing Order No. 166 (2) of the Senate Standing Orders.

The Committee held five (5) meetings to consider clauses of the Bill that were under mediation. The Committee developed an agreed version of the Bill in these meetings.

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

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

It is now my pleasant privilege and honour to commend this report to the Houses for approval on behalf of the Mediation Committee pursuant to Article 113 (2) of the Constitution, Standing Order 150 (1) of the National Assembly Standing Orders and Standing Order 161 (1) of the Senate Standing Orders.

Hon. David Wafula Wakoli, MP	**Hon (Dr.) John Kanyuithia Mutunga, CBS, MP**
Chairperson,	**Vice-Chairperson,**
Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)	**Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)**

CHAPTER ONE

1.0 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Mediation Committee on the Coffee Bill (*Senate Bill No. 10 of 2023*) was constituted by the Speaker of the National Assembly on 22nd July 2025 pursuant to Standing Order 149 (2) of the National Assembly Standing Orders and the Speaker of the Senate on 20th May 2025 pursuant to Standing Order 166 (2) of the Senate Standing Orders.

1.2 MANDATE OF THE COMMITTEE

2. The Mediation Committee derives its mandate from the provisions of Articles 112 (b) and 113 of the Constitution, Standing Order 149 of the National Assembly Standing Orders and Standing Order 166 of the Senate Standing Orders which outline the functions of the Committee as follows:

    i. *To consider Bills where the Houses do not agree on all or any of the amendments made by either Houses;*
    ii. *To consider Bills where either House rejects a Motion that a Bill which originated in the other House be read a Second or Third time; and,*
    iii. *To attempt to develop a version of the Bill that both Houses will pass.*

1.3 COMMITTEE MEETINGS

3. The Committee held five (5) sittings to deliberate on the Coffee Bill (*Senate Bill No. 10 of 2023*) in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National Assembly.

4. During the first sitting, the Committee elected Sen. David Wafula Wakoli, MP and Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP, as Chairperson and Vice-Chairperson, respectively, pursuant to Standing Order 160 (4) of the Senate Standing Orders and Standing Order 149 (4) of the National Assembly Standing Orders.

1.4 COMMITTEE MEMBERSHIP

2. The Mediation Committee on the Coffee Bill (*Senate Bill No. 10 of 2023*) comprises the following Members:

Chairperson
Sen. David Wafula Wakoli, MP
Bungoma County
Ford Kenya Party

Vice-Chairperson
Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP
Tigania West Constituency
UDA Party

Sen. (Prof.) Margaret Jepkoech Kamar, MP
Nominated Senator
UDA Party

Sen. Daniel Maanzo, EBS, MP
Makueni County
WDM Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Julius Melly Kipbiwott, CBS, MP
Tinderet Constituency
UDA Party

Sen. Moses Kajwang, CBS, MP
Homabay County
ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency
ODM Party

Hon. Robert Gichimu Githinji, MP
Gichugu Constituency
UDA Party

Sen. Catherine Mumma, MP
Nominated Senator
ODM Party

Sen. Crystal Asige, MP
Nominated Senator
ODM Party

Hon. Dorice Donya Aburi, MP
Kisii County
WDM Party

Hon. Duncan Maina Mathenge, MP
Nyeri Town Constituency
UDA Party

Sen. James Kamau Murango, MP
Kirinyaga County
UDA Party

Hon. Yussuf Farah Mohamed, MP
Wajir East Constituency
ODM Party

Sen. Esther Anyieni Okenyuri, MP
Nominated Senator
UDA Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency
Ford Kenya Party

Sen. Joseph Kamau Githuku
Lamu County
UDA Party

1.5 COMMITTEE SECRETARIAT

3. The Committee was facilitated by the following staff:

i.	Mr. Peter Mulesi	-	Clerk Assistant I
ii.	Ms. Laureen Wesonga	-	Clerk Assistant I
iii.	Ms. Regina Munyao	-	Legal Counsel I
iv.	Ms. Caroline Njue	-	Clerk Assistant II
v.	Mr. Gerald Kadede	-	Legal Counsel II
vi.	Mr. Victor Kilimo	-	Clerk Assistant III

CHAPTER TWO

2.0 NATIONAL ASSEMBLY AMENDMENTS TO THE COFFEE BILL (SENATE BILL NO. 10 OF 2023) UNDER MEDIATION

2.1 INTRODUCTION

4. The Coffee Bill (*Senate Bill No. 10 of 2023*) is sponsored by Hon. James Kamau Murango, MP and co-sponsored by Hon. Kimani Ichung'wah, EGH, MP, the Leader of the Majority Party in the National Assembly.

5. The Bill was published vide Kenya *Gazette* Supplement No. 26 of 10th March, 2023 and was considered and passed with amendments by the Senate on 21st March, 2024. The Bill was forwarded to the National Assembly for consideration pursuant to Standing Order 161 of the Senate Standing Orders.

6. The National Assembly considered and passed the Bill with amendments on 27th November, 2024 and transmitted the amendments to the Senate seeking concurrence on 29th November, 2024.

7. The Senate approved the Motion on the Report of the Committee of the Whole House on the consideration of National Assembly amendments to the Coffee Bill, 2023 on Tuesday, 20th May, 2025. The Committee rejected some of the National Assembly amendments to the Bill warranting committal of the Bill to the Mediation Committee pursuant to Article 112 (2) (b) of the Constitution.

2.2 CLAUSES UNDER MEDIATION

The following clauses of the Coffee Bill (*Senate Bill No. 10 of 2023*) were considered by the Mediation Committee:

8. **Amend the definition of a "sales catalogue"** to delete the words "*in the presence of a commercial miller*".

   Resolution by the Senate

   The Senate declined the amendment because there have been incidences of stealing of coffee such that the amount that is declared to the grower after milling is sometimes understated or it is not declared at all before the coffee is presented to the exchange for sale. This definition was to ensure accountability.

9. **Clause 3 on objects be amended** by deleting the words "(e) *Promote the vertical integration of the coffee value chain at the production level for the purpose of achieving economies of scale and managing risk*"; and inserting the words "(e) *promote integration of the value chain actors for purposes of achieving economies of scale;*"

   Resolution by the Senate

   The Senate declined the amendment because the purpose of the integration is to benefit the farmer at the production level.

10. **Delete subclause** "3(f) *Promote evidence-based coffee research and the delivery of extension services for the development of the coffee sector*" and replace it with "(f) *promotion of coffee research and training for the development of the coffee sector;*".

Resolution by the Senate

The Senate declined this amendment because this is what is provided for in the Bill.

11. **Clause 8 on Qualification for appointment** amend to add a new provision "(2) *For purposes of this section, "coffee management" means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.*"

Resolution by the Committee

The Senate declined the amendment because it was not necessary.

12. **Clause 11 on Functions of the Board be amended in subclause** "(e) *collect, collate and maintain a data base and disseminate information on the coffee industry*" to read "(e) *collect, collate and maintain a data base to ensure ease of access to information on the coffee industry.*"

Resolution by the Senate

The Senate declined the amendment because there are various reasons for the collection of data which need to be provided for in the Act.

13. **Amend subclause (2) to read** "(2) *The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players*".

Resolution by the Senate

The Senate declined the amendment because not all functions are in regards to licencing. Agriculture is a devolved function and therefore consulting with CoG is essential. Being general/not expressly providing for consultation makes the provision ambiguous.

14. **Clause 15 on Chief executive officer b**e amended in subclause (2)(a) to replace degree with "*postgraduate degree*'.

Resolution by the Senate

The Senate declined the amendment because the provision is in line with *Mwongozo* Guidelines on Good Governance.

15. **Subclause (2) (b)** be amended by replacing 5 years with 10 years.

Resolution by the Senate

The Senate declined the amendment because the provision is in line with the *Mwongozo* Guidelines on Good Governance.

16. **Clause 23 be amended by —**
   a) by deleting subclause (2) and substituting therefor the following new subclause—

   "(2) *A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.*"

   Resolution by the Senate

   The Senate declined this amendment because it's important to assign responsibilities to a specific office for purposes of accountability.

   b) by deleting subclause (3) and substituting therefor the following new subclause—

   "(3) *The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).*"

   Resolution by the Senate

   The Senate declined this amendment because it's important to assign responsibilities to a specific office for purposes of accountability.

17. **Clause 24 on Enactment of County Specific Legislation** be amended by—

   a) re-numbering the existing provision as subclause (1); and

   b) inserting the following new subclause immediately after subclause (1)—
   "(2) *The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislation.*"

   Resolution by the Senate

   The Senate declined the amendment because Article 191 of the Constitution provides on how National laws and county laws should be enacted.

18. **Clause 25 on Licencing of Coffee Operations** be amended—

   a) in subclause (3) to read "(3) *The licensing authority shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.*"

Resolution by the Senate

The Senate declined the amendment because this part is applicable to counties since they are the licencing authorities.

b) by inserting the following new subclause immediately after subclause (3)—

"(4) *A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.*"

Resolution by the Senate

The Senate declined the amendment because licences will be issued by the county government.

19. **Clause 26 on Regulation of Production and Processing of Coffee be amended in subclause (2) to read**—

"(2) *A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board.*"

Resolution by the Senate

The Senate declined the amendment because these are two different provisions; one is providing for maintaining and the other on sharing. The sharing should be both ways.

20. **Clause 30 be amended to read** "(2) *A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act*".

Resolution by the Senate

The Senate declined the amendment because agents were replaced by brokers who are licenced under the Capital Markets Authority Act for smooth operation.

21. **Clause 33 on Movement Permits** be amended by deleting the words "*county executive committee member*" and substituting therefore the words "*county government*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

22. **Clause 37 on Submission of Reports** be amended by—

a) deleting the words "*county executive committee member*" and substituting therefore the words "*county government*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

b) deleting subclause (2) and substituting therefor the following new subclause—

"(2) *The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.*"

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

23. **Clause 38 on Appeals** be amended by—

a) moving Part IX - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (clauses 69 to 84) to appear immediately after clause 38.

Resolution by the Senate

The Senate declined the amendment because the parts are better placed as they appear in the Bill.

b) moving Part X - FINANCIAL PROVISIONS OF THE INSTITUTE (clauses 85 to 91) to appear immediately after the following new Part VA - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

Resolution by the Senate

The Senate declined the amendment because the parts are better placed as they appear in the Bill.

24. **Clause 39 on Coffee Production** be amended—

a) by deleting subclause (1).

Resolution by the Senate

The Senate declined this amendment since the Institute will disseminate coffee production and processing technologies in collaboration with county governments. The provisions on (1) will suitably be placed in part IX which provides for the functions of the Institute.

b) in subclause (2) by deleting the words "*county executive member*" and substituting therefore the words "*county government*".

Resolution by the Senate

The Senate declined the amendment since it is important to assign responsibilities to a specific person for purposes of accountability.

25. **Clause 40 on Importation of Coffee Planting Materials** be amended in subclause (1) by inserting the words "*and licensed*" immediately after the words "*been registered*".

Resolution by the Senate

The Senate declined this amendment. A way should be explored to distinguish between imports that are done for personal use and for commercial use. Further, Licencing of plants is a mandate of KEPHIS. The compromise would be for the licencing to be done in collaboration with the Board of the Institute.

26. **Clause 42** of the Bill be amended in subclause (3), by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

27. **Clause 43 on Certification of Kenyan Coffee** be amended in subclause (4) by deleting the words "*county executive committee member*" appearing in paragraph (b) and substituting therefor the words "*county government*"; and in subclause (5), by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

28. **Clause 45 on Requirements Relating to Coffee Traceability and Disclosures** be amended in subclause (3) by deleting the words "*comprehensive*" appearing in paragraph (b).

Resolution by the Senate

The Senate declined the amendment because the word comprehensive in this context means a cover that takes care of all risks.

29. **Clause 47 on Milling Service** be amended by deleting subclause (2).

Resolution by the Senate

The Senate declined this amendment because the provision is important to ensure accountability. Presently, the processing of coffee especially milling is shrouded in mystery.

30. **Clause 49 on Coffee Trading** be amended by deleting the words "*with county governments as the Board may prescribe*" and inserting the words "*the relevant licensing authority may prescribe*".

Resolution by the Senate

The Senate declined this amendment because amendment of this section will affect growers in general. Agriculture and indeed the coffee sector being devolved, there is need to involve county governments.

31. **Clause 50 on International and Local Direct Coffee Sales** be amended by deleting the word "*monthly*" and substituting therefor the word "*quarterly*".

Resolution by the Senate

The Senate declined this amendment because the seller will be required to submit the sales returns monthly for purposes of accountability.

32. **Clause 53 on Sales Catalogue** be amended to read "(1) *A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act*".

Resolution by the Senate

The Senate declined the amendment since the presence of a miller and grower was meant to ensure accountability.

33. **Clause 54** of the Bill be amended in subclause (2) by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

Resolution by the Senate

The Senate declined this amendment since it is important to assign responsibilities to a specific office for purposes of accountability.

34. **Clause 57 on Export and Import of Coffee** be amended by inserting the words "*of quality analysis*" immediately after the word "*certificate*" appearing in paragraph (a) and in subclause (3), by inserting the word "*analysis*" immediately after the words "*certificate of quality*" appearing in paragraph (b).

Resolution by the Senate

The Senate declined this amendment because the clause requires further amendment.

35. **Clause 60 on Quality Assurance for Coffee Industry** be amended—

a) in subclause (1) by adding the words "*in collaboration with the respective licencing authority shall*" immediately after the word Board and by deleting subclause (9) by substituting with a new sub clause "(9) *The Board shall in collaboration with the licensing authorities and other relevant bodies* *conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.*"

Resolution of the Senate

The Senate declined the amendment because the responsibility of enforcing standards cannot be taken away from counties as it's a role assigned to counties under Part 2 of the Second Schedule to the Constitution.

b) in subclause (5) by replacing "*County Executive Committee Member*" with the words "*county governments*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

c) In subclause (7) by adding the word "*maximum*" immediately after the word "*permissible*".

Resolution by the Senate

The Senate declined the amendment since the word permissible covers both maximum and minimum.

36. **Clause 61 on Inspections** be amended—

a) in subclause (1) by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*";

b) in subclause (2) by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

37. Amend clause 64 in subclause (1) by deleting the words "*two per centum*" and substituting therefor the words "*two and a half per centum*".

Resolution by the Senate

The Senate declined this amendment because the increase is not justified.

38. Subclause (2) be amended as, "*The levy imposed under subsection (1) shall be apportioned as follows—*

i. *thirty-five per centum to the Institute;*
ii. *twenty per centum to the Board for regulatory purposes*
iii. *fifteen per centum to the Board for marketing purposes; and*

iv. *ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.*"

Resolution by the Senate

The Senate declined the amendment because it was reducing the allocation to county governments, agriculture being devolved, counties should get more allocation. Further, there is no justification for increasing the allocation to the Board to 20% from 15%, an allocation which is only meant for administrative purposes.

39. **Clause 67 on Annual report and publication be amended** in subclause (3) by deleting the words "*the National Assembly and Senate*" and substituting therefore the word "*Parliament*".

Resolution by the Senate

The Committee declined this amendment because legislation is done in this manner for purposes of clarity.

40. Amend clause 72 by—

a) inserting the following new paragraph (gb) "*one person representing coffee traders nominated by the apex body representing coffee traders.*"

Resolution by the Senate

The Senate declined the amendment because it is not necessary to have a representative of coffee traders in the research institution.

b) adding the following new provision "(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance".

Resolution by the Senate

The Senate declined this amendment because it is not implementable due to the composition of the Board.

c) deleting subclause (5) and substituting with the following, "(5) *A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate.*"

Resolution by the Senate

The Senate declined this Amendment because the requirement of a post-secondary certificate is too low for a board member in a research institution.

41. **Clause 73 on Term of Appointment** be amended to read, "*The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of four years renewable for one further term.*"

Resolution by the Senate

The Senate declined this amendment and resolved to reduce the term to 3 years.

42. **Clause 75 on Functions of the Institute** be amended to rearrange the provisions.

Resolution by the Senate

The Senate declined this amendment because it is not necessary.

43. **Clause 79** be amended by deleting subclause (3) and substituting therefor the following new subclause—

"(3) *A person is qualified for appointment under subsection (1) if the person—*
   a) *is a citizen of Kenya;*
   b) *is a holder of a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya and such shall be considered an added advantage;*
   c) *has at least ten years' experience and knowledge in management;*
   d) *has at least five years' experience in a position of senior management; and*
   e) *meets the requirements of Chapter Six of the Constitution.*"

Resolution by the Senate

The Senate declined the amendment in paragraph (c) since the role of the CEO is administrative.

44. **Clause 93** on **Digitization** be amended—

   a) in subclause (1), by deleting the words "*county executive committee member*" and substituting therefore the words "respective county government"; and

   b) in subclause (2), by deleting the words "county executive committee member" and substituting therefore the words "respective county government"

Resolution by the Senate

The Senate declined the amendment because it is important to assign responsibilities to a specific office for purposes of accountability.

45. **Clause 97 on Penalties** be amended by inserting the words "*whichever is higher*" immediately after the words "*or coffee products or*".

Resolution by the Senate

The Senate declined the amendment.

46. **Clause 99 on Regulations** be amended in subclause (1) by deleting the words "*Council of County Governors*" appearing in the opening statement and substituting therefore the words "*licensing authorities*" and

Resolution by the Senate

The Senate declined the amendment. Retain CoG and add licensing authority. The regulations do not only provide for licensing but also provide for other matters within the coffee sector.

47. **Clause 101** of the Bill be amended—

a) by deleting the marginal note and substituting therefor the following new marginal note—

"Assets and liabilities"

Resolution by the Senate

The Senate declined this amendment since the provision does not provide for liabilities.

b) Amend (b) by numbering the existing provision as subclause (1).

Resolution by the Senate

The Senate declined this amendment.

c) Amend paragraph (c) by inserting the following new subclause immediately after subclause (1)—

"(2) *All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.*"

Resolution by the Senate

The Senate declined this amendment because there was no justification for such powers to be given to the Cabinet Secretary.

48. **The Second Schedule** be amended.

Resolution by the Senate

The Senate declined all the amendments to the Schedule because the amendments are encroaching on the functions of county governments.

CHAPTER THREE

3.0 COMMITTEE OBSERVATIONS

49. Having considered the Coffee Bill (Senate Bill No. 10 of 2023), the Committee observed that:

1) The coffee law will help to regulate the coffee industry in Kenya as it will ensure that producers and manufacturers comply with established standards and guidelines. This will help in improving the quality of coffee products and ensure that consumers are protected from harmful or substandard products.

2) A clear legal framework for the coffee industry will make it easier for investors to understand the regulatory environment and make informed decisions about investing in the sector. This can lead to increased investment in coffee production and processing facilities, which will create jobs and drive economic growth.

3) The Coffee Bill, 2023 has provisions that protect domestic coffee producers from unfair competition from foreign imports and middlemen. This will help to support local coffee production and ensure that Kenya's coffee industry remains viable and sustainable.

4) The coffee industry is an important part of Kenya's agricultural sector, and promoting the growth and development of the industry will promote food security in the country. This is especially important given Kenya's dependence on imported coffee and other food products.

5) A well-regulated coffee industry will generate significant revenue for the Kenyan government through taxes and other fees. This revenue will be used to support important social programs and infrastructure projects.

CHAPTER FOUR

4.0 COMMITTEE RECOMMENDATION

50. The Committee, having reviewed the Coffee Bill *(Senate Bill No. 10 of 2023)*, recommends that the House **approves** the Bill with amendments as proposed in the Schedule in Chapter Five of this report.

CHAPTER FIVE

5.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the Houses in the Committee Stage:

CLAUSE 2

1. **THAT**, Clause 2 of the Bill be amended by—

deleting the definition of "*sales catalogue*" and substituting therefor the following new definition—

"*sales catalogue" means a standard document prepared by a grower or a broker appointed by a grower, in consultation with an exchange, for sale of clean coffee at an exchange*";

Justification

A commercial miller is not needed in the preparation of a sales catalogue.

CLAUSE 3

2. **THAT,** Clause 3 of the Bill be amended—

a) by deleting paragraph (e), and substituting therefor the following new paragraph—

"(e) *promote integration of the value chain actors for purposes of achieving economies of scale;*"

b) by deleting paragraph (f), and substituting therefor the following new paragraph—

"(f) *promotion of evidence-based research and training for the development of the coffee sector;*"

Justifications

a) Integration needs to be both vertical and horizontal.

b) Research in extension services is already provided for under the functions of the Institute and county governments.

CLAUSE 8

3. **THAT,** Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

"(2) *For purposes of this section, "coffee management" means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.*"

Justification

To provide for the definition of coffee management to ensure that the person considered for appointment has experience in the coffee management value chain.

CLAUSE 11

4. **THAT,** Clause 11 of the Bill be amended—

   a) in subclause (1) by deleting paragraph (e) and substituting therefor the following new paragraph—

      "(e) *collect, collate and maintain a data base to ensure ease of access to information on the coffee industry;*"

   b) by deleting subclause (2) and substituting therefor the following new subclause—

      "(2) The Board may, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authorities and other relevant industry players".

Justifications

a) **The aspect of access to the information database of the Board is important; and**

b) **Consultation by the Board in the performance of its functions should not be mandatory but discretionary where necessary so as not to hinder the functions of the Board.**

CLAUSE 15

5. **THAT,** Clause 15 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

   "(2) A person is qualified for appointment under subsection (1) if the person—
   (a) holds a postgraduate degree in agriculture, business, law or any other relevant field from a university recognized in Kenya;
   (b) has at least five years' knowledge and experience from a relevant field;

Justifications

a) **A postgraduate degree is needed since the Board regulates a research institution; and**

b) **Five years' relevant experience is sufficient since the postgraduate degree involves research in the relevant area of experience.**

CLAUSE 23

6. **THAT,** Clause 23 of the Bill be amended—

a) by deleting subclause (2) and substituting therefor the following new subclause—

"(2) *A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.*"

b) by deleting subclause (3) and substituting therefor the following new subclause—

"(3) *The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).*"

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 24

7. **THAT,** Clause 24 of the Bill be amended by—

a) re-numbering the existing provision as subclause (1); and

b) inserting the following new subclause immediately after subclause (1)—

"(2) The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislations."

Justification

The amendment was rejected by the Committee because it contradicts Article 191 of the Constitution which provides for how county laws should be enacted. The amendment might infringe on the independence of county governments to legislate.

CLAUSE 25

8. **THAT,** Clause 25 of the Bill be amended—

a) by deleting subclause (3) and substituting therefor the following new clause—

"(3) *A county government shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.*"

b) by inserting the following new subclause immediately after subclause (3)—

"(4) *A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.*"

Justifications

a) The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

b) The amendment was rejected by the Committee because information in the coffee sector cuts across all the licensing authorities, hence sharing of information should be by all the relevant licensing authorities.

CLAUSE 26

9. **THAT,** Clause 26 of Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

"(2) *A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board*".

Justification

The amendment was rejected by the Committee because information in the coffee sector cuts across all the licensing authorities hence sharing of information should be by all the relevant licensing authorities.

CLAUSE 30

10. **THAT,** Clause 30 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

"(2) *A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act*".

Justification

The proposal was rejected by the Committee because agents do not participate in the Exchange.

CLAUSE 33

11. **THAT,** Clause 33 of the Bill be amended in subclause (5), by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

Justification

The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 37

12. **THAT**, Clause 37 of the Bill be amended—

    a) in subclause (1), by deleting the words "*county executive committee member*" and substituting therefor the words "*county government*".

    b) by deleting subclause (2) and substituting therefor the following new subclause—

    "(2) *The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.*"

    Justification

    The Bill, being a national legislation, places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 38

13. **THAT,** the Bill be amended—

    a) by moving Part IX - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (Clauses 69 to 84) to appear immediately after Clause 38; and

    b) by moving Part X - FINANCIAL PROVISIONS OF THE INSTITUTE (Clauses 85 to 91) to appear immediately after the following new Part VA - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

    Justification

    To enhance the flow of the provisions of the Bill. The establishment of the Coffee Research and Training Institute of Kenya should come before production and processing.

CLAUSE 39

14. **THAT,** Clause 39 of the Bill be amended—

    a) by deleting subclause (1); and

    b) in subclause (2), by deleting the words "*county executive member*" and substituting therefor the words "*county government*".

Justification

The Bill being a national legislation places emphasis on a county government so that the governor is held accountable in case of non-compliance.

CLAUSE 45

18. **THAT,** Clause 45 of the Bill be amended in subclause (3) by deleting the words "*comprehensive*" appearing in paragraph (b).

Justification

The proposal was rejected by the Committee because the word comprehensive is not used in the context of motor vehicle insurance but in its literal dictionary meaning.

CLAUSE 47

19. **THAT,** Clause 47 of the Bill be amended by deleting subclause (2);

Justification

The clause is a repetition of clause 45(2)

CLAUSE 49

20. **THAT,** Clause 49 of the Bill be amended in subclause (1), by deleting paragraph (d) and substituting therefor the following new paragraph—

"(d) *such other methods as the Cabinet Secretary in consultation with the relevant licensing authority may prescribe*".

Justification

To include the Capital Markets Authority in the consultations.

CLAUSE 50

21. **THAT,** Clause 50 of the Bill be amended in subclause (6) by deleting the word "*monthly*" and substituting therefor the word "*annually*".

Justification

The proposal was adopted with amendments to provide adequate and practical timelines f licensed coffee growers to submit reports to the Board.

of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property."

Justification

To provide for a transition clause on the liabilities of the Board which is missing.

THE SECOND SCHEDULE

37. **THAT,** the Second Schedule to the Bill be amended—

a) by deleting paragraph 9 and substituting therefor the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
9.	Warehouse licence	Board in consultation with the county government

b) by deleting paragraph 10 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
10.	Coffee nursery certificates	Board in consultation with the county government

c) by deleting paragraph 11 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
11.	Pulping station licence	Board in consultation with the county government

d) by deleting paragraph 13 and substituting therefore the following new paragraph—

No.	Type of Licence/Permit or Certificate	Issuing Authority
13.	Coffee Roaster's licence	County government in consultation with the Board

e) by inserting the following new paragraphs immediately after paragraph 17—

No.	Type of Licence/Permit or Certificate	Issuing Authority
18.	Coffee Marketing Agents License	Capital Markets Authority
19.	Trading License"	Capital Markets Authority

Justification

To align the license with the correct licensing authority and to include other licenses.

Signed: ....

Date: 1 / 12 / 2025

Sen. David Wafula Wakoli, MP
Chairperson,
Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)

Signed: ....

Date: 01 / 12 / 2025

Hon. (Dr.) John Kanyuithia Mutunga, CBS, MP
Vice-Chairperson,
Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)

THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023) today, **Monday, 1st December 2025** do hereby affix our signatures to this **Report of the Mediation Committee on the Coffee Bill (Senate Bill No. 10 of 2023)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	Sen. David Wafula Wakoli, MP – **Chairperson**	
2.	Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP – **Vice-Chairperson**	
3.	Sen. (Prof.) Margaret Jepkoech Kamar, MP	
4.	Sen. Daniel Maanzo, EBS, MP	
5.	Hon. Geoffrey Makokha Odanga, MP	online
6.	Hon. Julius Melly Kipbiwott, CBS, MP	
7.	Sen. Moses Kajwang, CBS, MP	
8.	Hon. Jared Odoyo Okelo, MP	
9.	Hon. Robert Gichimu Githinji, MP	
10.	Sen. Catherine Mumma, MP	
11.	Sen. Crystal Asige, MP	Online
12.	Hon. Dorice Donya Aburi, MP	
13.	Hon. Duncan Maina Mathenge, MP	
14.	Sen. James Kamau Murango, MP	
15.	Hon. Yussuf Farah Mohamed, MP	
16.	Sen. Esther Anyieni Okenyuri, MP	
17.	Hon. John Okwisia Makali, MP	
18.	Sen. Joseph Kamau Githuku, MP	