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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

REPORT

ON
CONSIDERATION OF THE METEOROLOGY BILL (SENATE BILL NO.45 OF 2023)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 24 JUL 2025 DAY. Thursday
TABLED BY: Chairperson
CLERK-AT THE-TABLE: Tracy Chebet

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JULY, 2025

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The Committee proposed the following amendments to be considered by the House at the Committee Stage— 34

LIST OF ABBREVIATIONS AND ACRONYMS

UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
WDP	-	Wiper Democratic Party
KUP	-	Kenya Union Party
UPIA	-	United Party of Independent Alliance
WMO	-	World Meteorological Organization
ICAO	-	International Civil Aviation Organization

LIST OF ANNEXURES

1. Report adoption Schedule
2. Minutes
3. Copy of the Newspaper Advertisement on Public Participation
4. Letter inviting stakeholders for meetings with the Committee
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CHAIRPERSON'S FOREWORD

This Report contains the Departmental Committee on Environment, Forestry and Mining proceedings on its consideration of the Meteorology Bill, 2023 (Bill No. 45 of 2023), published on 22nd September 2023 and passed by the Senate, with amendments, on 19th November 2024. The Bill was Read a First Time on 3rd December 2024 and thereafter committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House pursuant to the provisions of the National Assembly Standing Order 127.

The Bill is sponsored by Sen. Aaron Cheruiyot, MGH, MP, and Leader of the Majority in the Senate. The principal object of the Bill is to provide a legal framework for the establishment of the Kenya Meteorological Service Authority, regulation, coordination, monitoring, management, provision and control of meteorological services and for connected purposes.

The Bill concerns County governments in terms of Article 110 (1) (a) of the Constitution.

Following the placement of advertisements in the print media on Friday, 20th October 2023, seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee did not receive any Memorandum.

The Committee also invited the following MDAs vide a letter Ref. No. NA/DDC/EF&M/2025/004 dated 7th March, 2025 to present their comments and proposals on the Bill.

i. The State Department for Environment and Climate Change;
ii. State Department for Shipping and Maritime Affairs;
iii. State Department for Transport;
iv. National Environment Management Authority (NEMA)
v. Kenya Civil Aviation Authority (KCAA); and
vi. The National Drought Management Authority (NDMA).

The Committee, having considered the Meteorology Bill, 2023, recommends that the House **APPROVES the Bill with amendments** as contained in the Schedule.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. Finally, I wish to express my appreciation to the Honourable Members of the Committee and Secretariat who made useful contributions towards the consideration and production of this report.

On behalf of the Departmental Committee on Environment, Forestry and Mining and pursuant to provisions of Standing Order 127 (4), it is my pleasure and honour to present to this House the Report of the Committee on its consideration of the Meteorology Bill, 2023 (Senate Bill No. 45 of 2023) .

HON. ENG. VINCENT MUSYOKA MUSAU, CBS, MP.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

PART ONE

1.0 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Environment, Forestry and Mining is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows:

    i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
    ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
    iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
    iv. ***To study and review all the legislation referred to it;***
    v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
    vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
    vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
    viii. *To examine treaties, agreements and conventions;*
    ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
    x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
    xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural, pollution and waste management.

3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Environment, Forestry and Mining was constituted by the House on 27th October 2022 and on 5th March 2025 and comprises the following Members:

Chairperson
Hon. Eng. Vincent Musyoka Musau, CBS MP
Mwala Constituency
UDA Party

Vice-Chairperson
Hon. Charles Kamuren, MP
Baringo South Constituency
UDA Party

Members

Hon. Mbalu Jessica Nduku Kiko, CBS, MP
Kibwezi East Constituency
WDP Party

Hon. Mwanyanje Gertrude Mbeyu, MP
Kilifi County
ODM Party

Hon. Hiribae Said Buya, MP
Galole Constituency
ODM Party

Hon. Salim Feisal Bader, MP
Msambweni Constituency
UDA Party

Hon. Emathe Joseph Namuar, MP
Turkana Central Constituency
UDA Party

Hon. Joseph Wainaina Iraya, MP
Nominated
UDA Party

Hon. Kemei Beatrice Chepngeno, MP
Kericho County
UDA Party

Hon. Charity Kathambi Chepkwony, MP
Njoro Constituency
UDA Party

Hon. Mohamed Ali Mohamed, MP
Nyali Constituency
UDA Party

Hon. Masito Fatuma Hamisi, MP
Kwale County
ODM Party

Hon. Titus Lotee, MP
Kachaliba Constituency
KUP Party

Hon. Mohamed Tubi Bidu, MP
Isiolo South Constituency
Jubilee Party

Hon. Yakub Adow Kuno, MP
Bura Constituency
UPIA Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

Ms. Hellen Ekadeli
Senior Clerk Assistant/Head of Secretariat

Ms. Mercy Wanyonyi
Senior Legal Counsel

Dr. Joseph Kuria
Research Officer III

Mr. Stephen Otieno
Senior Sergeant-At-Arms

Mr. Eric Ogola
Public Communications Officer III

Mr. Hamdi Hassan Mohamed
Clerk Assistant III

Ms. Nancy Chamunga
Fiscal Analyst II

Mr. Kevin Obilo
Media Relations Officer III

Mr. Meldrick Sakani
Audio Recording Officer

PART TWO

2.0 BACKGROUND OF THE METEOROLOGY BILL, 2023

2.1 INTRODUCTION

6. The principal object of the Bill is to provide a legal framework for the establishment of the Kenya Meteorological Service Authority, regulation, coordination, monitoring, management, provision and control of meteorological services and for connected purposes.

2.2 SITUATIONAL ANALYSIS

7. Meteorological services in Kenya have been provided without a policy to guide the Kenya Meteorological Department (KMD) operations. In the absence of an Act of Parliament, there has been a lack of effective regulation of the provision of meteorological services and the subsequent clear guidelines on resource mobilization and revenue collection.

8. The increase in world population and extension of settlement and life-supporting activities, in areas vulnerable to the vagaries of extreme weather and climate events, justifies the urgent need and requirement to improve the capacity of KMD to provide better services to mitigate disaster risk and support the productive capacities of life-supporting activities.

9. The increase in the intensity of natural hazards due to climate variability and climate change poses critical challenges to the country, with far-reaching socio-economic devastation and misery.

10. Meteorological services are essential for disaster risk reduction and necessary for building resilience in the country against the adverse impacts of climate variability and climate change.

11. The service cuts across all socio-economic sectors and hence, the need for immediate remedial by the establishment of an Authority with an independent and flexible mandate to promote the provision of timely, accurate, and effective climate information services delivery.

12. This has been reiterated in the East African Community region as a means of not only improving service delivery but also streamlining meteorological policy in the region. The National Meteorological Services of Tanzania, Uganda, and Rwanda have attained autonomy in the provision of meteorological services, while those in Kenya, Burundi and South Sudan are yet to gain autonomy.

2.3 COMPARATIVE ANALYSIS

13. The WMO Technical Document No. 947 notes that over half of the National Meteorological Services (NMSs) operated by Members of World Meteorological Organization (WMO) have formal legal instruments covering their responsibilities, the establishment and operation of their facilities, and government regulation and legal responsibility.

14. Other issues included in the legal instruments are the roles of NMSs in the prevention/mitigation of natural disasters, international cooperation, and supplementary provisions and funding.

2.3.1 GERMANY

15. The Deutscher Wetterdienst Act (DWD Act), 1998 establishes the legal framework for the German Meteorological Service (Deutscher Wetterdienst, or DWD). Under the jurisdiction of the Federal Ministry for Digital and Transport, the DWD is tasked with fulfilling meteorological requirements across various sectors of the economy and society.

16. The DWD's core responsibilities include weather forecasting, issuing warnings about weather-related hazards, climate monitoring throughout Germany and providing meteorological information and services to ensure aviation safety and safety of maritime shipping.

17. Additionally, the DWD is mandated to make its weather and climate information available frequently free of charge, supporting transparency and public access to meteorological data. The Act underscores the DWD's role in safeguarding public safety and supporting various sectors by providing accurate and timely meteorological information.

18. The Service is headed by an Executive Board of Directors that oversees its overall operations and Advisory Boards including the Advisory Board of the Federation that advises on federal matters, and a Scientific Advisory Board providing guidance on research initiatives.

19. Mineral exploration and mining activities can only happen in Australian waters with approval from the relevant Joint Authority composed of the federal minister and the relevant state or Northern Territory minister.

Similarities

20. Public Mandate and Service Delivery: Both the Kenya Meteorology Service Authority (KMSA) and Deutscher Wetterdienst (DWD) process climate data, issue weather forecasts and provide warnings about extreme weather events to support various sectors, including aviation, agriculture, disaster management, and public safety.

21. Each operates under a Legal and Institutional Framework: The Meteorology Bill, 2023 seeks to establish the Kenya Meteorology Service Authority (KMSA) while the DWD operates under the Deutscher Wetterdienst Act (DWD Act), which provides its legal foundation.

22. Both organizations contribute significantly to disaster preparedness and climate resilience by providing early warnings on extreme weather conditions.

Differences

23. Data Accessibility: KSMA meteorological services are expected to be regulated, and some may require payment while DWD meteorological data is mostly free of charge, ensuring public accessibility.

24. Training and Research: Kenya's proposed Bill establishes the Meteorology Training and Research Directorate to offer professional courses, while DWD has a Scientific Advisory Board guiding research initiative.

2.3.2 UNITED STATES OF AMERICA

25. The National Weather Service (NWS) in the United States operates under the National Oceanic and Atmospheric Administration (NOAA) to provide weather, hydrological, and climate data.

26. The National Weather Service was established under the National Weather Service Organic Act (1890), with one of its primary mandates was to establish the volunteer weather observer program. Today, weather observers who make up the Cooperative Observing Program are a core of volunteers numbering over 10,600.

27. Cooperative Weather Stations scattered over all fifty (50) states, Puerto Rico, and the Virgin Islands, are taking weather observations seven days a week throughout the year. They provide a myriad of vital information for their local areas.

28. Although the network has been very successful in fulfilling its original agriculturally oriented mission of defining the weather and climate of the United States, its data is now used among others water and land management, recreation, environmental impact studies, litigation and insurance, energy production and energy use, engineering, architectural design and construction, and agriculture and farm management.

Similarities

29. KMSA is established through the Meteorology Bill, 2023, while NWS operates under the National Weather Service Organic Act (1890) and other legal instruments under NOAA and operate within international meteorological regulations, including compliance with the World Meteorological Organization (WMO) standards.

30. KMSA will have a Meteorology Training and Research Directorate, succeeding the Institute for Meteorological Training and Research (IMTR) in Kenya while NWS collaborates with universities and research institutions to enhance meteorological science and training.

2.3.3 FINLAND

31. The Finnish Meteorological Institute makes observations and research on the atmosphere, the near space and the seas. It also provides services on weather, sea, air quality, climate and near space for the needs of public safety, business life and citizens. The Finnish Meteorological Institute is an administrative branch of the Ministry of Transport and Communications.

32. The operations of the Finnish Meteorological Institute are anchored on the Meteorological Institute (No. 212 of 2018) Act and regulated by the Government Decree on the Meteorological Institute (No. 263 of 2018).

PART THREE

3.0 OVERVIEW OF THE METEOROLOGY BILL, 2023.

3.1 INTRODUCTION

33. The Meteorology_Bill (Senate Bill No.45 of 2023) is sponsored by the Senate Majority Leader the Sen. Aaron Cheruiyot, MGH, MP.

34. The principal object of the Bill is to provide a legal framework for the establishment of the Kenya Meteorological Service Authority, regulation, co-ordination, monitoring, management, provision and control of meteorological services and for connected purposes.

3.2 REVIEW OF THE BILL

35. PART I: Clauses 1-5 of the Bill provides for preliminary provisions that is the short title, interpretation of terms as used in the Bill, application of the Act and the guiding principles. The Act is to come into operation on such date as the Cabinet Secretary may appoint, by notice in the Gazette.

36. The Act is to apply to weather observers; meteorological service providers; private weather service providers; the Directorate; any meteorological training and research institution; and any person, group of persons or organization whose undertakings involve or include, generally, the use of meteorological information for commercial purposes

37. PART II: Clauses 5-23 of the Bill provides for the establishment of the Meteorological Service Authority as a corporate body with perpetual succession. The Authority shall be responsible for the provision of meteorological services in Kenya and the principal technical advisor to the National and County Governments on matters related to meteorology. Additionally, the Authority shall be responsible for the issuance of permits to persons who intend to undertake meteorological observation, weather forecasting activities or weather modification activities.

38. The functions of the Authority include to—

(a) develop, review and monitor the implementation of government policies in respect of meteorology and related sciences;

(b) develop, review and operate—

i) a national strategic plan for the Authority in alignment with international treaties, protocols, agreements, and conventions on meteorology; and

ii) a national framework for climate services in support of the climate services information system value chain to process data, run models and produce climate products for user benefits;

(c) establish and maintain—

i) surface, upper-air and marine meteorological observation networks;

ii) integrated information systems, in line with the World Meteorological Organization Information System, for the exchange of meteorological data and products; and

iii) meteorological management systems for data processing, analysis, forecasting and archival;

(d) provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;

(e) provide timely meteorological information for search and rescue services and accident investigation;

(f) prepare and disseminate—

i) weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-hazard early warning system;

ii) marine and tsunami early warning advisories as designated by the Intergovernmental Oceanographic Commission of United Nations Education, Scientific and Cultural Organization as the Indian Ocean Tsunami Watch Centre;

iii) agricultural meteorological services to improve productive capacity and build resilience posed by extreme events associated with climate variability and climate change;

(g) monitor background environmental pollution at the World Meteorological Organization Global Atmosphere Watch Station on Mount Kenya and atmospheric chemical composition for greenhouse gases in the country for assessment of air quality and climate change detection and attribution;

(h) provide public good services as set out in the Second Schedule;

(i) provide private good services as set out in the First Schedule;

(j) set standards, developing curricula, providing training in meteorology, operational hydrology and related sciences and examination and award of diploma certification in line with the World Meteorological Organization and other standards;

(k) in collaboration with the ministry responsible for matters related to education, set the minimum curriculum requirements for training in meteorology;

(l) collaborate with relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;

(m) in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;

(n) collaborate with other institutions in the observation, recording and transmission of meteorological data in line with the World Meteorological Organization Integrated Global Observing System;

(o) conduct and co-ordinate research and development in meteorology and related environmental sciences including scientific assessments to improve operations and services and to provide updates with respect to climate change;

(p) design, fabricate and in collaboration with the Kenya Bureau of Standards calibrate and monitor standards for meteorological instruments;

(q) set and maintain standards and recommended practices on meteorological instruments and methods of observations;

(r) conduct public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services;

(s) maintain up-to-date data on weather and climate within the zone of responsibility assigned to Kenya by the World Meteorological Organization;

(t) register weather stations for meteorological data collection;

(u) collaborate with the public and private sector in meteorological observation, carrying out research and development and education and training;

(v) fulfill relevant international commitments, including those under the World Meteorological Organization and advance national interests by participating in the appropriate international programmes and activities; and

(w) undertake any other function that may be required by this Act or any other written law.

39. PART III: Clauses 12-31 of provides for the management of the Authority which shall vest in a Board comprising of—

(a) a chairperson, appointed by the President;

(b) the Principal Secretary in the ministry responsible for matters relating to meteorological services or his representative;

(c) the Principal Secretary in the ministry responsible for matters relating to finance or his representative;

(d) the Principal Secretary in the ministry responsible for matters relating to transport or his representative;

(e) the Attorney-General or his representative;

(f) a representative nominated by the Council of County Governors;

(g) two other persons, not being public officers, with knowledge and experience in any of the following fields—

i) meteorology;
ii) aviation;
iii) marine;
iv) agriculture; or
v) water resources management; and

(h) the Director-General, who shall be an *ex-officio* member of the Board with no voting rights.

40. A person is qualified for appointment as the chairperson or member of the Board of the Authority if that person holds a degree from a university recognized in Kenya and has at least five years' experience (ten years for the chairperson) in the relevant field.

41. A person is qualified for appointment as the Director-General of the Board of the Authority if that person has a first degree in Meteorology and a Master's degree in a related science from a university recognized in Kenya and has at least ten years' experience in the relevant field, of which five years shall be at a senior management position.

42. A person is qualified for appointment as the Corporation Secretary of the Authority if that person has a first degree in law from a university recognized in Kenya and has at least five years' experience as a corporation secretary and is a member in good standing with the Institute of Certified Public Secretaries.

43. PART IV: Clause 32 of the Bill establishes a directorate of the Authority to be known as the Meteorology Training and Research Directorate, which shall be the successor to the Institute for Meteorological Training and Research and shall be headed by a Director who shall be accountable to the Director-General.

44. The Directorate shall be responsible for training and research and shall be the World Meteorological Organization Regional Training Centre for the provision of certificate and diploma professional courses in meteorology, operational hydrology and related sciences.

45. PART V: Clause 33-37 of the Bill provides that the funds of the Authority shall comprise of—
    (a) such monies as may be appropriated by Parliament for purposes of the Authority;

    (b) charges for private goods services;

    (c) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;

    (d) grants and loans from the government;

    (e) grants and loans from any organization or person subject to the provisions of the Public Finance Management Act, 2012;

    (f) interest on savings made by the Authority;

    (g) money collected under the Air Passenger Service Charge Act; and

    (h) all monies and fees from any other sources provided, donated or lent to the Authority.

46. PART VI: Clause 48 of the Bill contains provisions on regulations.

47. PART VII: Clause 49 and 50 contains provisions on consequential amendments to the Mining Act, Cap 306. The Bill provides that the Mining Act, Cap 306 shall not apply to matters relating to the

exploration, exploitation and processing of gold. The Bill further seeks to delete gold from the list of minerals appearing in Part C of the First Schedule to the Mining Act, Cap 306.

48. The Authority is required to identify suitable sites and places on which to establish meteorological observation stations and the Director-General is required to designate and appoint any person to be an authorized officer for purposes of carrying out the functions of the Authority.

49. Additionally, the Bill provides that the Authority shall retain the intellectual property rights on any data, meteorological, hydrological, environmental and advisory service, computer programs, inventions, discoveries and improvements, generated by the Authority in the fulfilment of its functions.

50. Further, clause 41 of the Bill provides that the Authority is not liable for any damage, loss or injury sustained or alleged to have been sustained, by any person because of such person's reliance on meteorological information provided by the Authority.

51. The Cabinet Secretary is required to make regulations to among other things prescribe rates, fees, charges and alterations in the tariffs, levied for the services and facilities provided by the Authority ;the cost recovery for aeronautical meteorological and marine meteorological services. In addition, the standards for setting up and operating weather observing instruments; dissemination of meteorological information to the public; the operation of private weather services; procedures for application for permits, suspension and cancellation of permits under this Act; procedures for registration of persons and entities providing meteorological services and procedure for issuance of permits for operating meteorological stations. Also for regulating standards of installation of meteorological equipment and instruments in accordance with the World Meteorological Organization standards and recommended practices.

52. PART VII: Clauses 44-50 provides for offences and penalties e.g. a person who obstructs an authorized officer of the Authority in the exercise of the powers or duties of the authorized officer under this Act; falsely holds themselves out to be an authorized representative of the Authority and destroys, removes or damages a weather observation station or other equipment of the Authority. The person commits an offence if they give or distribute meteorological information obtained from the Authority without the consent of the Authority and contrary to the provisions of this Act; issues to the public meteorological data collected, or weather information derived from a weather station not registered by the Authority; or issues meteorological data or weather information to the public contrary to the provisions of this Act, and on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

53. PART VIII: Any proceedings taken by or on behalf of the Kenya Meteorological Department or pending against it or any other person immediately before the commencement of this Act may be continued by, on behalf of, or against the Authority as if instituted under this Act.

54. Upon commencement of this Act, all funds, assets and other property, both movable and immovable, which immediately before such date were vested in the Kenya Meteorological Department shall, by virtue of this section, vest in the Authority, subject to all interests, liabilities, charges, obligations and trusts affecting that property.

55. The Director of Kenya Meteorological Department shall assume the duties of the Director-General in an acting capacity for a period not exceeding six months or until the Director-General is appointed. Additionally, the technical staff who, immediately before the date of commencement of this Act, were employees of the Kenya Meteorological Department shall continue to be employees of the Authority.

56. Upon commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute shall, by virtue of this Act, vest in the Directorate.

57. Any person who was an officer or employee of the former Institute immediately before the commencement of this Act shall be deemed to be an officer or employee of the Directorate subject to such terms of service as the Board may, on the advice of the Salaries and Remuneration Commission, determine.

58. All certificates issued by the former Institute shall be deemed to have been issued by the Directorate.

PART FOUR

4.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

59. Following the call for memoranda from the public through placement of adverts in the print media on 6th December, 2024 and vide a letter Ref. No. NA/DDC/ EF&M/2024/004 dated 7th March, 2024 inviting stakeholders for a meeting, the Committee received submissions from the following stakeholders:
    a) State Department for Environment and Climate Change,

    b) State Department for Shipping and Maritime Affairs,

    c) Kenya Civil Aviation Authority,

    d) Pastoralists Alliance for Resilience and Adaptations Across Nations;

4.1 MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

60. Eng. Festus Ngeno Principal Secretary, State Department for Environment and Climate in a meeting with the Committee held on Tuesday, 18th March 2025, highlighted the benefits of transitioning the Kenya Meteorology Department to an Authority, which included:
    i) The legal framework will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather & climate information in the decision-making processes.

    ii) Enhanced the provision of timely, accurate and effective weather forecasts, advisories and alerts, as well as the provision of user-tailored specific climate and weather products.

    iii) Establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks ensured through the law as well as improvement in acquisition, installation and maintenance of meteorological equipment, instruments and infrastructure.

    iv) Collaboration and engagement with counties in the provision of weather and climate services, since it is expected that there will be more staff at the county levels.

    v) It is expected that climate information services in support of national development programs shall be streamlined.

    vi) The nation stands to benefit from compliance with international commitments and requirements.

    vii) It is expected that there will be a better understanding and the uptake of products and services offered by the National Meteorological Service to the community level.

    viii) Provide decision support that informs policy-making at the national and county levels.

    ix) Ensure national and international meteorological training curricula standards are maintained in accordance with national, regional and international requirements, e.g., Technical and

Vocational Education and Training Curriculum Development, Assessment and Certification Council (TVET_CDACC), Kenya National Qualifications Authority (KNQA), WMO and ICAO requirements.

x) It is expected that operational research will be enhanced and promote development programs.

4.2 STATE DEPARTMENT FOR SHIPPING & MARITIME AFFAIRS

61. Mr. Geoffrey Kaituko, Principal Secretary, State Department for Shipping & Maritime Affairs, in a meeting with the Committee held on Tuesday, 18th March 2025, , appreciated the timeliness of the Bill, and the significant benefits that it brings onboard.

62. He noted that by gaining access to real-time and reliable information on atmospheric and oceanic conditions, mariners can effectively anticipate and respond to potential hazards at sea as follows:

i) Reducing fuel consumption: Fuel is typically the top cost for maritime transport/ shipping companies, generally accounting for 50-60% of operation costs. For maritime shipping operators, there is constant pressure to optimize routes and minimize delays caused by bad weather. Reducing fuel usage is also paramount to meeting emission standards- translating to a positive impact on the carbon footprint. Besides avoiding extreme weather, there are many opportunities to adjust routes based on up-to-date data on currents, winds, and waves. These add resistance to ships traveling through the water and significantly contribute to extra fuel costs. However, real-time route optimization considering these can lead to significant fuel savings.

ii) Reducing downtime: Shipping and transport companies use maritime weather forecasts to plan for weather patterns and allow for adjustments to speed and route several days out (route planning). A ship that spends an extra day at sea as a result of having to avoid a storm and bad planning incurs higher cost from extra day of fuel cost and extra day of crew pay as well as higher fees from ports and operators, missed schedules, which may lead to additional lost time and money. Saving as little as 2-3 days per year thanks to maritime weather forecasts is definitely a worthy investment.

iii) Improvements in e-navigation: The two key data sets necessary for intelligent and dynamic routing (or e-navigation) are ship tracking (AIS) and weather. Key goals of e-navigation are to improve safety, provide improved estimated time of arrivals (ETAs), and situational awareness. Up-to-date weather forecasts assists in decision-making and efficiency. Maritime Weather forecasts play an important role in the development of e-navigation and autonomous shipping, making it possible to fuse and analyze historical weather with ship tracking data to develop intelligent neural networks and routing engines.

iv) Minimizing disruption: For manufacturers, a sudden disruption can cause a chain-reaction those results to a near-standstill of a large and complex manufacturing process that can, in turn, have ripple effects on customer confidence, perception, and stock price. With maritime weather forecasts as an integral part of workflow, it is possible to avoid unplanned disruptions. Planning for extreme weather assists in avoiding delays due to storm-avoidance or crowded ports/canals. Supply-chain disruptions may also stem from in-transit damage to goods, caused by storm-related

shifts in cargo, or to moisture/ sweat due to sudden changes in humidity. Better planning for weather helps in mitigating these disruptive causes.

v) Navigating treacherous areas: There are geographical regions of the world that are known for extreme winds, extreme waves, extreme currents, extreme precipitation, icy conditions, and/or extreme fog. Some of these areas are in remote locations that are under-observed by most weather forecasting services. For an organization operating ships, these areas pose all sorts of risks including; safety risks to crew, damage to the ship, equipment, and cargo, and lost time. For such areas, it can be especially valuable to have accurate high-resolution maritime weather forecasts. A reliable forecast with better global coverage allows for real-time adjustments as conditions change.

vi) Mitigating the risk of injury or damage during marine accidents: Maritime weather forecasts can help avoid injuries to crew/passengers, as well as damage to the ship and its equipment. Precise weather forecasts can also help companies and rescuers respond better when weather emergencies happen. Having knowledge of up-to-date conditions around a storm can help in deciding whether to send out another vessel or to wait. For an emergency/rescue response organization, more detailed maritime weather forecasts with global coverage is very critical. Besides the direct costs from injuries or damage, there's also the potential for reducing insurance costs.

vii) Weather data is also very valuable to insurance companies, or any company that requires risk analysis and post-incident investigations. Access to reliable weather forecasting assists in understanding why things went wrong, including reviewing crew's decisions during extreme weather or even route planning decisions made by navigators or a third-party service. In turn, these assist in improving budget planning, operations, and processes.

viii) Well-planned port operations: Weather predictions help maritime infrastructure owners and managers prepare for extreme weather, making it possible to foresee when storms will cause pre-storm traffic slowdown and post-storm traffic surges. Better weather forecasts can help develop storm strategies to drive efficiency across all operations.

ix) The State Department for Shipping and Maritime is overseeing the implementation of a Maritime Safety Project in Lake Victoria, with a component on Maritime Communications Network, which will rely on a constant supply and availability of weather information/ data. The passage of this Bill will also boost Kenya's capacity (as a host to the Regional Maritime Rescue Coordination Centre in the Western Indian Ocean) to provide effective Search and Rescue services and Maritime Radio communication Services per the International Convention for the Safety of Life at Sea (SOLAS) V/4 & V/5.

Clause 12(2) (d)

63. Include "the Principal Secretary in the ministry responsible for matters relating to maritime or his representative".

Justification:

The Board as currently constituted comprises of eight (8) members. The *Mwongozo* Code of Governance for Government-Owned Entities recommends a minimum of seven (7) and a maximum of nine (9) members.

Committee Observation/Recommendation:
The Committee rejected the proposed amendment, as the Principal Secretary for the State Department for transport is already included in the Board. Additionally, the Committee was of the view that the Principal Secretary responsible for agriculture should be in the Board as the consumers of meteorological data are largely from the agricultural sector.

4.3 SUBMISSION BY KENYA CIVIL AVIATION AUTHORITY (KCAA)

64. KCCA submitted as follows:

Clause 2

65. Delete: "aeronautical meteorological services" means services provided to air navigation for safety and security reasons and comprise the following;
    (a) en route meteorological forecast and warning services for both international and national flights;

    (b) low-level significant weather charts for general aviation;

    (c) aerodrome meteorological information;

    (d) provision of aviation specific research and development; and

    (e) provision of significant meteorological information;

Justification:
This is already provided for in the Civil Aviation Act (CAA), CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

Comments by the Ministry

66. Kenya Meteorological Department (KMD) provides Aviation MET (Meteorological Service for Air Navigation) in accordance with the International Civil Aviation Authority (ICAO) Annex 3

67. ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and several subsequent CAA Regulations for different service providers.

68. Since the establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394 and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

69. The function of the Authority under clause 7(2) (d) provides for the aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 of the Chicago Convention on International Civil Aviation and proposes that years of experience be

amended to 2 or 3 years. Further, the provision to include 2/3 gender rule and representation by youth on the Board.

Committee Observation/ Resolution:
Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP).

Consequently, the Committee rejected the proposed amendment.

Clause 2

70. Delete: "flight information region" means an air space of defined dimensions within which flight information and alerting services are provided.

Justification:
This is already provided for in the Civil Aviation Act, CAP 394 and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

"flight information region" means an airspace of defined dimensions within which flight information and alerting services are provided;

Comments from the Ministry

71. Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance with the ICAO Annex 3

72. ICAO recommends the States to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers.

73. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

74. Since establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394 nor the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

Committee Observation/ Resolution:
Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP

394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the proposed amendment was rejected by the Committee.

Clause 2

75. *Delete*: "meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region.

Justification:

This is already provided for in the Civil Aviation Act, CAP 394 and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

Comments from the Ministry

76. Kenya Meteorological *Department* is providing Aviation MET (*Meteorological Service for Air Navigation*) in accordance with the ICAO Annex 3

77. ICAO recommends that the States promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and several subsequent CAA Regulations for different service providers.

78. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

79. Since the establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

Committee Observation/ Resolution:

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Committee rejected the proposed amendment.

80. Amends: The object of this Act shall be to-
    a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and
    b) give effect to and ensure fulfilment of the obligations of the Government under treaties and conventions on meteorology, save for meteorological services for air navigation, and in particular the Convention of the World Meteorological Organization, to which Kenya is a party.

Justification:

The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the Convention on International Civil Aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for the provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations, is the Kenya Civil Aviation Authority.

Committee Observation/ Resolution:
Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP) .Consequently, the Committee rejected the proposed amendment.

Clause 7(d)

81. Amend as follows: provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder.

Justification:
To avoid conflicting provisions in two statutes, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for the provision of meteorological services for air navigation.

Comments from the Ministry

82. Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance with the ICAO Annex 3

83. ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers.

84. The amendments seek to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services

Committee Observation/Resolution:
The Committee accepted the proposal as it seeks to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services.

Clause 7(e)

85. Amend as follows: provide timely meteorological information for search and rescue services and accident investigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder.

Justification:

To avoid conflicting provisions in two statutes, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for the provision of meteorological services for air navigation.

Comments from the Ministry

86. The proposed amendment is restrictive as the meteorological information for search and rescue services and accident investigation is not limited to aviation accidents.

87. Pursuant to paragraph 13 of the Second Schedule to the Bill, the Authority is also required to provide maritime weather, sea bulletins, tsunami warnings, alerts and warnings for safety of life at sea and coastal regions.

Committee Observation/ Resolution:

The Committee rejected the proposed amendment as the meteorological information for search and rescue services and accident investigation is not limited to aviation accidents.

Clause 11

88. Amend as follows: No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority, save for air traffic controllers.

Justification:

89. Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather that has not been reported by MET for operational use. Similarly, pilots in flight make aircraft observations.

Comments from the Ministry

90. Regulation 19 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018, with respect to an Agreement between air traffic services provider and meteorological services provider provides that—

91. An agreement between the meteorological services provider and the appropriate traffic ATS provider shall be established to cover, amongst other things—

a) the provision in air traffic services units of displays related to integrated automatic systems;

b) the use to be made of these displays/instruments by air traffic services personnel; and
c) as and where necessary, supplementary visual observations including meteorological phenomena of operational significance in the climb-out and approach areas and when

made by air traffic services personnel to update or supplement the information supplied by the meteorological station;

92. Consequently, there's no contradiction as the provision seeks to ensure that meteorological service providers are licenced by the Authority. Additionally, an agreement between the meteorological services provider and the appropriate traffic ATS provider must include the use of meteorological information by air traffic services personnel to update or supplement the information supplied by the meteorological station

Committee Observation/ Resolution:

The Committee rejected the proposed amendment as there is no contradiction between the provisions of the Bill and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018, as the provision seeks to ensure that meteorological service providers are licensed by the Authority. Additionally, an agreement between the meteorological services provider and the appropriate traffic ATS provider must include the use of meteorological information by air traffic services personnel to update or supplement the information supplied by the meteorological station

Clause 33(1) (g)

93. Delete

Justification:

Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).

Comments from the Ministry

94. Imposition of passenger service charge

(1) Subject to this Act, there shall be paid by every person who purchases a ticket for an external or internal journey an air passenger service charge of—

(a) fifty United States dollars or the equivalent in specified currency or in Kenya shillings for an external journey: and

(b) six hundred shillings for an internal journey.

(2) The Cabinet Secretary may, by notice in the Gazette, from time to time vary the charges specified in this section.

(3) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund in such manner as the Cabinet Secretary may, by notice in the Gazette, specify.

(4) Additionally, the Bill has not proposed any consequential amendments to the Air Passenger Service Charge Act, Cap.475 with respect to the apportionment of money collected under the Act.

Committee Observation/ Resolution:
The proposed amendment was rejected by the Committee as KMD has been designated as the sole Meteorological Service Provider (MSP) and is the only government agency responsible for the provision of meteorological data.

Clause 43(1) (b)

95. Amend as follows: the cost recovery for marine meteorological services.

Justification:
To avoid conflicting provisions in two statutes on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework. Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges;

Comments from the Ministry

96. KMD and KCAA have existing LoA over the provision of the meteorological services for air navigation. The current LoA is for five (5) years, leveraging on the ATS, CNS, AIS and SAR sections of KCAA.

97. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

Committee Observation/ Resolution:
The proposed amendment was rejected by the Committee as Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf. Additionally, KMD and KCAA have existing LoA over the provision of the meteorological services for air navigation. The current LoA is for five (5) years leveraging on ATS, CNS, AIS and SAR sections of KCAA.

4.4 SUBMISSION BY NATIONAL DROUGHT MANAGEMENT AUTHORITY

98. The National Drought Management Authority submitted as follows:

Clause 7

99. "specialized service" means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person. Amend and add *"and organization" at the end of the sentence.*

Justification:
Expands the scope of coverage of requests made to the Authority to include organizations.

Committee Observation/ Resolution:
The Committee rejected the proposed amendment as the term person as used in the Bill refers to either a natural person or a juristic person, which includes an organization.

Clause 7(2) (f) (i)

100. Amend clause 7(2)(f)(i) to read as follows—

(i) weather forecasts, as well as issue advisories, alerts and early warnings of severe weather and extreme climate events for disaster risk reduction and collaborate with NDMA through a multi-hazard approach.

Justification

NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach.

Committee Observation/ Resolution:

The Committee adopted the proposal as follows—

(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems

Clause 7

101. Insert clause 7(2)(f)(iv)—

(iv) weather forecasts using local languages and media easily understood by local communities who are likely to be affected by hazards/disasters

Justification

For the local communities to be able to understand meteorological data.

Committee Observation/ Resolution:

The Committee rejected the proposal as the same has already been provided for in the Bill.

102. Amend 7(f)(l) to read as follows—

(i) collaborate with NDMA and other relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems.

Justification

NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach.

Committee Observation/ Resolution:

The proposal was adopted by the Committee as follows—

(l) collaborate with relevant government agencies, including the National Drought Management Authority in the development, implementation and operation of national multi-hazard early warning systems.

4.5 SUBMISSION BY PASTORALISTS ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)

103. PARAAN made the following submissions during the meeting held on Monday, **17th March 2025**.

Clause 4

104. The Bill should explicitly mandate the creation of county meteorological offices to bring weather forecasting and climate services closer to the people. These offices should also endeavor to provide forecasts in local languages to ensure accessibility and relevance as well as leverage mobile platforms (e.g., SMS, mobile apps, and voice messages) to disseminate information widely, especially in remote and marginalized areas.

Justification:
This approach will enhance the inclusivity, efficiency, and usability of meteorological services, ensuring that all communities, including indigenous peoples and rural populations, can benefit from timely and actionable weather information.

Committee Observation/ Resolution:
The proposal was rejected by the Committee as the functions of the Kenya Meteorology Service Authority under Clause 7(2) (r) of the Bill include conducting public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services. Under clause 7(2) (h), the Authority is required to provide public goods. Additionally, paragraph 14 of the Second Schedule provides those public goods include the provision of weather and climate information through County Weather and Climate Information Centres.

New Clause

105. The Bill should explicitly include a clause mandating the Kenya Meteorological Authority (KMA) to collaborate with the National Drought Management Authority (NDMA).

Justification:
Given the NDMA's critical role in drought mitigation, resilience building, and resource management in arid and semi-arid lands (ASALs), such collaboration would ensure that meteorological data and early warning systems are effectively integrated into drought preparedness and response strategies.

Committee Observation/ Resolution:
The Committee adopted the proposal as follows—

(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems.

Clause 5

106. Amend Clause 2(f) to include specifically pastoralist specific meteorological services, ensuring that early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs). This amendment should mandate the development of accessible early warning systems for droughts, livestock health risks, grazing conditions, and extreme weather events.

Committee Observation/ Resolution:
The proposal was adopted by the Committee as follows—
(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems.

107. The mandate of the Authority under Clause 7(2)(f) on the provision of weather and climatic forecasting and early warning services is intended for the benefit of the public, safety of life and the protection of property and life. This also includes the ASALs.

Clause 12

108. Clause 12 of the Bill should explicitly include Rangeland Management and Pastoralism as a required area of expertise for Board members

Justification:

To ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.

Committee Observation/Recommendation

The Committee accepted the proposal as it would ensure that the Board has expertise in traditional indigenous knowledge on weather forecasting and drought risk management, to enhance the accuracy of meteorological information.

Clause 11(2)

109. The Meteorology Bill should explicitly recognize and incorporate Traditional Indigenous Knowledge (TIK) of pastoralists and other indigenous communities, who have relied on their own weather forecasting and environmental management practices for centuries. The Bill should provide a mechanism for the protection of rights and a place for traditional weather forecasters. Additionally, there is a need for documentation, use, and transmission of the knowledge involved.

Justification:

This knowledge is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of forecasts, particularly in arid and semi-arid lands (ASALs). Furthermore, TIK should be protected under the Intellectual Property Laws to safeguard community rights and ensure that pastoralists and other indigenous groups benefit from the use of their knowledge.

Committee Observation/Recommendation

The Committee accepted the proposed amendment as it would ensure that the Kenya Meteorological Service Authority integrates Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

Clause 38

110. Clause 38, which establishes observation stations, introduces the concept of wayleaves but fails to provide clarity on essential safeguards for landowners. To ensure fairness and compliance with Kenya's Land Laws, such as the Land Act (2012) and the Community Land Act (2016), the clause must include clear guidelines on prior notice of entry, fair compensation, and protective measures for landowners.

Justification:

These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure. Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.

Committee Observation/ Recommendation

The proposal was accepted by the Committee in terms of ensuring that land owners are adequately compensated, if need be when meteorological observation stations are constructed on private land

Clause 42

111. The Bill's penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship.

112. Therefore, we recommend replacing these punitive measures with a more collaborative approach focused on education and capacity building. Additionally, the Bill's penalty clauses are inconsistent and disproportionately harsh, requiring a balanced and fair framework to align with its goals of promoting climate resilience and inclusivity.

Justification:

These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure. Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.

Committee Observation/Recommendation

The Bill provides for maximum penalties and not minimum penalties giving the judicial officer discretion to determine on a case-by-case basis.

PART FIVE

5.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee made the following observations:

1. Kenya Meteorological Authority will ensure the establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks that will enhance the provision of timely, accurate, and effective weather forecasts, advisories and alerts, as well as the provision of user-tailored specific climate and weather products.

2. The legal framework will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather & climate information in the decision-making processes.

3. The nation stands to benefit from compliance with international commitments and requirements if the Bill is enacted into law.

4. Kenya Maritime Authority (KMA) gaining access to real-time and reliable information on atmospheric and oceanic conditions, mariners will effectively anticipate and respond to potential hazards at sea.

5. Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

6. The Kenya Meteorological Service Authority ought to collaborate with relevant government agencies including National Drought Management Authority that operates an early warning system and conducts food security assessments through a multi-hazard approach, so as to leverage on the already existing systems through a collaborative framework.

PART SIX

6.0 COMMITTEE RECOMMENDATION

1. The Committee, having facilitated public participation and considered the *Meteorology Bill, 2023 (Senate Bill No.45 of 2023)* by Hon. Aron Cheruiyot, the stakeholders' comments and from the above observations, recommends that the House **APPROVES the Bill with amendments** as contained in the Schedule.

SIGNED..... **DATE**.....22/07/2025.....

HON. ENG. VINCENT MUSYOKA MUSAU, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING



PART SEVEN

7.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House at the Committee Stage—

CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint'".

Justification- The amendment seeks to ensure that the once the Bill is enacted into law it comes into force fourteen days after its publication in the *Gazette* after assent by the President in line with Article 116 of the Constitution as opposed to the Cabinet Secretary having discretion as regards to when it will come into force after assent by the President.

CLAUSE 7

THAT clause 7 of the Bill be amended in subsection (2) by—

(a) inserting the words "Civil Aviation Act, Cap.394 and the relevant regulations" immediately after of the word "Aviation" appearing in in paragraph (d).

Justification- The amendment seeks to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services.

(b) inserting the following new paragraph immediately after paragraph (l)—

(la) collaborate with the National Drought Management Authority in the development of drought early warning systems.

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority collaborates with the National Drought Management Authority as NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach hence the need for collaboration.

(c) Inserting the following new paragraph immediately after paragraph (w)—

(x) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning,

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority integrates Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

CLAUSE 12

THAT clause 12(1) of the Bill be amended —

(a) by inserting the following new paragraph immediately after paragraph (d)—

(da) the Principal Secretary in the ministry for the time being responsible for agriculture or his or her representative; and

(b) in paragraph (g) by inserting the following new sub-paragraphs immediately after sub-paragraph (v)—

(vi) traditional indigenous knowledge on weather forecasting ; and

(vii) drought risk management.

Justification-The amendment seeks to ensure that the Principal Secretary in the ministry for the time being responsible for agriculture is a member of the Kenya Meteorological Service Authority Board as the agricultural sector is the main consumer of meteorological data. Additionally, the amendment seeks to ensure that the Board has expertise in traditional indigenous knowledge on weather forecasting and drought risk management, so as to enhance the accuracy of meteorological information.

CLAUSE 38

THAT clause 38 of the Bill be amended by inserting the following new sub-sections immediately after sub-section (3)—

(4) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.

(5) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.

Justification-The amendment seeks to ensure that the interests of a private landowner are safeguarded as regards to compensation, if any, for the development of a meteorological observation station by the Authority on their land.

NEW CLAUSE 43A

THAT the Bill be amended by inserting the following new clause immediately after clause 43—

Consequential amendment to Cap.475

43A. Section 3 of the Air Passenger Service Charge Act, Cap.475 is amended in subsection (2) by inserting the words "the Kenya

Meteorological Services Authority" immediately after the words "the Kenya Civil Aviation Authority".

Justification- The amendment seeks to ensure that the Kenya Meteorological Services Authority is also allocated money from the Air Passenger Service Charge under the Air Passenger Service Charge Act, Cap.475 in addition to the Kenya Civil Aviation Authority and the Tourism Promotion Fund.

ANNEXURES

Annexure 1: Adoption Schedule

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

ADOPTION OF THE REPORT ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023) SPONSORED BY SEN. AARON CHERUIYOT, MGH, MP, SENATE LEADER OF MAJORITY PARTY

We, the undersigned Honorable Members of the Departmental Committee on Environment, Forestry and Mining on Tuesday 22nd July 2025 do hereby affix our signatures to the Report on consideration of **the Meteorology Bill (Senate Bill No. 45 of 2023) sponsored by Sen. Aaron Cheruiyot, MGH, MP,** to affirm our approval and confirm its accuracy, validity and authenticity.

NO.	NAME	SIGNATURE
1.	The Hon. Vincent Musyoka Musau, CBS- **Chairperson**	
2.	The Hon. Charles Kamuren, MP - **Vice-Chairperson**	
3.	The Hon. Mohamed Ali Mohamed, CBS, MP	
4.	The Hon. Mbalu Jessica Nduku Kiko, CBS, MP.	
5.	The Hon. Mwanyanje Gertrude Mbeyu, MP.	
6.	The Hon. Hiribae Said Buya, MP.	
7.	The Hon. Charity Kathambi Chepkwony, MP	
8.	The Hon. Salim Feisal Bader, MP.	
9.	The Hon. Emathe Joseph Namuer, MP.	
10.	The Hon. Joseph Wainaina Iraya, OGW, MP.	
11.	The Hon. Kemei Beatrice Chepngeno, MP.	
12.	The Hon. Masito Fatuma Hamisi, MP.	
13.	The Hon. Mohamed Tubi Bidu, MP.	
14.	The Hon. Yakub Adow Kuno, MP.	
15.	The Hon. Titus Lotee, MP.	

Annexure 2: Minutes

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 33rd SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD IN COMMITTEE ROOM 14, SECOND FLOOR, BUNGE TOWER ON TUESDAY, 22ND JULY 2025 AT 10.00 PM.

PRESENT

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP. - Chairperson**
2. The Hon. Hiribae Said Buya, MP
3. The Hon. Emathe Joseph Namuar, MP
4. The Hon. Titus Lotee, MP
5. The Hon. Kemei, Beatrice Chepngeno, MP
6. The Hon. Yakub Adow Kuno, MP
7. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
8. The Hon. Masito Fatuma Hamisi, MP

APOLOGY

1. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Salim Feisal Bader, MP
5. The Hon. Mohamed Ali Mohamed, CBS, MP
6. The Hon. Mohamed Tubi Bidu, MP

IN-ATTENDANCE: NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Hamdi Mohamed	-	Clerk Assistant III
2. Ms. Mercy Wanyonyi	-	Senior Legal Counsel
3. Ms. Nancy Chamunga	-	Fiscal analyst III
4. Dr. Joseph Kuria	-	Research Officer III
5. Mr. Kevin Ojimabo Obilo	-	Asst MRO

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Consideration and Adoption of the Following Reports;**
   i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   ii. **The Environmental Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**
   iii. **The Committee Work Plan for the 1st Quarter (July-September 2025)**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/138/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at ten minutes past ten o'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and

seconded by the Hon. Kemei Beatrice, MP and the Hon. Hon. Hiribae Said Buya, MP respectively

MIN/NO.NA/DC/EF&M/139/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/140/2025: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023)

The Committee considered and unanimously adopted the Report on the Meteorology Bill (Senate Bill No. 45 of 2023) as proposed and seconded by the Hon. Kemei Beatrice Chepngeno, MP and the Hon. Joseph Wainaina Iraya, OGW, MP with the following amendments to be considered by the House at the Committee Stage—

On CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint'".

Justification- The amendment seeks to ensure that the once the Bill is enacted into law it comes into force fourteen days after its publication in the Gazette after assent by the President in line with Article 116 of the Constitution as opposed to the Cabinet Secretary having discretion as regards to when it will come into force after assent by the President.

On CLAUSE 7

THAT clause 7 of the Bill be amended in subsection (2) by—

(a) inserting the words "Civil Aviation Act, Cap.394 and the relevant regulations" immediately after of the word "Aviation" appearing in in paragraph (d).

Justification- The amendment seeks to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services.

(b) inserting the following new paragraph immediately after paragraph (l)—

(la) collaborate with the National Drought Management Authority in the development of drought early warning systems.

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority collaborates with the National Drought Management Authority as NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach hence the need for collaboration.

(c)Inserting the following new paragraph immediately after paragraph (w)—

(x) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning,

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority integrates Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

On CLAUSE 12

THAT clause 12(1) of the Bill be amended —

(a)by inserting the following new paragraph immediately after paragraph (d)—

(da) the Principal Secretary in the ministry for the time being responsible for agriculture or his or her representative; and

(b)in paragraph (g) by inserting the following new sub-paragraphs immediately after sub-paragraph (v)—
(vi) traditional indigenous knowledge on weather forecasting ; and
(vii) drought risk management.
Justification-The amendment seeks to ensure that the Principal Secretary in the ministry for the time being responsible for agriculture is a member of the Kenya Meteorological Service Authority Board as the agricultural sector is the main consumer of meteorological data. Additionally, the amendment seeks to ensure that the Board has expertise in traditional indigenous knowledge on weather forecasting and drought risk management, so as to enhance the accuracy of meteorological information.

On CLAUSE 38
THAT clause 38 of the Bill be amended by inserting the following new sub-sections immediately after sub-section (3)—
(4) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.
(5) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.
Justification-The amendment seeks to ensure that the interests of a private landowner are safeguarded as regards to compensation, if any, for the development of a meteorological observation station by the Authority on their land.

NEW CLAUSE 43A
THAT the Bill be amended by inserting the following new clause immediately after clause 43—43A. Section 3 of the Air Passenger Service Charge Act, Cap.475 is amended in subsection (2) by inserting the words "the Kenya Meteorological Services Authority" immediately after the words "the Kenya Civil Aviation Authority".

Justification- The amendment seeks to ensure that the Kenya Meteorological Services Authority is also allocated money from the Air Passenger Service Charge under the Air Passenger Service Charge Act, Cap.475 in addition

MIN/NO.NA/DC/EF&M/141/2025: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE ENVIRONMENTAL INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

The Committee considered and unanimously adopted the Report on the Environmental Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) as proposed and seconded by the Hon. Titus Lotee, MP and the Hon. Hiribae Said Buya, MP with the following amendments to be considered by the House at the Committee Stage—

On CLAUSE 2
THAT clause 2 of the Bill be amended in the definition of "environmental professional" by deleting the words "or research" appearing immediately after the word "sciences".

Justification- The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

On CLAUSE 4
THAT clause 4 of the Bill be amended in sub-clause (2) by—

(a) deleting the words 'people engaged in the field of environment" and substituting therefor the words "environmental professions" appearing in paragraph (e);
(b) deleting the word 'network" and substituting therefor the words "collaborate" appearing in paragraph (f); and
(c) inserting the words "in consultation with the members of the Institute" immediately before the word "determine" appearing in paragraph (n).

Justification- The amendment seeks to ensure that there is consistency in the use of terminology in the Bill since the term "environmental professionals" has been defined; the appropriate word i.e. "collaboration" which is more intentional as regards the achievement of a particular goal is used as opposed to the word "networking" and to ensure that the Council can determine and revise categories under which environmental professionals may be registered, only in consultation with the Members of the Institute.

On CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (1) by—
(a) deleting the word "seven" appearing in paragraph (c) and substituting therefor the word "three";
(b) inserting the following new paragraphs immediately after paragraph (c)—
(ca) four representatives of other regions, who shall be persons who do not ordinarily practice in Nairobi; and
(cb) two Nairobi representatives who shall be persons who ordinarily practice in Nairobi.

Justification-The amendment seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9—

9A. (1) The Institute shall consist of the following eight branches—
(a) Coast;
(b) Rift Valley;
(c) North Rift;
(d) West Kenya;
(e) South West Kenya;
(f) Mount Kenya;
(g) South Eastern; and
(h) Nairobi.
(2) The branches shall—
(a) deal with issues that regarding practice within their centres;
(b) address issues relating to the welfare of the members practicing in their centre and
(c) inform the Council of any matters that affect members within the branches tha require the Council's engagement with other stakeholders on behalf of the branch

Justification-The amendment seeks to provide for the branches of the Institute across the Country that shall be responsible for practice issues within their respective regions.

On CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—
(ca) has at least five years' experience in a position of senior management

Justification- The amendment seeks to ensure that the qualifications of the Registrar are in line with The *Mwongozo* Code of Governance for Government Owned Entities which

recommends that the Chief Executive Officer should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

On CLAUSE 19

THAT clause 19 of the Bill be amended—

(a) in subsection (2) by—

(i) deleting the word "lead" appearing in paragraph (a) and substituting therefor the word "graduate";

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) Honorary members comprising of persons who become honorary members pursuant to subsection (4);

(iii) inserting the following new paragraph immediately after paragraph (d)—

(da) Environmental Consultant comprising of members of the Institute who are registered under section 21 and who become environmental consultants pursuant to subsection 6.

(iv) deleting the words "corporate members" appearing in paragraph (f) and substituting therefor the words "environmental firms";

(b) by deleting the word "fellow" appearing in in sub-section (4) and substituting therefor the word "member";

(c) by deleting the word "fellow" appearing in in sub-section (5) and substituting therefor the word "member";

(d) inserting the following new subsection immediately after sub-section (5)—

(6) A member of the Institute may be registered as an Environmental Consultant if the person—

(a) has practiced in a specialized environmental field as an environmental professional for a period determined by the Council; and;

(b) has achieved a standard of competence to enable him or her to practice as an Environmental Consultant in that particular specialization.

Justification-The amendments seek to provide clarity on the qualifications for registration as a graduate member (basic qualifications) as opposed to a lead member; use of the term "honorary members" and not "honorary fellow members" as fellow members is a different category provided for in the Bill and to recognize a new category of environmental consultants and provide for their qualifications.

On CLAUSE 21

THAT clause 21 of the Bill is amended in paragraph (c) by by deleting the words "or research" appearing immediately after the word "sciences".

Justification-The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

On CLAUSE 51

THAT clause 51 of the Bill is amended in sub-section (2) by inserting the following new paragraphs immediately after paragraph (h)—

(i) prescribe the grounds for, and procedure relating to, suspension or expulsion of members of the Institute;

(j) provide for the resignation of members from the Institute;

(k) prescribe the functions and powers of the branches and sources of funding of the activities of the branches;

(l) provide for the membership, governance of the branches and the regulation of the conduct of business by branches;

(m) provide for the recognition and competencies of chapters of the members of the Institute or other local formations within branches;

(n) prescribe the manner of election of the branch representatives in the Council;

Justification-The amendment seeks to ensure that the Council makes regulations for among other things the branches of the Institute.

FIRST SCHEDULE

THAT the Bill be amended in the First Schedule by inserting the following new paragraph immediately after paragraph 2—

3. (1) The president, the vice-president and the members of the Council shall assume office immediately after the ordinary general meeting of the Institute next following an election of the members of the Council, and shall hold office for a period of three years, ending at the conclusion of the annual general meeting held in the third year, after their election.

(2) Where the president, the vice-president or member of the Council dies, resigns or is removed from office before the expiry of the term of office, the vacancy created shall be filled in such manner as provided in the regulations.

Justification- The amendment seeks to provide clarity for assumption of office by the members of the Council after an election or in case a vacancy arises, which had not been provided for in the Bill.

MIN/NO.NA/DC/EF&M/142/2025: **CONSIDERATION OF THE COMMITTEE WORKPLAN FOR THE MONTHS JULY, AUGUST AND SEPTEMBER, 2025**

Consideration of the Committee Workplan was deferred to the next sitting. However, the Chairperson emphasized that the Committee should complete all pending businesses before the beginning of the long recess mid-August 2025.

Further, the Chairperson directed the secretariat to prepare a comprehensive inventory of all unfinished business before the Committee, along with a corresponding action plan outlining the necessary steps for their completion.

MIN/NO.NA/DC/EF&M/143/2025: **ADJOURNMENT AND DATE OF THE NEXT SITTING**

There being no other business, the meeting was adjourned at noon. The next meeting will be held on notice.

Signed.....**Date**.....22/07/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 26th SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT PRIDEINN PARADISE BEACH RESORT, MOMBASA COUNTY ON MONDAY, 19TH MAY 2025 AT 10.00 AM.

PRESENT

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP.** - **Chairperson**
2. **The Hon. Charles Kamuren, MP.** **-Vice-Chairperson**
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Mwanyanje Gertrude Mbeyu, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Salim Feisal Bader, MP
7. The Hon. Hiribae Said Buya, MP
8. The Hon. Yakub Adow Kuno, MP
9. The Hon. Emathe Joseph Namuar, MP
10. The Hon. Kemei, Beatrice Chepngeno, MP
11. The Hon. Titus Lotee, MP
12. The Hon. Mohamed Tubi Bidu, MP
13. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Masito Fatuma Hamisi, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Deputy Director, Directorate of Departmental Committees
2. Ms. Hellen Ekadeli - Senior Clerk Assistant
3. Mr. Hamdi Mohamed - Clerk Assistant III
4. Ms. Mercy Wanyonyi - Senior Legal Counsel
5. Dr. Joseph Kuria - Research Officer III
6. Ms. Nancy Chamunga - Fiscal analyst III
7. Mr. Kevin Ojiambo - Media Relations Officer
8. Mr. Stephen Otieno - Serjeant-At-Arms

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. **Clause by Clause consideration of the Meteorology Bill (Senate Bill No.45 of 2023)**
3. Any other Business
4. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/113/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Titus Lotee, MP and the Hon. Charles Kamuren, MP respectively

MIN/NO.NA/DC/EF&M/114/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN/NO.NA/DC/EF&M/115/2025: CONSIDERATION OF THE METEOROLOGY BILL (SENATE BILL

STATE DEPARTMENT FOR SHIPPING & MARITIME AFFAIRS

Include: The Principal Secretary in the ministry responsible for matters relating to maritime or his representative.

Justification:

The Board as currently constituted comprises of 8 members. The *Mwongozo* Code of Governance for Government-Owned Entities recommends a minimum of 7 and a maximum of 9 members.

Committee Observation/Recommendation:

The Committee rejected the proposed amendment as the Principal Secretary for the State Department of transport is already included in the Board. Additionally, the Committee was of the view that the Principal Secretary responsible for agriculture should be in the Board as the consumers of meteorological data are largely from the agricultural sector.

SUBMISSION BY KENYA CIVIL AVIATION AUTHORITY

The following submissions were made during the meetings:

Clause 2

Delete: "aeronautical meteorological services" means services provided to air navigation for safety and security reasons and comprise the following;

(a) en route meteorological forecast and warning services for both international and national flights;
(b) low-level significant weather charts for general aviation;
(c) aerodrome meteorological information;
(d) provision of aviation specific research and development; and
(e) provision of significant meteorological information;

Justification:

This is already provided for in the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

Comments by the Ministry

Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3

ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and several subsequent CAA Regulations for different service providers.

Since the establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil

Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

The function of the Authority under clause 7(2)(d) is to provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation; Proposes that years of experience be amended to 2 or 3 years. Further, the provision to include 2/3 gender rule and representation by youth on the Board.

Committee Observation/ Resolution:

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the proposed amendment was rejected by the Committee.

Clause 2

Delete: "**flight information region**" means an air space of defined dimensions within which flight information and alerting services are provided.

Justification:

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166

"**flight information region**" means an airspace of defined dimensions within which flight information and alerting services are provided;

"**meteorological watch office**" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within the Kenyan flight information region.

Comments from the Ministry

Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3

ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers.

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

Since establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

Committee Observation/ Resolution:

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the proposed amendment was rejected by the Committee.

Clause 2

Delete: "meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region.

Justification:

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

Comments from the Ministry

Kenya Meteorological *Department* is providing Aviation MET (*Meteorological Service for Air Navigation*) in accordance to the ICAO Annex 3

ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and several subsequent CAA Regulations for different service providers.

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

Since the establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.

Committee Observation/ Resolution:

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the proposed amendment was rejected by the Committee.

Amends: The object of this Act shall be to-

a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and
b) give effect to and ensure fulfilment of the obligations of the Government under treaties and conventions on meteorology, save for meteorological services for air

navigation, and in particular the Convention of the World Meteorological Organization, to which Kenya is a party

Justification:

The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the Convention on International Civil Aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for the provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations, is the Kenya Civil Aviation Authority.

Committee Observation/ Resolution:

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological services for air navigation on its behalf. Additionally, there is no contradiction or conflict between the provisions of the Bill, the Civil Aviation Act, CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. Since the enactment of the Civil Aviation Act, CAP 394 into law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP).Consequently, the proposed amendment was rejected by the Committee.

Clause 7(d)

Amend as follows: provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder.

Justification:

To avoid conflicting provisions in two statutes, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for the provision of meteorological services for air navigation.

Comments from the Ministry

Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3

ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers.

The amendments seek to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services

Clause 11(1).

Observation/ Resolution:

The committee accepted the proposal as it seeks to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services.

Clause 7(e)

Amend as follows: provide timely meteorological information for search and rescue services and accident investigation **in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder**.

Justification:

To avoid conflicting provisions in two statutes, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for the provision of meteorological services for air navigation.

Comments from the Ministry

The proposed amendment is restrictive as the meteorological information for search and rescue services and accident investigation is not limited to aviation accidents.

Pursuant to paragraph 13 of the Second Schedule to the Bill, the Authority is also required to provide maritime weather, sea bulletins, tsunami warnings, alerts and warnings for safety of life at sea and coastal regions.

Observation/ Resolution:

The Committee rejected the proposed amendment proposed amendment as the meteorological information for search and rescue services and accident investigation is not limited to aviation accidents.

Clause 11

Amend as follows: No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority, **save for air traffic controllers.**

Justification:

Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather that has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.

Comments from the Ministry

Regulation 19 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018, with respect to an Agreement between air traffic services provider and meteorological services provider provides that—

An agreement between the meteorological services provider and the appropriate traffic ATS provider shall be established to cover, amongst other things—

(a) the provision in air traffic services units of displays related to integrated automatic systems;

(c) **the use to be made of these displays/instruments by air traffic services personnel;**

(d) as and where necessary, supplementary visual observations including meteorological phenomena of operational significance in the climb-out and approach areas and when made by air traffic services personnel to update or supplement the information supplied by the meteorological station;

Consequently, there's no contradiction as the provision seeks to ensure that meteorological service providers are licenced by the Authority. Additionally, an agreement between the meteorological services provider and the appropriate traffic ATS provider must include the use of meteorological information by air traffic services personnel to update or supplement the information supplied by the meteorological station

Observation/ Resolution:

The proposed amendment was rejected by the Committee as there's no contradiction between the provisions of the Bill and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 as the provision seeks to ensure that meteorological service providers are licenced by the Authority. Additionally, an agreement between the meteorological services provider and the appropriate traffic ATS provider must include the use of meteorological information by air traffic services personnel to update or supplement the information supplied by the meteorological station

Clause 33(1)(g)

Delete

Justification:

Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).

Comments from the Ministry

Imposition of passenger service charge

(1) Subject to this Act, there shall be paid by every person who purchases a ticket for an external or internal journey an air passenger service charge of—

(a) fifty United States dollars or the equivalent in specified currency or in Kenya shillings for an external journey: and

(b) six hundred shillings for an internal journey.

(2) The Cabinet Secretary may, by notice in the Gazette, from time to time vary the charges specified in this section.

(3) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund in such manner as the Cabinet Secretary may, by notice in the Gazette, specify.

(4) Additionally, the Bill has not proposed any consequential amendments to the Air Passenger Service Charge Act, Cap.475 with respect to the apportionment of money collected under the Act.

Observation/ Resolution:

The proposed amendment was rejected by the Committee as KMD has been designated as the sole Meteorological Service Provider (MSP) and is the only government agency responsible for the provision of meteorological data.

Clause 43(1)(b)

Amend as follows: the cost recovery for marine meteorological services.

Justification:

To avoid conflicting provisions in two statutes on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework. Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges;

Comments from the Ministry

KMD and KCAA have existing LoA over the provision of the meteorological services for air navigation. The current LoA is for five (5) years, leveraging on the ATS, CNS, AIS and SAR sections of KCAA.

Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

Observation/ Resolution:

The proposed amendment was rejected by the Committee as Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf. Additionally, KMD and KCAA have existing LoA over the provision of the meteorological services for air navigation. The current LoA is for five (5) years leveraging on ATS, CNS, AIS and SAR sections of KCAA.

SUBMISSION BY NATIONAL DROUGHT MANAGEMENT AUTHORITY

The following submissions were made during the meetings:

Clause 7

"specialized service" means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person. Amend and add: *Add "and organization" at the end of the sentence.*

Justification:

Expands the scope of coverage of requests made to the Authority to include organizations.

Observation/ Resolution:

The proposed amendment was rejected by the Committee as the term **person** as used in the Bill refers to either a natural person or a juristic person, which includes an organization.

Clause 7(2)(f)(i)

Amend clause 7(2)(f)(i) to read as follows—

(i) weather forecasts, as well as issue advisories, alerts and early warnings of severe weather and extreme climate events for disaster risk reduction and collaborate with NDMA through a multi-hazard approach.

Justification

NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach.

Observation/ Resolution:

Proposal was adopted by the Committee as follows—

(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems

Clause 7

Insert clause 7(2)(f)(iv)—

(iv) weather forecasts using local languages and media easily understood by local communities who are likely to be affected by hazards/disasters

Justification

Amend 7(f)(l) to read as follows—

(i) collaborate with NDMA and other relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems.

Justification

NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach.

Observation/ Resolution:

Proposal was adopted by the Committee as follows—

(l) collaborate with relevant government agencies, including the National Drought Management Authority in the development, implementation and operation of national multi-hazard early warning systems.

SUBMISSION BY PASTORALISTS ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)

The following submissions were made during the meeting held on Monday, **17th March 2025**:

Clause 4

The Bill should explicitly mandate the creation of county meteorological offices to bring weather forecasting and climate services closer to the people. These offices should also endeavor to provide forecasts in local languages to ensure accessibility and relevance as well as leverage mobile platforms (e.g., SMS, mobile apps, and voice messages) to disseminate information widely, especially in remote and marginalized areas.

Justification:

This approach will enhance the inclusivity, efficiency, and usability of meteorological services, ensuring that all communities, including indigenous peoples and rural populations, can benefit from timely and actionable weather information.

Observation/ Resolution:

The proposal was rejected by the Committee as the functions of the Kenya Meteorology Service Authority under Clause 7(2)(r) of the Bill include to conduct public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services. Under clause 7(2)(h), the Authority is required to provide public goods.Additionally, paragraph 14 of the Second Schedule provides those public goods include the provision of weather and climate information through County Weather and Climate Information Centres.

New Clause

The Bill should explicitly include a clause mandating the Kenya Meteorological Authority (KMA) to collaborate with the National Drought Management Authority (NDMA).

Justification:

Given the NDMA's critical role in drought mitigation, resilience-building, and resource management in arid and semi-arid lands (ASALs), such collaboration would ensure that meteorological data and early warning systems are effectively integrated into drought preparedness and response strategies.

Observation/ Resolution:

The proposal was adopted by the Committee as follows—

(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems;

Clause 5

Amend Clause 2(f) to explicitly include pastoralist specific meteorological services, ensuring that early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs). This amendment should mandate the development of accessible early warning systems for droughts, livestock health risks, grazing conditions, and extreme weather events.

Comments from the Ministry:

The proposal was adopted by the Committee as follows—

(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems;

The mandate of the Authority under Clause 7(2)(f) on the provision of weather and climatic forecasting and early warning services is intended for the benefit of the public, safety of life and the protection of property and life. This also includes the ASALs.

Clause 12

Clause 12 of the Bill should explicitly include Rangeland Management and Pastoralism as a required area of expertise for Board members

Justification:

To ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.

Committee Observation/Recommendation

The proposal was accepted by the Committee as it would ensure that the Board has expertise in traditional indigenous knowledge on weather forecasting and drought risk management, so as to enhance the accuracy of meteorological information.

Clause 11(2)

The Meteorology Bill should explicitly recognize and incorporate Traditional Indigenous Knowledge (TIK) of pastoralists and other indigenous communities, who have relied on their own weather forecasting and environmental management practices for centuries. The bill should provide a mechanism for the protection of rights and a place for traditional weather forecasters. Additionally, there is a need for documentation, use, and transmission of the knowledge involved.

Justification:

This knowledge is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of forecasts, particularly in arid and semi-arid lands (ASALs). Furthermore, TIK should be protected under the Intellectual Property Laws to safeguard community rights and ensure that pastoralists and other indigenous groups benefit from the use of their knowledge.

Committee Observation/Recommendation

The proposed amendment was accepted by the Committee as it would ensure that the Kenya Meteorological Service Authority integrates Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

Clause 38

Clause 38, which establishes observation stations, introduces the concept of wayleaves but fails to provide clarity on essential safeguards for landowners. To ensure fairness and compliance with Kenya's Land Laws, such as the Land Act (2012) and the Community Land Act (2016), the clause must include clear guidelines on prior notice of entry, fair compensation, and protective measures for landowners.

Justification:

These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure. Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.

Committee Observation/ Recommendation

The proposal was accepted by the Committee in terms of ensuring that land owners are adequately compensated, if need be when meteorological observation stations are constructed on private land

Clause 42

The Bill's unreasonable penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship.

Therefore, we recommend replacing these punitive measures with a more collaborative approach focused on education and capacity-building. Additionally, the bill's penalty clauses are inconsistent and disproportionately harsh, requiring a balanced and fair framework to align with its goals of promoting climate resilience and inclusivity.

Justification:

These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure. Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.

Committee Observation/Recommendation

The Bill provides for maximum penalties and not minimum penalties giving the judicial officer discretion to determine on a case-by-case basis.

MIN/NO.NA/DC/EF&M/116/2025: COMMITTEE OBSERVATIONS.

Having considered the Bill, the Committee made the following observations:

1. Kenya Meteorological Authority will ensure the establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks that will enhance the provision of timely, accurate, and effective weather forecasts, advisories and alerts, as well as the provision of user-tailored specific climate and weather products.
2. The legal framework will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather & climate information in the decision-making processes.

3. The nation stands to benefit from compliance with international commitments and requirements if the Bill is enacted into law.

4. Kenya Maritime Authority (KMA) gaining access to real-time and reliable information on atmospheric and oceanic conditions, mariners will effectively anticipate and respond to potential hazards at sea.

5. Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

6. The Kenya Meteorological Service Authority ought to collaborate with relevant government agencies including National Drought Management Authority which operates an early warning system and conducts food security assessments through a multi-hazard approach, so as to leverage on the already existing systems through a collaborative framework.

MIN/NO.NA/DC/EF&M/117/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 2.00pm. The next meeting will be held at 3.00pm at the same venue.

Signed.....**Date**.....

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 13TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 18TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP -Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Christine Sabdio	-	Office Assistant, Director's Office

B. STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE

1)	Dr. Eng. Festus Ng'eno, MIEK, CB	-	Principal Secretary, State Department for Environment and Climate Change
2)	Mr. Mamo B. Mamo, EBS	-	Director-General, NEMA
3)	Ms. Mary Njoku	-	CEO, NECC

4)	Dr. David Gikungu	-	Director, KMD
5)	MR. John Elungata	-	SA, SDE
6)	Ms. Linah Meeme	-	PSC
7)	Dr. Sally Kimosop	-	Environment Secretary
8)	Mr. Peter Masiqa	-	AD, KMD
9)	Mr. Fredrick Etemesi	-	AD, JKIA, KMD
10)	Ms. Magaret Maina	-	Communication
11)	Mr. Rodney Omari	-	PLO, MEC
12)	Ms. Fatma Ali	-	State Council

C. STATE DEPARTMENT FOR SHIPPING AND MARITIME AFFAIRS

1)	Mr. Geoffrey Kaituko, CBS Secretary, State Department for Shipping and Maritime Affairs	-	Principal
2)	Mr. Mustafa Yasin	-	SSMO
3)	Ms. Grace Muki	-	SSMO

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
   i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/057/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at quarter past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/058/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/059/2025: SUBMISSION BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR SHIPPING AND MARITIME AFFAIRS ON THE METEOROLOGY BILL, 2023

Mr. Geoffrey Kaituko, CBS, the Principal Secretary, State Department for Shipping and Maritime Affairs accompanied by technical Officer from the State Department appeared before the Committee on Tuesday, 18th March 2025 and submitted on the Meteorology Bill, 2023 as follows;

On the onset, the Principal Secretary informed the Committee that the State Department is supporting the Bill because the State Department for Shipping & Maritime Affairs is responsible for providing timely and accurate information on the state of the sector.

In the Fourth Medium Term Plan of Vision 2030, the government aims to ensure sustainable use of ocean and blue economy resources for socioeconomic development priority for the Government to reduce poverty, end hunger, create jobs and spur economic growth.

Further, the Principal Secretary informed the Committee that the State Department for Shipping & Maritime Affairs appreciates the timeliness of this Bill, and the significant benefits that it brings on board such as;

1. By gaining access to real-time and reliable information on atmospheric and oceanic conditions, mariners can effectively anticipate and respond to potential hazards at sea;

2. Reducing fuel consumption: Fuel is typically the top cost for maritime transport/ shipping companies, generally accounting for 50-60% of operation costs. For maritime shipping operators, there is constant pressure to optimize routes and minimize delays caused by bad weather. Reducing fuel usage is also paramount to meeting emission standards- translating to a positive impact on the carbon footprint.

   Besides avoiding extreme weather, there are many opportunities to adjust routes based on up-to-date data on currents, winds, and waves. These add resistance to ships traveling through the water and significantly contribute to extra fuel costs. However, real-time route optimization taking these into account can lead to significant fuel savings; and

3. Reducing downtime: Shipping and transport companies use maritime weather forecasts to plan for weather patterns and allow for adjustments to speed and route several days out (route planning).

   A ship that spends an extra day at sea as a result of having to avoid a storm and bad planning incurs higher cost from extra day of fuel cost and extra day of crew pay as well as higher fees from ports and operators, missed schedules, which may lead to additional lost time and money. Saving as little as 2-3 days per year thanks to maritime weather forecasts is definitely a worthy investment. Among others.

Finally, he proposed the following amendments to the Bill;

PART II- THE KENYA METEOROLOGICAL SERVICE AUTHORITY

Current provision as per the Bill: PART II. 7(d) Provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation.

PART II.7 (e) *to include the below input from SDSMA in relation to maritime*

Justification

Kenya Meteorological Services Authority in collaboration with Kenya Maritime Authority should provide and transmit meteorological data, information for the safety of navigation, protection of life and property at sea, search, and rescue and early warning systems as outlined in the **SOLAS Convention Chapter IV & V** to the relevant shipping stakeholders.

PART III- MANAGEMENT OF THE AUTHORITY

12(2d): Include: *The Principal Secretary in the ministry responsible for matters relating to maritime or his/her representative*

MIN/NO.NA/DC/EF&M/060/2025: SUBMISSIONS BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE ON THE METEOROLOGY BILL, 2023 AND ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

a) **Submissions on the Meteorology Bill (Senate Bill No. 45 of 2023)**

Dr, Eng. Festus Ng'eno, CBS, MIEK, the Principal Secretary, State Department for Environment and Climate Change accompanied by the Director-General, Kenya Meteorology Department and the Director-General, NEMA among others appeared before the Committee Tuesday, 18th March 2025 and submitted as follows;

That, the Meteorology Policy was approved by Cabinet in 2023 with an objective of strengthening the legal and institutional framework that enables and enforces management, understanding, exploitation and regulation of meteorological services at national and county levels.

That, the proposed Bill seeks to put in place a legislative framework for regulation, co-ordination, monitoring, management and provision of meteorological services in Kenya and to co-ordinate and monitor
meteorological services.

The Principal Secretary submitted that the Ministry of Environment, Climate and Forestry supports the Bill without amendments and requested the Support of the Committee in passing the Bill as its.

b) **Submissions on the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**

Dr. Eng. Festus Ng'eno, the Principal Secretary, State Department for Environment and Climate Change made both general specific comments on the Bills as follows;

General Comments;

That, the Bill fails to clearly define its scope or the specific needs it seeks to address, in alignment with the established frameworks and structures applicable to other professional bodies such as those for lawyers, engineers, and teachers and that, the Bill further contravenes the spirit of the Environmental Management and Coordination Act CAP 387 (EMCA), which serves as the overarching legislative framework for environmental management in Kenya.

EMCA was enacted in response to the existence of 78 sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability among other comments.

Specific Comments

The Principal Secretary further made the following specific submissions on the Bill:-

On Section 2 - Definitions- The Definition of 'environmental professional' is not clear. The definition lacks clarity and the scope and functions of environmental professionals is ambiguous. Further, it is not clear whether there is a connection between an environmental professional under the Bill and an Environmental Assessment Expert and Environmental Inspector under EMCA. Lastly, Environmental practice has not been defined.

On Section 4 - Functions of the Institute- The proposed functions are currently being undertaken by NEMA under EMCA. Specific comments on this Section are as follows:-

On Section 4 (1) which provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals. NEMA is mandated by EMCA to exercise general supervision and coordination of all matters of environment including environmental practice.

On Section 4 (2) (o) which provides that the institute shall advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya. The mandate of NEMA to exercise general supervision and co-ordination over all matters relating to the environment and NEMA is the principal instrument of Government in the implementation of all policies relating to the environment as per Section 9 (1) of EMCA.

On Section 19: (membership of the institute) these are roles are currently undertaken by NEMA as per sections 58(5) and 58(6) of EMCA and Regulations 13 – 15 of the Environmental (Impact Assessment and Audit) Regulations, 2003.

Section 28: provides the qualifications under which a person may practice as an environmental professional. It is noted that there is no definition of what practicing as an environmental professional means and the extent and scope of this practice.

Section 35 provides for offences by unregistered or unlicensed persons, this section has an inference on patenting of the term environmental profession for very competent personnel who are not members of the institute. The term is not an innovation of the institute for the institute to have patent rights.

Section 36 provides for obstruction of the officers of the Council which are powers accorded to Environmental Inspectors according to section 117 of EMCA which provides for offences related to environmental inspection by a gazetted Environmental inspector. What are the powers of the agents of the Council (EIK) to warrant the right to enter and to information? This presents a great risk to the public who are already being swindled by imposters who pose as NEMA officers and inspectors. There should be no duplication in law neither should there be overlap nor contradiction as is being caused by this Section.

In conclusion, the Principal Secretary stated the following:-

1. The Ministry recommends that the Environment Institute of Kenya (EIK) as currently constituted continues to operate under the Society's Act in a manner similar to the Engineers Institute of Kenya.
2. This approach will allow EIK to further advance the professional development and interests of its members while maintaining alignment with established legal frameworks, while avoiding duplication, overlaps, and conflicts of legislations.
3. The environmental professionals 'Environmental Assessment Experts' as regulated by NEMA under EMCA, and its subsidiary legislation is sufficient, and NEMA has made strides towards improving the profession

MIN/NO.NA/DC/EF&M/061/2025: <u>ADJOURNMENT AND DATE OF THE NEXT SITTING</u>

There being no other business, the meeting was adjourned at 5.00 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/12/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 14TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 19TH MARCH, 2025 AT 10.00 AM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP -Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

B. KENYA CIVIL AVIATION AUTHORITY (KCAA)

1)	Mr. Emile Arao	-	Director-General, KCAA
2)	Mr. George O. Mugaka	-	CS, KCAA
3)	Mr. Alfred G. Wagura	-	CATCO- KCAA

C. PASTOROLIST ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)

1. Mr. Mohamed Yussuf - Garissa
2. Mr. James Orre - Laisamis

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
   i. The Meteorology Bill (Senate Bill No. 45 of 2023)
   ii. The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/062/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty-five minutes past ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/063/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/064/2025: **SUBMISSIONS BY THE DIRECTOR-GENERAL, KENYA CIVIL AVIATION AUTHORITY ON THE METEOROLOGY BILL, 2023**

Mr. Emile Arao, the Director-General, Kenya Civil Aviation Authority accompanied by other technical Officers appeared before the Committee and submitted as follows;

Under Clause 2

Its proposed to be deleted

Justifications;

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166

"flight information region" means an air space of defined dimensions within which flight information and alerting services are provided to **deleted**

Justifications;

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166

"meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other

phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region to be **deleted**

Justification
This is already provided for in the Civil Aviation Act

Clause 4 – Objects of the Act to be amended as follows;
Proposed to be amendment;
The object of this Act shall be to-

(c) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and

(d) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, save for meteorological services for air navigation, and in particular the Convention of World Meteorological Organization, to which Kenya is a party.

Justification
The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.

Clause 6 – Objects of the Act to be amended as follows:-

The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services, save for meteorological services for air navigation.

Justifications
The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.

Clause 7(d) to be amended as follows;
provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 7(e) to be amended
provide timely meteorological information for search and rescue services and accident investigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 7(m) to be amended as follows;
In collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers in accordance with the requirements of Civil Aviation Act, CAP 394, and relevant Regulations thereunder on training of aviation personnel;

Justifications
Training and rating of personnel in the aviation industry is regulated. For Kenya Meteorological Service Authority to train air traffic controllers, it will need to go through a process for certification as an approved training organization as provided for under the Civil Aviation (Approved Training Organization) Regulations – Legal Notice No. 93

Clause 8(b) to be amended
Regulate and set standards for the provision of meteorological services ***save for meteorological services for air navigation;***

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation

Clause 9(1) to be amended as follows
The Authority shall regulate the meteorological services in Kenya save for **meteorological services for air navigation.**

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 33(1)(g) to be deleted

Justifications
Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).

Clause 43(1)(b) to be amended as follows
'The cost recovery for marine meteorological services;

Justifications
To avoid conflicting provisions in two statues on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework.

Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges.

Clause 11 to be amended as follows;
No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority save for air traffic controllers.

Justifications
Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather which has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.

MIN/NO.NA/DC/EF&M/065/2025: SUBMISSIONS BY REPRESENTATIVES OF PARAAN ON THE METEOROLOGY BILL, 2023 AND ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

a) Submissions on the Meteorology Bill (Senate Bill No. 45 of 2023)
Pastoralist Alliance for resilience and Adaptation across nation nations (PARAAN) recommends the following to strengthen the inclusivity in this Bill:

1. Decentralize Meteorological Services
2. Collaboration with the National Drought Management Authority (NDMA
3. Clause 7 – Functions of Authority

The Bill can be strengthened by amending Clause 2(f) to explicitly include pastoralist- specific meteorological services.

Justification:

To ensure early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs)

4. That Clause 12 of the bill should explicitly include **Rangeland Management and Pastoralism** as a required area of expertise for Board members.

Justifications;

To ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.

5. Incorporation of Traditional Indigenous Knowledge (TIK)
6. Provide guidelines for entry into private land – Establishment of Observation Station
7. The Bill's unreasonable penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk

criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship.

b) Submissions on the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)

Further, PARAAN submitted that while the Bill represents a progressive step forward by establishing a regulatory framework for environmental professionals, its effectiveness can be further enhanced through the following recommendations;

1) Inclusion of a clause that outlines the specific duties and expertise of environmental professionals mandated to undertake Environmental Impact Assessments (EIA) as provided under Part VI of the Environmental Management and Coordination Act, 1999 CAP 382 (EMCA).
2) A publicly accessible database containing the records of all certified environmental professionals should be created and maintained. This database should be designed to ensure access and promote accountability in the environmental profession
3) The Bill should include a provision mandating that all certified environmental professionals complete continuing professional development (CPD) training as a condition for the renewal of their practicing certificates

MIN/NO.NA/DC/EF&M/066/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.00 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 15TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 19TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1. Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2. Ms. Hellen Ekadeli	-	Clerk Assistant I
3. Mr. Hamdi Mohamed	-	Clerk Assistant III
4. Ms. Mercy Wanyonyi	-	Senior Legal Officer
5. Ms. Nancy Chamunga	-	Fiscal analyst III
6. Dr. Joseph Kuria	-	Research Officer III
7. Mr. Kevin Ojiambo	-	Media Relations Officer
8. Mr. Stephen Otieno	-	Serjeant-At-Arms
9. Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/067/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty-five minutes past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/068/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/069/2025: **SUBMISSIONS BY Dr. CALEB MANGO, KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO) ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Dr. Caleb Mango, senior environmental safeguards sustainability officer at KETRACO appeared before the Committee and made the following submission;

Under Clause 4(2)(e) be amended as follows;
Amend clause 4(2)(f) by replacing the phrase "people engaged in the field of environment" with "environmental professionals"

Justifications.
To ensure consistency in terminology and recognition of the profession.

Under Clause 4(2)(f)
Amend clause 4(2)(f) to read as "Collaborate with relevant local, regional, and international institutions

Justifications
To build and develop progressive capacity in the environmental profession" or "of environmental professionals

Under Clause 4(2)(n)
The Act should prescribe categories of registration for various environmental professionals

Under Clause 4(2)(p)
while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included:

i. Publication of professional journals or magazines to promote research and knowledge sharing.
ii. Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare.
iii. Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.

Under Clause 4(3)
A schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:
i. Assumption of office, specifying the transition process when new Council members assume office.
ii. Powers of the Council, clearly defining its decision-making authority and functions.

Under Clause 6(1)(c)
Clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Under Clause 11(a)
The qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must "hold a degree... with at least 10 years of proven experience in matters related to the environment", this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.

Under Clause 22(1)
The registration of individuals should include:
i. A standardized registration form for all applicants.
ii. A schedule outlining registration fees per category to ensure transparency in the registration process.

Under Clause 23
The registration of firms of experts should similarly include:
i. A standardized registration form for firms.
ii. A schedule outlining registration fees for firms, ensuring consistency with individual registrations

MIN/NO.NA/DC/EF&M/070/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING
There being no other business, the meeting was adjourned at 5.00 pm. The next meeting will be held on notice.

Signed.....**Date** 3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 16TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 20TH MARCH, 2025 AT 10.00 AM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/071/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty minutes past ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Hiribae Said, MP and the Hon. Dr. Joseph Wainaina Iraya, OGW, MP respectively

MIN/NO.NA/DC/EF&M/072/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/073/2025: SUBMISSIONS BY DR. JOSEPH K. KURAUKA, MEMBER OF THE ENVIRONMENTAL INSTITUTE OK KENYA ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

Dr. Joseph K. Kurauka appeared before the Committee and submitted as follows;

While I support the Bill, Dr. Joseph Kuarauka strongly recommended the following proposed amendments to ensure clarity, inclusivity, and fairness in its implementation.
He further stated that by addressing these concerns will enhance the credibility, efficiency, and effectiveness of the Institute in governing environmental professionals in Kenya.

Under Section 21

Its proposed that, the qualifications for registration should be clearly stated, and the Council should not have discretion to use any other unspecified criteria for membership registration.

Under Section 35

Its proposed that, the deregistration process for members should be clearly outlined with a detailed and transparent procedure

Other General Comments

Further, Dr. Joseph Kurauka made the following general proposals on the Bill

1. The term "research" in the qualifications is too broad and needs specificity. It is recommended that for Lead Expert registration, the qualifications should include:
    i. Master's Degree in Environmental Studies, Natural Resources Management, or Earth Sciences.
    ii. Holders of other relevant qualifications as may be prescribed by the Council and approved during the Annual General Meeting (AGM).

2. The Bill should provide clear provisions on meetings, training, and capacity building as mandatory requirements for license renewal to maintain professional standards
3. The Bill should include a Code of Conduct outlining disciplinary matters, disciplinary processes, and consequences/punishments for professional misconduct.
4. There should be a Remuneration Order to prevent undercutting and ensure fair and standardized remuneration for environmental professionals.
5. The Bill should include an elaborate dispute resolution mechanism to handle conflicts within the profession.
6. Clear qualifications for various categories of membership should be explicitly stated to ensure uniformity and fairness in registration
7. The appointment, terms, and obligations of Council members should be clearly elaborated and should involve stakeholder participation to ensure transparency and inclusivity.
8. Recommended the inclusion of any other relevant provisions to enhance the Bill and ensure its alignment with international best practices in professional environmental governance

MIN/NO.NA/DC/EF&M/074/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 12.40 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 17TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 20TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/075/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at quarter minutes past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Hiribae Said, MP and the Hon. Dr. Joseph Wainaina Iraya, OGW, MP respectively.

MIN/NO.NA/DC/EF&M/076/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/077/2025: **SUBMISSIONS BY PROF. NZIOKA JOHN MUTHAMA, WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES, UNIVERSITY OF NAIROBI ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Prof. Nzioka John Muthama appeared before the Committee and submitted as follows:-

a) Introduction

That, the Wangari Maathai Institute for Peace and Environmental studies (WMI), University of Nairobi, is at forefront in training, research, capacity building and outreach activities on Climate change Adaptation, Peace building Climate governance and Management: Through Inter disciplinary programme - Post graduate Training (Msc, PhD), Experiential learning, Capacity building workshops, short course, community outreach and consultancies

Professor Muthama representing the Wangari Maathai Institute for Peace and Environmental Studies, University of Nairobi supports the Bill with the following proposed amendments;

Under Part II, Section 2

Its proposed that the "research" be replaced with "postgraduate research"

Under Part II, Section 4

Recommends logical reorganization of functions as follows;
Sections 4 (m) and (n) to come immediately after (b)

Under Section 21 (a)
Its proposed that the phrase "professional competencies" be replaced with "Professional skills and competencies'

MIN/NO.NA/DC/EF&M/078/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 15.40 pm. The next meeting will be held on notice.

Signed.....Date 3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

Annexure 3: Advertisement seeking public views

REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-
1. **THE KENYA INSTITUTE OF PRIMATE RESEARCH BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2024);**
2. **THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023); AND**
3. **THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)**

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the **Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024);** the **Meteorology Bill (Senate Bill No. 45 of 2023)**, and the **Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)** were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:-

(1) The **Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024)** is sponsored by the **Departmental Committee on Health** and introduced under the name of its Chairperson, the **Hon. (Dr.) Robert Pukose, MP**. The Bill seeks to make provisions for the establishment, powers, and functions of the Kenya Institute of Primate Research. The Bill also makes provision for the effective conduct of research using non-human primates and other experimental animals to improve human health through innovative pre-clinical research, biomedical research and translational research while conserving non-human primates for biodiversity.

(2) The **Meteorology Bill (Senate Bill No. 45 of 2023)** is sponsored by the **Majority Party** and introduced under the name of the **Senate Majority Leader, Sen. Aaron Cheruiyot, MP**. The Bill seeks to establish a legislative framework to regulate, coordinate, and monitor meteorological services in Kenya. Additionally, the Bill proposes the establishment of the Kenya Meteorological Service Authority, which shall be responsible for the provision, regulation, coordination, and management of meteorological services.

(3) The **Election Offences (Amendment) (No.2) Bill (Senate Bill No. 28 of 2024)** is co-sponsored by the **Majority Party and the Minority Party**. It is introduced under the names of the Senate Majority Leader, **Sen. Aaron Cheruiyot, MP** and the Senate Minority Leader, **Sen. Stewart Madzayo, MP.** The Bill seeks to implement part of the resolutions of the **National Dialogue Committee (NADCO)** by amending section 6 of the Election Offences Act, Cap. 66 to make it an offence for members and staff of the Independent Election and Boundaries Commission to conduct or hold an election in an ungazetted polling station or to unreasonably delay in declaring election results; or to knowingly alter declared election results.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the Departmental Committees specified below:-

S/NO.	BILL	COMMITTEE
1.	The Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024)	Health
2.	The Meteorology Bill (Senate Bill No. 45 of 2023)	Environment, Forestry and Mining
3.	The Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)	Justice and Legal Affairs

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings, and on: www.parliament.go.ke/the-national-assembly/house-business/bills

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to: cna@parliament.go.ke to be received on or before **Friday, 20th December, 2024** at **5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th December, 2024

"For the Welfare of Society and the just Government of the People"

REPUBLIC OF KENYA

PUBLIC SERVICE COMMISSION

Our Vision
"A citizen-centric public service"

Our Mission
"To reform and transform the public service for efficient and effective service delivery"

RE-ADVERTISEMENT OF VACANCIES

INTELLIGENCE SERVICE COMPLAINTS BOARD - RE-ADVERTISEMENT

Pursuant to the provisions of section 66 of the National Intelligence Service Act, 2012, the Public Service Commission invites applications from suitably qualified persons to be considered for nomination for appointment to the positions of the Chairperson and Member of Intelligence Service Complaints Board as shown below: -

1) VACANCY IN THE POSITION OF CHAIRPERSON, INTELLIGENCE SERVICE COMPLAINTS BOARD – ONE (1) POST

Section 66 (1) (a) of the National Intelligence Service Act, 2012
For appointment to this position, a candidate must:
(i) be a citizen of Kenya;
(ii) hold a law degree from a university recognized in Kenya, or is an advocate of the High Court of Kenya, or possess an equivalent qualification in a common-law jurisdiction;
(iii) (a) have at least ten (10) years experience as a superior court judge or professionally qualified magistrate;
or
(b) have at least ten (10) years experience as a distinguished academic or legal practitioner or such experience in other relevant legal field;
or
(c) have held the qualifications specified in paragraphs (a) and (b) for a period amounting, in the aggregate, to ten (10) years;
(iv) be of high moral character, integrity and impartiality; and
(v) meet the requirements of Chapter Six of the Constitution.

2) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (ADVOCATE) – ONE (1) POST

Section 66 (1) (b) (ii) of the National Intelligence Service Act, 2012
For appointment to this position, a candidate must:
(i) be a citizen of Kenya;
(ii) have a Bachelor of Laws (LLB) degree from a university recognized in Kenya;
(iii) have a Post Graduate Diploma in legal studies from the Kenya School of Law;
(iv) been admitted as an Advocate of the High Court of Kenya;
(v) have a minimum of seven (7) years post admission experience; and
(vi) meet the requirements of Chapter Six of the Constitution.

3) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (RETIRED SENIOR INTELLIGENCE OFFICER) – ONE (1) POST

Section 66 (1) (b) (iii) of the National Intelligence Service Act, 2012
For appointment to this position, a candidate must:
(i) be a citizen of Kenya;
(ii) hold a degree from a university recognized in Kenya;
(iii) be a retired senior intelligence officer with a distinguished career in the field; and
(iv) meet the requirements of Chapter Six of the Constitution.

4) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (PUBLIC SERVICE)– ONE (1) POST

Section 66 (1) (b) (iv) of the National Intelligence Service Act, 2012
For appointment to this position, a candidate must:
(i) be a citizen of Kenya;
(ii) hold a degree from a university recognized in Kenya;
(iii) have had at least seven (7) years experience in the public service;
(iv) have had a distinguished career in his/her respective field; and
(v) meet the requirements of Chapter Six of the Constitution.

INTERESTED APPLICANTS ARE REQUESTED TO NOTE THAT:

(i) The names of shortlisted candidates for each post shall be published on the Commission's website;
(ii) Shortlisted candidates will be required to present originals of the following documents during the interviews;
- **(a) National Identity Card;**
- **(b) Academic and Professional Certificates and transcripts;**
- **(c) Any other supporting documents and testimonials; and**
- **(d) Current and valid clearances from the following bodies:**
  - (i) Kenya Revenue Authority;
  - (ii) Ethic and Anti-Corruption Commission;
  - (iii) Higher Education Loans Board;
  - (iv) Any of the Registered Credit Reference Bureaus;
  - (v) Directorate of Criminal Investigations (Police Clearance Certificate); and
  - (e) Recommendations from relevant professional bodies (where applicable).

(iii) The salary and benefits for these positions shall be determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission;
(iv) The Chairperson and Members of the Board shall hold office for a period of three years but shall be eligible for re-appointment for a further term.
(v) The earlier advert for the same positions is hereby cancelled; and
(vi) Those who had applied earlier need not re-apply.

MODE OF APPLICATION

(i) Candidates should submit manual (Hard Copy) applications.
(ii) All applications should be submitted together with detailed curriculum vitae, a copy of ID/Passport, copies of academic certificates and transcripts, testimonials and any other relevant supporting documents.
(iii) Applications should be submitted in a sealed envelope clearly marked:-
"Application for the position of Chairperson, Intelligence Service Complaints Board"
OR
"Application for the position of Member, Intelligence Service Complaints Board (Advocate)"
OR
"Application for the position of Member, Intelligence Service Complaints Board (Retired Senior Intelligence Officer)"
OR
"Application for the position of Member, Intelligence Service Complaints Board (Public Service)" and delivered to:

THE SECRETARY/CEO
Public Service Commission
Commission House
P.O Box 30095-00100 NAIROBI.

All applications should reach the Public Service Commission on or before **30th December 2024 latest by 5.00 p. m (East African Time).**

SECRETARY/CEO
PUBLIC SERVICE COMMISSION

Annexure 4: Brief on The Meteorology Bill (Senate Bill No.45 of 2023)

MEMORANDA

THE METEOROLOGY BILL, 2023 (SENATE BILL NO.45 OF 2023)

CLAUSE	PROVISION IN THE BILL	MEMORANDA	JUSTIFICATION	OBSERVATION/RESOLUTION
2	"aeronautical meteorological services" means services provided to air navigation for safety and security reasons and comprise the following; (a) en route meteorological forecast and warning services for both international and national flights; (b) low-level significant weather charts for general aviation; (c) aerodrome meteorological information; (d) provision of aviation specific research and development; and (e) provision of significant meteorological information;	**KCAA** **Delete**	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166	**Comments from Ministry** Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3 ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf. Since establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not

				contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. The function of the Authority under clause 7(2)(d) is to provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;
	"flight information region" means an air space of defined dimensions within which flight information and alerting services are provided:	**KCAA** Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166 **"flight information region"** means an airspace of defined dimensions within which flight information and alerting services are provided; "**meteorological watch office**" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within the Kenyan **flight information** region;	**Comments from Ministry** Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3 ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

				Since establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.
	"meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region;	**KCAA** Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166	**Comments from Ministry** Kenya Meteorological Department is providing Aviation MET (*Meteorological Service for Air Navigation*) in accordance to the ICAO Annex 3 ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf. Since establishment of CAA primary law in 2002, KMD has been designated as the sole Meteorological Service Provider

				(MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018.
	"specialized service'' means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person;	**NDMA** Add "and organization'' at the end of the sentence.	Expands scope of coverage of requests made to the Authority to include organizations	Person is natural person or juristic person which includes institution
4	The object of this Act shall be to- (a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and **(b)** give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, and in particular the Convention of World Meteorological Organization, to which Kenya is a party	Amend as follows: The object of this Act shall be to- (a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and (b) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, **save for meteorological services for air navigation, and in particular the**	The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166. The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.	**Comments from Ministry** Promulgation of all the existing Civil Aviation regulations and the amendments is a requirement by the ICAO for the contracting states to establish, maintain and manage a State Safety Oversight System (Doc 9734 (Safety Oversight Manual Part-A) The Authority is to ensure that those individuals and organizations performing an aviation related activity comply with safety-related national laws and regulations. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for

		Convention of World Meteorological Organization, to which Kenya is a party		the provision of meteorological service for air navigation on its behalf. The objects of the Bill are general with respect to the provision of meteorological services, regardless of the end users, in order to ensure compliance with international standards in the provision of meteorological services i.e the Convention of World Meteorological Organization
4		**Pastoralist Alliance for Resilience and Adaptation Across Nations (PAARAN)** The Bill should explicitly mandate the creation of county meteorological offices to bring weather forecasting and climate services closer to the people. These offices should also endeavor to provide forecasts in local languages to ensure accessibility and relevance as well as leverage mobile platforms (e.g., SMS, mobile apps, and voice messages) to disseminate information widely, especially in remote and marginalized areas.	This approach will enhance the inclusivity, efficiency, and usability of meteorological services, ensuring that all communities, including indigenous peoples and rural populations, can benefit from timely and actionable weather information.	The functions of the Kenya Meteorology Service Authority under Clause 7(2)(r) of the Bill include to conduct public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services. Under clause 7(2)(h), the Authority is required to provide public goods. Additionally, paragraph 14 of the Second Schedule provides those public goods include the provision of weather and climate information through County Weather and Climate Information Centres.

7(d)	provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;	**KCAA** Amend as follows: provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, **Civil Aviation Act, CAP 394, and relevant Regulations thereunder**	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.	**Comments from Ministry** Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3 ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (CE1&2). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA Regulations for different service providers. The amendments seek to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services
7(e)	provide timely meteorological information for search and rescue services and accident investigation;	**KCAA** Amend as follows: provide timely meteorological information for search and rescue services and accident investigation **in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation**	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.	The proposed amendment is restrictive as the meteorological information for search and rescue services and accident investigation is not limited to aviation accidents. Pursuant to paragraph 13 of the Second Schedule to the Bill, the Authority is also required to provide maritime weather, sea bulletins, tsunami warnings, alerts and warning for safety of life at sea and coastal regions.

		Act, CAP 394, and relevant Regulations thereunder;		
	NEW	**State Department of Maritime Affairs** **PART II.7(e)** to include the following: Kenya Meteorological Services Authority in collaboration with Kenya Maritime Authority should provide and transmit meteorological data and information for the safety of navigation, protection of life and property at sea, search and rescue and early warning systems as outlined in the **SOLAS Convention Chapter IV & V** to the relevant shipping stakeholders		This is already provided for under Clause 7(2)(e) i.e the Authority is required to provide meteorological information for search and rescue services and accident investigation. Additionally, pursuant to paragraph 13 of the Second Schedule to the Bill, the Authority is also required to provide maritime weather, sea bulletins, tsunami warnings, alerts and warning for safety of life at sea and coastal regions.
	NEW	**PARAAN** The Bill should explicitly include a clause mandating the Kenya Meteorological Authority (KMA) to collaborate with the National	Given the NDMA's critical role in drought mitigation, resilience-building, and resource management in arid and semi-arid lands (ASALs), such collaboration would ensure that meteorological data and early warning systems are effectively integrated into	Proposal may be adopted as follows— **(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems;**

		Drought Management Authority (NDMA).	drought preparedness and response strategies.	
7(2)(f)	(f)(i) prepare and disseminate weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-hazard early warning system;	**PARAAN** Amend Clause 2(f) to explicitly include pastoralist specific meteorological services, ensuring that early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs). This amendment should mandate the development of accessible early warning systems for droughts, livestock health risks, grazing conditions, and extreme weather events.		Proposal may be adopted as follows— **(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems;** The mandate of the Authority under Clause 7(2)(f) on the provision of weather and climatic forecasting and early warning services is intended for the benefit of the public, safety of life and protection of property and life. This also includes the ASALs
	(2) Despite the generality of subsection (1), the Authority shall— (f) prepare and disseminate— (i) weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-hazard early warning system;	**NDMA** Amend clause 7(2)(f)(i) to read as follows— (i) weather forecasts, as well as issue advisories, alerts and early warnings of severe weather and extreme climate events for disaster risk reduction and collaborate with NDMA through a multi-hazard approach.	NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach.	Proposal may be adopted as follows— **(ma) collaborate with the National Drought Management Authority in the development of drought early warning systems;**

	(l) collaborate with relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;	Insert clause 7(2)(f)(iv)— (iv) weather forecasts using local languages and media easily understood by local communities who are likely to be affected by hazards/disasters Amend 7(f)(l) to read as follows— (i) collaborate with NDMA and other relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;	KMSA could leverage on the already existing systems through a collaborative framework with NDMA.	Proposal may be adopted as follows— (l) collaborate with relevant government agencies including the National Drought Management Authority in the development, implementation and operation of national multi-hazard early warning systems;
7(m)	in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;	**KCAA** Amend as follows: train air traffic controllers in accordance with the requirements of Civil Aviation Act, CAP 394, and	Training and rating of personnel in the aviation industry is regulated. For Kenya Meteorological Service Authority to train air traffic controllers, it will need to go through a process for certification as an approved training organizations as provided for under the Civil Aviation	Pursuant to section 7(1)(s) of the Civil Aviation Act, CAP 394, KCAA has the primary responsibility of regulating aviation training institutions in Kenya. The role of the Authority in the Bill is limited to **collaboration and participation** in the training of air traffic

		relevant Regulations thereunder on training of aviation personnel;	(Approved Training Organization) Regulations – Legal Notice No. 93	controllers who handle meteorological information.
	NEW	**NDMA** Insert the following new paragraph— (w) integrate indigenous knowledge with modern science in weather forecasting through participatory scenario planning;	This will recognize the importance of integrating modern science with indigenous knowledge to enhance ownership and uptake of products.	The proposed amendment may be incorporated under clause 7. Scenario planning is a strategy organizations use to consider possible future events so they can develop effective and relevant long-term plans
8(b)	regulate and set standards for the provision of meteorological services;	**KCAA** Amend as follows: regulate and set standards for the provision of meteorological services **save for meteorological services for air navigation;**	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.	**Comments from Ministry** Kenya Meteorological Department is providing Aviation MET (Meteorological Service for Air Navigation) in accordance to the ICAO Annex 3 Since establishment of Civil Aviation Act. CAP 394, primary law in 2002, KMD has been designated as the sole Meteorological Service Provider (MSP). Consequently, the Bill does not contravene the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018. The standards for the provision of meteorological services are applicable to weather observers, meteorological service

				providers, private weather service providers, the meteorological training and research institution and not the end users.
Clause 9(1)	The Authority shall regulate the meteorological services in Kenya.	**KCAA** Amend as follows: The Authority shall regulate the meteorological services in Kenya **save for meteorological services for air navigation.**	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.	The regulation of standards for the provision of meteorological services are applicable to weather observers, meteorological service providers, private weather service providers, the meteorological training and research institution and not the end users. This is in order to ensure compliance with international standards and practices in meteorological services and standards in installation and maintenance of meteorological instruments. The regulation is in line with the set international standards
Clause 11	No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority	**KCAA** Amend as follows: No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the	Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather which has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.	Regulation 19 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018, with respect to an Agreement between air traffic services provider and meteorological services provider provides that— An agreement between the meteorological services provider and the appropriate traffic ATS provider shall be established to cover, amongst other things—

		Authority **save for air traffic controllers.**		(a) the provision in air traffic services units of displays related to integrated automatic systems; (c) **the use to be made of these displays/instruments by air traffic services personnel;** (d) as and where necessary, supplementary visual observations including meteorological phenomena of operational significance in the climb-out and approach areas and when made by air traffic services personnel to update or supplement the information supplied by the meteorological station; Consequently, there's no contradiction as the provision seeks to ensure that meteorological service providers are licenced by the Authority. Additionally, an agreement between the meteorological services provider and the appropriate traffic ATS provider must include the use of meteorological information by air traffic services personnel to update or supplement the information supplied by the meteorological station
Clause 12(2)(d)	(2) The Board shall comprise of— (a) a chairperson, appointed by the President;	**State Department of Maritime Affairs** Include: The Principal Secretary in the ministry		The State Department of transport is already included in the Board. The Board as currently constituted comprises of 8 members. The *Mwongozo*

	(b) the Principal Secretary in the ministry responsible for matters relating to meteorological services or his representative; (c) the Principal Secretary in the ministry responsible for matters relating to finance or his representative; (d) the Principal Secretary in the ministry responsible for matters relating to transport or his representative; (e) the Attorney-General or his representative; (f) a representative nominated by the Council of County Governors; (g) two other persons, not being public officers, with knowledge and experience in any of the following fields— (i) meteorology; (ii) aviation; (iii) marine; (iv) agriculture; or (v) water resources management; and	responsible for matters relating to maritime or his representative.		Code of Governance for Government Owned Entities recommends a minimum of 7 and a maximum of 9 members.
12	(2) The Board shall comprise of— (g) two other persons, not being public officers, with knowledge	**PARAAN** Clause 12 of the Bill should explicitly include Rangeland Management and Pastoralism as a required	To ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.	A representative of the marginalized community within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to indigenous knowledge is included in the

	and experience in any of the following fields— (i) meteorology; (ii) aviation; (iii) marine; (iv) agriculture; or (v) water resources management; and	area of expertise for Board members		composition of the Climate Change Council under section 7(2)(h) of the Climate Change Act, Cap.387A.
		PARAAN The Meteorology Bill should explicitly recognize and incorporate Traditional Indigenous Knowledge (TIK) of pastoralists and other indigenous communities, who have relied on their own weather forecasting and environmental management practices for centuries. The bill should provide a mechanism for the protection of rights and a place for traditional weather forecasters. Additionally, there is a need for documentation, use, and transmission of the knowledge involved.	This knowledge is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of forecasts, particularly in arid and semi-arid lands (ASALs). Furthermore, TIK should be protected under the Intellectual Property Laws to safeguard community rights and ensure that pastoralists and other indigenous groups benefit from the use of their knowledge.	The proposed amendment may be incorporated under clause 7 to provide that the Authority may incorporate traditional knowledge in the development, implementation and operation of national multi-hazard early warning systems including early drought warning systems. Traditional knowledge defined in the Protection of Traditional knowledge and cultural expressions Act, CAP 218A. "traditional knowledge" means any knowledge— (a)originating from an individual, local or traditional community that is the result of intellectual activity and insight in a traditional context, including know-how, skills, innovations, practices and learning, embodied in the traditional lifestyle of a community; or (b)contained in the codified knowledge systems passed on from one generation to

				another including agricultural, environmental or medical knowledge, knowledge associated with genetic resources or other components of biological diversity, and know-how of traditional architecture, construction technologies, designs, marks and indications.
Clause 13(2)(c)	Qualifications of Board Members	Amend 13(2) to replace 9(2)(g) with 12(2)(g) Introduce 12(2)(g)(vi) Drought risk management	To correct a typographical error Include expertise in drought risk management as one of the possible qualifications of an independent Board Member.	The amendment seeks to correct a cross-referencing mistake.
Clause 33(1)(g)	33. (1) The funds of the Authority shall comprise of— (a) such monies as may be appropriated by Parliament for purposes of the Authority; (b) charges for private goods services; (c) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act; (d) grants and loans from the government; (e) grants and loans from any organization or person subject to the provisions of the Public Finance Management Act, 2012;	**KCAA** Delete	Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).	**Air Passenger Service Charge Act, Cap.475** **3.Imposition of passenger service charge** (1) Subject to this Act, there shall be paid by every person who purchases a ticket for an external or internal journey an air passenger service charge of— (a)fifty United States dollars or the equivalent in specified currency or in Kenya shillings for an external journey: and (b)six hundred shillings for an internal journey.

	(f) interest on savings made by the Authority; **(g) money collected under the Air Passenger Service Charge Act; and** (h) all monies and fees from any other sources provided, donated or lent to the Authority.			(2). The Cabinet Secretary may, by notice in the *Gazette*, from time to time vary the charges specified in this section. (2) All proceeds of the charge imposed under this section shall be apportioned between the **Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund** in such manner as the Cabinet Secretary may, by notice in the *Gazette*, specify. Additionally, the Bill has not proposed any consequential amendments to the Air Passenger Service Charge Act, Cap.475 with respect to the apportionment of money collected under the Act.
Clause 38	**Establishment of observation stations.** 35. (1) The Authority shall identify suitable sites and places on which to establish meteorological observation stations. (2) An officer authorized under section 36(2) may, at all reasonable times, enter any land on which an observation station is	**PARAAN** Clause 38, which establishes observation stations, introduces the concept of wayleaves but fails to provide clarity on essential safeguards for landowners. To ensure fairness and compliance with Kenya's Land Laws, such as the Land Act (2012) and the Community Land Act (2016), the clause must	These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure. Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.	Clause 38(3) three provides clarity as regards to meteorological observation stations on private land i.e the Authority must enter into an agreement with the owner stating the manner in which the station shall be maintained and the minimum distance to be kept between the station and any other structure.

	established for the purpose of conducting necessary inspection, maintenance and data collection. (3) Where a site identified under sub section (1) is on private property, the Authority shall enter into an agreement with the owner stating the manner in which the station shall be maintained and the minimum distance to be kept between the station and any other structure.	include clear guidelines on prior notice of entry, fair compensation, and protective measures for landowners		
Clause 43(1)(b)	(2) Despite the generality of subsection (1), the Cabinet Secretary may make Regulations prescribing— (b) the cost recovery **for aeronautical meteorological** and marine meteorological services;	**KCAA** Amend as follows: the cost recovery for marine meteorological services;	To avoid conflicting provisions in two statues on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework. Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges;	**Comments from Ministry** KMD and KCAA have existing LoA over the provision of the meteorological services for air navigation. The current LoA is for five (5) years leveraging on ATS, CNS, AIS and SAR sections of KCAA. Regulation 4 of the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 empowers KCAA to designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

	42. A person who uses an instrument or equipment that is not examined or approved by the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment. 43. A person who approves the occupation of land within the limits of the protected area for meteorological observations, weather forecasting activities or weather modification activities commits an offence and shall, on conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twenty-four months or to both fine and imprisonment. **General Penalty** 47. A person who contravenes the provisions of this Act or commits an offence for which no penalty is provided, shall, on conviction, be liable to a fine not exceeding two million shillings or to	**PARAAN** The Bill's unreasonable penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship. Therefore, we recommend replacing these punitive measures with a more collaborative approach focused on education and capacity-building. Additionally, the bill's penalty clauses are inconsistent and disproportionately harsh, requiring a balanced and fair framework to align with its goals of promoting climate resilience and inclusivity.	The Bill should avoid imposing unreasonable fines or restrictions on individuals providing forecasts based on traditional knowledge, as this undermines community practices and cultural heritage. Instead, the bill should promote collaborative frameworks that respect and integrate TIK while ensuring that modern meteorological services complement, rather than replace, these time-tested practices.	The Bill provides for maximum penalties and not minimum penalties giving the judicial officer discretion to determine on a case-by-case basis.

PARLIAMENTARY RESEARCH SERVICES

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

BILL ANALYSIS ON THE METEOROLOGY BILL, 2023

Title of the Bill	Meteorology Bill (Senate Bill No. 45 of 2023)
Bill Publication	The Bill was Published in the Kenya Gazette Supplement No. 172 of 22nd September 2023 and passed by the Senate, with amendments on 19th November 2024.
The object of the Bill	To provide for the establishment of the Kenya Meteorological Service Authority, regulation, coordination, monitoring, management, provision and control of meteorological services.

1.0 CONTENT OF THE BILL

1.1. Objectives of the Bill

1. The objectives of the Bill are as follows -
   (1) provide for the regulation, co-ordination, monitoring, management, and provision of meteorological services; and
   (2) give effect to and ensure fulfilment of the obligations of the Government under treaties and conventions on meteorology, in particular the Convention of the World Meteorological Organization, to which Kenya is a party.
   (3) establish Kenya Meteorological Service Authority responsible for the provision of meteorological services in Kenya.
   (4) establish Kenya Meteorological Service Authority Board to manage the Authority.

ii) marine and tsunami early warning advisories as designated by the Intergovernmental Oceanographic Commission of United Nations Education, Scientific and Cultural Organization as the Indian Ocean Tsunami Watch Centre;

iii) agricultural meteorological services to improve productive capacity and build resilience posed by extreme events associated with climate variability and climate change;

g) monitor background environmental pollution at the World Meteorological Organization Global Atmosphere Watch Station on Mount Kenya and atmospheric chemical composition for greenhouse gases in the country for assessment of air quality and climate change detection and attribution;

h) provide public good services as set out in the Second Schedule;

i) provide private good services as set out in the First Schedule;

j) set standards, develop curricula, provide training in meteorology, operational hydrology and related sciences, examine and award diploma and certification in line with the World Meteorological Organization and other standards.

k) collaborate with relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;

l) in collaboration with the ministry responsible for matters related to education, set the minimum curriculum requirements for training in meteorology;

m) in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;

n) collaborate with other institutions in the observation, recording and transmission of meteorological data in line with the World Meteorological Organization Integrated Global Observing System;

o) conduct and co-ordinate research and development in meteorology and related environmental sciences including scientific assessments to improve operations and services and to provide updates with respect to climate change;

f) approve and appoint senior management officers;
g) monitor the performance of the Authority;
h) formulate policies for the administration and management of the Directorate; and
i) perform any other functions that may be assigned by the Cabinet Secretary.

(3) **Clause 32 establishes the Meteorology Training and Research Directorate:**

1) Meteorology Training and Research Directorate which shall be the successor to the **Institute for Meteorological Training and Research**.
2) The Directorate shall be headed by a Director who shall be accountable to the Director-General.

The Directorate shall be responsible for training and research and shall be the World Meteorological Organization Regional Training Centre for the provision of certificate and diploma professional courses in meteorology, operational hydrology and related sciences.

1.3. Regulatory Authority

3. **Clause 9** provides **Regulatory powers for Authority**:

1) The Authority shall regulate meteorological services in Kenya.
2) Without prejudice to the generality of subsection (1), the Authority shall—
    a) Ensure compliance with—
        i) international standards and practices in meteorological services; and
        ii) standards in installation and maintenance of meteorological instruments;
    b) approve and register meteorological stations; and
    c) monitor and supervise functions of meteorological operators.

1.4. Permit

4. **Clause 10** provides that Any **person** who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

1.5. Prohibition of meteorological activities.

12. This has been reiterated in the **East African Community** region, as a means of not only improving service delivery but streamlining meteorological policy in the region. The **National Meteorological Services** of **Tanzania**, **Uganda**, and **Rwanda** have attained **autonomy** in provision of meteorological services while those in **Kenya, Burundi and South Sudan** are yet to gain autonomy.

3.0 CURRENT LEGAL AND POLICY FRAMEWORK ON METEOROLOGICAL SERVICES IN KENYA

13. Some of the legal and policies that relate to meteorological services include-

3.1. Constitution of Kenya

14. Chapter 5 on Land and Environment (Part 2) provides that the State should among others eliminate processes and activities that are likely to endanger the environment.
15. The **National Meteorological Services** plays a crucial role in the provision of timely and effective weather information to achieve the above.

3.2. Executive Order No. 1 of 2022

16. The **National Meteorological Services** are domiciled in the Kenya Meteorological Department at the Ministry of Environment, Climate Change and Forestry.
17. The mandate of the **Kenya Meteorological Department (KMD)** is to provide timely early warning weather and climate information for the safety of life, protection of property and conservation of the natural environment[1].
18. KMD mandate is also anchored in World Meteorological Organization Convention. The Convention also recognizes the National Meteorological and Hydrological Services (NMHSs) to be the single and authoritative voice and source on matters of severe weather and extreme climate events among WMO's member states.
19. The core functions of the Department include, but not limited to the following:
    - Data collection and monitoring (observation)
    - Data processing, analysis and forecasting
    - Data telecommunication and exchange (national, regional and international).
    - Dissemination of early warnings, advisories and alerts for severe weather and extreme climate events.
    - Data management and archival of quality national meteorological and climatological records in Kenya.

[1] https://meteo.go.ke/about-us/our-department

meteorological information and services to ensure aviation safety and safety of maritime shipping.

25. Additionally, the DWD is mandated to make its weather and climate information available mostly free of charge, supporting transparency and public access to meteorological data. The Act underscores the DWD's role in safeguarding public safety and supporting various sectors by providing accurate and timely meteorological information.
26. The Service is headed by an Executive Board of Directors that oversees its overall operations and Advisory Boards including the Advisory Board of the Federation which advises on federal matters, and a Scientific Advisory Board providing guidance on research initiatives.[4]

Similarities and Differences of proposed Kenya Meteorology Service Authority and DWD

Similarities

- **Public Mandate and Service Delivery**: Both the **Kenya Meteorology Service Authority (KMSA)** and **Deutscher Wetterdienst (DWD)** process climate data, issue weather forecasts and provide warnings about extreme weather events to support various sectors, including aviation, agriculture, disaster management, and public safety.
- **Each operates under a Legal and Institutional Framework**: The **Meteorology Bill, 2023** seeks to establish the **Kenya Meteorology Service Authority (KMSA)** while the **DWD operates under the Deutscher Wetterdienst Act (DWD Act)**, which provides its legal foundation.
- Both organizations contribute significantly to disaster preparedness and climate resilience by providing early warnings on extreme weather conditions.

Differences

- Data Accessibility: KSMA meteorological services are expected to be regulated, and some may require payment while DWD meteorological data is mostly free of charge, ensuring public accessibility.
- Training and Research: Kenya's proposed Bill establishes the Meteorology Training and Research Directorate to offer professional courses while DWD has a Scientific Advisory Board guiding research initiative.

[4] Wetter und Klima - Deutscher Wetterdienst - Organisation - Organisational Structure, https://www.dwd.de/EN/aboutus/organisation/organisationalstructure/organisational_structure.html

- Both agencies operate within **international meteorological regulations**, including compliance with the **World Meteorological Organization (WMO)** standards.

3. **Collaboration with International and National Agencies**
    - KMSA is expected to work with **Kenya Civil Aviation Authority (KCAA)**, the Ministry of Environment, and global meteorological bodies.
    - NWS collaborates with **NASA, the Federal Aviation Administration (FAA), and the National Centers for Environmental Prediction (NCEP)**.
4. **Training and Research**
    - KMSA will have a **Meteorology Training and Research Directorate**, succeeding the **Institute for Meteorological Training and Research (IMTR)** in Kenya.
    - NWS partners with **universities and research institutions** to enhance meteorological science and training.

4.4. FINLAND

31. The **Finnish Meteorological Institute** makes observations and research on the atmosphere, the near space and the seas. It also provides services on weather, sea, air quality, climate and near space for the needs of public safety, business life and citizens. **The Finnish Meteorological Institute** is an administrative branch of the Ministry of Transport and Communications.
32. Through the open data interface, datasets produced by the Finnish Meteorological Institute can be downloaded in machine-readable format free of charge.
33. The operations of the Finnish Meteorological Institute are anchored on the **Meteorological Institute (No. 212 of 2018) Act** and regulated by the **Government Decree on the Meteorological Institute (No. 263 of 2018)[6].**

5.0 OBSERVATIONS

34. Some preliminary observations may be made as follows-
    (i) Meteorological Services are needed across many socio-economic sectors and hence, the need for an immediate remedial by the establishment of an Authority with an

[6] Government Decree on the Meteorological Institute (No. 263 of 2018). | UNEP Law and Environment Assistance Platform, https://leap.unep.org/en/countries/fi/national-legislation/government-decree-meteorological-institute-no-263-2018

Annexure 5: Letter from the Clerk of the National Assembly inviting/requesting stakeholders views on the Bill

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/EF&M/2025/004 **7th March, 2025**

Eng. Festus Kipkoech Ngéno, MIEK, CBS
Principal Secretary
State Department for Environment and Climate Change
SHA Building, Ragati Road, Upperhill
P.O. Box 30126-00100
NAIROBI

Mr. Geoffrey Kaituko, CBS,
Principal Secretary
State Department for Shipping and Maritime Affairs,
Ministry of Mining, Blue Economy and Maritime Affairs
Works Building, Ngong Road,
P.O. Box 30009-00100
NAIROBI

Mr. Mohamed Daghar, CBS
Principal Secretary
State Department for Transport
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Mr. Mamo B. Mamo, EBS
Director- General
National Environment Management Authority
Popo Road, South C
P.O Box 67839-00200
NAIROBI

Mr. Emile Arao,
Director-General
Kenya Civil Association Authority, Aviation House
Jomo Kenyatta International Airport
P.O Box 30163-00100
NAIROBI

Dear Mr. Arao

RE: CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA (NATIONAL ASSEMBLY BILL NO. 36 of 2024) AND THE METEOROLOGY BILL (SENATE BILL NO.45 of 2023)

The Departmental Committee on Environment, Forestry and Mining is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and is mandated to, *inter alia*, ***"study and review all legislation referred to it".***

The Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) and the Meteorology Bill (Senate Bill N.45 of 2023were read a First Time on **Tuesday, 18th September, 2024 and 3rd December, 2024** respectively and thereafter referred to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House.

Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the National Assembly placed an advert requesting for submission of memorandum from the public on the Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) on **24th September, 2024** and the Meteorology Bill (Senate Bill N.45 of 2023) on **6th December, 2024**. In this regard, the Committee has scheduled a Public Hearing and County between **18th and 21st March, 2025.**

As the Ministries and it's agencies that are concerned with matters of Environment and Meteorology, the Committee resolved to invite the Cabinet Secretaries to the retreat to provide comments and proposals on the Bills.

The purpose of this letter therefore is to invite the Cabinet Secretaries accompanied by a **maximum of five (5)** technical officers including the Accounting Officers for a retreat with the Committee to submit comments and proposals to the Bill as per the attached programme.

The officers responsible for coordination of this meeting are **Ms. Hellen Ekadeli; Tel. No. 0733132322** or **email: hellen.ekadeli@parliament.go.ke** and **Mr. Hamdi Mohamed; Tel. No. 0724742973** or **email**: **hamdi.mohamed@parliament.go.ke**.

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copies to:

Hon. Aden Bare Duale, EGH
Cabinet Secretary,
Ministry of Environment and Forestry
NHIF building, Ragati Road, Upperhill
P.O Box 30126-00100
NAIROBI

H. E. Hassan Ali Joho, EGH
Cabinet Secretary
Ministry of Mining, Blue Economy and Maritime Affairs
Works Building, Ngong Road
NAIROBI

Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads and Transport
NAIROBI

The Hon. George Gachagua, MP
Member of Parliament
Parliament Buildings
NAIROBI

Annexure 6: Submission from the Stakeholders

REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

PRESENTATION ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023) TO THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

18th March 2023

Hon. Chair, thank you for giving me this opportunity to appear before you to submit on the proposed Meteorology Bill, 2023.

A. BACKGROUND

1. **Hon. Chair,** the Meteorology Policy was approved by Cabinet in 2023 with an objective of strengthening the legal and institutional framework that enables and enforces management, understanding, exploitation and regulation of meteorological services at national and county levels.

2. The proposed Bill seeks to put in place a legislative framework for regulation, co-ordination, monitoring, management and provision of meteorological services in Kenya and to co-ordinate and monitor meteorological services.

3. **Hon. Chair,** permit me now to give a highlight of the salient features of Bill.

B. KEY HIGHLIGHTS OF THE BILL

4. **Hon. Chair,** the Bill when assented will apply to weather observers, meteorological service providers, private weather service providers, meteorological training and research institution and any person, group of persons or organization whose undertakings involve or include, generally, the use of meteorological information for commercial services.

Object and purpose of the Bill

5. **Hon. Chair,** the object and purpose of the Bill are —
   - **(a) to establish the Kenya Meteorological Service Authority to provide for the regulation, co-ordination, monitoring, management, provision of meteorological services; and**
   - **(b) give effect to and ensure fulfilment of the obligations of the Government under treaties and conventions on meteorology, in particular the Convention of World Meteorological Organization, to which Kenya is a party.**

Object of the Authority

6. **Hon. Chair,** the object of the Authority shall be the provision, regulation, co-ordination, monitoring, management and control of meteorological services.

Functions of the Authority

7. Section 7 of the Bill sets out the functions of the Authority as:
    a) develop, review and monitor the implementation of government policies in respect of meteorology and related sciences;
    b) develop, review and operate national strategic plan for the Authority in alignment with international treaties, protocols, agreements, and conventions on meteorology; and a national framework for climate services in support of the climate services information system value chain to process data, run models and produce climate products for user benefit;
    c) establish and maintain surface, meteorological observation networks, integrated information systems, in line with the World Meteorological Organization Information System, for the exchange of meteorological data and products; and meteorological management systems for data processing, analysis, forecasting and archival;
    d) provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with the Chicago Convention on International Civil Aviation;
    e) provide timely meteorological information for search and rescue services and accident investigation;
    f) prepare and disseminate weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a Multi-Hazard Early Warning System;
    g) marine and tsunami early warning advisories as designated by Intergovernmental Oceanographic Commission of United Nations Education, Scientific and Cultural Organization as the Indian Ocean Tsunami Watch Centre;
    h) agricultural meteorological services to improve productive capacity and build resilience posed by extreme events associated with climate variability and climate change;
    i) monitor background environmental pollution at the World Meteorological Organization Global Atmosphere Watch Station on Mount Kenya and atmospheric chemical composition for greenhouse gases in the country for assessment of air quality and climate change detection and attribution, conduct and set

education and training standards in meteorology, operational hydrology and related sciences in the Directorate;

j) conduct and set education and training standardsin meteorology, operational hydrology and related sciences in the Directorate;
k) set the minimum curriculum requirements for training in meteorology;
l) collaborate with relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems
m) training and rating of traffic controlers;
n) conduct development in meteorology and related environmental sciences including scientific assessments to improve operations and services and to provide updates with respect to climate change;
o) design, fabricate and in collaboration with the Kenya Bureau of Standards calibrate and monitor standards for meteorological instruments;
p) set and maintain standards and recommended practices on meteorological instruments and methods of observations;
q) conduct public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services;
r) maintain up-to-date data on weather and climate within the zone of responsibility assigned to Meteorological World Kenya by the Organization;
s) register weather stations for meteorological data collection;
t) collaborate with the public and private sector in meteorological observation, carrying out research and development and education and training; and
u) fulfil relevant international commitments relevant(v) fulfill including those under the World Meteorological Organization and advance national interests by participating in the appropriate international programmes and activities.

Management of the Authority

8. **Hon. Chair,** the Authority will be managed by a board of directors to be known as Kenya Meteorological Service Authority Board and shall be responsible for the general management, development and control of the undertakings and affairs of the Authority. The Board shall comprise of 9 members as provided under section 12. The qualifications of the Board members are provided under section 13.

Meteorology training and research directorate

9. **Hon. Chair,** further, the Bill proposes establishment of the Meteorology Training and Research Directorate which shall be the successor to the Institute for Meteorological Training and Research and designated World Meteorological Organization Regional Training Centre for the provision of certificate and diploma professional courses in meteorology, operational hydrology and related sciences.

Funds of the Authority

10. **Hon. Chair,** the funds of the Authority shall comprise of funds appropriated by Parliament, charges for private goods services, grants and loans from government and any organization, interest of savings, money collected under the Air Passenger Service Charge Act and any other money collected by the Authority.

Enforcement of the Bill

11. **Hon. Chair,** to ensure compliance, the Bill requires every person who uses a meteorological equipment to be examined and approved by the Authority.
12. **Further,** to safeguard the meteorological equipments, the Bill proposes offences and penalties relating to;
    a) illegal occupation of land within the limits of protected area for meteorological observations sites;
    b) relocation of meteorological stations;
    c) use of meteorological instruments without valid calibration certificate; and
    d) use of meteorological data that is approved by the Authority.

Transitional provisions

13. Hon. Chair, the Bill contains transitional provisions relating to court proceedings, assets and liabilities, contracts and staff of the Kenya Meteorological Department to the Authority and certificates issued by the Institute for Meteorological Training to be deemed as having been issued by the Kenya Institute for Meteorological Training and Research.

Benefits of transitioning KMD to a Regulatory Authority

14. **Hon. Chair,** allow me to highlight some of the benefits of transitioning the Kenya Meteorology Department to a regulatory authority.

a) The legal framework will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather & climate information in the decision-making processes. Further, it will enhance provision of timely, accurate and effective weather forecasts, advisories and alerts as well as provision of user-tailored specific climate and weather products.

b) Establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks will be ensured through the law as well as improvement in acquisition, installation and maintenance of meteorological equipment, instruments and infrastructure.

c) With the passage of this Bill, there will be collaboration and engagement with counties in the provision of weather and climate services since it is expected that there will be more staff at the county levels.

d) It is expected that climate information services in support of national development programs shall be streamlined.

e) The nation stands to benefit from compliance with international commitments and requirements.

f) It is expected that there will be a better understanding and uptake of products and services offered by the National Meteorological Service to the community levels.

g) Provide decision support that inform policy making at the national and county levels.

h) Ensure national and international meteorological training curricula standards are maintained in accordance to national, regional and international requirements e.g: TVET_CDACC, KNQA, WMO andICAO requirements.

i) It is expected that operational research will be enhanced and promote development programs.

B. CONCLUSION

15. **Hon. Chair,** as I conclude, allow me to reiterate our commitment as a Ministry in putting in place the necessary legal framework that guarantees delivery of meteorological and climate services to ensure the safety and security of humankind and the development of sustainable adaptive economic strategies.
16. To this end, I request for the support of the Committee in passing of the Bill.
17. With these few remarks, I thank you.

HON. ADEN BARE DUALE, EGH

CABINET SECRETARY

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

DATE.....

REPUBLIC OF KENYA

DDC 8 3/4/25

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY
State Department for Environment & Climate Change
Office of the Principal Secretary

Telegrams: "NATURE", Nairobi
Telephone: 254-20- 2730808/9
Fax: 254-20- 2734722
Email : psoffice@environment.go.ke

SHA BUILDING
RAGATI ROAD
P. O. BOX 30126-00100
NAIROBI

When replying, please quote:

Ref. No. MECCF/L/1/9

1st April, 2025

Ms. H. Elkad
pls TNA
A. Ware
3/4/25

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Building
NAIROBI

Rose Wanjohi
pls deal
3/4/25

Dear Clerk,

RE: RESPONSE TO THE SUBMISSION BY KENYA CIVIL AVIATION AUTHORITY (KCAA) TO THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023) TO THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

Reference is made to the above.

Kenya Meteorological Department is established under the Executive Order No. 2 of 2023 on the Organization of Government. The Department is placed under the Ministry of Environment, Climate Change and Forestry, State Department for Environment and Climate Change.

The Department provides various services across multisectoral areas that includes;

a) Agriculture and Food Security.
b) Water and Energy.
c) Public Health and Sanitation.

NATIONAL ASSEMBLY RECEIVED 02 APR 2025 CLERK'S OFFICE P.O Box 41842, NAIROBI

DIRECTORATE OF DEPARTMENTAL COMMITTEES RECEIVED 03 APR 2025

d) Environment and Forestry.
e) Disaster Risk Reduction and Management.
f) Aviation MET (Meteorological services for air navigation).
g) Marine MET (Meteorological services for sea navigation).
h) Climatological and Climate Change Projections.
i) Synoptic MET (Public weather Services).
j) WMO Regional Training Centre (RTC-Nairobi).

Aviation Met (Meteorological Services for Air Navigation)

Kenya Meteorological Department is providing aviation MET (*Meteorological Service for Air Navigation*) in accordance to the ICAO Annex 3 (*Meteorological Service for International Air Navigation*). The WMO Technical Manual No. 49 (*Meteorological Service for International Air Navigation)* volume (II) has been used as a technical guidance material before its discontinuation on 31st December, 2023. In view of the above, the document has not been in use for the standard operational procedure on matters relating to provision of MET services to the aviation industry.

Definition of Air Navigation Services (ANS)

The Civil Aviation Act, Cap. 394

2. (1): Interpretation
In this Act, unless the context otherwise requires—

"**Air navigation services**" means—
(a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft;
(b) navigational services, that is to say radio, radar and visual aids to navigation;
(c) air traffic services provided for the safety of aircraft; and
(d) aeronautical information services.

PROPOSED SUBMISSION BY KENYA CIVIL AVIATION AUTHORITY (KCAA)			
S/NO	**DETAILS OF KCAA PROPOSALS**	**MINISTRY RESPONSE**	**REMARKS**
1	From the above review, the applicable standard	WMO technical manual No 49	The WMO technical

	Meteorological Service for International Air Navigation is ICAO Annex 3 to the Convention on International Civil Aviation, following discontinuation of the World Meteorological Organization Technical Regulation Volume II, M*eteorological Service for International Air Navigation* on 31st December, 2023.	Volume II that was discontinued on 31st December 2023 was NOT an operational procedural document and therefore its discontinuation could not cause any significant impact on the provision of meteorological services for air navigation.	manual No 49 Volume II should NOT be a basis of any reference to the Meteorology Bill (Senate Bill No 45 of 2023)
2	The requirement of Annex 3 to the Convention on the International Civil Aviation have been domesticated under the Civil Aviation Act CAP 394, and the Civil Aviation (*meteorological service for Air Navigation*) Regulation 2018-Legal Notice No. 166, and hence there is already existing legal and regulatory framework for the provision of meteorological services for air navigation	Promulgation of all the existing Civil Aviation regulations and the amendments is a requirement by the ICAO for the contracting states to establish, maintain and manage a State Safety Oversight System (**Doc 9734 (Safety Oversight Manual Part-A**)	Performing State Safety Oversight System (SSOS) does **NOT** grant powers to the Authority (KCAA) to take over the provision of those services providers i.e. Security, Health, MET, Airport, Approved Training Organization (ATO) etc. The Authority mandates and responsibilities is to ensure

			that those individuals and organizations performing an aviation related activity comply with safety-related national laws and regulations. Safety oversight ensures that the national aviation industry provides a safety level equal to, or better than, that defined by the SARPs.
3	The Aeronautical Authority for the state of Kenya for the purposes of international Civil Aviation is the Ministry of Roads and Transport-State Department for Transport.	The Meteorology Bill, 2023 does **NOT** contravene this provision unless otherwise the Authority can demonstrate in the Meteorology Bill, 2023 clause(s).	The Ministry of Environment, Climate Change and Forestry has and will remain committed to its mandates and responsibilities as they are outlined in the current

			existing Presidential Executive Order.
4	The Authority responsible for oversight of Civil Aviation (*including all other entities that have linkages to civil aviation*) in Kenya is the Kenya Civil Aviation Authority.	The proposed Meteorology Bill, 2023 has NOT contravened this KCAA mandate.	The CAA may have to demonstrate that Meteorology Bill, 2023 is in contravention of this responsibility.
5	The Cabinet Secretary responsible for matters relating to civil aviation in exercise of powers bestowed under section 82 of the Civil Aviation Act has published regulations and among them, the Civil Aviation (*Meteorological Services for Air Navigation*) -Regulations, 2018- Legal Notice No. 166 in compliance with the provision of Article 37 to the Convention on International Civil Aviation as it is the obligation of the State.	This is in fulfilment and conformance of contracting states (*Kenya not exceptional*) to the application of Critical Element (CE)-2 (*Specific Operating Regulations*) of the State Safety Oversight System. This applies to promulgation of all the aviation regulations NOT limited to civil aviation (*Meteorological Services for air Navigation*) - Regulation, 2018.	The Meteorology Bill, 2023 has NOT contravened this CAA function. The Authority may have to demonstrate any contravention.
6	The Civil Aviation (*Meteorological Service for Sir Navigation*), Regulations, 2018 at (4)(1) empower the Kenya Civil Aviation with the	Since establishment of CAA primary law in 2002, KMD has been designated	The Meteorology Bill, 2023 has NOT contravened

	responsibility of designating a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.	as the sole Meteorological Service Provider (MSP), a mandate the Department has executed and it's still executing to date. Apart from designating KMD to provide Meteorological Service for air Navigation, CAA has never provided this service and they do NOT have this capacity.	this CAA function. The Authority may have to demonstrate any contravention.
7	Kenya Civil Aviation Authority has designated the air navigation service provider ((a) a Directorate functionally delinked from KCAA), and Kenya Meteorological Department as the entities to provide or arrange for the provision of Meteorological Service for Air navigation on behalf of the state.	Air Navigation Services (ANS) has no capacity under any law in Kenya to provide Meteorological Service for air Navigation. The Authority cannot purport to have delinked ANS Directorate from the KCAA. By definition, ANS is the operational arm of KCAA. Under CAA Act CAP 394, the Interpretation of ANS is defined	The multisectoral areas KMD is providing services is outlined under the (1.1-1.10) of the introduction part of this document. The Authority may have to demonstrate whether the ANS Directorate has capacity to provide this

		under Part 3.0 of this document. This is a conflict of interest that ICAO is discouraging state to avoid. KMD has provided this service in collaboration with ANS and NOT as a branch within ANS	meteorological information.
8	Clause 6 of Meteorology Bill – Object of the Authority should be revised to remove 'Meteorological Services for Air Navigation' and wherever else appearing in the Bill, as well as any reference in the Bill to services relating to Meteorological Services for air Navigation which should be established and regulated under the existing legal and regulatory framework domesticated from Annex 3 to the Convection on International Civil Aviation – *Meteorological Service for Air Navigation.*	KCAA has been involved in the drafting, development, reviewing and public participation of the Meteorology Bill, 2023. In all the undertakings the Authority has been represented and submitted their views, suggestions and comments that has contributed development of the Meteorology Bill, 2023.	The CAA may have to demonstrate how this is contravening CAA Act, CAP 394.
9	The current civil aviation regulations state that a provider of Meteorological Services for Air Navigation must be authorized by the authority in accordance with the civil aviation (certification of ANSPs) regulations	The Meteorology Bill, 2023 does NOT contravene the certification responsibilities of the CAA under the Critical Element (CE) 6.	The CAA may have to demonstrate how this is contravening CAA Act, Cap. 394.

10	KCAA regulates Air Navigation Services (ANS) and the Meteorological Services for air navigation is part of ANS as per ICAO definition i.e. services provided to air traffic during all phases of operations including air traffic management (ATM), Communication, Navigation and Surveillance (CNS), Meteorological Services for Air Navigation (MET), Search and Rescue (SAR) and Aeronautical Information Services (AIS). (Doc 9734-Safety oversight Manual Part A-the Establishment and management of a state Safety Oversight System 3rd Edition, 2017	The CAA ACT. CAP 394 has defined Air navigation Services as below; "**Air Navigation Services**" means— (a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft; (b) navigational services, that is to say radio, radar and visual aids to navigation; (c) air traffic services provided for the safety of aircraft; and (d) aeronautical information services;	ICAO recommends the states to promulgate primary aviation laws and subsequent operating regulations (**CE1&2**). KCAA promulgated CAA Act. CAP 394 and subsequent several CAA regulations for different service providers. KMD recommends that on this matter, we stick to the national laws and regulations which are in place.
11	There is currently no gap in the provision of Meteorological Services for Air Navigation and any services required from the Kenya Meteorological Services Authority will be provided under the framework of a Memorandum of Understanding or agreement	KMD and KCAA have existing LoA over the provision of the Meteorological Services for air navigation. For the avoidance of doubts, upon	The current LoA is for five (5) years leveraging on ATS, CNS, AIS and SAR sections of KCAA.

		transition to Authority, those LoA shall be assumed as they were entered into agreement with the new body/organization until they expire.	

Yours Sincerely,

Dr. Eng. Festus K. Ng'eno, MIEK, CBS
PRINCIPAL SECRETARY

KENYA CIVIL AVIATION AUTHORITY

efficiently managing air safety

KCAA/CONF/001C/22 VOL.8 **19th March, 2025**

The Chairman ,
Departmental Committee on Environment, Forestry and Mining,
National Assembly,
P. O. Box 41842-00100,
NAIROBI.

Dear Chairman

KENYA CIVIL AVIATION SUBMISSION ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023)

Please refer to the letter to us from the Clerk of the National Assembly Ref: NA/DDC/EF&M/2025/004 dated 7th March, 2025 inviting the Cabinet Secretary, Roads and Transport together with his technical officers including the Accounting Officer for a retreat with the Departmental Committee on Environment, Forestry and Mining to submit comments and proposals on the Meteorology Bill.

Kenya Civil Aviation Authority supports the enactment of the Meteorology Bill into an Act of Parliament for regulation, coordination, monitoring, management, and provision of meteorological services save for matters relating to establishment and provision of meteorological services for air navigation that is already well established and regulated under the existing civil aviation legal and regulatory framework.

Background on Annex 3 to the convention on international civil aviation, and the existing legal and regulatory framework in Kenya on Meteorological Services for Air Navigation

1. The applicable international standard for provision of meteorological services for air navigation is ICAO Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation*. The World Meteorological Organization Technical Regulations Volume II, *Meteorological Service for International Air Navigation* was discontinued on 31st December, 2023 in favour of the ICAO Annex 3 which is currently in force.

2. Article 2.1 of ICAO Annex 3 to the convention on international civil aviation – *Objective, determination and provision of meteorological service* provides:

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P.O. Box 30163 - 00100 GPO Nairobi
Tel: +254 020 6827470 - 5, +254 734 000 491/492, +254 728 606 586/70, +254 709 725 000
Fax: +254 020 6827 808, 6822 300

Website: www.kcaa.or.ke
E-mail: info@kcaa.or.ke

a) Under 2.1.3, that each contracting state shall determine the meteorological service which it will provide to meet the needs of international air navigation. This determination shall be made in accordance with the provisions of the Annex and in accordance with regional air navigation agreement; it shall include the determination of the meteorological service to be provided for international air navigation over international waters and other areas which lie outside the territory of the State concerned; (***this has already been determined under the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166***)

b) Under 2.1.4, that each contracting State shall designate the authority, hereinafter referred to as the meteorological authority, to provide or arrange for the provision of meteorological service for international air navigation on its behalf. Details of the meteorological authority so designated shall be included in the State aeronautical information publication in accordance with Annex 15 Chapter 5; (***this has already been actioned and Kenya Civil Aviation Authority and the Meteorological Department are designated as the authorities responsible for provision of the services, and details included in the State aeronautical information publication***); and

c) Under 2.1.5, that each contracting state shall ensure that the designated meteorological authority complies with the requirement of the World Meteorological Organization in respect of qualifications, competencies, education and training of meteorological personnel providing services for international air navigation (***the designated authorities are currently compliant***).

3. Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation* has been domesticated in Kenya under the Civil Aviation Act, CAP 394 and the following Regulations:

   a) Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166, and
   b) Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2018 - Legal Notice No. 125.

4. The Civil Aviation Act, CAP 394 provides:

   a) At section 3(g), that the provisions of the Act or any regulations made thereunder **shall apply to air navigation facilities and services in Kenya**;
   b) At section 7(1)(b), that the **Kenya Civil Aviation Authority (Authority) shall be responsible for the provision of air navigation services**;
   c) At section 7(2), that the **Authority shall provide air navigation services in Kenya airspace, and for any areas outside of Kenya for which Kenya**

has, in pursuance of international arrangements, undertaken to provide air navigation services, alerting service and to co-ordinate search and rescue, therein; and

d) At section 7(3) that the **Authority shall carry out its functions in a manner consistent with the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto or other international conventions and protocols relating to civil aviation** that Kenya is party to.

e) The Authority regulates provision of air navigation services provided by its Air Navigation Services Directorate (that is functionally delinked from the Authority) and meteorological services for air navigation is part of air navigation services as per ICAO definition i.e. services provided to air traffic during all phases of operations including Air Traffic Management (ATM), Communication, Navigation and Surveillance (CNS), meteorological services for air navigation (MET), Search and Rescue (SAR) and Aeronautical Information Services (AIS). (Doc 9734 - Safety Oversight Manual Part A - The establishment and management of a State Safety Oversight System) Third Edition, 2017

f) At section 82(1), that the Cabinet Secretary responsible for matters relating to civil aviation shall make regulations to give effect to and for the better carrying out of the objects and purposes of the Civil Aviation Act, to provide generally for regulating air navigation, air transport, air accident investigation and carrying out and giving effect to any convention.

g) At section 82(2)(k), that **without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations requiring persons engaged in or in connection with meteorology to supply meteorological information for the purpose of air navigation**. (The ***Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166 is already published and*** **Kenya Meteorological Service Authority once incorporated will be required to comply with the requirements of the regulations to enable it to provide meteorological services for air navigation**).

5. The Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166 provides:

a) At regulation 4(1), that the Authority shall designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

b) At regulation 4(2), that details of the meteorological authority designated under sub regulation (1) shall be included in the Kenya Aeronautical Information Publication.

c) At regulation 4(3), that a person shall not provide meteorology services for air navigation unless—
   i) such person has been authorized by the Authority in accordance with Civil Aviation (Certification of ANSPs) Regulations; and
   ii) the services are provided in accordance with the requirements prescribed in these Regulations and any associated standards and procedures.

d) At regulation 5, that a person authorized to provide meteorology services for air navigation under regulation 4 shall do so in accordance with the procedures described in;-
   i) the Manual of Operations required under these regulations; and
   ii) the quality management system manual required under these Regulations.

Submission

1. From the above review, the applicable standard for Meteorological Service for International Air Navigation is ICAO Annex 3 to the convention on international civil aviation and not the World Meteorological Organization Technical Regulations Volume II, *Meteorological Service for International Air Navigation* that was discontinued on 31st December, 2023.

2. The requirements of Annex 3 to the convention on international civil aviation have been domesticated under the Civil Aviation Act CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166, and Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2018 - Legal Notice No. 125, and hence there is already an existing legal and regulatory framework for provision of Meteorology Services for Air Navigation.

3. The Aeronautical Authority for the State of Kenya for purposes of international civil aviation is the ministry responsible for matters relating to civil aviation and in this case the Ministry of Roads and Transport – State Department for Transport. This is the Authority responsible for civil aviation matters that include provision of air navigation services that has within it the provision of meteorological services for air navigation component.

4. The Cabinet Secretary responsible for matters relating to civil aviation in exercise of powers bestowed under section 82 of the Civil Aviation Act has published regulations and amongst them, the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166 in compliance with the provisions of Article 37 to the Convention on International Civil Aviation as is the obligation of the State.

5. The Authority responsible for oversight of civil aviation (including all other entities that have linkage to civil aviation) in Kenya is Kenya Civil Aviation Authority.

6. The Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 at 4(1) empower the Kenya Civil Aviation Authority with the responsibility of designating a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

7. Kenya Civil Aviation Authority has designated the Air Navigation Service Provider (a directorate functionally delinked from KCAA), and Kenya Meteorological Department as the entities to provide or arrange for the provision of meteorological service for air navigation on behalf of the State.

8. The current civil aviation regulations state that a provider of meteorological services for air navigation must be authorized by the Authority in accordance with Civil Aviation (Certification of ANSPs) Regulations.

9. There is currently no gap in the provision of meteorological services for air navigation and any services required from the Kenya Meteorological Services Authority will be provided under the framework of a memorandum of understanding or agreement.

10. **Proposed Amendments**
    Please see matrix attached hereto.

Yours Faithfully,

Emile N. Arao
DIRECTOR GENERAL

Attach

COMMENTS ON THE KENYA METEOROLOGY BILL

	Clause	Citation	Comment	Justification
1.	Clause 2 – Interpretation	"'aeronautical meteorological services" means services provided to air navigation for safety and security reasons and comprise the following; (a) enroute meteorological forecast and warning services for both international and national flights; (b) low-level significant weather charts for general aviation; (c) aerodrome meteorological information; (d) provision of aviation specific research and development; and (e) provision of significant meteorological information;	Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
2.		"flight information region" means an air space of defined dimensions within which flight information and alerting services are provided:	Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
3.		"meteorological watch office" means an office designated to provide information concerning the occurrence or expected	Delete	This is already provided for in the Civil Aviation Act,

		occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region;		CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
4.	Clause 4 – Objects of the Act	The object of this Act shall be to- (a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and (b) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, and in particular the Convention of World Meteorological Organization, to which Kenya is a party	Amend as follows: The object of this Act shall be to- (c) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and (d) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, save for meteorological services for air navigation, and in particular the Convention of World Meteorological	The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166. The regulator for provision of air navigation services, which includes

			Organization, to which Kenya is a party	meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.
5.	Clause 6 – Objects of the Act	The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services.	Though this is a repetition of clause 4, we propose amendment as follows if retained: The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services, save for meteorological services for air navigation.	The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166. The regulator for provision of air

				navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.
6.	Clause 7(d)	provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;	Amend as follows: provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in ~~line~~ accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
7.	Clause 7(e)	provide timely meteorological information for search and rescue services and accident investigation;	Amend as follows: provide timely meteorological information for search and rescue services and accident investigation in accordance with the requirements of Annex 3 to the Chicago	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for

			Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;	provision of meteorological services for air navigation.
8.	Clause 7(m)	in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;	Amend as follows: ~~in collaboration with Kenya Civil Aviation Authority, participate in the training~~train ~~and rating of~~ air traffic controllers in accordance with the requirements of Civil Aviation Act, CAP 394, and relevant Regulations thereunder on on training of aviation personnel;	Training and rating of personnel in the aviation industry is regulated. For Kenya Meteorological Service Authority to train air traffic controllers, it will need to go through a process for certification as an approved training organizations as provided for under the Civil Aviation (Approved Training Organization) Regulations – Legal Notice No. 93
9.	Clause 8(b)	regulate and set standards for the provision of meteorological services;	Amend as follows: regulate and set standards for the provision of meteorological services save for meteorological services for air navigation;	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of

				meteorological services for air navigation.
10	Clause 9(1)	The Authority shall regulate the meteorological services in Kenya.	Amend as follows: The Authority shall regulate the meteorological services in Kenya save for meteorological services for air navigation.	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
11	Clause 33(1)(g)	money collected under the Air Passenger Service Charge Act; and	Delete	Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private

				goods services as one of the funds of the Authority has been provided for under 33(1)(b).
12	Clause 43(1)(b)	the cost recovery for aeronautical meteorological and marine meteorological services;	Amend as follows: the cost recovery for ~~aeronautical meteorological and~~ marine meteorological services;	To avoid conflicting provisions in two statues on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework. Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air

				navigation services, regulatory services and providing for the recovery of such charges;
13	Clause 11	No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority	Amend as follows: No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority save for air traffic controllers.	Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather which has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.

DIRECTORATE OF DEPARTMENTAL COMMITTEES
RECEIVED
11 APR 2025

(1) DD/
8
10/4/25

NDMA

National Drought Management Authority

Email: info@ndma.go.ke
Fax No.: 254 (20) 2227982
Telephone: 254 (20) 2227496/2227168

P.O. Box 53547 - 00200
NAIROBI
KENYA

When replying please quote:

(2) Rose Wanjohi, Hod
Pls place before the
Dept. Comm. on Environment.
DM 11/04/25

Ref.No. NDMA /ADM/1/1

9th April 2025

Office of the Clerk,
The National Assembly,
P. O. Box 41842-00100,
Parliament Buildings,
NAIROBI

(3) Hellen Ekadeli
Pls T.I.N.A
14/4/25

RE: CONSIDERATION OF THE METEOROLOGY BILL (SENATE BILL NO.45 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

This is in reference to your letter Ref No. NA/DDC/EF&M/2025/009 dated 1st April, 2025, inviting us to provide further comments and proposals on the Bill.

The Authority having gone through the bill has provided detailed comments for your consideration in the attached 'NDMA proposals for review – Meteorology Bill,2023'.

Hared H. Adan, Lt. Col. (Rtd), MBS
CHIEF EXECUTIVE OFFICER

NATIONAL ASSEMBLY
RECEIVED
10 APR 2025
CLERK'S OFFICE
P. O Box 41842, NAIROBI

NDMA PROPOSALS FOR REVIEW- METEOROLOGY BILL, 2023

S/No	Clause proposed for Review	Proposal	Justification
1.	**Part I: Preliminary** **Definition of specialized service:**	Clause 2: Definition of Specialized Service. "Specialized service" means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person; Add …" *or organization*" at the end of the definition.	Expands scope of coverage of requests made to the Authority to include organizations
2.	**Part II: The Kenya Meteorological Service Authority (KMSA)**	Add a provision to integrate indigenous knowledge of communities in co-creation of forecasts, scenarios and advisories under clause 7. Insert the following immediately after 7(2)(v). To read as follows: (w) Integrate indigenous knowledge with modern science in weather forecasting through participatory scenario planning	This will recognize the importance of integrating modern science with indigenous knowledge to enhance ownership and uptake of products.
3.	**Part II: The Kenya Meteorological Service Authority (KMSA)** Clause 7(f)(i)- Prepare and disseminate: Weather forecasts , as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-	**Edit Clause 7(2)(f)(i)- to read:** Weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction and collaborate with National Drought Management Authority (NDMA) through a multi-hazard approach. **Insert clause 7(2)(f)(iv)** • Weather forecasts using local languages and media easily understood by local	NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach. KMSA could leverage on the already existing systems through a collaborative framework with NDMA.

NDMA PROPOSALS FOR REVIEW- METEOROLOGY BILL, 2023

S/No	Clause proposed for Review	Proposal	Justification
1.	Part I: Preliminary Definition of specialized service:	Clause 2: Definition of Specialized Service. "Specialized service" means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person; Add ..." *or organization*" at the end of the definition.	Expands scope of coverage of requests made to the Authority to include organizations
2.	Part II: The Kenya Meteorological Service Authority (KMSA)	Add a provision to integrate indigenous knowledge of communities in co-creation of forecasts, scenarios and advisories under clause 7. Insert the following immediately after 7(2)(v). To read as follows; (w) Integrate indigenous knowledge with modern science in weather forecasting through participatory scenario planning	This will recognize the importance of integrating modern science with indigenous knowledge to enhance ownership and uptake of products.
3.	Part II: The Kenya Meteorological Service Authority (KMSA) Clause 7(f)(i)- Prepare and disseminate: Weather forecasts , as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-	Edit Clause 7(2)(f)(i)- to read: Weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction and collaborate with National Drought Management Authority (NDMA) through a multi-hazard approach. Insert clause 7(2)(f)(iv) • Weather forecasts using local languages and media easily understood by local	NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach. KMSA could leverage on the already existing systems through a collaborative framework with NDMA.

	hazard early warning system	communities who are likely to be affected by hazards/disasters. *Edit Clause 7(f)(l)* to read; collaborate with NDMA and other relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;	
4.	**Part III: Management of the Authority:** Clause 13(2)(c): Qualifications of Board Members	Edit 13(2) to replace "9(2)(g)" with "12(2)(g)". Introduce 12(2)(g)(vi) Drought risk management.	To correct a typographical error Include expertise in drought risk management as one of possible qualifications of an independent Board Member

Pastoralists Alliance for Resilience and Adaptation Across Nations

To:

The National Assembly of the Republic of Kenya

Parliament Buildings

P.O Box 41842-00100

Nairobi, Kenya.

Through;

The Departmental Committee,

Environment, Forestry and Mining

National Assembly of Kenya.

March 18, 2025

RE: MEMORANDUM ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023) AND THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

INTRODUCTION

The *Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)* is a duly and legally registered non-profit making entity founded as a social justice movement with the purpose of consolidating a collective voice on the inclusion and rights of indigenous peoples. The Alliance brings together thirty-four (34) Indigenous peoples-led organizations working across nine (9) counties of Kenya.

We, the undersigned members of PARAAN hereby submit this memorandum to the National Assembly of the Republic of Kenya on behalf of the other members of the Alliance to the Houses' Departmental Committee on Environment, Forestry and Mining during the Public Hearing and Stakeholders' Engagement Retreat held at Hilton Garden Inn Hotel, Mombasa Road, Machakos County between March 18th – 21st 2025.

The memorandum intends to enrich the relevant contents and provisions therein of ***the Meteorology Bill, (Senate Bill No. 45 of 2023)*** and ***the Environmental Professionals Institute of Kenya Bill, (National Assembly Bill No.36 of 2024),*** and in the same regard, we specifically draw the attention of the House to the following:

Pastoralists Alliance for Resilience and Adaptation Across Nations

A. THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023)

The Bill aims to modernize and regulate the meteorological sector in Kenya by improving weather forecasting, climate monitoring, and disaster preparedness, which are critical for sustainable development and the protection of lives and livelihoods.

The following are recommendations to strengthen the inclusivity in this Bill:

i. Decentralize Meteorological Services

The current wording in the bill regarding the establishment of county meteorological offices under Clause 4 lacks conviction, which could undermine the effectiveness of decentralizing meteorological services. The bill should explicitly mandate the creation of county meteorological offices to bring weather forecasting and climate services closer to the people.

These offices should also endeavor to provide forecasts in local languages to ensure accessibility and relevance as well as leverage mobile platforms (e.g., SMS, mobile apps, and voice messages) to disseminate information widely, especially in remote and marginalized areas. This approach will enhance the inclusivity, efficiency, and usability of meteorological services, ensuring that all communities, including indigenous peoples and rural populations, can benefit from timely and actionable weather information.

ii. Collaboration with the National Drought Management Authority (NDMA)

The Bill should explicitly include a clause mandating the **Kenya Meteorological Authority (KMA)** to collaborate with the **National Drought Management Authority (NDMA)**.

Given the NDMA's critical role in drought mitigation, resilience-building, and resource management in arid and semi-arid lands (ASALs), such collaboration would ensure that meteorological data and early warning systems are effectively integrated into drought preparedness and response strategies.

iii. Clause 7 – Functions of Authority

The Bill can be strengthened by amending Clause 2(f) to explicitly include pastoralist-specific meteorological services, ensuring that early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs). This amendment should mandate the development of accessible early warning systems for droughts, livestock health risks, grazing conditions, and extreme weather events.

iv. The Board Composition to include expertise in Rangeland Management

Clause 12 of the bill should explicitly include **Rangeland Management and Pastoralism** as a required area of expertise for Board members to ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.

v. Incorporation of Traditional Indigenous Knowledge (TIK)

The Meteorology Bill should explicitly recognize and incorporate **Traditional Indigenous Knowledge (TIK)** of pastoralists and other indigenous communities, who have relied on their own weather forecasting and environmental management practices for centuries. The bill should provide a mechanism for the protection of rights and a place for traditional weather forecasters. Additionally, there is a need for documentation, use, and transmission of the knowledge involved.

This knowledge is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of forecasts, particularly in arid and semi-arid lands (ASALs). Furthermore, TIK should be protected under the Intellectual Property Laws to safeguard community rights and ensure that pastoralists and other indigenous groups benefit from the use of their knowledge.

Additionally, the bill should avoid imposing unreasonable fines or restrictions on individuals providing forecasts based on traditional knowledge, as this undermines community practices and cultural heritage. Instead, the bill should promote **collaborative frameworks** that respect and integrate TIK while ensuring that modern meteorological services complement, rather than replace, these time-tested practices.

vi. Provide guidelines for entry into private land – Establishment of Observation Station

Clause 38, which establishes observation stations, introduces the concept of wayleaves but fails to provide clarity on essential safeguards for landowners.

To ensure fairness and compliance with Kenya's Land Laws, such as the Land Act (2012) and the Community Land Act (2016), the clause must include clear guidelines on prior notice of entry, fair compensation, and protective measures for landowners. These provisions will protect landowners' rights, particularly in rural and pastoralist areas, while promoting transparency and cooperation in the establishment of meteorological infrastructure.

Without such safeguards, the clause risks creating conflicts and undermining trust between the meteorological authority and communities.

vii. Unreasonable penalties

The Bill's unreasonable penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship.

Annexure 7: The Meteorology Bill (Senate Bill No. 45 of 2023)

REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 45 of 2023)

THE METEOROLOGY BILL, 2023

(A Bill published in the Kenya *Gazette* Supplement No. 172 of 22nd September, 2023 and passed by the Senate, with amendments, on 19th November, 2024)

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26 NOV 2024
National Assembly
Table Office

THE METEOROLOGY BILL, 2023

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THE METEOROLOGY BILL, 2023

AN ACT of Parliament to provide for the establishment of the Kenya Meteorological Service Authority; regulation, co-ordination, monitoring, management, provision and control of meteorological services; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I – PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Meteorology Act, 2023, and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint.

Interpretation.

2. In this Act, —

"advisory services" means weather forecasts, warnings and alerts, climate projections and any other meteorological advisories;

"aeronautical meteorological services" means services provided to air navigation for safety and security reasons and comprise the following—

(a) *en route* meteorological forecast and warning services for both international and national flights;

(b) low-level significant weather charts for general aviation;

(c) aerodrome meteorological information;

(d) provision of aviation specific research and development; and

(e) provision of significant meteorological information;

"Authority" means the Kenya Meteorological Service Authority established under section 5;

"authorized officer" means a person designated as an

authorized officer under section 36;

"Board" means the Board of Directors constituted under section 9;

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to meteorological services;

"climate" means the average weather conditions prevailing in an area over a period of at least thirty years characterized by statistics of the meteorological elements;

"climate change" has the meaning assigned to under section 2 of the Climate Change Act, 2016;

No. 11 of 2016

"Director General" means the Director General appointed under section 22;

"environment" has the meaning assigned to it under section 2 of the Environment Management and Coordination Act, 1999;

No. 8 of 1999.

"flight information region" means an airspace of defined dimensions within which flight information and alerting services are provided;

"forecasting" means predicting the future state or conditions of the atmosphere at a given time;

"land" has the meaning assigned to it under Article 260 of the Constitution;

"marine meteorology" means meteorology as applied to activities in coastal zones and ecosystems, fisheries and maritime transportation, in the oceans and inland water bodies;

"marine meteorological services" means meteorological and related oceanographic information such as warnings, forecasts, charts, expert advice, services for search and rescue and climatological data, required for safe navigation and high efficiency of operations;

"meteorology" means the science of the atmosphere and

its interaction with the geosphere, biosphere, cryosphere, hydrosphere and society;

"meteorological service provider" means a person who is mandated to carry out the observation, transmission and processing of meteorological information; issuance of weather forecasts; alerts, advisories and warnings; provision of climatological and related environmental information;

"meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within the Kenyan flight information region;

"meteorological consultancy services" means meteorological expert services offered by the Authority which are technical and advisory in nature;

"meteorological services" means meteorological observation, data processing and archival, data exchange, issuance of weather forecasts, alerts, advisories and warnings, provision of climatological and related environmental information, carrying out research and development in meteorology, climate projections, provision of scientific assessment for climate change and the provision of education and training in meteorology and related sciences in partnership with institutions of higher learning;

"meteorological information" means meteorological data, report, analysis, forecasts and any other statement relating to existing or expected meteorological conditions;

"meteorological data" means weather and climate measurements and observations;

"meteorological products" means processed information from meteorological data;

"premises" includes land, plants and ancillary works vested in or placed at the disposal of the Authority for the purposes of the Authority;

"private good services" means the services specified in

the First Schedule;

"private weather service provider" means a person or an organization, registered by the Authority as a provider of weather services engaged in one or more of the following tasks —

(a) meteorological data collection;
(b) sector specific product development;
(c) dissemination of the forecasts and products released by the Authority;
(d) consultancy in litigation where the service provider offers expert witness services, insurance and investment services industries;
(e) fabrication of meteorological equipment and instruments; and
(f) meteorological related research;

"public good services" means the services specified in the Second Schedule;

"Directorate" means the Meteorology Training and Research Directorate established under section 29;

"specialised service" means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person;

"weather" means the state of the atmosphere at a particular place and time as regards temperature, cloudiness, moisture, visibility, sunshine, pressure, wind, humidity, and rain; and

"weather observer" means a person who is mandated with the obligation of systematic observation, measurement, and reporting of meteorological conditions.

Application of the Act.

3. (1) This Act shall, except where implied or expressly specified, apply to—

(a) weather observers;

(b) meteorological service providers;

(c) private weather service providers;

(d) the Directorate;

(e) any meteorological training and research institution; and

(f) any person, group of persons or organization whose undertakings involve or include, generally, the use of meteorological information for commercial purposes.

(2) For purposes of this section—

"commercial purposes" means the use of meteorological information acquired from the Authority for the purpose of generating income;

Object of the Act.

4. The object of this Act shall be to—

(a) provide for the regulation, co-ordination, monitoring, management, and provision of meteorological services; and

(b) give effect to and ensure fulfilment of the obligations of the Government under treaties and conventions on meteorology, in particular the Convention of World Meteorological Organization, to which Kenya is a party.

PART II – THE KENYA METEOROLOGICAL SERVICE AUTHORITY

Establishment of the Kenya Meteorological Service Authority.

5. (1) There is established an authority to be known as the Kenya Meteorological Service 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, charging and disposing of movable and immovable property;

(c) borrowing money;

(d) entering into contracts; and

(e) undertaking or performing all other activities necessary for the proper performance of its functions under this Act that may lawfully be done or performed by a body corporate.

(3) The Authority shall be—

(a) responsible for the provision of meteorological services in Kenya; and

(b) the principal technical advisor to the National and County Governments on matters related to meteorology.

(4) The headquarters of the Authority shall be in Nairobi but the Authority may establish county meteorological offices.

Object of the Authority.

6. The object of the Authority shall be the provision, regulation, co-ordination, monitoring, management and control of meteorological services.

Functions of the Authority.

7. (1) The Authority shall carry out such functions as may be necessary to give effect to the objects of this Act.

(2) Despite the generality of subsection (1), the Authority shall—

(a) develop, review and monitor the implementation of government policies in respect of meteorology and related sciences;

(b) develop, review and operate—

(i) a national strategic plan for the Authority in alignment with international treaties, protocols, agreements, and conventions on meteorology; and

(ii) a national framework for climate services in

support of the climate services information system value chain to process data, run models and produce climate products for user benefits;

(c) establish and maintain—

(i) surface, upper-air and marine meteorological observation networks;

(ii) integrated information systems, in line with the World Meteorological Organization Information System, for the exchange of meteorological data and products; and

(iii) meteorological management systems for data processing, analysis, forecasting and archival;

(d) provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;

(e) provide timely meteorological information for search and rescue services and accident investigation;

(f) prepare and disseminate—

(i) weather forecasts, as well as issue advisories, alerts and warnings of severe weather and extreme climate events for disaster risk reduction through a multi-hazard early warning system;

(ii) marine and tsunami early warning advisories as designated by Intergovernmental Oceanographic Commission of United Nations Education, Scientific and Cultural Organization as the Indian Ocean Tsunami Watch Centre;

(iii) agricultural meteorological services to improve productive capacity and build resilience posed by extreme events associated with climate variability and climate change;

(g) monitor background environmental pollution at the World Meteorological Organization Global Atmosphere Watch Station on Mount Kenya and atmospheric chemical composition for greenhouse gases in the country for assessment of air quality and climate change detection and attribution;

(h) provide public good services as set out in the Second Schedule;

(i) provide private good services as set out in the First Schedule;

(j) set standards, develop curricula, provide training in meteorology, operational hydrology and related sciences, examine and award diploma and certification in line with the World Meteorological Organization and other standards.

(k) in collaboration with the ministry responsible for matters related to education, set the minimum curriculum requirements for training in meteorology;

(l) collaborate with relevant government agencies in the development, implementation and operation of national multi-hazard early warning systems;

(m) in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;

(n) collaborate with other institutions in the observation, recording and transmission of meteorological data in line with the World Meteorological Organization Integrated Global Observing System;

(o) conduct and co-ordinate research and development in meteorology and related environmental sciences including scientific assessments to improve operations and services and to provide updates with respect to climate change;

(p) design, fabricate and in collaboration with the Kenya Bureau of Standards calibrate and monitor standards for meteorological instruments;

(q) set and maintain standards and recommended practices on meteorological instruments and methods of observations;

(r) conduct public weather services for public education, outreach programme, radio and television communication and media presentation for meteorological services;

(s) maintain up-to-date data on weather and climate within the zone of responsibility assigned to Kenya by the World Meteorological Organization;

(t) register weather stations for meteorological data collection;

(u) collaborate with the public and private sector in meteorological observation, carrying out research and development and education and training;

(v) fulfill relevant international commitments including those under the World Meteorological Organization and advance national interests by participating in the appropriate international programmes and activities; and

(w) undertake any other function that may be required by this Act or any other written law.

Powers of the Authority.

8. (1) The Authority shall have all powers necessary for the proper performance of its functions under this Act.

(2) Despite the generality of subsection (1), the Authority shall have power to—

(a) subject to the approval of the Cabinet Secretary, determine and impose fees for any private good services provided by the Authority;

(b) regulate and set standards for the provision of meteorological services;

(c) create, develop, own, protect and exploit inventions and innovations resulting from research activities undertaken by or on behalf of the Authority; and

(d) receive any gift, grant, donation or endowment made to it and to make legitimate disbursements in accordance with the provisions of this Act and any other written law.

Regulatory powers of Authority.

9. (1) The Authority shall regulate the meteorological services in Kenya.

(2) Without prejudice to the generality of subsection (1), the Authority shall—

(a) ensure compliance with—
(i) international standards and practices in meteorological services; and
(ii) standards in installation and maintenance of meteorological instruments;

(b) approve and register meteorological stations; and

(c) monitor and supervise functions of meteorological operators.

Permit.

10. Any person who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

Prohibition of meteorological activities.

11. (1) No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without a permit commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment.

PART III – MANAGEMENT OF THE AUTHORITY

Composition and appointment of Board of Directors.

12. (1) The Authority shall be managed by a board of directors to be known as the Kenya Meteorological Service Authority Board.

(2) The Board shall comprise of—

(a) a chairperson, appointed by the President;

(b) the Principal Secretary in the ministry responsible for matters relating to meteorological services or his representative;

(c) the Principal Secretary in the ministry responsible for matters relating to finance or his representative;

(d) the Principal Secretary in the ministry responsible for matters relating to transport or his representative;

(e) the Attorney-General or his representative;

(f) a representative nominated by the Council of County Governors;

(g) two other persons, not being public officers, with knowledge and experience in any of the following fields—

(i) meteorology;
(ii) aviation;
(iii) marine;

(iv) agriculture; or

(v) water resources management; and

(h) the Director-General, who shall be an *ex-officio* member of the Board with no voting rights.

(3) The members of the Board appointed under subsection (2)(g) shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

Qualifications of Board members.

13. (1) A person shall be qualified for appointment as the chairperson of the Board if that person—

(a) is a citizen of Kenya;

(b) meets the requirements of Chapter Six of the Constitution;

(c) holds a degree from a university recognized in Kenya and has at least ten years' experience in the relevant field; and

(d) does not hold a position or have such interests that are likely to place that person in a position of conflict of interest.

(2) A person shall be qualified for appointment as a member of the Board under section 9(2)(g) if that person—

(a) is a citizen of Kenya;

(b) meets the requirements of Chapter Six of the Constitution;

(c) holds a degree from a university recognized in Kenya and at least five years' experience in any of the fields specified in section 9(2)(g) and

(d) does not hold a position or have such interests that are likely to place that person in a position of conflict of interest.

Tenure of office.

14. (1) The Chairperson and members of the Board

appointed under section 9(2)(g), shall hold office for a period of three years on such terms and conditions as may be specified in the instruments of appointment and shall be eligible for reappointment for one further term of three years.

(2) The members of the Board shall be appointed at different times so that their terms of office expire at different times.

Vacancy.

15. (1) A vacancy shall arise in the Board if a member—

(a) dies;

(b) resigns from office by notice in writing addressed to the Cabinet Secretary;

(c) assumes a State office;

(d) violates the Constitution or any other law;

(e) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(f) is unable to perform the functions of the office arising out of physical or mental infirmity;

(g) is negligent or incompetent in the performance of his or her functions;

(h) has been absent from three consecutive meetings of the Board without the prior permission of the Chairperson, except on good cause shown; or

(i) is adjudged bankrupt.

(2) The Chairperson or, in his absence, the Secretary to the Board shall notify the Cabinet Secretary as soon as a vacancy occurs in the membership of the Board.

Functions of the Board.

16. (1) The Board shall be responsible for the general management, development and control of the undertakings and affairs of the Authority.

(2) Without prejudice to the generality of subsection (1), the Board shall—

(a) consider and approve the strategic plan, procurement plan and budget of the Authority;

(b) oversee the implementation of meteorology policies;

(c) consider and approve the Authority's staff remuneration in consultation with the relevant authorities;

(d) ensure the financial viability and development of commercial services including revenue collection;

(e) ensure efficient, cost effective and quality meteorological services;

(f) approve and appoint senior management officers;

(g) monitor the performance of the Authority;

(h) formulate policies for the administration and management of the Directorate; and

(i) perform any other functions that may be assigned by the Cabinet Secretary.

Powers of the Board.

17. The Board shall—

(a) have all the powers necessary for the proper performance of its functions under this Act;

(b) administer the assets of the Authority in such manner and for such purposes as best promotes the purposes for which the Authority is established; and

(c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority.

Meetings of the Board.

18. (1) The conduct of the business and affairs of the Board shall be as provided in the Third Schedule.

(2) Subject to the provisions of this Act, the Board may regulate its own procedure.

(3) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Board.

Committees of the Board.

19. (1) The Board may establish committees for the better carrying out of its functions.

(2) The Board may, with the approval of the Cabinet Secretary, co-opt into the committee under subsection (1) other persons whose knowledge and skills are found necessary for the function of the Board.

Delegation by the Board.

20. The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board the exercise of any of the powers or the performance of any its functions or duties under this Act.

Remuneration of members of the Board.

21. The chairperson and members of the Board shall be paid out of the funds of the Authority, such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

Appointment of the Director-General.

22. (1) There shall be a Director-General of the Authority who shall be competitively recruited and appointed by the Board on such terms and conditions of service as determined by the Board in consultation with the Salaries and Remuneration Commission.

(2) The Director-General shall hold office for a term of three years' renewable for one further term of three years, subject to performance as evaluated by the Board.

(3) A person shall be qualified for appointment as Director-General if that person—

(a) is a citizen of Kenya;

(b) meets the requirements of Chapter Six of the Constitution;

(c) has a first degree in Meteorology and a Master's degree in a related science from a university recognized in Kenya; and

(d) has at least ten years' experience in the relevant field, of which five years shall be at a senior management position.

Removal of the Director-General from office.

23. (1) The Board may remove the Director-General from office in accordance with the terms and conditions of service or if the Director-General—

(a) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;

(b) is convicted of an offence whose term of imprisonment is more than six months;

(c) is unable to perform the functions of the office arising out of prolonged physical incapacity or mental illness;

(d) contravenes the provisions of any law; or

(e) fails to comply with the provisions of this Act relating to disclosure of interest.

(2) The Director-General may resign by notice in writing addressed to the Board.

Duties of the Director-General.

24. (1) The Director-General shall—

(a) be responsible for the day-to-day management and operations of the affairs of the Authority;

(b) be responsible for the execution and communication of the Boards strategies, decisions and policies;

(c) be the Permanent Representative of Kenya to the World Meteorological Organization; and

(d) perform such other duties as may be assigned by the law and the Board.

(2) Without prejudice to subsection (1), it shall be the responsibility of the Director-General to—

(a) implement the meteorology policy;

(b) promote the development of meteorological services in Kenya;

(c) promote the Directorate for the purposes of offering instructions and training in meteorology and related sciences;

(d) determine and set priorities of the performance targets of the Authority;

(e) facilitate succession management and provide guidance in the appointment of senior managers;

(f) ensure that the Authority has adequate systems of internal control, both operational and financial;

(g) facilitate capacity development in meteorology;

(h) monitor deployment and utilization of the resources of the Authority;

(i) prepare the annual reports, business plans and financial statements of the Authority;

(j) implement, co-ordinate and supervise the defined activities related to the management of meteorological programs;

(k) promote stakeholder engagement and enhance the corporate image of the Authority; and

(l) perform such other duties as may be assigned by the Board.

Conflict of interest.

25. The Director-General shall not engage in any other paid employment or hold a position or have such interests that are likely to place the Director-General in a position of conflict of interest or impose undue influence on the Authority or its employees in discharging its functions under this Act.

Delegation of powers by the

26. (1) The Director-General may, in writing, generally or in

Director-General.

any particular case, delegate to any person all or any of the powers, exercisable by the Director-General under any written law.

(2) Subject to any general or special direction given or condition attached by the Director-General, a person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly by this section.

(3) A delegation under this section may be revoked and no such delegation shall prevent the exercise of any power by the Director-General.

Appointment of Corporation Secretary.

27. (1) There shall be a Corporation Secretary of the Authority who shall be appointed by the Board following a competitive recruitment process.

(2) The terms and conditions of service of the Corporation Secretary shall be determined by the Board in consultation with the Salaries and Remuneration Commission.

Qualifications of corporation secretary.

28. A person qualifies for appointment as the Corporation Secretary if that person—

(a) holds a degree in law from a university recognized in Kenya;

(b) has at least five years' experience as a corporation secretary or a similar governance role;

(c) is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and

(d) meets the requirements of Chapter Six of the Constitution.

Duties of the Corporation Secretary.

29. (1) The Corporation Secretary shall be the Secretary to the Board and shall—

(a) provide legal services and advice the Board;

(b) provide guidance to the Board on the duties and responsibilities of the Board;

(c) ensure Board procedures are followed and reviewed regularly, and that the Board complies with the law, rules and regulations;

(d) maintain and update the register of conflict of interest;

(e) assist the Board in the implementation of the code of conduct and ethics;

(f) assist the Board in organizing Board activities, including providing information, preparing the agenda of a Board meeting, issuing notices and keeping a record of attendance of meetings;

(g) keep in safe custody the seal of the Authority and a record of its usage;

(h) ensure that the minutes of the Board and Board committees are promptly prepared and circulated;

(i) keep the Board abreast of and informed on matters of governance;

(j) coordinate the governance audit process; and

(k) perform any other duties as may be assigned by the Director-General and the Board.

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

Staff of the Authority.

30. The Authority may appoint such staff as are necessary for the proper discharge of the functions of the Authority under this Act on such terms and conditions of service as the Board may determine.

Common seal of the Authority.

31. (1) The affixing of the common seal of the Authority may be authenticated by the signature of the chairperson or the Director-General.

(2) A document that is not required by law to be made under seal and all decisions of the Authority may be authenticated by the signature of the chairperson or the Director-

General.

(3) If both the chairperson and the Director-General are absent, the Board may nominate a member of the Board to authenticate the common seal on behalf of the chairperson or the Director-General.

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

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

PART IV- METEOROLOGY TRAINING AND RESEARCH DIRECTORATE

Establishment of the Meteorology Training and Research Directorate.

32. (1) There is established a directorate of the Authority to be known as the Meteorology Training and Research Directorate which shall be the successor to the Institute for Meteorological Training and Research.

(2) The Directorate shall be headed by a Director who shall be accountable to the Director-General.

(3) The Directorate shall be responsible for training and research and shall be the World Meteorological Organization RegionalTraining Centre for the provision of certificate and diploma professional courses in meteorology, operational hydrology and related sciences.

PART V— FINANCIAL PROVISIONS

Funds of the Authority.

33. (1) The funds of the Authority shall comprise of—

(a) such monies as may be appropriated by Parliament for purposes of the Authority;

(b) charges for private goods services;

(c) such monies as may accrue to or vest in the

Authority in the course of the exercise of its powers or the performance of its functions under this Act;

(d) grants and loans from the government;

(e) grants and loans from any organization or person subject to the provisions of the Public Finance Management Act, 2012;

No.18 of 2012.

(f) interest on savings made by the Authority;

Cap 475.

(g) money collected under the Air Passenger Service Charge Act; and

(h) all monies and fees from any other sources provided, donated or lent to the Authority.

(2) The Authority may, with the approval of the Cabinet Secretary responsible for matters relating to finance, open and operate its own bank accounts in both domestic and foreign currencies in banks approved by the Board.

Annual estimates.

34. (1) The Board shall at least three months before the commencement of each financial year cause to be prepared estimates of revenue and expenditure of the Authority for that financial year which shall be submitted to the Cabinet Secretary for approval.

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

(a) the payment of salaries, allowances and other charges in respect of the staff of the Authority;

(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 proper maintenance of buildings and grounds of the Authority;

(d) the funding of training, research and development activities of the Authority;

(e) the payment of subscriptions under regional and

international obligations;

(f) the provision of meteorological services including Universal Service Obligations;

(g) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and

(h) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Board may deem appropriate.

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

(4) The annual estimates approved under subsection (3) shall not be amended without the prior consent of the Board and the Cabinet Secretary.

Investment of funds.

No. 18 of 2012.

35. The Board may, with the approval of the Cabinet Secretary responsible for matters relating to finance, invest any of the funds of the Authority in any manner and for any purposes provided in the Public Finance Management Act, 2012.

Accounts and Audit.

36. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets, liabilities, undertakings, funds, activities contracts, transactions and other business of the Authority.

(2) The Board shall within three months from the end of the financial year submit to the Auditor-General the accounts of the Authority together with—

(a) a comprehensive statement of income and expenditure during the year; and

(b) a statement of the assets and liabilities of the Authority on the last day of that year.

No. 34 of 2015.

(3) The accounts of the Board shall be audited in accordance with the provisions of the Public Audit Act, 2015.

(4) Notwithstanding the provisions of this Act, the Auditor-General may submit to the Cabinet Secretary a special report on any matters incidental to the Auditor-General powers under this Act, and the Public Audit Act, 2015, shall apply, to any report made under this section.

No. 34 of 2015.

Annual Report.

37. The Board shall, within three months after the end of each financial year prepare and submit to the Cabinet Secretary a report of the operations of the Authority for the immediately preceding year.

PART VI — GENERAL PROVISIONS

Establishment of observation stations.

38. (1) The Authority shall identify suitable sites and places on which to establish meteorological observation stations.

(2) An officer authorized under section 36(2) may, at all reasonable times, enter any land on which an observation station is established for the purpose of conducting necessary inspection, maintenance and data collection.

(3) Where a site identified under sub section (1) is on private property, the Authority shall enter into an agreement with the owner stating the manner in which the station shall be maintained and the minimum distance to be kept between the station and any other structure.

Authorized officers.

39. (1) The Director-General shall designate and appoint an employee of the Authority to be an authorized officer for purposes of carrying out the functions of the Authority.

(2) In carrying out the duties of an authorised officer, the authorised officer shall have such powers as may be necessary for proper carrying out of such duties.

Intellectual Property Rights.

40. (1) The Authority shall retain the intellectual property rights on any meteorology data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority.

(2) A person who obtains any meteorological data, information and other meteorological services from the Authority as a private good shall not, without the consent of the Authority, provide the same to a third party or cause it to be distributed.

(3) A person who uses any information or material of the Authority of publication in any way including in radio, television, social media, internet or other such medium, shall acknowledge the Authority as the source or contributor of such information.

(4) Any person who contravenes provisions of this section shall be guilty of an offence and upon conviction be liable for a fine not exceeding five million shillings or imprisonment to a term not exceeding two years, or both.

Limitation of liability.

41. The Authority is not liable for any damage, loss or injury sustained or alleged to have been sustained, by any person because of such person's reliance on meteorological information provided by the Authority.

Protection from personal liability.

42. (1) No matter or thing done by any member of the Board or an officer, employee or agent of the Authority shall, if the matter or thing is done in good faith in executing the functions, powers and duties of the Authority, render the member, officer, employee, agent or any person acting on their directions personally liable for any action, claim or demand whatsoever.

(2) Notwithstanding sub section (1), nothing in this section shall exempt a member of the Board, officer, employee or agent of the Authority from individual responsibility for unlawful or criminal act committed by the member of the Board, officer, employee or agent of the Authority.

Regulations.

43. (1) The Cabinet Secretary may, in consultation with the Authority, make Regulations for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), the Cabinet Secretary may make Regulations prescribing—

(a) rates, fees, charges and alterations in the tariffs, levied for the services and facilities provided by the Authority under this Act;

(b) the cost recovery for aeronautical meteorological and marine meteorological services;

(c) the standards for setting up and operating weather observing instruments;

(d) dissemination of meteorological information to the public;

(e) the operation of private weather services;

(f) procedures for application for permits, suspension and cancellation of permits under this Act;

(g) procedure for registration and regulation of the persons and entities listed in section 3;

(h) procedure for issuance of permits for operating meteorological stations and for regulating standards of installation of meteorological equipment and instruments in accordance with the World Meteorological Organization standards and recommended practices; and

(i) anything which is required to be prescribed for the better giving effect of the provisions of this Act.

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

(a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and

(b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

(4) The principles and standards applicable to the delegated power referred to under this Act are those found in–

No. 23 of 2013.

(a) the Statutory Instruments Act, 2013;

Cap. 2.

(b) the Interpretation and General Provisions Act;

(c) the general rules of international law as specified under Article 2(5) of the Constitution; and

(d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

PART VII - OFFENCES AND PENALTIES

General Offences.

44. A person who—

(a) obstructs an authorised officer of the Authority in the exercise of the powers or duties of the authorised officer under this Act;

(b) falsely holds themselves out to be an authorized representative of the Authority;

(c) destroys, removes or damages a weather observation station or other equipment of the Authority;

(d) gives or distributes meteorological information obtained from the Authority without the consent of the Authority and contrary to the provisions of this Act;

(e) issues to the public meteorological data collected, or weather information derived from a weather station not registered by the Authority; or

(f) issues meteorological data or weather information to the public contrary to the provisions of this Act,

commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

Offences in relation to meteorological equipment and

45. A person who uses an instrument or equipment that is not examined or approved by the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding

instruments.

five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Offence relating occupation of land within protected areas.

46. A person who approves the occupation of land within the limits of the protected area for meteorological observations, weather forecasting activities or weather modification activities commits an offence and shall, on conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twenty-four months or to both fine and imprisonment.

Offence for relocation.

47. A person who relocates meteorological stations, instrument or equipment without the approval of the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Offence for using meteorological instruments without valid calibration certificate.

48. A person who uses meteorological instruments without a valid calibration certificate from the Authority and the Kenya Bureau of Standards commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Use of meteorological data.

49. Any person carrying out a feasibility study for construction of a development project shall use meteorological data issued by the Authority.

General penalty.

50. A person who contravenes the provisions of this Act or commits an offence for which no penalty is provided, shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

PART VIII—TRANSITIONAL PROVISIONS

Court and other proceedings.

51. (1) Any proceedings taken by or on behalf of theKenya Meteorological Department or pending against it or any other person immediately before the commencement of this Act may be continued by or on behalf of or against the Authority as if instituted under this Act:

Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question.

(2) Any administrative investigation or inquiry instituted before the commencement of this Act shall be continued or disposed of as if instituted under this Act.

(3) All appeals or processes which immediately before the commencement of this Act were pending, shall proceed as if instituted under this Act.

(4) A contract subsisting between the Kenya Meteorological Department and another person or entity before the commencement of this Act shall subsist between the Authority and that person or entity.

Transitional matters in respect of the Authority.

52. (1) Upon commencement of this Act, all funds, assets and other property, both movable and immovable, which immediately before such date were vested in the Kenya Meteorological Department shall, by virtue of this section, vest in the Authority, subject to all interests, liabilities, charges, obligations and trusts affecting that property.

(2) Upon commencement of this Act, all rights, powers and liabilities which immediately before the commencement of the Act were vested in, imposed on or enforceable against the Kenya Meteorological Department shall by virtue of this subsection, be vested in, imposed on or enforceable against the Authority.

(3) Any reference in any written law or in any document or instrument to the Kenya Meteorological Department shall, on and after the commencement of this Act, be construed to be a reference to the Authority.

(4) The annual estimates of the Kenya Meteorological Department for the financial year in which this Act comes into operation 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.

(5) The administrative directions made by the Kenya

Meteorological Department or by the Cabinet Secretary which were in force immediately before the commencement of this Act shall, on or after such day, have effect as if they were directions made by the Authority or the Cabinet Secretary under this Act.

Transition of staff.

53. (1) The Director of Kenya Meteorological Department shall assume the duties of the Director-General in an acting capacity for a period not exceeding six months or until the Director-General is appointed in accordance with section 19.

(2) If, at the time of the commencement of this Act, there is no substantive Director of the Kenya Meteorological Department, the Cabinet Secretary shall appoint an acting Director-General for a period of six months or until the Director-General is appointed in accordance with section 22.

(3) The technical staff who, immediately before the date of commencement of this Act, were employees of the Kenya Meteorological Department shall continue to be employees of the Authority.

(4) Despite subsection, (3) where at the commencement of this Act, any penalty, other than dismissal, has been imposed on any employee of the Kenya Meteorological Department pursuant to disciplinary proceedings against the employee, and the penalty has not been or remains to be served by such employee, such employee shall, on transfer to the Authority serve or continue to serve such penalty to its full term as if it had been imposed by the Authority.

(5) For the avoidance of doubt, there shall be no break or interruption in the employment of the technical staff.

(6) A person who, immediately before the commencement of this Act was a non-technical member of staff at the Kenya Meteorological Department, shall at the commencement of this Act be deemed to be seconded to the Authority provided that such a person shall within a period of one year from the commencement of this Act, exercise his or her option either to—

(a) enter into a written service agreement with the Authority, where upon his service with the civil service shall be deemed to have been terminated; or

(b) to be redeployed in the civil service.

(7) Nothing in this Act shall affect the pension rights of any employee under the Pensions Act.

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(8) In this section—

"technical staff" means Meteorologists, Meteorological technologists, Engineers and Meteorological telecommunication assistants who immediately before the commencement of this Act were members of staff in the Kenya Meteorological Department; and

"non-technical staff" means those members of staff who are not technical staff who immediately before the commencement of this Act were members of staff in the Kenya Meteorological Department.

Transitional matters in respect of the former Institute.

54. (1) Upon commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Institute shall, by virtue of this Act, vest in the Directorate.

(2) Upon Commencement of this Act, all rights, powers and liabilities which immediately before such day were vested in, imposed on or enforceable against the former Institute shall by virtue of this subsection, be vested in, imposed on or enforceable against the Directorate.

(3) Any reference in any written law or in any document or instrument to the former Institute shall, on and after the commencement of this Act, be construed to be a reference to the Directorate.

(4) The administrative directions made by the former Institute or by the Cabinet Secretary which were in force immediately before the commencement of this Act shall, on or after such day, have effect as if they were directions made by the Directorate or the Cabinet Secretary under this Act.

(5) Any person who was an officer or employee of the former Institute immediately before the commencement of this Act shall be deemed to be an officer or employee of the Directorate subject to such terms of service as the Board may, on

the advice of the Salaries and Remuneration Commission, determine.

(6) All certificates issued by the former Institute shall be deemed to have been issued by the Directorate.

(7) In this section, "former Institute" means the Institute for Meteorological Training and Research.

FIRST SCHEDULE (*s2, 7)*

PRIVATE GOOD SERVICES

Private good services include the following—

1. Provision of specialized and value-added weather forecasting and climate information services for sports, recreation and tourism; building and construction industry; insurance; forensic meteorological services for investigations; accidents, health related pollution dispersals; crime scene weather conditions among other sectors.

2. Provision of marine meteorological services required for safety of maritime navigation in the southwestern Indian Ocean and inland water lakes.

3. Provision of aeronautical meteorological services required for aerodrome warnings.

4. Provision of meteorological services to airports for approach and landing, take-off and cruising, and *en-route* services.

5. Weather and climate related publications to a target market.

6. Meteorological consultancy services including, but not limited to, professional advice to the legal, financial and insurance sectors.

7. Contracted services in research and development for weather and climate-activities.

8. Provision of meteorological services to the communication and media industries.

9. Commercial meteorological services provided to State Departments, institutions and organizations.

10. Fabricating and selling of meteorological instruments and equipment as well as the servicing, standardization of instruments and equipment falling within the competence of the Authority.

11. Calibration, maintenance, repair and inter-comparison of meteorological instruments.

12. Provision of services for the renewable energy sector including hydro-power, geothermal, solar and wind energy generation and distribution.

13. Provision of meteorological training.

14. Provision of any other meteorological services that do not fall under Public Good Services.

SECOND SCHEDULE *(s2, 7)*
PUBLIC GOOD SERVICES

Public good services include the following—

1. The gathering of meteorological, climatological and environmental observational data over Kenya and the Western Indian Ocean, sufficient for related analysis and to comply with the international obligations and in accordance with the World Meteorological Organization and the International Civil Aviation Organization standards and recommended practices including standards pertaining to the Joint Commission of Oceanography and Marine Meteorology, where practicable.

2. The carrying out of those international service obligations agreed under the World Meteorological Organization arrangements, including the international distribution and exchange of meteorological data as a Regional Telecommunication Hub, Regional Specialised Meteorological Centre, Regional Training Centre, Regional Instrument Centre, a centre of Excellence for the African Satellite Meteorology Education and Training, a test-bed for the World Meteorological Organization concept of operation on the World Meteorological Organization Integrated Global Observing System and the World Meteorological Organization Information System, hosting Inter-Governmental Authority for Development Climate Prediction and Application Centre and the World Meteorological Organization Office for Eastern and Southern Africa.

3. The provision of other meteorological services and the representation of Government in fulfillment of international obligations, where appropriate.

4. The provision of weather and climatic forecasting and early warning services intended for the benefit of the public, safety of life and protection of property and infrastructure including conservation of the natural environment as enshrined in the Constitution of Kenya and the World Meteorological Organization Convention.

5. The provision of weather forecasts and information to the public for individual, household or group planning.

6. The provision of meteorological services and information to the general public upon request.

7. The management and custody of the national climatological databank for research and for posterity.

8. The operation and maintenance of the national meteorological observation and telecommunication networks including high performance computing infrastructure necessary for the provision of Public Good Services.

9. Provision of advice to the Government regarding meteorological and climatological matters, especially advice pertaining to severe weather, extreme climate events, disaster risk reduction, pollution and climate change.

10. Research and development aimed at improving the quality of the Public Good Services.

11. Provision of meteorological support for the transport sector including search and rescue operations pertaining to aircraft accidents, disaster risk reduction, relief and rehabilitation services.

12. Provision of specialised services for farming activities.

13. Provision of maritime weather, sea bulletins, tsunami advisories, alerts and warnings for safety of life at sea and coastal regions.

14. Provision of weather and climate information through County Weather and Climate Information Centres.

15. Any other service the Cabinet Secretary may declare to be a Public Good Service.

THIRD SCHEDULE *(s18)*
CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings.

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

(2) The chairperson may call a special meeting of the Board at any time the chairperson deems fit for expedient transaction of the business of the Board.

(3) The notice for a meeting of the Board shall be given in writing to each member of the Board at least fourteen days before the day of the meeting.

(4) In the case of a special, or extra-ordinary meeting, a notice of less than fourteen days' notice shall be considered sufficient.

(5) Notwithstanding the provisions of subparagraph (2), the chairperson may, upon requisition in writing by at least two thirds of the members, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(6) The notice to be given under paragraph (2) and (3) shall state—

(a) the venue and time of the meeting; and

(b) the agenda with sufficient details of business to be discussed at the meeting.

(7) The chairperson shall preside at every meeting of the Board at which the chairperson is present but in the chairperson's absence, the members present shall elect from among themselves a chairperson who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(8) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by majority votes of

those present and voting, excluding the Director-General, and in case of an equal vote, the chairperson or the person presiding shall have a casting vote.

(9) The Board may, with approval of the Cabinet Secretary, co-opt or invite any number of persons to act as advisors or consultants at any of its meetings or form such committees to perform such functions or duties of the Board as the Board shall determine.

(10) Subject to the provisions on quorum, no proceedings shall be invalid by reason only of a vacancy among the members of the Board.

(11) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board.

(12) The quorum for the meetings of the Board shall be five members. Co-opted or invited persons shall not be counted in the quorum of the meetings of the Board and shall not be eligible to vote.

Committees of the Board.

2. (1) The Board may establish such committees as it deems appropriate for the performance of its functions.

(2) A Committee established under sub-paragraph (l) shall elect a chairperson from amongst its members.

(3) The Board may where it deems appropriate, co-opt or invite any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subparagraph (1) shall be ratified by the Board.

Disclosure of Interest.

3. (1) If a member of the Board is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested in a private capacity, that person shall as soon as is practicable before the commencement of the meeting, declare such

interest.

(2) The person making the disclosure of interest under subsection (1) shall not, unless the Board or committee otherwise directs, take part in any consideration or, discussion of, or vote on any question touching on the matter.

(3) A person who contravenes subparagraph (1) commits an offence.

(4) No member of the Board or officer, employee or agent of the Authority shall enter into a service contract or trade with the Authority.

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

Minutes

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

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 19th November, 2024.

Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.

Speaker of the Senate