



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Wednesday, 5<sup>th</sup> November 2025

The House met at 9.30 a.m.

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]*

### PRAYERS

### QUORUM

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

I order that the Bell be stopped.

Hon. Members, we are now properly constituted and can start transacting business.

### PETITION

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon Members, we have a Petition by the Member for Lamu East. Is she in the House?

**Hon. Members:** Yes.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You may proceed.

### RECOGNITION AND PROTECTION OF TRADITIONAL AND CULTURAL RIGHTS OF KIWAYU ISLAND COMMUNITY

**Hon. Ruweida Mohamed** (Lamu East, JP): Thank you, Hon. Temporary Speaker.

I, the undersigned, on behalf of the residents of Kiwayu Island, Kiunga Ward in Lamu East Constituency, draw the attention of the House to the following:

THAT, Kiwayu Island, located within Kiunga Marine National Reserve, is an ancestral land that, for many generations, has been home to the indigenous community of Lamu East, whose livelihoods depend on artisanal fishing, mangrove conservation, and sustainable marine resource management;

THAT, the community has historically practised responsible and sustainable environmental stewardship, thereby preserving the delicate marine ecosystem and biodiversity of Kiunga Marine National Reserve, a globally recognised conservation area under the Kenya Wildlife Service;

THAT, in recent years, private developers have encroached upon the protected marine reserve, carrying out unauthorised development and commercial activity that contravene conservation laws and undermine the rights of the local community.

THAT, there are reports of fraudulent title deeds and irregular land allocations purporting to grant private ownership within the marine reserve, despite the area being protected under the Wildlife Conservation and Management Act, the Environmental Management and Coordination Act, and related regulations;

THAT, these illegal encroachments have led to marine habitat degradation, loss of coral reefs and fish breeding zones, destruction of mangrove forests, and loss of biodiversity, thereby threatening the community's source of livelihood;

THAT, the activities of a private developer further risk displacing the Kiwayu community, disrupting cultural heritage sites and long-established settlements that have coexisted harmoniously with the marine environment for centuries;

THAT, the matter raised in this Petition is not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioner prays that the National Assembly, through the Departmental Committee on Public Petitions, inquires into all matters raised in the Petition and recommends:

1. Recognition and protection of the traditional and cultural rights of the Kiwayu Island community as environmental custodians and key stakeholders in marine conservation.
2. Investigation into encroachment, fraudulent land allocations and illegal developments within Kiunga Marine National Reserve, with a view to restoring compliance with environmental and conservation law.
3. Immediate revocation of any fraudulent or irregular title deeds or leases issued within the marine reserve, and ensure the removal of illegal investors and developers from the protected area.
4. Development of a community-based co-management framework between Kenya Wildlife Service, the Ministry of Environment, and the local Kiwayu community to promote sustainable use, protection, and equitable benefit-sharing from marine resources.
5. Measures to strengthen marine reserve governance systems to prevent future encroachment, enhance environmental protection, and uphold the integrity of Kenya's protected marine ecosystems.

And your Petitioner, will forever pray.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Lamu East. That Petition is referred to the Departmental Committee on Public Petitions. Is the Chairman in the House?

Before I go to the Chairperson, are there any comments from Members on this? I do not see any interest at all.

Hon. Muchangi.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Temporary Speaker, I have listened to the Petition, and now that it is properly before the House, I wish to inform the Member and the House that we will expedite it.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you.

Next Order.

## PAPERS

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Let us have the Deputy Leader of the Majority Party.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. The following Legal Notices, the explanatory memoranda and accompanying documents from the Ministry of Agriculture and Livestock Development –

- (a) Legal Notice No. 167 of 2025 relating to the Sugar (General) Regulations, 2025.
- (b) Legal Notice No. 168 of 2025 relating to the Sugar Imports and Exports Regulations, 2025.
- 2. Annual Corporate Report for the Year 2024/2025 from the Office of the Auditor-General.
- 3. Annual Report and Financial Statements for the Kenya Tourism Board for the Financial Year 2023/2024 from the Ministry of Tourism and Wildlife.
- 4. The National Government Constituencies Development Fund Board Report for the first quarter of the 2025/2026 Financial Year.
- 5. Global Fund Tuberculosis Project No. KEN HTTNT 2067, Ministry of Health
- 6. Kenya National Qualification Authority
- 7. Kenya Education Management Institute
- 8. Kenya Institute of Special Education
- 9. National Humanitarian Fund
- 10. Intelligence Services Development Fund
- 11. University of Eldoret
- 12. Starehe Girls Centre.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much Hon. Naomi Waqo.  
Next Order.

## QUESTIONS AND STATEMENTS

### REQUEST FOR STATEMENTS

#### INSECURITY IN ALDAI

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Is Hon. Marianne Kitany in the House? In her absence, that statement is deferred.

*(Request for Statement deferred)*

Hon. Daniel Maduku, Member for Nyaribari, Masaba.

#### DELAY IN COMPLETION OF LAST MILE CONNECTIVITY PROGRAMME IN NYARIBARI MASABA CONSTITUENCY

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Hon. Temporary Speaker, I rise to request for a statement from the Chairperson of the Departmental Committee on Energy regarding the delay in completion of the Last Mile Connectivity Programme in Nyaribari, Masaba Constituency.

The Last Mile Connectivity Programme was introduced by the government to enhance universal access to electricity by connecting households and institutions to the national grid.

In August 2024, His Excellency the President, Dr. William Ruto launched the programme in my Constituency, Nyaribari Masaba. However, to date, 26 sites identified for connection within the constituency remain unconnected. This delay has adversely affected economic activities and stalled development initiatives in the area.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Energy on the following:

1. The status of the implementation of the last mile connectivity programme in Nyaribari Masaba Constituency, which was launched by His Excellency the President in August 2024.
2. Reasons for the delay in connection of electricity to the 26 earmarked sites.
3. Measures being put in place to expedite the connection and ensure that the residents benefit from this initiative as intended.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): That request for statement is referred to the Departmental Committee on Energy. Is the Chairperson of the Committee in the House? What about the vice-Chairperson? In the absence of the vice-Chairperson, Leader of the Majority Party, can you indicate to the Hon. Member for Nyaribari Masaba when the response to the request for statement would be presented?

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I believe that the Committee should be able to respond within two weeks. Thank you.

#### DEMOLITION OF STORES IN KIAMBU TOWN

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Machua Waithaka, Member for Kiambu Constituency. Is the Hon. Member in the House? That request for a statement is also deferred.

*(Request for Statement deferred)*

Hon. Lesuuda, you have a request for a statement, you may proceed. We will come to you, Hon. Kitany.

#### PROMOTION AND TRANSFER OF TEACHERS IN ASALS

**Hon. Naisula Lesuuda** (Samburu West, KANU): Hon. Temporary Speaker, I rise to request for a statement from the Chairperson of the Departmental Committee on Education regarding the promotions, transfers, and affirmative action for teachers in Arid and Semi-Arid Lands (ASALs) in the country.

On 12<sup>th</sup> August 2025, the Teachers Service Commission (TSC) advertised 21,313 vacancies for teachers to be filled in accordance with the career progression guidelines for teachers and Curriculum Support Officers (CSOs). While this is a commendable effort towards addressing career progression for teachers who are overdue for their promotions, it has raised concerns among teachers in ASALs who face unique challenges.

Teachers who serve in ASAL regions, such as Samburu County, continue to face numerous challenges, such as harsh climatic conditions, insecurity, poor infrastructure, and limited access to essential services. Despite their dedicated commitment to educate learners in these marginalised areas, many are often overlooked in promotions, resulting to stagnation. It is therefore, imperative that the TSC adopts deliberate measures through affirmative action to ensure equitable career progression for teachers in ASAL regions.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. Measures taken by the TSC to incorporate affirmative action for teachers serving in ASALs such as Samburu County during promotion exercises.

2. An indication on whether TSC has considered to review the requirement of serving a minimum of three years in one job group and whether this period may be reduced to two years for teachers in ASALs.
3. The steps being taken to facilitate voluntary transfers of teachers who have served in the same station for more than five years in order to promote equitable distribution of staff across the country.
4. An indication on when the teachers from Samburu County who are delocalised or who are transferred from their home would be transferred back to their home county in view of the fact that the delocalisation policy was abolished by this House.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much.

*(Hon. Julius Sunkuli spoke off the record)*

Hon. Member for Kilgoris Constituency. What is out of order?

**Hon. Julius Sunkuli** (Kilgoris, KANU): It is not a point of order. I want to joy ride on that request for a statement.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You may proceed.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, coming from an area more or less like the one for Hon. Lesuuda, I just wish that when the response to the request for the statement is issued, they should address the issue of promotions very well. In Kilgoris Constituency, we have a situation where teachers have been kept in Grades C1, C2 and recently they got C4. We want them to head schools. Unfortunately, there is a policy that says that they have to be in Grade D for them to be promoted to be a head teacher.

This has had an effect on teachers who were promoted because they have relatives in TSC or in the Ministry flooding Kilgoris Constituency to the detriment of those who want to be promoted. We urge that the indigenous teachers of Kilgoris should also be given a chance to be promoted and that the C4s qualify because they are good teachers. After all, they have done so in other places and they should therefore, do it in every place. So, I would like the Cabinet Secretary to clarify that issue. The original promotions were done badly and, therefore, they should make that correction.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I hope you are not going to debate on this.

*(Hon. Dorothy Muthoni spoke off the record)*

I see Hon. Dorothy Ikiara. Is your intention to make a comment on this? Please give her the microphone.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you Hon. Temporary Speaker.

I also want to commend my sister Hon. Naisula Lesuuda for bringing the request for a statement to the Floor of the House.

Promotion of teachers is a nationwide concern for our teachers. Those who have stagnated for many years should have an opportunity to be considered. We pray that when all these considerations are done, it would be fair and rational so that no deserving teacher would be left behind.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Dorothy Ikiara.

Is the Chair or Vice-Chair of the Departmental Committee on Education in the House so that we get an indication of when this request for statement would be responded to? Any member of the Committee?

*(Hon. Beatrice Adagala rose in her place)*

You may proceed, Professor. Are you a member of that Committee?

**Hon. Adagala Beatrice** (Vihiga County, ANC): Thank you, Hon. Temporary Speaker. We can give a report in two weeks' time.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Very well, Professor. Before we go to the next Order, I would like to indulge Hon. Marianne Kitany. Please present your statement.

#### INSECURITY IN ALDAI CONSTITUENCY

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Speaker, I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding rising cases of insecurity in Terik Ward in Aldai Constituency.

In the recent past, there have been rising cases of insecurity in Terik Ward, specifically in Kipchemon village in Aldai Constituency. For instance, on 3<sup>rd</sup> September 2025, unknown individuals broke into the house of Mr Dennis Chebayi Chesoli, of ID No. 29406317, and stole valuable items and electronics. The incident was reported to Kapkerer Police Station under OB No. 05/03/09/2025. Despite efforts made by the area chief to provide a list of suspects believed to also operate in Vihiga and Kisumu Counties, which are neighbouring Counties, no arrests have been made to date. The situation has caused residents to live in fear for their lives and property.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Immediate measures that the government is putting in place to enhance security in Terik Ward, Aldai Constituency.
2. Status of investigations into the incident reported to Kapkerer Police Station under OB No. 05/03/09/2025.
3. Measures being put in place to coordinate security operations across the bordering counties of Vihiga and Kisumu to address inter-county security challenges.

I, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Marianne. Chair, you may proceed from where you are seated. I was trying to locate you from the place where you normally sit.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. Listening to the Member for Aldai, I used to think insecurity is prevalent in our area, where we actually fight day and night, cattle are stolen and people are killed. In this particular case, I am worried that there are people who come to your house, steal your cow and divert it through other means. We would be able to respond to the House in two weeks.

Thank you very much.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Thank you very much, Vice-Chair. I would like to give a chance to Hon. Machua Waithaka, Member for Kiambu. Please proceed.

## DEMOLITION OF STORES IN KIAMBU TOWN

**Hon. John Waithaka** (Kiambu, UDA): Hon. Temporary Speaker, I rise to request for a statement from the Chairperson of the Departmental Committee on Lands regarding the demolition of stores in Kiambu town by the Postal Corporation of Kenya.

On 10<sup>th</sup> March 2025, 62 market stores in Kiambu town were demolished by officers acting on behalf of the Postal Corporation of Kenya, resulting in the destruction of goods belonging to 34 traders. The matter was subsequently reported at Kiambu Police Station, under OB No. 17/10/03/2025. However, to date, no official report has been provided on the incident and neither has there been any communication regarding compensation to the affected traders.

The demolition has left many families in economic hardship, given that some of the affected traders are breadwinners whose livelihoods have depended on operating stores in those premises for years. It is also concerning that the demolitions appear to have been carried out without prior engagement with the traders and a clear or transparent compensation plan in place.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Lands on the following:

1. A report on the circumstances that led to the demolition of the 62 stores in Kiambu town by the Postal Corporation of Kenya, including whether any eviction notices or court orders were issued to the traders prior to the demolition.
2. Measures the Postal Corporation of Kenya has put in place to compensate traders who lost goods as a result of the demolitions, including specific plans for allocation of alternative market spaces to the affected traders.
3. Steps being taken by the government to ensure that future demolitions are conducted in accordance with the law, with adequate notice provided to the affected persons and adherence to due process.

I, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Chairman or Vice-Chair of the Departmental Committee on Lands. I cannot see them. I can see one of the members of the Committee.

Please proceed.

**Hon. Josses Lelmengit** (Emgwen, UDA): Hon. Temporary Speaker, the response would be given in two weeks' time. Once we sit down, the Chair will take the lead.

Thank you.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Thank you very much, Hon. Josses Lelmengit.

Next Order.

## MOTION

CONSIDERATION OF REPORT ON THE  
ASSISTED REPRODUCTIVE TECHNOLOGY BILL

THAT, the House do agree with the report of the Committee of the whole House on its consideration of the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022), except clauses 2, 8, 14, 27, 30 and 52, and its approval thereof with amendments and seek leave to sit again.

*(Moved by Hon. Millie Odhiambo-Mabona on 8.10.2025 – Morning Sitting)*



*(Resumption of consideration interrupted on 8.10.2025 – Morning Sitting)*

*(Question put and agreed to)*

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai in the Chair)]*

#### THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (National Assembly Bill No.61 of 2022)

*(Resumption of consideration interrupted on 8.10.2025 – Morning Sitting)*

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Hon. Members, we are in the Committee of the whole House to continue considering the Assisted Reproductive Bill (National Assembly Bill No. 61 of 2022). As you may be aware, six clauses were pending and that is what we would like to finalise on.

*Clause 8*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Nyikal. Hold on, Chairman. We would like to start with the amendment by Hon. Peter Kaluma. Is he present?

*(Hon. Millie Odhiambo-Mabona spoke off the record)*

Hon. Millie, would you like to move this amendment on behalf of Hon. Kaluma?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, yes, I can move the amendment, in good faith, even though I do not agree with it.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): You cannot move an amendment that you do not agree with. You have already gone on record to say that you do not agree with the amendment so you cannot move it.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I can move the amendment then let the House decide on it, but I still insist that I do not agree with the amendment.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Do you have written authority from Hon. Kaluma to prosecute the amendment for him?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I do not have written authority. He has sent me a text message.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): We know that you are doing this in good faith, but I am sorry that you cannot prosecute the amendment on behalf of Hon. Kaluma. So, I will drop the amendment by Hon. Kaluma and allow the Chairman to move his amendment.

*(Proposed amendment by  
Hon. Peter Kaluma dropped)*

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**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 8 of the Bill be amended by—

- (a) deleting paragraph (a);
- (b) deleting the words “including finances required to hire adequate personnel” appearing in paragraph (b); and
- (c) deleting the words “sufficient” and “adequately” appearing in paragraph (c).

The justification is that the need for collaboration between the national Government and the county governments in access to delivery of assisted reproductive services is already provided for in Clause 7(d). There is no need to have it in Clause 8 again. Therefore, we propose that we delete it from Clause 8.

Thank you, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I will proceed to put the question.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 8 as amended agreed to)*

*Clause 14*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I will give a chance to Hon. Kaluma. He is not in, so the amendment is dropped. Chairman.

*(Proposed amendment by  
Hon. Peter Kaluma dropped)*

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting the words “a medical doctor” and substituting therefor the words “an assisted reproductive technology expert”.

The justification for this is that the original Bill was restrictive. The amendment seeks to give everybody access to the reproductive technology services, subject to certification by a doctor with specialised knowledge in assisted reproductive technology. The original Bill had just indicated ‘doctor’. Therefore, the amendment seeks to make it specific.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I just need clarification from Hon. Nyikal. From what I have, unless I have the wrong document, what he is proposing is to replace ‘medical doctor’ with ‘an assisted reproductive technology expert.’ If I have an older version, can I have an updated version, please?

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, would you like to clarify?

*(Hon. (Dr) Robert Pukose spoke off the record)*

Hon. (Dr) Pukose, I can hear your voice. I know you are a gynaecologist.

*(Hon. (Dr) Robert Pukose spoke off the record)*

Sorry, you are a surgeon, not a gynaecologist. I can hear your request to speak, but I will give you a chance after Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, what I have is exactly the same with what Hon. Millie has. The difference is that in the original Bill, there was only mention of ‘a medical doctor’ but the amendment talks of ‘a doctor with specialised knowledge in assisted reproductive technology’.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, did you give us the justification?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I have just given the justification.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Okay. Hon. (Dr) Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Chairlady, I am not a gynaecologist but a general surgeon. I would like to support the amendment by the Chairman that the doctor performing assisted reproductive surgery should be a specialist. For someone to offer that service, they should be gynaecologists. The doctor should be an expert and qualified in that field, not just anybody. When you leave it open, anybody else can offer that service.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairlady. I get the gist and I am okay with the proposed amendment.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 14 as amended agreed to)*

*Clause 27*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): There was an amendment by Hon. Peter Kaluma it is hereby dropped. Chairman.

*(Proposed amendment by  
Hon. Peter Kaluma dropped)*

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I beg to move:  
THAT, Clause 27 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) A woman who—

- (a) has attained the age of twenty-five years;
- (b) is below the age of forty-five years;
- (c) has given birth at least to one child;

- (d) understands the rights and obligations accruing under a surrogacy agreement; and
- (e) has undergone comprehensive mental and physical health assessments may consent to a process of assisted reproduction for purposes of surrogate motherhood.”
- (b) in sub-clause (2) by—
  - (i) deleting the word “child “appearing immediately after the words “carry the” and substituting therefor the word, “foetus”; and
  - (ii) deleting the words “parties to a marriage or couple” and substituting therefor the words “intended parents”.
- (c) inserting the following new sub-clause (3) immediately after sub-clause (2)—
 

“(3) Where the surrogate mother or intended parents has no genetic connection with the child, the surrogate mother shall subject to a court order relinquish all parental rights and responsibilities at birth over the child to the intended parents”.

The justification is to have an age limit on surrogate motherhood on medical grounds. This procedure is relatively invasive, therefore, only people who are in their prime age should undergo it.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairlady. Whereas I have no problem with the substantive part, I would wish to record that I have a problem with Clause 3 that says: “Where the surrogate mother or intended parents has no genetic connection with the child, the surrogate mother shall, subject to a court order, relinquish all parental rights and responsibilities at birth over the child to the intended parents”. I have a problem with the Clause because if, for example, I wanted to have a child, it means that I would have to go to court to get an order.

The issue of childlessness is very stigmatising. I raised the issue with the Committee but they did not agree with me. It should go on record that I do not agree with the Committee on this one. There is no reason to stigmatise a woman further when she already has a problem of childlessness. Not everybody is brave like me to come before people and say, “I am childless”. For instance, in this House, there are many people who are childless but they cannot say it in public. Some of them can tell me but cannot say it in public. I know many people who would speak to me on the issue of childlessness, but not say it in public. If we subject them to go to court to get a court order, it will be very traumatising for them. I remember Hon. Joyce Lay broke down and cried when she raised the issue before this House. Hon. Temporary Chairlady, the only tears we need to be shedding are for *Baba* and not for childlessness.

I wish the Committee would drop this one. I get it because I presented my views before the Committee and they made that decision. However, I plead with you that you put a question to each sub-clause. I hope to persuade the House to drop sub-clause 3.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Would you like to make some comments for the comfort of the House? Are you the one who is going to do it? You may start.

**Hon. Julius Sunkuli** (Kilgoris, KANU): No. She will do it, but I will also contribute. Pardon?

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): No problem. Proceed.

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**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Chairlady, I understand the comments or sentiments of the Whip of the Minority Party. However, the rationale is that one has to go through the same process as adoption if there is no genetic connection between a parent and a child. That is not a normal procedure. We have to do it the same way as going through adoption procedures in court because there is actually no other connection between the parent and the child. We have to look for a legal connection.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of information.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Millie, who would you like to inform?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I want to inform the Member on the Floor.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): It depends on whether he would like to be informed. Member of Kilgoris, would you like Hon. Millie Odhiambo to inform you?

**Hon. Julius Sunkuli** (Kilgoris, KANU): Maybe I can take the comments if I am still on the Floor then I can continue.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Okay.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): He has already taken the Floor. Can I inform him since he has agreed?

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Yes, you may proceed to inform the Member for Kilgoris.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I thank the Hon. Member. I know he means well because he wants to make sure the process is above reproach. However, I want to inform him that he does not know whether his children are his when he has not gone to court to get an order. We do many things by faith. I do not know why we are forcing a category to go to court when men do not know their children. The mother is the only person who knows whose children she has. As a man, you do not know whether a child is yours yet women do not go to court to confirm whether a child is yours.

That is the information I wanted to tell you. That, you do not know whether the children are yours.

*(Laughter)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Now, has Hon. Millie Odhiambo given you useful information?

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Chairlady, I am actually grateful because we all suffer this problem. Childlessness is not one person's thing.

However, I want to inform the Hon. Member, she is a lawyer like me, that, fortunately, the law protects me. The law says that all children received in a marriage are presumed to be children of the marriage. Whether somebody assisted me or not, the children are mine according to the law. Please, this situation wants to make them legal by requiring that one goes to court so that the court agrees with one.

As we weep for *Baba*, I do not want to say many things. That was the rationale behind it.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Charles Nguna, Member of Mwingi West.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Chairlady.

While I support the sentiments by Hon. Millie, she is becoming too harsh on men. You cannot just come and tell us that we do not know whether the children we are raising are from

our genetic composition. I urge you to force Hon. Millie to withdraw her sentiments because they are very harsh on parents, especially those who are very sensitive on this issue.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): No. Hon. Millie is at liberty to debate whichever way she chooses to debate in this House. You know and I believe that she has more experience than everyone seated in this House today. She has freedom of speech. This is a House of debate. Nevertheless, Hon. Charles Nguna, we also take your comments.

Hon. (Dr) Pukose, Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): I support the position the Temporary Chairlady has taken. We know that Hon. Millie appeared before our Committee where we discussed this matter exhaustively. The position of the Committee is as per the amendment presented by Hon. (Dr) Nyikal. Therefore, you can just put the question so that we dispense with this matter.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 27 as amended agreed to)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you. Events have overtaken me. Even for purposes of the next things, I just want to say that I had actually indicated that I agree. Hon. Pukose is saying the truth that we discussed this matter at length in the Committee. I agreed with them on almost three quarters of the amendments. I did not agree with them on some things I thought were very fundamental. I cannot say yes or no when you put a blanket question because I do not agree with sub-clause 3. I, however, agree with the rest.

I want to have it go on record that I do not agree with sub-clause 3 for the same reasons that my dear brother Hon. Sunkuli has said. That, the law will presume all children are yours if we make it. He actually used an argument really to support me. I do not know why we are so fearful of these children. Be that as it may, I let it rest and, at least, thank the Committee for the very progressive parts. I let this rest. Thank you.

*Clause 30*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I start with Hon. Kaluma's amendment on the next. It is hereby dropped. Chairman, you may prosecute the amendment in Clause 30.

*(Hon. Peter Kaluma's amendment to Clause 30 dropped)*

**Hon. (Dr) James Nyikal** (Seme, ODM): I beg to move:  
THAT, Clause 30 of the Bill be amended—

(a) by deleting the words “The Commissioning parent or parents, under the surrogacy agreement shall” appearing in subclause (1) and substituting therefor the words, “The intended parent or parents under the surrogacy agreement shall, where the child is genetically connected to them or subject to a court order”;

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

“(2) In the event of multiple pregnancies arising out of a surrogacy agreement or where a child born out of a surrogacy agreement has congenital abnormalities, all the children born out of the pregnancy shall be the children of the intended parent or intended parents and the rights and obligations for all parties shall vest as if the pregnancy had borne only one child or normal child.”

(c) by deleting sub-clause (3) and substituting therefor the following new subclause—

“(3) Where a child is born out of a surrogacy arrangement and—

(a) where the creation of an embryo was brought about with a sperm and an egg of a couple, or where the couple or intended, parent is genetically connected to the child, the couple or intended parent shall be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate; or

(b) where the creation of an embryo was brought about with the gametes other than the gamete of a couple or the intended parent or where the couple or intended parent is not genetically connected to the child, the couple or intended parent shall only be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate following a court order.”;

(d) in sub-clause (4) by deleting the words “Notwithstanding the provisions of section 28(7), the surrogate mother may claim from the commissioning parent or commissioning parents the following” and substituting therefor the words “The surrogate mother may claim from the intended parent or intended parents the following”;

(e) in sub-clause (5) by—

(i) deleting the word “law” appearing immediately after the words “provisions of the law” in paragraph (a) and substituting therefor the word “Constitution”; and

(ii) deleting the words “commission parent or commissioning parents” appearing in paragraph (b) and substituting therefor the words “intended parent or intended parents”; and

(iii) inserting the following new paragraph immediately after paragraph (d)— “(e) be entitled to psychological support during and after the pregnancy, provided by the intended parent or intended parents”; and

(f) by inserting the following new sub-clauses immediately after sub-clause (7)—

“(8) The intending parent or couple shall not abandon a child born out of an assisted reproductive technology or surrogacy procedure.

(9) A person who contravenes subsection (8) 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 five years, or to both.”

If you actually look at it, it carries more of the discussion that was going on because it is meant to align with the adoption of the intended parent. This is ideal since the Bill does not encourage commercialisation where there is no genetic connection with the child born through assisted reproductive technology. The requirement is for the court to provide enhanced protection. Actually, this is more relevant to the discussion before.

I want to explain it a little more. The ovum or the egg may come from one of the intended parents when you use gametes—the sperm and the ovum—in assisted reproductive technology. Therefore, the child has genetic connection to one of the parents. You can also have a situation where both the ovum and the sperm come from different persons then put them in a surrogate mother. In that case, the baby has no connection with the intended parents and it is more protective to have a court give consent like in adoption. That is the logic.

Hon. Millie was also right that we are introducing a process that was not there. The Committee felt, and still feels, that there is a need to put further protection where there is no genetic connection at all. That is the essence of that amendment.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Is any Member interest in this one?

**Hon. Charles Nguna** (Mwingi West, WDM): On a point of order.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. CNN, would you like to make comments on this one? Is anything out of order?

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Chairlady, I am on a point of order. Why are Hon. Kaluma's amendments being dropped, yet he did not consent? Actually, he was to appoint me to move them, but I think he lost my contacts.

*(Laughter)*

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Hon. Kaluma is not in the House today. The House is aware of where he is today. He did not authorise anyone, in writing, to move his amendments on his behalf. That is the reason and that is how it is done in this House, Hon. CNN.

Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you. I want to comment. Before I do so, I want to tell Hon. CNN that we had different engagements. Some of them were postponed because of Hon. Kaluma. We engaged at length on this issue. He said he would be in Homa Bay today, and he would not come. However, he texted me. I have tried to move his amendments, even where I do not agree with him, but I have not been allowed procedurally. So, you are well-intentioned as I am. We had a meeting with the Committee. They agree with me in some amendments and they do not agree with me in some of them. However, legislation has to go on whether we agree or not. In the same way, Hon. Kaluma cannot get 100 per cent agreement.

Hon. Temporary Chairlady, in the same manner, I agree with a lot of the issues that are proposed in Clause 30 of the Bill, including the issue of where you have congenital abnormalities.

Clause 30 (b) of the Bill says:

In the event of multiple pregnancies arising out of a surrogacy agreement or where a child born out of a surrogacy agreement has congenital abnormalities, all the children born out of pregnancy shall be children of the intended parent or parents.



This amendment seeks to stop people from refusing children because they are not born perfect. Once you go through assisted reproduction, the child becomes yours.

The only other challenge that I face, which I do not agree with, is the issue of the genetic link. This is an issue of discrimination. This is where somebody has a baby whom she wants to differentiate between genetic link and non-genetic link. I have given you the perfect example. A lot of men here, by faith, have children whom they think are theirs, but they do not know. I know Hon. CNN is worried and saying that I am hard on men. I am not hard on them. Maybe, I am actually hard on women. I am calling on them to, please, make sure that their children have the genetic makeup of their husbands. However, that is not the reality in the world we live in. We have children who have the genetic makeup of our husbands, and others who do not have it. It is the reality, but we accept them by faith, and the law also accepts them by faith. Why are we making this distinction when it is assisted reproduction?

I know that the Committee discussed this issue the first time. However, should it come before you in future, please, have a more progressive mind for the sake of the child, even if not for the sake of the woman or intended parents. This will avoid advertising the child out there.

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Order, Hon. Millie. Did you say that we have children who have a genetic connection with our pastors?

*(Several Members spoke off the record)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Is it with our pastors?

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Yes.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): No, I did not say with our pastors, but it is a fact. It is also a reality. In fact, Hon. Temporary Chairlady, this is one of the things that I want to raise before this House. As a Christian, I am very concerned at some of the practices I see in some of the churches, where pastors pray and touch women's breasts and buttocks. We are still on earth. When you touch a woman's breasts, you create excitement but not spiritual surge. It is a sexual surge. Stop touching women's breasts and buttocks during prayers. There is nothing spiritual about that; keep distance. The spirit will work between you and the woman with distance. There is no need to put a physical touch between you and a woman. Yes, there are children who have the same Deoxyribonucleic Acid (DNA) with the pastors.

*(Laughter)*

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of information, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Point of information from Hon. (Dr) Pukose, the surgeon.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you. I want to inform Hon. Millie that....

*(Hon. (Prof) Guyo Jaldesa consulted loudly)*

Prof Jaldesa, allow me to inform Hon. Millie. In the Sexual Offences (Amendment) Bill, 2023, touching buttocks and breasts is illegal. If this Bill is brought to the House and it is made into law, then pastors will not touch ladies' breasts or buttocks. It will not happen again.

*(Laughter)*

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Hon. Millie Odhiambo is duly informed. There are other Members who would like to comment, and they have really been waiting. I would like to give a chance to Hon. Rahim Dawood, Member for North Imenti.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. Dr. Nyikal said that if parents are not connected to the child who is being born, then they need to subject it to a court order. Will you not be invading the privacy of the child who will be born because it will be out in the public in that court? Nobody wants to get it out in the public. It is a private affair. I would like the Chairman to, please, clarify. When he says they have to get a court order, where is the privacy?

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Take note of that. I would like to give a chance to Hon. Dorothy Ikiara, nominated Member.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Chairlady. I too would like to weigh in on this matter. We have single mothers who do not know the genetic attachment of the children that they bring up. Similarly, these surrogate mothers should be allowed to have their children by choice, so that we do not subject them to further torture. That is my submission.

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Dr. Nyikal, would you like to comment on that before we can put the Question?

**Hon. (Dr) James Nyikal** (Seme, ODM): What brings this issue is that genetic connection with children is protective on its own. There are incidences where people knowing that a child is not connected to them, for instance a surrogate mother, he or she becomes totally alien to them. There is even fear that people can raise such children for purposes that are not really proper. That is why there is need for further protection. As Hon. Millie said earlier, if you look further down, you find there is even fear that should these children be deformed at birth, then the chances that they will be abandoned are high because nobody is connected to them. Therefore, that amendment protects them.

The fact that this will be in court, even before surrogacy, there is a legal process where you actually have agreements which go through that. Even in adoption, it normally goes through court. By the time people make this decision, all the issues of privacy, to some extent, have been considered and looked at. What is important is that this will be an individual on their own after 20 years. If this protection is not put in place, then there is no genetic link and these people are at risk. You must look at the issue of privacy, when the child is being born, and the welfare of the child later on when they are an adult on their own. That is the reason for this protection.

*(Applause)*

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): That is good. I will give this chance to Prof Jaldesa. Are you there simply to give moral support to Dr. Nyikal? You are standing there and sharing notes. Hon. Members, I will now put the Question.

Yes, Member for Kilgoris, make it quick, please.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Sorry, I have a point of order to put the record straight about this issue of having children that are not yours during the marriage. They are not there by faith, but by law, because there is a presumption of law. I want to correct that. The law says that they are your children. So, it is not by faith.

*(Laughter)*

**The Temporary Chairlady** (Hon (Dr) Rachael Nyamai): Okay. The point is noted.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 30 as amended agreed to)*

*Clause 52*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): The first opportunity is to Hon. Peter Kaluma, and it is hereby dropped. Chairman, you may proceed.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 52 of the Bill be amended —

- (a) by renumbering the existing clause as sub-clause (1);
- (b) inserting the following new sub-clause immediately after the renumbered sub-clause (1)—
  - “(2) The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by Parliament.”
- (c) in paragraph (c) of the renumbered sub-clause (1) by deleting the words “planted in” and substituting therefor the words “transferred into”;
- (d) in paragraph (g) of the renumbered sub-clause (1) by inserting the word “informed” immediately after the words “giving of”;
- (e) in paragraph (h) of the renumbered sub-clause (1) by deleting the word “children” and substituting therefor the word “embryos”; and
- (f) by deleting paragraph (p) of the renumbered sub-clause (1).

This was relating to the authority given to the Cabinet Secretary to make regulations, and clarifications made. The words ‘embryos planted’ have been replaced with ‘transferred to’, which is a much better term. Instead of just saying consent, it is better to add the word ‘informed’ consent. On the part for embryos circulated from gametes, that is actually a technical issue that is being corrected. Research is also very important in this technology. This amendment is to ensure that embryos which are actually human beings, or even gametes before they union them to embryos, are not used in research. Since people can do all sorts of things with embryos, the use of embryos in research is being protected. That is the rationale for those amendments in clause 52.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you, Chairman.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question, that the words to be left out,  
be left, put and agreed to)*

*(Clause 52 as amended agreed to)*

*Clause 2*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): The first opportunity goes to Hon. Peter Kaluma, but is hereby dropped. This opportunity goes to the Chairman.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended —

- (a) by deleting the definition of the term “assisted reproductive technology” and substituting therefor the following new definition—  
“assisted reproductive technology” means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;
- (b) by deleting the definition of the term “child” and substituting therefor the following new definition—  
“child” means an individual who has not attained the age of eighteen years;
- (c) by deleting the definition of the term “commissioning parents” and substituting therefor the following new definition—  
“intended parent” means a woman or couple who enters into a surrogacy arrangement seeking assistance in procreation through the help of a surrogate mother or donor;
- (d) by deleting the definition of the term “couple” and substituting therefor the following new definition—  
“couple” means a male and a female who are married or are cohabiting under the laws of Kenya;
- (e) by deleting the definition of the term “cryo-preservation” and substituting therefor the following new definition—  
“cryo-preservation” means the assisted reproductive technology of freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;
- (f) by deleting the definition of the term “Directorate” and substituting therefor the following new definition—  
“Council” means the Kenya Medical Practitioners and Dentists Council established under section 3 of the Medical Practitioners and Dentists Act;
- (g) by deleting the definition of the term “donation” and substituting therefor the following new definition—  
“donation” means a process in assisted reproductive technology of voluntarily giving gametes for purposes of procreation;
- (h) by deleting the definition of the term “donor” and substituting therefor the following new definition—  
“gamete donor” means a person who voluntarily gives his or her gametes for the purpose of fertilization in an assisted reproductive technology process;
- (i) by deleting the definition of the term “embryo” and substituting therefor the following new definition—  
“embryo” means a cell or group of cells containing a diploid complement of chromosomes or group of such cells, not a gamete or gametes, that has the potential to develop into a live born human being

- if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur;
- (j) in the definition of the term “embryologist” by inserting the words “the development, storage and transfer of embryos, and” immediately after the words “deals with”;
  - (k) by deleting the definition of the term “embryology”;
  - (l) in the definition of the term “endoscopic surgery” by deleting the words, “and passing a telescope with a video camera through the incision into the body cavity”;
  - (m) by deleting the definition of the term “father” and substituting therefor the following new definition—  
“father” means a male parent;
  - (n) in the definition of the term “in-vitro fertilization” by deleting the words “an egg is fertilized by a sperm in a test-tube or elsewhere outside the body” and substituting therefor the words “fertilization takes place outside the body”;
  - (o) by deleting the definition of the term “mother” and substituting therefor the following new definition—  
“mother” means a female parent;
  - (p) in the definition of the term “oocyte” by deleting the word “oocyte” and substituting therefor the word “egg”;
  - (q) by deleting the definition of the term “parties to a marriage”;
  - (r) in the definition of the term “pre-implantation genetic diagnosis” by deleting the words “and eliminating the same”;
  - (w) in the definition of the term “pre-implantation screening” by deleting the words “to determine the number of chromosomes” and substituting therefor the words “to determine the viability or euploidy of an embryo before transferring to the woman’s womb”;
  - (x) by deleting the definition of the term “primitive streak”;
  - (y) in the definition of the term “procreation” by deleting the words “whether through an assisted reproduction technology process or through natural means” and substituting therefor the words “including through assisted reproductive technology”;
  - (z) by deleting the definition of the term “sperm” and substituting therefor the following new definition—  
“sperm” means the mature male human gamete;
  - (aa) by deleting the definition of the term “surrogacy” and substituting therefor the following new definition—  
“surrogacy” means a practice whereby a woman bears and gives birth to a child for an intended parent or couple;
  - (bb) by deleting the definition of the term “surrogate mother” and substituting therefor the following new definition—  
“surrogate mother” means a woman who has agreed to carry a pregnancy to term for another woman or couple”; and
  - (cc) by inserting the following new definitions in the proper alphabetical sequence—  
“abandoned child” means a child born out of a surrogacy procedure who has been deserted by his or her intending parents and the surrogate and declared as such by the court after due process;  
“abandonment” means failure to continue to pay for cryopreservation storage of gametes or embryos;

“altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses or the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

“clinic” means a health facility licensed under this Act for the purpose of conducting assisted reproduction procedures;

“commercial surrogacy” means the commercialization of surrogacy services or procedures or its component services or component procedures including the selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or hiring, selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or in kind, to the surrogate mother or her dependents or her representative, except the medical expenses or the insurance coverage for the surrogate mother;

“cryo bank” means a facility for the collection and storage of gametes and embryos and the supply of gametes to the assisted reproductive technology clinics or their patients;

“female” means a human person who has had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports and utilizes ova for fertilization and whose primary sex hormones are oestrogen and progesterone;

“foetus” means the developing human offspring after the embryonic stage prior to birth;

“gestational surrogacy” means the process where a woman who did not provide or donate an egg carries a pregnancy for the intended parents or couple;

“ovum” means a single cell released from either of the female reproductive organs that is capable of developing into a new organism when fertilized with a sperm cell;

“parent” has the meaning assigned to it under section 2 of the Children Act;

“pre-implantation genetic testing” means all techniques used to identify genetic defects and aneuploidy in embryos created through in-vitro fertilization before transfer;

“supervisor” means the person responsible for activities authorized under the licence issued under this Act;

“surrogacy agreement” means an agreement between a surrogate and an intended parent or couple that the surrogate is to undergo an assisted reproduction procedure for purposes of having a child born as a result of such a procedure for the intended parent or couple;

“woman” means an adult female person; and

“zygote” means a diploid cell resulting from the fusion of two haploid gametes.

As you can see, it is really a raft of definitions. These are arising from the fact that as we started working on the Bill, we were talking of an unlimited aspect of Assisted Reproductive Technology. But the technology is now broader. These definitions have now changed to take into account the broader aspects of Assisted Reproductive Technology, and also to take into consideration Acts in Parliament that exist. I think we can take time to go through them one by one. Part (a) is basically what I have said. That is to cover all aspects of Assisted Reproductive Technology, where initially that...

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Chairman, since it is on record, you do not need to go one by one.

**Hon. (Dr) James Nyikal** (Seme, ODM): That therefore is our rationale for the amendment.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you, Chairman.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 2 as amended agreed to)*

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Anything out of order, Hon. CNN?

**Hon. Charles Nguna** (Mwingi West, WDM): I have an issue with this clause. I know a couple means male and female...

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Which clause, Hon. Charles Ngusya Nguna?

**Hon. Charles Nguna** (Mwingi West, WDM): Clause 2. The one we have just...

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Unfortunately, it is already overtaken by events. Sorry about that.

Hon. Members, we have come to the end of this very important Bill. I congratulate all of you who participated. Remember this Bill was in the 11<sup>th</sup>, 12<sup>th</sup> and now the 13<sup>th</sup> Parliament. It is therefore a very good feeling that we have come to the end. I now call upon the mover.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, did we look at the title? We did earlier?

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): It was already done last time.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Okay. Thank you.

Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the Assisted Reproductive Technology Bill, (National Assembly Bill No. 61 of 2022) and its approval thereof with amendments.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

## IN THE HOUSE

*[The Temporary Speaker (Hon. David Ochieng') in the Chair]*

## MOTION

CONSIDERATION OF REPORT ON THE  
ASSISTED REPRODUCTIVE TECHNOLOGY BILL

**The Temporary Speaker** (Hon. David Ochieng'): Chairperson of the Committee.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the Whole House has considered the Assisted Reproduction Technology Bill (National Assembly Bill No. 61 of 2022) and approved the same with amendments.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. Mover of the Bill, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Irene to second the Motion for agreement with the Report of the Committee of the Whole House.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Mrembo, go ahead.

**Hon. Irene Njoki** (Bahati, JP): Yes, Hon. Temporary Speaker. I second.

*(Question proposed)*

Hon. Elisha, you want to say something on this? Hon. Nyamai, do you want to say something on this?

*(Hon. (Dr) Rachael Nyamai spoke off the record)*

Yes, this is the point at which you can make a comment on this. You already have the microphone.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Temporary Speaker. I take this opportunity to thank the Departmental Committee on Health, more so the Chairman, Hon. (Dr) Nyikal, bearing in mind that he was in the 11<sup>th</sup>, 12<sup>th</sup> and the 13<sup>th</sup> Parliament and he was very keen to make sure that this happens. I also commend the effort that was made by Hon. Millie Odhiambo. She has shown zeal in this House and outside to make sure that this Bill gets this far. Hon. Millie, I thank you very much. You are not doing it for yourself. You are doing it for so many women out there, some who do not even have a voice. You are doing it for the women who have been looking forward and waiting to have assisted reproduction being done legally in this country.

I also thank Hon. Kaluma in absentia. He also did a lot of work. As religious as he is and as much as he had done so much research, he was willing to give and take and interact with people in the profession: People like Dr Nyikal and Hon. Jaldesa, Members with a lot of interest like Member for Kilgoris, and so many other Members seated in this House. It is a good feeling. The Speaker made a promise to Hon. Millie Odhiambo. The promise was that this was going to happen in this House. It has indeed happened.

Thank you, Hon. Temporary Speaker, for the opportunity.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. CNN.



**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, I appreciate Hon. Millie for what she has gone through. I recall there was a day she was really crying here. She was shedding tears profusely. I would like to encourage her to keep on helping Kenyans who are voiceless. This Bill will help many Kenyans. This includes especially those who have no children. It is time we cleared it. We must remove all the controversies we have been discussing around this Bill. Hon. Millie, congratulations on this achievement. You have really helped many Kenyans. I look forward to the Committee ensuring this is fully implemented in our country. Implementation must be without any controversy or interjection by anybody.

Thank you, and congratulations, *bad girl*.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, this is a Bill has come a long way. It has had a lot of public participation and has created a lot of controversies. I thank all the people who made various presentations. Assisted reproductive technology is already being practised in this country. It is not something new. What we have done as a Committee is to create a framework. This is a legal basis for which it should be practised. We have other medical practices ongoing in the country. These include kidney and corneal transplants, among others. What we are doing is to create a framework. Our doctors can practise in a legal way in this framework. Women and men in this country can have children in an environment with legal provisions. They can do this without feeling stigmatised. This also makes it affordable.

Many women and men who want to have children through assisted reproduction find it very expensive. National referral hospitals, the national government, and county governments should put in place services that can offer this at an affordable rate. We also hope that SHA/SHIF coverage will be amended to include this service so that Kenyans can have children without obstruction or financial constraint.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I congratulate Hon. Millie for coming up with this very important Bill. She has been very consistent and committed. This touches on many women in this country. Many African women have even lost their marriages because they could not give birth. This Bill will come in to salvage such situations. These situations have stressed our women. Even educated women who have had challenges in their marriages will now have an opportunity to have a child.

I congratulate her and the women of this country. It is through passion and commitment that they have kept their marriages and done a lot of things. This Bill will now take them to another level. This applies especially to those who have been disadvantaged in the past.

Congratulations, Hon. Millie.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Jematiah.

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Member for Gem, what is out of order? Go ahead.

**Hon. Elisha Odhiambo** (Gem, ODM): Thank you, Hon. Temporary Speaker. I have noticed there is a Member who has just walked in. I do not know whether he is putting on a blanket and whether that is parliamentary. Hon. DK, what is he wearing on top? Is it a blanket or ...? I am just checking. I am not sure whether that is parliamentary. If you come to the House, you must dress properly.

*(Laughter)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. DK, are you wearing a blanket? Can you tell us what you are wearing?

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Temporary Speaker. I do not know, maybe the honourable Member is admiring my coat. As far as I am concerned, this is a coat, not a blanket. I doubt whether he has done textile engineering. I also doubt whether the Speaker's rules dictate which kind of linen one should wear.

**The Temporary Speaker** (Hon. David Ochieng'): I can confirm that what the honourable Member is wearing may look like a blanket, but it is a very fine coat. Hon. Elisha, if you are admiring the coat, then you will approach Hon. DK. He will take you to the shop, then you can get the coat too. No, you will not say anything more. Hon. Jematiah, go ahead.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker. I congratulate my sister, Hon. Millie, the *bad girl*, for this very important Bill that is before us today. I also participated in several ways. This was through the Committee and our Kenya Women Parliamentary Association (KEWOPA) groups to ensure this Bill sees the light of day. This is a Bill that is going to be a game changer. It will be a game changer not only in Kenya but also within East Africa. As Hon. Pukose said, most of this reproductive health practice is happening in Kenya. Many people travel from all over to get assisted reproduction.

It is not only an idea to help women and men, but also an idea to help God's creation. We were all sent into this world to procreate. Sometimes, due to genetics or other factors, one may not be able to get children in good time. This is one of the best Bills that will help humanity. For the first time in Kenya, you can walk into a hospital and seek to get a child or babies. You can sometimes choose the sex and other aspects. This is going to be one of the best Bills. I really look forward to its assent by the President. It is going to help all of us.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Temporary Speaker, first, I would like to congratulate Hon. Millie for her persistence in getting this Bill passed. She has been pursuing it for the last two or maybe three Parliaments. This now provides a legal framework for surrogacy and assisted reproduction. We previously lacked proper law to guide us. With this, the guidance is now clear. It will go a long way. We now need people to undertake surrogacy. We will not have broken families, where people blame the lady, yet perhaps the problem is with the man. We should see this Bill as godsend. Congratulations, Hon. Millie.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Speaker, I thank Hon. Millie for the passion she has shown in this area of assisted reproductive health.

Hon. Temporary Speaker, I remember when you and I joined the 11<sup>th</sup> Parliament, Hon. Millie was already in. She moved the Bill with a lot of passion and explicit explanations to justify the need for its enactment. I am a very happy man to see it getting to this level. I congratulate and wish her well. Kenyan women will have a legal framework to fall back to when they face the challenges that she explained. I support and congratulate her. I wish her and all the women who will benefit from this legal framework well.

Thank you, Hon. Temporary Speaker, for this opportunity.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Mrembo.

**Hon. Irene Njoki** (Bahati, JP): Thank you, Hon. Temporary Speaker. I want to congratulate our colleague, Hon. Millie Odhiambo, for the good work she has done and the patience she has exhibited since the 11<sup>th</sup> Parliament through to the 13<sup>th</sup> Parliament pushing for the enactment of this Bill.

I also want to congratulate the Chairman and Members of the Departmental Committee on Health for having come up with this very important Bill. I have come across so many issues of women being unable to give birth. I want to thank Hon. Millie for this. Other women are unable to carry a full-term foetus. There are so many families and marriages that have broken

due to lack of children. May the Lord always bless you, Hon. Millie? Keep on pushing and fighting for women. You do not know what you have done to women in this country.

Thank you very much.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I would also like to join my colleagues in thanking Hon. (Dr) Nyikal and the entire Departmental Committee on Health and all those who were involved in this very vigorous process.

I also want to thank my senior sister and mentor, Hon. Millie Odhiambo, who has been very consistent in fighting for the vulnerable and championing for those who have issues beyond what we can comprehend. Hon. Millie, I know you have championed many Bills in this House but this one alone will go a long way in raising the spirit of many women who have been crying silently out there – the many women who do not know who to turn to.

This Bill has given hope to the crying women of this country. The men who do not know what to do when their wives are being condemned left, right and centre. We want to put flowers on you when you are alive. May the good Lord continue giving you strength and spirit to champion the needs of the less privileged, particularly those whom God did not give opportunity to use their own bodies to give birth to what we cherish most — human life. You have brought life and a smile to the faces of all those women. May God bless you!

I want to go on record and correct a statement that I made earlier. I said something about single mothers but I mixed up the idea. All I was saying repeatedly was about what Hon. Millie was saying – that, we have many men who are taking care of children who are not genetically connected to them. I said that a child is a child regardless of how it come into this world.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Hon. Nyenze. I think you will be the last one on this matter.

**Hon. Edith Nyenze** (Kitui West, WDM): Thank you, Hon. Temporary Speaker for giving me an opportunity...

*(Hon. Millie Odhiambo-Mabona spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Millie, you will have a chance at the Third Reading to appreciate all the people you want to appreciate.

Go ahead, Hon. Nyenze.

**Hon. Edith Nyenze** (Kitui West, WDM): Let me take this opportunity to say that I am happy that this Bill has come to pass. I was in the last Parliament and I remember the effort we put to have this Bill passed by this House. Now that it has been passed, I congratulate Hon. Millie and the Departmental Committee on Health on this milestone. This gives challenged couples an opportunity to legally decide if, when and how often to have children. This provides an opportunity to even solve some of the gender-based violence issues in the family. The issue of reproductive challenge has brought so many issues to couples. This comes about because of the many complications that come with reproduction.

With the enactment of this Bill, it will not be necessary for challenged families to used unorthodox means trying to get children or abort unwanted pregnancies. We are now going to have a legal framework. Congratulations and well done. This will sort a lot of problems.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Seme, you have spoken to this matter enough times. Nevertheless, go ahead.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. Let me start by appreciating the persistence and the hard work of Hon. Millie. When I joined the 11<sup>th</sup>

Parliament, I remember many meetings we had with her and the technical people, including doctors and specialists in all areas, inside and outside Parliament. This has come to pass. I also want to appreciate Hon. Kaluma, who took a very hard stance and drew our attention to many issues.

With the enactment of this Bill, we are moving very close from procreation to creation. It presents many areas that are open to abuse. Therefore, the many amendments that have come through are to address moral, ethical, research and religious issues that were raised. It will not only be a relatively progressive law but will also provide safety in areas touching on human procreation.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also give my support on this particular Bill.

I want to thank our leader, Hon. Millie, who is also a mentor for many of us for bringing this Bill. I know she has passionately campaigned and pushed for it for a very long time. I also thank the Departmental Committee on Health for their support. This is a win for very many families comprising of women and men who have challenges in getting children through the natural process. This law will give them opportunity.

I thank Hon. Millie because this is going to be a great legacy for many people in this country. It is going to assist very many people. People can now have children through different methods within the legal framework, which is very important.

With those very few remarks, I my support and thank everyone for supporting the Bill.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Next is the Member for Eldas.

**Hon. Aden Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. At the outset, allow me to congratulate Hon. Millie. I have interacted with her as an activist, a nominated Member of Parliament and an elected Member of Parliament. One thing that comes to mind whenever I see her is her persistence, consistency and determination to achieve issues she flags as her priority. This is supposed to be a hallmark of any politician or any human being. I had the privilege of going through sections of the Bill. I am a practising Muslim. Certain fundamental things have been in the offing all over that contradict the Quran, negate the constitutional provisions and are also against African society norms. What this Bill attempts to do is to provide a legal platform.

Hon. Temporary Speaker, we live in a very diverse and democratic society to allow a platform which will not contradict basic human rights; which will not contradict some of the critical teachings of the different religious scriptures; which will also not negate and make Kenya a pariah state where you can come and do anything in the name of reproductive health. Therefore, I would like to thank you. This is the first stage. Through public participation, other critical components will be added to this and that will re-energise the Bill. I am sure that Hon. Millie will be open to critical amendments that will enhance and also....

**The Temporary Speaker** (Hon. David Ochieng’): Member for Eldas, we are past that stage now. We have just finished consideration of the Bill in the Committee of the whole House.

**Hon. Adan Keynan** (Eldas, JP): I was just saying that this is the first stage. It is very good. We support it, go ahead. Once this Bill becomes law, if for whatever reason you feel that there is need to add further inclusions because the passage of Bills is very dynamic, do not hesitate to bring further amendments to enrich the law. Otherwise, I thank you and hope and pray that we will have many Members of Parliament like Hon. Millie who will pick up issues, pursue them and make sure that they become part and parcel of the civic society of the Republic of Kenya.

With those remarks, I support.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. I also join Members because I have been here since 2013 and this has taken a while. It feels nice sitting here knowing that we have moved so far, especially with this particular Bill. Hon. Millie Odhiambo, thank you very much for your persistence. Hon. Members, for obvious reasons, I will not put the Question. I am that sure the next time we have the Bill on the Order Paper, a decision on it will be made either way.

*(Putting of the Question deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (National Assembly Bill No. 19 of 2024)

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, I beg to move that the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No.19 of 2024) be now read a Second Time.

The principle objective of this Bill is to provide a legal framework for the registration, licensing and establishment of the Agricultural Professionals and Technicians Registration and Licensing Board. We will bring amendments during the Committee of the whole House to ensure that it is not a money Bill. It will be funded by the professional fees and the levies. This Bill was brought during the last Parliament but it lapsed with the last Parliament. This is a resuscitation of the Bill in view of the fact that agriculture is a very important sector. Therefore, we need to focus a lot more on how to practice agriculture better.

Hon. Temporary Speaker, this Bill seeks to provide that legal framework. It aims at bringing forward the professional standards, promoting ethical practices as well as strengthening accountability in the agriculture sector. The Committee considered this Bill, worked on many issues and the Report is available. The Committee also met various stakeholders and came up with recommendations. The stakeholders we engaged include the Ministry of Agriculture and Livestock Development, the Agricultural Professionals Association itself, training institutions in agriculture, farmers and producer organisations, among other relevant stakeholders.

The key objectives of this Bill are, first of all, to address the long-standing gap in regulating agricultural professionals and technicians. The Bill seeks to provide a regulatory framework for the agriculture sector practitioners just like existing frameworks for many other professional bodies, including the bodies of engineers, medics and lawyers, amongst others. It also comes in to ensure that only qualified personnel are licensed to undertake agricultural advisors. Today agricultural advisors are not known. We do not know their professional qualifications and their technical competencies. We have just a pool of advisors. In most cases, you realise that the exchange points – in this case, the agro-input shops – have a lot of advisories taking place. The question is what background those who advise farmers on how to use the agro-chemicals and when to do all the other operations have. Who are they? That is why this Bill comes in – to basically ensure that only qualified professions advise Kenyan farmers.

Hon. Temporary Speaker, this Bill clearly isolates the professionals, defines the professionals in two categories – professionals and technicians. A professional is defined as an individual who has attained a university degree in agriculture and/or post-graduate degrees in a related field while a technician is any person who has certificate or diploma qualification in agriculture or related field. It will also ensure that ethical standards are upheld and competencies are also upheld in due delivery of the agricultural advisory process. The Bill seeks to align the agriculture sector with the national goals as specified in Vision 2030 as regards the Agricultural Sector Transformation and Growth Strategy. It also seeks to align the sector with the current government's Bottom-Up Economic Transformation Agenda (BETA).

Hon. Temporary Speaker, this Bill basically comes in to enthuse professionalism in a very important sector. The agriculture sector is the backbone of this country's economy because most of the foreign exchange earnings are from agriculture. Most of the jobs and food are from the agriculture sector. Unfortunately, this very important sector does not have clearly defined professionals to manage the operations at the farm level and post farm. The Bill cuts across pre-production, where we have preparation of production materials all the way to the table. Therefore, it looks at the agriculture product value chain as it were. Despite the immense contributions that this sector gives, professionals and technicians in the sector are currently unregulated. This Bill, therefore, seeks to fill this gap and ensure that only qualified and licensed individuals offer agricultural advisory, and that technical services are given that responsibility.

The Bill address issues like establishment of the Agricultural Professionals and Technicians Registration and Licensing Council, whose function will basically be to register, license and regulate professionals and technicians in the agriculture sector. It also seeks to provide for a registrar, who will maintain the annually published register of all licensed professionals and technicians in the Kenya Gazette for transparency purposes in order to make sure that the right people are given the task. It will also introduce disciplinary measures through the Disciplinary Committee set out in the Bill to handle misconduct and also ensure accountability.

Hon. Temporary Speaker, the Bill has a broadened scope to recognise other fields within the agriculture sector. I would like to highlight some of the fields that have been identified in the definition as agricultural. They include crop production, horticulture, plant breeding – which is also identified as one of the professional components – seed technology, agronomy, botany, crop science, crop protection, home economics, agri-business, food science, farm science, farm management, animal production, range management, agricultural economics, agricultural extension services, agricultural education, agricultural marketing, agricultural policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agroforestry, and natural resource management.

I have highlighted some of the areas of specialization because there was a misconception circulating on social media that Kenyan farmers will now need to be registered as professionals and pay fees and levies for them to practise agriculture. The Bill does not touch on farmers. It only touches on advisors or agricultural professionals, who play a role in the agriculture sector.

Agriculture is a devolved function since it mostly takes place in the counties. However, agriculture and agricultural institutions are currently dying out. We are not as enthusiastic about agriculture as we used to be. Agricultural institutions are disintegrating and universities are not growing as expected. The number of students pursuing agricultural training is also dwindling because the agricultural sector has not been given sufficient attention. We need to identify professionals and assign them the responsibility of growing the sector as well as enabling the country to move away from agricultural production to other sectors that can support our economy.

A certain Member once said in this House that it is wrong to say that agriculture is the backbone of our economy because we need to move away from over-reliance on agricultural production and diversify our economy. Agriculture should only contribute 3 or 4 per cent of our Gross Domestic Product (GDP) or less. We should now turn our attention to other sectors. Most countries where agriculture only contributes about 3 per cent of their GDP underwent an industrial revolution, which was triggered through improvements in agriculture, intensification, and productivity enhancement, so that they could produce many raw materials. That led to transformative industries, which drove the establishment of the extraction industries that they have today. That is the same path we need to walk as a country.

The other issue is that our agriculture sector is getting better re-organised through investment in the Kenya School of Agriculture (KSA). There are about eight such schools in our country, which will be offering post-technical training and re-tooling, which will enable agriculture professionals to become better in service delivery. Just like the Kenya School of Law re-tools lawyers, the KSA will enhance professionalism within the agricultural sector and improve service delivery.

Agriculture is a changing domain in the sense that we started with traditional ways of farm practice using the *jembe* or hoe and progressed to mechanisation. With tissue culture biotechnology advancement, we have moved away from using seeds. We are currently talking about genetic engineering. Therefore, this is an evolving field. If we do not identify professionals in this field and license them, we are likely to be speaking a language that is not commensurate with the changing times and perspectives within the sector, hence the importance of the Bill.

Agriculture is also a multiple domain covering a wide scope. Therefore, we need to know who is doing what within which sub-domain in the agriculture sector. The sector is currently facing many challenges in crop production. One such challenge is diminishing land size. We have not moved fast enough as a country to determine how to increase productivity. Only a professional body can think through this. Therefore, establishing one will help us to move in that direction and resolve issues within the agriculture sector, so that Kenyans can be in tandem with the times we are living in. With the reducing sizes of land, we need to intensify and optimise production.

Hon. Temporary Speaker, the Bill envisages professional agricultural bodies to be self-sustaining. Self-sustenance is good because most agricultural services have been privatised over time. Even though agricultural extension services have been privatised, the reality is that those services are not readily available. Farmers have to look for professionals to advise them.

We are also coming up with the Agricultural and Livestock Extension Services Bill, which will provide for the registration of professionals, so that they can offer their services as individuals, institutions or bodies. This Bill is key in identifying, registering and regulating these professionals.

With those few remarks, I beg to move and call upon Hon. Kibagendi to second.

*(Hon. Patrick Osero spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng'): You are definitely not Hon. Kibagendi, are you?

*(Hon. Patrick Osero spoke off the record)*

No. Take your seat.

*(Hon. Patrick Osero spoke off the record)*

Oh! You are Hon. Patrick Kibagendi. I am trying to check my dashboard. There are two Kibagendis. Are you Hon. Patrick Osero Kibagendi?

**Hon. Patrick Osero** (Borabu, ODM): Yes.

**The Temporary Speaker** (Hon. David Ochieng'): Go ahead, Sir.

**Hon. Patrick Osero** (Borabu, ODM): Thank you, Hon. Temporary Speaker. There is the good Kibagendi and the bad one. I am the good one.

**The Temporary Speaker** (Hon. David Ochieng'): No. All Kibagendis are good.

**Hon. Patrick Osero** (Borabu, ODM): Thank you, Hon. Temporary Speaker. I rise to second the Agricultural Professionals Registration and Licensing Bill.

Around 40 per cent of jobs in our country are agriculture-based. Agriculture is a major foreign exchange earner, but there is currently a lot of confusion in the agriculture sector. Farmers have to rely on agrovet outlet operators to advise them on what chemicals to use. Without any professionalism involved, those arrangements have negatively affected our farmers. We would like our farmers to be assisted by trained and licensed professionals. Back in the 1960s and the 1970s, agricultural extension services officers used to go round advising farmers on soil acidity and alkalinity. Farmers would rely on them before and after planting. That arrangement has been eroded because we over-relied on the counties for those professionals.

I cannot overstress how much professionalism has been dwindling within the agriculture sector. As the Chairman has told us, agricultural professionalism has been left open to quacks and anybody who thinks that he knows anything to do with farming and herbicide applications. It is time this profession was regulated, so that we have licensed officers advising our farmers.

A case in point is what is happening in the tea sector in terms of the differences in the tea bonuses paid to farmers in the East and West of the Rift Valley. They say that it was an issue of quality. Quality is definitely dependent on soil quality, tea plucking, and upkeep of tea up to the time it goes to the factory. If we had people to advise farmers during the application of fertilizers, we would not be where we are. Farmers, especially those in the West-Rift, are complaining that something was wrong with the tea bonuses that they received. In fact, it has now become a political issue. I support this Bill so that we get trained professionals who will give farmers professional advice when needed.

With those remarks, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. David Ochieng'): Member for Matayos, Hon. Odanga.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Temporary Speaker. I support this Bill on Licensing and Regulation of Agricultural and Livestock Professionals. This is a Bill that should have come much earlier. In the 1960s and 1970s, when Kenya's agriculture and manufacturing sectors were booming, there were extension officers under the Ministry who did a good job. They even had motorbikes to facilitate their movement.

Agriculture has transformed greatly over time and now requires a high level of professionalism. As the Chairperson said earlier, agriculture provides about 40 per cent of jobs for Kenyans. This is a sector that cannot be left to quacks or agrovet shop owners who often offer advice. We are happy that this Bill is being introduced and we must support it so that only qualified and licensed professionals, who are regularly retooled through institutions such as the Kenya School of Agriculture, provide the necessary services to farmers.

At the moment, Kenyans have reawakened. Many of them, especially in rural areas, are actively engaged in farming. Food production and even cultivation of cash crops are increasing.

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This House has considered and passed several Bills to make agriculture vibrant again. This sector needs a lot of support and that can only be achieved through proper control and regulation. Those providing advisory services must be true professionals.

With those few remarks, I support the Bill.

**The Temporary Speaker** (Hon. David Ochieng'): Let us have the Member for Yatta.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I rise to support the Bill by Hon. (Dr) Mutunga.

Agriculture is the backbone of our country's economy. It contributes between 25 and 30 per cent of GDP and employs about 70 per cent of the rural population. The first objective of this Bill is to establish a legal framework to protect farmers. That is why I support it. Currently, there are quacks who exploit farmers, hence the need for a professional body to safeguard their interests so that they can receive proper and accurate advice from qualified professionals. Many young people are now engaged in agriculture. This Bill will encourage more professional youths to join the sector and earn a decent livelihood from it.

Through this Bill, we will enhance service delivery and productivity in agriculture. It is, therefore, important and timely to have a professional body and a legal framework to protect and advance agriculture. Kenya's Vision 2030 identifies agriculture as a key pillar for economic growth. This Bill aligns with that vision as it seeks to promote agricultural growth and ensure that food production in Kenya reaches global standards. This goal cannot be achieved without a legal body to regulate the agricultural sector.

It is also important to strengthen accountability and oversight in agriculture. This Bill, crafted by Hon. (Dr) Mutunga, will promote transparency and accountability in food production. Currently, consumer protection, especially regarding food safety, is inadequate because we lack professionals properly regulated within the agriculture sector. Having a legal body to regulate the agriculture sector is therefore timely and necessary. Other professions such as engineering, surveying and medicine have professional bodies, but agriculture does not. Agronomists, animal scientists and other agricultural professionals are not protected due to the absence of legislation. Therefore, we must accelerate the establishment of this body.

We live in a technological era where innovation in agriculture is crucial. This can only be achieved with a legal framework that protects and promotes innovation in the sector. In advanced economies like Russia and Israel, technology is effectively applied in agriculture by professionals.

In summary, this is a very important Bill and I support it. It will establish a legal framework to protect farmers, especially those in rural areas, by ensuring that they receive accurate and evidence-based advice from professionals to promote agricultural productivity in all spheres.

With those remarks, I support.

*(The Temporary Speaker (Hon. David Ochieng') left the Chair)*

*(The Temporary Speaker (Hon. Farah Maalim) took the Chair)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, before someone else catches my eye, I wish to welcome pupils of Ilkelunyeti Primary School from Kajiado East, Kajiado County, seated in the Public Gallery. Is there anybody from the Maa community here? I do not see anyone from Kajiado. However, they have loyal friends. My learned friend, Hon. Caroli Omondi, please; give a good word of encouragement to these pupils.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I take this opportunity to welcome the young pupils from the Maa community. I do not know why you identified them as the Maa community, but I believe the Maasai are the

most special Kenyans. I want these youngsters to leave here knowing that. Why do I say so? If it were not for the Maasai, we would never have had Kenya. The boundaries of Kenya are clearly defined according to the Maasai movement. They are the most welcoming, beautiful, friendly and the least tribal community in the Republic of Kenya. If Kenyans adopted the habits and values of the Maasai, Kenya would be a great nation.

I warmly welcome you and wish you well. We will continue to support all initiatives in Maasai land that promote girls' education, and we will not forget the boys.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): You forgot to add that they are also the ones who stopped the slave traders, along with their pastoralist northerners.

**Hon. Caroli Omondi** (Suba South, ODM): Correct.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. Hon. Makali also wants to put in a word because he is a neighbour. Please give him the microphone.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. As a neighbour and scholar, let me take this opportunity to welcome our young ones to Parliament.

I want to tell them that this is where the laws of this country are enacted, and it is good that they are here to see what happens. We wish them well in their studies. I am sure that, for some of them, their long-term goal is to sit where we are seated to make laws for this country—best wishes to them and their teachers.

We encourage the students to work hard. Even though they come from Kajiado, they need to compete with the rest of the country because opportunities are available to be won.

With those many remarks, I welcome them to Parliament.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. The pupils of Ilkelunyeti Primary School, I am sure you have heard that the sky is the limit. I am sure that 20 or 30 years down the line, most of you will be in this House.

I now call upon Hon. Keynan to be followed by Hon. (Dr) Makali Mulu.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. At face value, this Bill is very good. It attempts to professionalise the services of great men and women of a very important sector of our economy. Over the years, we have just been paying lip service, saying the backbone of our economy is agriculture, even though agriculture in our region has two aspects: livestock and crop farming.

The emphasis in Kenya has been on the crop sector. If Hon. (Dr) Mutunga is still here, I hope and pray that he has the neglected livestock sub-sector in mind. Secondly, it is good to have a professional body. I have reflected on this, and it brings many benefits. Again, are we short of legislation? We have sector-based professional bodies. Veterinarians have their own professional body, which is an agricultural-based sector. The sugar professionals also have their own, as well as the pesticides board, among others. One thing we have to be very careful about is not to over-legislate, so that we do not create jurisdictional conflicts or other unrelated challenges that arise whenever we pass a Bill.

Generally speaking, if the intention is to professionalise the services of key professionals in this sector, it raises the issue of food security, which is a very important component. I was in Ireland the other day. Shockingly, I went to one of their evening coffee cafés. Our coffee is being used to blend their Irish coffee. Our professionals should have protested in the strongest terms possible at the World Trade Organisation (WTO) or have our own brand sold as a Kenyan coffee brand.

Professionals in this particular sector must be ready to support our Kenyan products. We produce very high-quality products, but our marketing mechanism out there has been convoluted. Therefore, what is being sold outside there does not clearly project the Kenyan

image. This is one thing that these professionals have to work hard at in line with their professions. Kenya should be self-sufficient in terms of food security.

Another issue is that promoting environmental sustainability is a challenge right now. I am told that by January, the European Union will open the first climate-friendly and supportive financial institution in Nairobi, the South of the Sahara. That is a major achievement. But again, are we ready to take advantage of that particular facility?

The other bit is that we must be innovative. The world has changed. Therefore, once these professionals are put under an umbrella organisation, they will be the drivers of innovation. That is what this sector actually requires. Issues such as land scarcity, environmental challenges, and others can be addressed through innovation. Once this Bill is open to critical public participation, we expect to hear such things from agricultural professionals.

The other thing is job stability. When one decides to become an agricultural economist, they think about job stability. That job stability can only come if you understand what you do, and there is a bit of regulation and continuity. These are the things I hope and pray that this Bill attempts to achieve.

The issue of career diversity is another issue. You cannot be static. You have been trained as a veterinarian, but you must also be familiar with the other aspects of your job. That can only come if we have a professional body that can prepare, mentor and bring about change. Not only from what you have gone through as the raw academic platform, but also through environmental influences and other friendly means. This is one thing that has been lacking.

We must also be prepared to enjoy what you do. Once this professional body is legislated, we will have career fulfilment and enjoy what we do. Somebody else will talk to you about the limits and things you have not done. Because we all work for a community, whatever we do must have an aspect of contribution to the outside community. As an agricultural professional or a lawyer, whatever you do must have some benefit to society. I believe that once this is done, Kenyan society as a whole will see the benefits.

Having said that, I have looked at Part II of the Bill. If we do not address this, there will be a serious jurisdictional conflict. I urge the Chairperson of the Departmental Committee on Agriculture, Hon. (Dr) John Mutunga, who is the owner of this Bill, to look at it critically so that there is no jurisdictional conflict with other existing agricultural professional bodies, because we are legislating for posterity.

I am sure that before you decide to bring up a Bill, you must have conceived and contextualised the ideas, consulted a lawyer, put it up on the parliamentary platform, and finally, that must have led to the publication of the Bill. All this must be in the mindset of the mover and originator of the Bill. I want him to review Part II of the Bill, along with other existing legal provisions governing agricultural professional bodies, to avoid the rampant jurisdictional conflicts.

This will also help us avoid role duplication. This means that if there is already an entity clearly legislated and provided for in the management of professionals under that particular legislation, creating an umbrella organisation might cause conflict and duplication of roles. This must also be attended to.

You are aware of the issue of wastage. We are number one in legislating and passing Bills. When you look at our neighbours in Tanzania and the United Kingdom (UK), there is very little legislation, yet they have been very effective. It is the same for countries all over the world. Like, if you go to Japan today, this is one example that I constantly repeat. In 1999, as a young legislator, I had the privilege of going to Japan as a Member of the Departmental Committee on Finance and National Planning. We tried to look at the public investment climate, and the first thing we were given was a document from their library that they had borrowed from Kenya in 1974.

In 2000, I had the privilege of visiting Malaysia. We were also given a document on spatial planning from Kenya, and yet we were going there to benchmark. This era must come to an end. The era of unending useless trips and legislation that do not add value to the Kenyan taxpayers must come to an end. We have overlegislated, and therefore, we have a lot of legislation. What we are lacking is implementation and commitment. Once we are through with this, I can tell you it will be like how we do it in our community: by word of mouth, no legislation, purely trust. However, I am aware that it is also diminishing due to other environmental and societal changes. This thing...

**The Temporary Speaker** (Hon. Farah Maalim): Erosion.

**Hon. Adan Keynan** (Eldas, JP): Yes? Societal erosions. So, Kenyan culture—we cannot legislate everything. There are countries without written rules, only societal norms that guide their people. Right now, it feels like we are trying to legislate for tomorrow. Just a few minutes ago, we were discussing reproductive health. I appreciate how my sister here, Hon. Millie, went in-depth on that matter. Some of these issues are often whispered about...

**The Temporary Speaker** (Hon. Farah Maalim): She is loud.

**Hon. Adan Keynan** (Eldas, JP): Yes?

**The Temporary Speaker** (Hon. Farah Maalim): She talks loudly about them.

**Hon. Adan Keynan** (Eldas, JP): She is thorough. We are now doing the same for agriculture. Tomorrow, my good sister here may bring another issue, but holistically, what are we saying? We need to define the Kenyan norm, whether it is new, old, or a blend of both. That is what will take us to the next level. We can see environmental challenges worldwide. There is confusion everywhere.

Hon. Temporary Speaker, can I use the Floor of the House to congratulate the newly elected Mayor of New York on his dynamism and the spirit of change? I followed that election closely and stayed awake until 3 a.m. to see the winner declared. The world is changing, which is the kind of change we must embrace here...

*(Hon. Adan Keynan's microphone went off)*

**The Temporary Speaker** (Hon. Farah Maalim): Unfortunately, he cannot run for the U.S. presidency since he was born in Uganda. Otherwise, he would have been a front-runner even in that race. Yes, Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): You said I am next, so I am just waiting for the microphone.

I want to begin by sincerely thanking you for this opportunity. Before I get to the subject matter, I am amazed when I hear Hon. Keynan talk about our culture and how we apply it to today's world. There is a saying, *mwacha mila ni mtumwa*. We seem to have ignored that saying from the wisemen. Modernisation has brought many changes, and in the process, we have sidelined our culture. Hon. Temporary Speaker, at one point, I worked in your region - the entire North Eastern area - doing community work. I can tell you with certainty that if we needed Ksh300,000, we would raise it within an hour, purely based on trust. Your people relied heavily on trust. It worries me to hear that trust is being eroded. We must hold on to our culture.

Now, back to this Bill.

**The Temporary Speaker** (Hon. Farah Maalim): We cannot legislate values.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Yes. How I wish we could ensure they remain. If my memory serves me well, even the 12<sup>th</sup> Parliament debated this Bill, although it did not conclude. I remember Hon. Mutunga was leading that effort. The purpose of this Bill is to create a legal framework for professionals in the agricultural sector, defining the necessary academic qualifications, job training, and structured standards for their work. That is why I support it.

When I was young, in Standard 8, there was a common saying that agriculture is the mainstay of our economy. Back then, agriculture was the leading contributor to our Gross Domestic Product (GDP) and the principal employer. Many Kenyans invested their energy in farming. I remember extension officers visiting us. My mother, whom we fondly call *Ndaa Mulu*, has always been a serious farmer. Our farm was a demonstration farm. The entire village would gather as extension officers trained farmers in proper cultivation methods. At that time, technology was not widely used. The work was manual, and training institutions played a critical role. Agricultural colleges were vibrant, and many professionals pursued agriculture. Graduates were immediately employed and highly regarded.

Over time, we have failed to allocate adequate resources to the sector, and interest in the sector has declined. That is why I support the Bill. It provides a clear framework for training, registration, remuneration and continuous professional development of agricultural officers. I hope that it will not lapse again before becoming law.

*[The Temporary Speaker (Hon. Farah Maalim) left the Chair]*

*[The Temporary Speaker (Hon. David Ochieng') in the Chair]*

We must, however, ensure that the professional body established under this Bill is self-sustaining. Like the legal and medical professions, it should finance itself through member subscriptions rather than depend on the Consolidated Fund. That stability will help it endure over the years. Another key point is to ensure that only qualified professionals are members. In some professions, people without the required credentials falsely claim expertise. We have seen the misuse of honorary degrees awarded for experience rather than academic qualifications. Such recognition should not be confused with professional competence.

Despite many changes in the country, agriculture remains central to our economy. As an economist, I can confirm that whenever the agricultural sector grows, the overall GDP rises. Our national growth still depends heavily on agriculture. If we neglect it, our economy will struggle. Relying solely on rain-fed agriculture is no longer sustainable. We must shift toward irrigation. It is disheartening when political promises for irrigated land are only partially fulfilled. Take, for example, the Galana Kulalu Irrigation Project in Tana River. It could transform food security, yet progress has stalled due to inadequate resource allocation.

As we support this Bill, we must redirect our focus and resources to agriculture. With a proper framework and strong extension services, we can revitalise the sector. County governments should also prioritise hiring qualified agricultural extension officers to provide technical support to farmers. Recruitment has become a critical and controversial issue in the counties. We cannot honestly claim independence as a nation and take pride in it if we cannot feed our people.

**The Temporary Speaker** (Hon. David Ochieng'): Of course, we are independent, Hon. Makali.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): When you claim to be independent but you cannot feed yourself, we begin to question your independence, Hon. Ochieng'. Respective governments in this country have not managed to feed our people well. That is why we have to import food. Our neighbours in Tanzania export a lot of food to us. We have the best agricultural land in the region. And we have the best brains in terms of professional expertise. We should be able to feed our people. In an area like Ukambani, where I come from, we can produce maize twice in a year. The only thing we lack is water. I can authoritatively tell you, as a regional leader, that we have not been given enough water to irrigate our farms because people want us to always rely on relief food. As a result, they can come back and tell us, "Vote for us, we will give you food." We have said enough is enough. As we move forward,

through our county governments, we will ensure that we irrigate our lands and feed this country as we feed ourselves.

With those many remarks, I urge my colleagues to support this Bill so that we can put the agricultural sector in its rightful place in the current economy.

Thank you so much, Hon. Temporary Speaker, for the time.

**The Temporary Speaker** (Hon. David Ochieng’): Let us hear from the other Hon. Makali. There are two Makalis, one from the East and one from the West. This is Hon. Makali from the West.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for allowing me, Makali from the West, to contribute to this Bill. At the outset, I support the Bill. As earlier speakers have pointed out, agriculture is the backbone of our economy. It contributes almost 20 per cent of our GDP. 40% of Kenyans are employed in the agricultural sector. As the Mover has pointed out, this area lacks a legal framework. Many of our universities, colleges and tertiary institutions produce many graduates in this sector. But we do not have a proper legal framework to govern the sector. Engineers, lawyers and doctors have professional bodies. Similarly, we should be able to regulate the agricultural sector so that we save our farmers and citizens from quacks.

There are various benefits of creating this organisation. One is that we will protect farmers from unqualified personnel. As we speak, anybody in the village can advise farmers. Anybody can go to an agrovet and buy drugs without the benefit of an expert’s advice. So, we will protect farmers from unqualified advisers. Two, we will create jobs and forge career paths for graduates. As I pointed out, most of our universities produce many graduates in this sector, but they do not have a clear career progression path. If we pass this legislation, we will create a regulatory body with a pool of professionals that the national and county governments can tap.

By enacting this law, we will ensure accountability and ethical conduct. In my society, the Law Society of Kenya (LSK), if I give wrong advice to a client, they can report me to the LSK Disciplinary Committee for disciplinary action to maintain ethics. In the agricultural sector, we do not have such a body. By establishing a disciplinary body to investigate cases of misfeasance, we will create accountability in this sector. I believe that a regulated profession is a responsible profession. We are not just trying to reinvent the wheel; we will be aligning with the best international practices. In looking at this Bill, I had to consider what is happening in South Africa, Ghana, and India. All these jurisdictions have agricultural professional bodies that guide and advise their citizens.

On the flip side, having reviewed this Bill, there are three critical issues we need to look into. The first one is Vision 2030 and the youth. The Bill will create a licensing mechanism. Most of our youth do not have jobs when they leave college. They do not have a source of income. The Bill will create a licensing mechanism. How I wish that, when looking at the licensing mechanism, we would not include a fee beyond their reach. Some of my colleagues in the legal profession fail to obtain a licence for an entire practising year due to the costs. When we consider licensing, we have to ensure that it is affordable to our youth coming out of universities and colleges.

The Bill also seeks to create a council. Under the Fourth Schedule to the Constitution, agriculture is a devolved function. This Bill seeks to create a national board. We need to be very careful because agriculture is a devolved function. The national government only seeks to deal with matters of policy. As we create the national council, we must ensure that, where the rubber meets the road — that is, in the counties — they are effectively represented in the council.

Finally, the Bill proposes that, within six months of enactment, all professionals must be licensed. We need to be careful with this. Six months, in my view, is a very short period for

people to transit, obtain a licence to practice, and become agricultural professionals. We need a structured transition approach once the Bill becomes law. We must be cautious as we pass this Bill. If we do not license professionals, that cost might be passed on to farmers or the people being advised.

I support the Bill. The 13<sup>th</sup> Parliament should go on record as having passed it, given that it failed in the last Parliament.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. At the outset, I support the Bill but with reservations. The membership of the Agricultural Professionals Registration and Licensing Board is from the Kenya Society of Agricultural Professionals (KESAP). I wonder whether there will be any leeway between the two boards. If KESAP already exists, and then we have this new...

**The Temporary Speaker** (Hon. David Ochieng’): Sorry, Hon. Dawood. Hon. Mutunga, I think you need to clarify what he is asking, even for Members who will contribute later. Is KESAP a legal institution or is it a *vuguvugu*? What is it? Just clarify so that Members do not have to keep asking about it.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): KESAP and the Animal Production Society of Kenya (APSK) are registered outside this Act as a membership body of professionals. They do not have a regulatory role or a function that ensures accountability to anyone. They do not do anything for the sector. They are just an association of like-minded professionals. The council will regulate the sector's functions and professionalism.

**The Temporary Speaker** (Hon. David Ochieng’): So, is it a *chama*?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Correct! *Hiyo yao ni chama*. The other one is not a *chama*.

**The Temporary Speaker** (Hon. David Ochieng’): Okay. Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): In fact, with that explanation, I think the Chairman has muddled it even more. Suppose they are not recognised anywhere, and the Chairperson of the Kenya Society of Agriculture and the other five members are nominated by the ‘body’. In that case, I think the Chairman should consider this and streamline it in the Committee stage. If you are already suggesting that they should be members of this Board, yet you have said they are just a ‘body’ which is nowhere, what happens?

I do not want to debate that. I want to discuss the Agriculture Professionals Registration and Licensing Bill. I agree that a board should be set up. We should professionalise agriculture. In fact, from the definition of ‘agricultural speciality’, I see the first member, hopefully, will be His Excellency the President; he has a PhD and would be one of the members of this board. He would be licensed like the rest.

We need to professionalise agriculture. Countries smaller than Kenya or those without good soil and water produce more agricultural products than we do because we lack professionals managing our agricultural sector. A country like Egypt, which is a dry area, still produces a lot. Also, if you visit some European countries, they produce 10 times as many horticultural products as we do. We need to look back and know where we went wrong. We used to be a powerhouse, but now it seems like we let that go.

I hope that, with this professional body and the board in place, we will have people who can even tell us which fertiliser to use, when, and when to plant.

With those few remarks, I support, but with reservations, as I said earlier. Thank you, Hon. Temporary Speaker.

**Hon. Temporary Speaker** (Hon. David Ochieng’): Hon. Bartoo.

**Hon. Phylis Bartoo** (Moiben, UDA): Thank you, Temporary Speaker, for giving me the opportunity to contribute to the Agricultural Professionals Registration and Licensing Bill. This is a very important Bill. It is no exception since we have bodies for the engineers and

lawyers. Having a body for agricultural professionals is a good idea, as long as extensive research is conducted to ensure there are no duplications and the rules are very clear.

Kenya is an agricultural country, which is why we need a structured sector. It is said that the sector employs almost 40 per cent of Kenyans. I come from Moiben Sub-County in Uasin Gishu, where 90 per cent of the land is used for agriculture. I am very interested in this Bill.

I know the Mover captured who a ‘professional’ in this field is supposed to be. I like that, for one to be an agricultural professional, they must hold a degree in Agriculture or a Certificate in an agricultural-related field. It is important to make that clear to allay the Member’s fears that people with honorary degrees might register as agriculture professionals. If that is made clear, it will avoid such pitfalls. People registered in this profession will be qualified. They should have studied agriculture and have the right experience.

It is important to professionalise this because we have had many quacks in the agriculture field. Often, even when they are developing curricula and want to reach out to professionals, it is very difficult to tell who is who. It is very important to make it clear who an ‘expert’ is and who is not. This will inform the curricula in a very systematic way.

In Moiben, we grow maize, beans, horticulture and keep livestock; however, we have many experts masquerading as agricultural professionals. This affects productivity. For instance, we are in the harvesting season, yet even with all factors held constant, yields differ. This is as a result of quacks advising farmers as experts; everybody is an expert. They stock chemicals worldwide after obtaining a license and mislead farmers by claiming they have different chemicals for different reasons, not to forget different animal feeds. This way, productivity declines, affecting the quality and quantity of the produce. Due to the different feeds given to the animals, some become good milk producers, while others do not.

The quacks also have different drugs for treating various diseases. Some animals get treated and die that same day. This Bill is very important. If the agricultural sector is structured, the people I represent will benefit from the expertise.

Once this Bill is passed and we have a strong framework for professionalism, we expect experts in the field to visit and advise farmers so they know what is expected of them at all times. They will be guided on the quality of seeds, food, and pesticides to help improve the produce. This way, more people might get employed in the sector, and we can move from the current 40 per cent to 50 per cent employment level. This will address the serious issue of unemployment in Kenya.

I support the Bill. However, I hope it will not be a burden on the community. Sometimes, when professionals have a recognised body, they tend to be expensive. For instance, students seeking internship opportunities might be expected to pay a fee that can be exorbitant at times. In some cases, programmes are approved in universities only if certain conditions are met, making something that was meant to be good a problem. A case in point is the engineering curriculum in some universities in Kenya. Some students were unable to graduate even after completing their studies five years later, because the Engineering Board of Kenya (EBK) felt that they had not met some mandatory requirements, despite the Commission of University Education (CUE) having approved the curriculum. This led to a court battle, which took some time to resolve. Eventually, it was sorted, but it was a traumatic experience for those students, as they had completed the curriculum and were eager to graduate and move on. We hope that this Bill will provide a framework to prevent such burdens in future. It should serve as a plus rather than a liability for the agricultural sector.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): The Member for Mandera West.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I stand to support this important Bill.



*(Hon. Dorothy Ikiara stood in her place)*

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Ikiara, please take your seat. You will get a chance to speak.

**Hon. Yusuf Adan** (Mandera West, UDM): This Bill was introduced in the 12<sup>th</sup> Parliament when I was a Member of the Departmental Committee on Agriculture, and we are still debating it now. I hope and pray that this time we will ensure it is passed and enacted.

Agriculture is the backbone of our economy, employing 40 per cent of the workforce in the country. The produce generated from agriculture is not only exported but also contributes to food security within our borders. When we talk of security, we often focus solely on the military and armed forces, but food security is more important. After all, the military cannot protect this country when it is hungry. Food security is the most important thing in a country. We are fortunate to possess all pertains to food production, including crops, livestock, fisheries, and bees that provide honey. All these encompass agriculture. We need serious professionals to ensure that the right thing is done for us to produce food for both domestic consumption and export.

Unfortunately, there are many quacks in the field. Having worked as a frontline agricultural extension officer and progressed to assistant director, I can attest that although such laws were not in place during my tenure, operations were more systematic. Agricultural officers were serious professionals, and productivity was higher than it is today. In an era of advanced technology and a burgeoning number of professionals, agricultural productivity has declined over the years. This decline can be attributed to the lack of a regulatory body; hence, every Tom, Dick, and Harry can claim expertise in agriculture and advise farmers, particularly those in rural areas who may not be exposed to modern technology. Some farmers lack access to televisions and, as a result, cannot follow all the documentaries and valuable advice provided to them.

A recent example involves a camel farmer whom I used to serve while working in the field. He contacted me to inform me that his camels were unwell, seeking my advice. I suggested that he takes blood samples and have them tested at the nearest laboratory. He complied and subsequently sent me the report. The camels were diagnosed with *Trypanosoma*, caused by *Trypanosoma evansi*, a common disease in camels. I prescribed a drug and recommended he enlist the help of a veterinarian to administer the drug subcutaneously. He purchased the medication and engaged the services of an individual who claimed to be an animal health assistant from Haiti and who had been practising in the area. Instead of administering the drug subcutaneously, this individual administered it intravenously. Within two hours, 60 camels had died. This is a recent event.

**The Temporary Speaker** (Hon. David Ochieng'): What is the difference between subcutaneous and intravenous administration?

**Hon. Yusuf Adan** (Mandera West, UDM): Subcutaneous administration occurs under the skin, allowing the drug to diffuse slowly into the animal's bloodstream. Intravenous administration, on the other hand, introduces the drug directly into the veins and thus into the blood. This method causes the drug to reach the heart immediately when it is very concentrated, and the body has not had a chance to process it, which can lead to death.

This happened because currently there is no law regulating or licensing professionals in the field. As a result, the quacks take advantage of the lack of such a law. Therefore, this Bill is overdue. It should be fast-tracked for us to protect our country from quacks and dangerous people.

In the past, when extension services were managed effectively by the central government, we employed a system of training and visits (T&V). We would gather all the

farmers in a central location to train them on the crops and livestock relevant to their area and how to optimise yields. We would visit their farms, and after two weeks, extension officers would conduct follow-up visits to each farmer. They would take notes and provide advice until the next training session. Farmers received copies of their prescriptions and were subsequently visited after two weeks to assess their progress. This approach led to increased yields. Although no formal regulations were in place, there was discipline and no shortcuts to make quick money. People were proud of doing their jobs. With the current number of professionals that we are producing from our so many universities and colleges and the serious unemployment, everybody is doing whatever they want just to get a living for that particular day regardless of what used to be. During our time, immediately you finished college and before you left the gate, you had an appointment letter to report to a certain place and do your work. There was job security.

I remember Dr Mutunga reported where I was already working in Isiolo when he first finished college and I inducted him. Things were straightforward. The only way to make sure these problems are over is to enact this Bill into law. I am sure the country will benefit out of it.

Thank you so much.

**The Temporary Speaker (Hon. David Ochieng’):** Hon. Ikiara, you have a chance. I can see you on the board. I have held Hon. Ikiara for quite a while.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you. I join my colleagues in championing the *Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024)*.

Drawing back to the days when agriculture and livestock used to be highly respected and followed daily, I decry where we are as a country. It was clearly known that food security is the core of our country. We used to know veterinary doctors in the 1970s and 1980s. They were very professional and would walk around villages wanting to know what was happening in the livestock sector.

We used to have agricultural extension officers who wore uniforms and could be identified even from a distance. They would go to farms to inspect them and want to know what was happening in the coffee sector, tea sector and in every other sector. I recall those days. Professionalism was being upheld in our agriculture sector. However, we currently know too well that almost 40 per cent to 51 per cent of our GDP depends on agriculture—24 per cent directly and 27 per cent indirectly.

Our country of Kenya is a food security hub where a majority of citizens derive their lives and livelihoods from agriculture. It is where we are seeing even our young generation wanting to go into that sector because it is the only area left for them to make money. The obligation of the national government is to provide policy as much as agriculture is a devolved function under Schedule Four of our Constitution. This is why this Bill is coming in handy to provide a legal framework to ensure that the sector is completely compliant and professionalised.

Hon. Temporary Speaker, it is important to note that both crop and livestock production will greatly depend on the work that will be done by these professionals. We just go to agriculture blindly. We do not take time to analyse agriculture or the type of soil on which we are planting our crops. The crops we plant must be from certified seeds. We must even go ahead and test the fertilisers that we are using for different types of soils.

We must also use professionals to advise us on when and what to plant. I am saying this because sometimes we have areas where we plant all sorts of crops. In my Meru County where we plant all sorts of crops—coffee, tea, *miraa*, and cotton in some areas, it is equally important that we have professionals who advise farmers on the type of seedlings to use.

We are very lucky because of His Excellency the President of the Republic of Kenya. He has picked out tea, leather, cotton, milk, and rice in his six out of the nine value chains in his Bottom-Up Economic Transformation Agenda (BETA) in agriculture. We commend him because we can see areas where we want specifically to plant rice. Instead of importing rice in the near future, we will be planting ours, using it, and exporting that rice. In the framework we are talking about, we want to ensure that the licensing mechanism is made easy, accessible, and affordable to young people so that we do not throw them out of the agricultural sector.

I strongly support the Bill. It is high time this Bill is fast-tracked so that we have it at the earliest opportunity. I challenge Hon. Mutunga that we implement the Bill once passed.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you for giving me the opportunity.

This is an extremely important Bill. Agriculture is actually the mainstay of human survival. It is much more important even than medication and health issues. Food is the key issue. We all know that agriculture is the mainstay of our economy in this country. I personally believe that agro-industry is what will push us into industrialisation and address the unemployment issues we have in the country. All this is basically based on science. Agriculture is highly scientific. There are many professionals in the area like agronomists, soil scientists, agricultural economists, and all sorts of professionals. It is important to regulate this area.

I support this Bill because, for the first time, it is trying to bring order and sense into agriculture. As many Members have said, people were used to extension workers in agriculture. It made a big difference in productivity in this country. Currently, you do not see that. As an honourable Member said, those who are doing it are doing it on their own and without regulation. Thus, doing more harm. People do not know what fertilisers to use or when. People do not know what medicines to use.

As a Member was trying to explain, somebody lost 60 camels due to giving drugs in certain way. Probably, the person who was doing it saw somebody else doing it and did not know what that person was doing. Perhaps they saw somebody injecting a drug directly into the blood and thought that all the drugs should be injected into the blood. That was a huge loss.

I support this Bill. I appreciate the fact that it creates a Board in Clause 3. It will be important in training, certification, registration, practise, licensing and regulations. Those are areas the Board must look at. However, I do not see much emphasis being put in training in its functions. That is an issue we should look at.

This Bill also focuses on the issue of self-regulation. As it has been mentioned, many bodies are self-regulated. Therefore, we have created many Semi-Autonomous Government Agencies (SAGAs). This Bill will create one. We are trying to limit the number of SAGAs in the country and how they are funded. In many cases of self-regulation, this is funded through funds raised by the activities of these people. Members have indicated that if you are not careful about that, it will increase the cost of production. We should start thinking of supporting these SAGAs because the regulation they are doing not only supports the profession but also supports the economy. There is a man who lost 60 camels. As much as he will blame this person who did it, it says that there is no government support in the industry to help people like that. In terms of funding, we should start thinking of funding or supporting them through tax.

I also looked at the membership of the Board and you had asked about this organisation. That is a common practice that people take welfare or professional organisations, and from there they draw membership into regulatory bodies. If the members of the welfare organisations are broad-based, it is a good thing. There is need and we can look at how we can bring together various sectors of agriculture which is broad. You are talking of personnel from extension workers to professors in universities to high-level professionals in research institutions. In Clause 34 of the Bill, we have to look at the funds of the Board.

Clause 12 of the Bill creates the office of the Registrar. This is extremely important because most of the functions will revolve there. Even if you have a good Board, if you do not have a registrar's office that is functional, it will not work.

With those remarks, Hon. Temporary Speaker, I support this, Bill. We will make some recommendations for amendments in the Committee of the whole House. Thank you.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. Member for Suba North, Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to support the Bill and thank Hon. Mutunga for bringing it. With the high unemployment rate, agriculture is a very serious option that we need to consider as a country. I know that it is a mainstay of the country, but we do not take it as seriously as we ought to. The way the world is moving, every country must identify its niche and capitalise on it. In Kenya, agriculture and tourism are our niche. Therefore, we should not try and be a jack of all trades and a master of none. When I talk about agriculture, I also mean fisheries as well.

I have met a lot of Kenyans out of the country who have left for greener pastures which is agriculture. We export a lot of intellect which we can use within the country. That is why this Bill is important. As a country, we must have a paradigm shift. Many of us believe that if you are educated, you must be a lawyer or doctor. We always assume anybody doing agriculture has not gone to school. Even when people obtain degrees in agriculture, it becomes very difficult to know how to integrate them, because we are not used to agriculture as a professional degree. I have a nephew who has a degree in agriculture, but integrating him becomes a challenge because the degrees we are used to are different. That is why it is important that we professionalise the sector and attract young people.

Hon. Temporary Speaker, I like being very analytical. One of the things I observed during the Gen Z uprising, and I know many politicians wanted to take advantage and say they were the ones who mobilised them, is that university students actually self-mobilise. When I went to a university on Thika Road, I saw almost eight or nine universities in that area, and if you add other colleges, there are more than ten. The students mobilise themselves, and nobody needs to mobilise them. What amazed me was the number of young people walking into town. Some were university students, and some had not managed to go to university. We must ensure these young people have meaningful employment, otherwise we will have a crisis. We already have a crisis. When I came into this Parliament, we always talked about the youth bulge being problematic. We must think as a country of innovative ways to keep our young people engaged and ensure they have a source of sustenance. One of the critical areas for this is agriculture and making it attractive. One way of making it attractive is by professionalising it. Maybe if I am still very active after I complete my PhD, I might decide to do another degree in agriculture, even though I might fail because I was not very good in that area, but that is something we need to consider.

One of the challenges I want to give Hon. Mutunga and others is, how do we incorporate traditional knowledge within this sector? The problem with us Kenyans is that when we start professionalising things, we start undermining our traditional systems. We have people who have beneficial knowledge of some of our crops and plants that we should not disregard, even though they do not have degrees. I am glad that some Members, when speaking to this Bill alluded to the fact that we need to find a way to consider these people in the same way we consider holders of honorary degrees. They may not be the academic experts, but they bring expertise through experience.

For instance, I shared with one of my classes yesterday that there was a time I was travelling from Mfangano Island to Rusinga Island, the weather was fine and bright. We decided to use a boat. An old man told us not to try. We asked why, and he said that he could feel it and he knew the weather was going to change. There was absolutely no sign that it would

change. We went ahead, and I do not think I have ever had a nightmare of that kind ever since on the lake. We remained in the lake for six hours, in a journey that normally takes 45 minutes. It was raining, the waves were crazy, and one of the ladies, who was from Microsoft in the United Kingdom (UK), said she would never come back to Africa, let alone to Mfangano Island, because of the experience she went through. We had been warned, and we did not listen. The one who warned us was someone with that knowledge.

So, we cannot disregard people with beneficial knowledge of plants and crops on how they can do well. Also, for our indigenous crops and plants, we should not disregard them, especially as we incorporate technology. Some indigenous plants do much better in our environment and are hardier than some of the technologically engineered ones.

I am happy that the Bill broadens its scope of recognised fields and it also includes issues such as, agricultural policy and law. When we put that bit, it means that even in terms of law, we will be very clear and focused. For instance, in issues like intellectual property rights, if we come up with innovative plants or crops that are German to Kenya, then we can patent them. That is why I like the component of agricultural policy and law, biotechnology, agricultural engineering, sea technology, plant breeding, botany among others. It is a good idea and I support.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Sitienei, you did not indicate that you wanted to speak, you did not tell anybody that you did not have a card. So, we are all wondering. This is a chance for you to make your contribution

**Hon. Janet Sitienei** (Turbo, UDA): Thank you Temporary Speaker for giving me this opportunity to add my voice to the Bill to professionalise the agriculture sector. Agriculture is the mainstay of the economy of this country. This is what makes the nation food secure. It is what puts food on the table and grows the country’s economy. Professionalising this sector will go a long way in helping our farmers, grow the economy in this country and help regulate the industry. Once we regulate the sector, then we are able to have people providing services to farmers who are qualified and can actually be sued if there is any misconduct.

This also means that our farmers will be protected from unscrupulous people masquerading as agricultural professionals. Our farmers have suffered in terms of misuse of agrochemicals because they do not have points of contact as to who are the correct professionals to advise them on what to do and which chemicals to use.

I support this sector that they should be professionals so that our farmers can benefit from their services. I also want to say that we have very few extension officers at the moment, yet we have a big number of professionals who have been churned out of the institutions. I want to request the Ministry to employ extension officers, so that our farmers can benefit from it as we do agri-business and grow our economy.

The Chair is here and I wish they put it in the Bill, that once somebody graduates, one should automatically be registered as an agricultural professional, so that we avoid quacks coming to the sector to register themselves as professionals whereas they have not undergone any training. I leave time for the Chair, so that he can respond. Thank you and I support the Bill fully.

*(Several Members consulted loudly)*

**The Temporary Speaker** (Hon. David Ochieng’): Order. Let us have Hon. Kihungi.

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I rise on Standing Order No. 95 since it seems that everybody agrees with the Bill and therefore, I think you can call the Mover to reply.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, looking at the clock, I am inclined to agree with Hon. Kihungi. Order Hon. Mayaka. She was here, put her

card and then withdrew it. That is not how we work. Hon. Millie and you know that very well. She inserted her card and then started harassing me to give her a chance. She went out again, came back and did the same thing. That is not the way Parliament works.

*(Hon. Millie Odhiambo–Mabona consulted loudly)*

Order, Hon. Millie. So, I am inclined to put the Question that the Mover be called to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

Therefore, the Mover is called upon to reply.

**Hon (Dr) John Mutunga Kinyuithia** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I am very grateful because the Hon. Members who have spoken to this Bill support it 100 per cent. For our agriculture to grow faster and better, we need professionals to man the agricultural sector. For us to take care of food insecurity that we have right now, we need professionals advising farmers and the sector's stakeholders. We have some bodies like Kenya Society for Agricultural Professionals, but this is not a regulatory body. It does not have regulatory functions and it is not governed under the law to regulate. Therefore, we need the agricultural professionals' legislation in order to register, regulate and license the professionals, so that they may man the sector properly.

There are few comments that have come from Members. They have said that everybody who graduates from an agricultural institution becomes a member of this body. The arrangement within the sector is such that everybody who graduates from an agricultural college or university joins the Kenya School of Agriculture. They practise agriculture and render advisory services. Therefore, the Kenya School of Agriculture will be churning out graduates to render advisory services which is the arrangement within the sector. The only way we can organise this is to have a professional body.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. David Ochieng'): I hope you noted Hon. Millie's contribution about recognition of prior learning. She said it is a very key matter. The decision on this Bill at Second Reading will be done next time. We will put the Question the next time this Bill is slated in the Order Paper.

*(Putting of the Question deferred)*

Next Order.

## BILL

### *Second Reading*

THE ENVIRONMENTAL PROFESSIONALS  
INSTITUTE OF KENYA BILL  
(National Assembly Bill No. 36 of 2024)

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Gachagua has only two minutes. He will start and then he will continue next time.

**Hon. George Gachagua** (Ndaragwa, UDA): Hon. Temporary Speaker, I beg to move that the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) be now read a Second Time.

The Bill was published on 5<sup>th</sup> July 2024 and read a First Time in the National Assembly on 18<sup>th</sup> September 2024. It was subsequently committed to the Departmental Committee on Environment, Forestry and Mining for consideration, pursuant to Standing Order 127. The principal object of the Bill is to provide a legal framework for the establishment of the Environmental Professionals Institute of Kenya and to provide for the registration, accreditation and regulation of environmental professionals.

The Bill defines an environmental professional as a person who has successfully undertaken a degree course in the field of environment, natural resources, earth science, sciences or thematical research as may be prescribed by the Council and is registered in accordance with Clause 21 of the Bill.

Hon. Temporary Speaker, Clauses 3 to 7 of the Bill provide for the establishment of the Environmental Professionals Institute of Kenya, a corporate body with perpetual succession and power to sue and be sued

The functions of the institute, among many others, include:

1. To register, regulate and exercise general supervision and control over the professional development and practice of registered environmental professionals in Kenya.
2. Promote research and exchange of information and knowledge in environmental practice and related matters.
3. Liaise with the National Environment Management Authority (NEMA) and other national and international institutions to promote environmental practices and professionalism.

Hon. Temporary Speaker, Clause 5 of the Bill establishes the Council of the institute which shall be responsible for the management of the institute. The Council shall comprise of the President, Vice-President, seven representatives, general membership of the institute and registrar who shall be an *ex-officio* member.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Gachagua, I would like to interrupt you. You will start from Clause 7 next time. The Clerks-at-the-Table will note the time you have spent then you will pick up from there next time.

**Hon. George Gachagua** (Ndaragwa, UDA): Thank you, Hon. Temporary Speaker.

## ADJOURNMENT

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, the time now is 1.01 p.m., this House stands adjourned until today afternoon, Wednesday, 5<sup>th</sup> November 2025, at 2.30 p.m.

The House rose at 1.01 p.m.

*Published by  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi*