

**COUNTY GOVERNMENT OF BUNGOMA**  
**COUNTY ASSEMBLY OF BUNGOMA**  
**COUNTY ASSEMBLY DEBATES**  
**THE DAILY HANSARD**  
**WEDNESDAY, 5<sup>TH</sup> NOVEMBER, 2025**  
**Morning Sitting**

**3<sup>rd</sup> County Assembly**  
**Version 00**

**4<sup>th</sup> Session**  
**Revision 00**

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**COUNTY ASSEMBLY OF BUNGOMA**

**THE DAILY HANSARD**

**WEDNESDAY, 5TH NOVEMBER, 2025**

The House met at the County Assembly Chamber at 9:30 a.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

**PRAYER**

**COMMUNICATION FROM THE CHAIR**

Honorable members, there is a communication from the Office of the Speaker; this is an internal memo to the Speaker of the County Assembly of Bungoma from the Chairperson Lands, Urban, Physical Planning and Housing.

Reference is Submission of Members views on the Bungoma County Task Force Report on Land Inventory to the committee on Lands, Urban, Physical Planning and Housing.

The above matter refers.

The sectoral Committee on Lands, Urban, Physical Planning and Housing is considering the report on Land County Inventory 2019 by the Land Taskforce appointed by His Excellency the Governor and submitted to the Assembly for approval as part of the process of verification of the information contained in the report.

The committee extracted results collected by the task force from the field and outlined per ward. The committee shared these results to respective Honorable members first in the month of June 2025 and October 2025.

The purpose of this letter is to request your honor to inform Honorable members to submit their findings and views affecting their wards to the committee, latest Thursday the 6<sup>th</sup> day November, 2025. This will enable the committee to compile its report in time as it prepares to retreat. Members can drop their written/oral views to the committee secretariat led by Committee Clerk Mr. Mudoga Paul.

It is signed by Hon. Johnston Ipara, Chairperson on Lands, Urban and Physical Planning and Housing. That is the communication.

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For those who will be stepping in late, kindly let us update them accordingly so that we comply and assist the committee on Lands.

Majority Leader, you have something!

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. Just following on your communication; I think the committee is in a good position to call the taskforce and give proper information because the extract that we are having especially in my ward has a lot of gaps, because if you can just say Mayanja plot, which plot number. The Committee should exhaust such before giving us such things. So kindly we request the committee to ensure that they have concrete information because which kind of views do we now give input to.

Let the committee assist us like now telling me that Mayanja market public land encroached, plot turned into auction ring. An auction ring is public utility then how? So the committee should at least tell us which plot number so that we know.

**Mr. Deputy Speaker:** Thank you for that observation. I know the committee will take note of that. They cannot respond to that now but they are taking note of the same, so that as we move forward, they are also addressing those issues plus many others that maybe raised.

Next item,

## MOTIONS

### REPORT OF THE SECTORAL COMMITTEE ON LABOR RELATIONS, MEMBER SERVICES AND FACILITIES ON IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS FOR THE YEAR 2022/20223

**Mr. Deputy Speaker:** This motion was stepped down this morning; we hope the membership is now present in the House. We request them to be upstanding. Members of Labor Committee?

*(Applause)*

You may proceed although one is not a member

**Hon. Hentry Nyongesa:** Thank you, Hon. Speaker. This is a report by the Committee on Labor Relations, Member Services and Facilities on Implementation Status of House Resolutions for the year 2022/20223

Chapter one is the table of content, Chapter two the preambles, I can skip that if you allow me.

### Guiding Constitutional and statutory principles

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In line with the oversight mandate granted to the County Assembly under Article 185(3) of the constitution of Kenya, 2010, section 8(1) (b) of the County Governments Act, 2012 and the County Assembly Standing Orders, the County Assembly requested for implementation status reports of the House resolutions for sector committees for financial year 2022/2023.

The committee carried out interrogations of the department focusing on the provisions of the County Assembly of Bungoma Standing Orders no. 205(1) and (2) on County Assembly resolutions;

*(1) The Clerk shall, within seven days of a resolution of the House or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant County Executive Committee Member, independent Commission or holder of a Statutory Body under whose portfolio the implementation of the resolution falls.*

*(2) Within sixty days of a resolution of the House or adoption of a report of a Select Committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant Committee of the County Assembly in accordance with Article 183 (3) of the Constitution.*

**Standing Order 212(4); Committee on Implementation states thus;**

(4) The Committee shall scrutinize the resolutions of the House (including adopted Committee reports), Petitions and the undertakings given by the County

Executive Committee and examine—

- a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; whether such implementation has taken place within the minimum time necessary; and
- b) Whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(5) The Committee may propose to the House, sanctions against any Member of the County Executive Committee who fails to report to the relevant Select Committee on implementation status without justifiable reasons.

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### **Mandate of the Committee**

Honorable Speaker, I think if you allow, we can also skip that because members are conversant with that.

**Mr. Deputy Speaker:** You can skip that because it is well stated in our Standing Orders.

**Hon. Hentry Nyongesa:** Page 4, Illustrates the committee membership and as indicated, the members are overwhelming in the House, therefore I can also skip that.

### **Acknowledgment**

I take this opportunity to thank all the members of the Committee for dedicating their time to scrutinize the submissions and interrogate the County Public Service Board. The Committee would also like to appreciate the Secretariat on its commitment to ensuring the completion of this report. Lastly, the Committee is grateful to your office and the office of the Clerk of the County Assembly of Bungoma for logistical support received as it discharged its mandate.

It is therefore my privilege, on behalf of the Committee on Labour Relations, Members Services and Facilities, to table the Report on the Implementation Status of the House Resolutions of the County Public Service Board for Bungoma County for the years 2022 and 2023.

The report is signed by me as a Chairperson Committee on Labor Relations, Member Services and Facilities

## **IMPLEMENTATION STATUS OF THE HOUSE RESOLUTIONS FY 2022/23**

### **1. REPORT BY THE SECTORAL COMMITTEE ON LABOUR RELATIONS MEMBER SERVICES AND FACILITIES ON THE NINE MONTHS FINANCIAL STATEMENTS FOR FY 2022/23.**

The report was forwarded to the County Public Service Board in line with the Bungoma County Assembly standing Orders No. 205 in accordance with Article 183 (3) of the constitution. The recommendations in the report with the Implementation status are hereby provided as submitted by the Board.

### **Recommendation 1**

**That**, the County Public Service Board should declare and prioritize the payment of pending bills when preparing proposed budget estimates to avoid unnecessary litigation and accumulation.

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**Response**

The County Public Service Board declared all the pending bills amounting to Kshs. 9,049,181 as at 30<sup>th</sup> June 2022.

**Committee Observation**

As at 31<sup>st</sup> March 2023, the CPSB was allocated Kshs. 7,819,181 and was able to settle Kshs. 4,413,810 recurrent and Kshs. 3,405,371 as development.

**Recommendation 2**

**That,** the County Public Service Board should see to it that the construction of the Administration Block on the land allotted to them by the County Government before the lapse of the Financial Year.

**Response**

The construction of the Administration block was started on plot number 388 and 389 between Ng'arisha Sacco and Bungoma Law Courts.

**Committee Observation**

The contractor is on site.

**Recommendation 3**

**That,** Imprests should be managed according to the public finance management laws that states: *PFM reg, 93(5) A holder of a temporary imprest shall account or surrender the imprest within seven (7) working days after returning to duty station*

**Response**

All imprests were surrendered

**Committee Observation**

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The CPSB had no un-surrendered imprests as at the time of interrogation.

**Recommendation 4**

**That**, County treasury should ensure the correctness of the financial statements by consulting the user departments.

**Response**

The Board submits correct financial statements to the County Treasury.

**Committee Observation**

The treasury should seek to reconcile the final Financial Statements with user departments before forwarding to the County Assembly.

**Recommendation 5**

**That** the approved budgets should be implemented pursuant to PFMA 149 (1).

**Response**

The Board is executing as per the approved budget.

**Committee Observation**

The Board is constrained financially and unable to meet the objectives as planned out in the annual work plan. The Board should therefore, be sufficiently funded to facilitate its operations and meet other statutory requirements.

**2. REPORT BY THE SECTORAL COMMITTEE ON LABOUR RELATIONS MEMBER SERVICES AND FACILITIES ON THE BUNGOMA COUNTY PUBLIC SERVICE BOARD REPORT FOR THE YEAR 2022.**

The report was forwarded to the County Public Service Board in line with...

Hon. Hentry Nyongesa: I think this is a repetition, they have...

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**Mr. Deputy Speaker:** Honorable Chair, you should not think because you must have prepared the report.

**Hon. Hentry Nyongesa:** They have done the binding and they have repeated the same. I will look at chapter three.

**Mr. Deputy Speaker:** Honorable Chair you have to be very keen because honestly that is a repetition given different pagination meaning the officer who was working on this report... you must have received it this morning because this is a grave mistake by the committee especially the secretariat.

**Hon. Hentry Nyongesa:** Hon. Speaker, it is well guided. I will look at chapter three because we are done with Chapter two.

## COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

### Committee General Observations

The committee made the following observations.

1. The County Treasury has been submitting inaccurate financial statements prior to interrogations.
2. The County Public Service Board has been greatly underfunded impacting delivery of service including the sensitization of the County workforce and the public on National Values and Principles of the Public Service Leadership and Integrity.
3. The matter on employment of the 660 casual workers is still in court, however, a green light was given on 463 casual workers only.
4. The Construction of the County Public Service Board Office Block is ongoing.

### Committee Recommendations

The following recommendations were made by the Committee:

1. **THAT** the budget for the County Public Service Board should be scaled upwards to effectively facilitate execution of its mandate.
2. **THAT** the County Public Service Board should adhere and implement recommendations as illustrated therein within stipulated timelines. In the event of failure, the committee will

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forward the matter to the Implementation Committee of the County Assembly for further action.

This report was adopted by the members and fully signed as indicated. Those who did not sign may be they were unreachable after the preparation of the report.

I therefore call upon Hon. Allan to second the report.

**Mr. Deputy Speaker:** Thank you, Hon. Nyongesa Hentry. Hon. Nyongesa Allan, you have the privilege to second this report!

**Hon. Allan Nyongesa:** Thank you, Mr. Speaker. First, I want to appreciate the Chair Labor committee my namesake Nyongesa for reading the report to us. The report is about the implementation status of the House resolutions for the year 2022/2023.

As you have all heard, this report is simple and very easy to understand. Looking at what the Chair has gone through you realize most of the resolutions passed by this House have been acted upon by the County Public Service Board. I will not labor much to go through the report. Once again I want to take this opportunity to second the report.

**Mr. Deputy Speaker:** Thank you, Hon. Allan Herald Nyongesa for seconding. Honorable members, allow me now propose to the House.

*(Question proposed)*

Maybe members before we debate on the same, allow me put this to the House that its very critical as members of committees, we must sign adoption of any report after retreating because as we do this today, this report is being circulated. It will be on the website of the County Assembly and if you have not signed and you were paid, in future when the agencies start following up, it maybe not so rosy for you. So kindly members, let us pass this information to our colleagues that we should ensure that you adopt the report if you are a member.

Hon. Joseph Nyongesa, Majority Leader!

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. First, let me also appreciate the Chair though he has gone through a lot of temptations for this report to go through and actually as a House leadership, we have also observed. We need some changes in this committee because we have seen some members are not aware that they are members of this committee, so it may force us also to take note and action so that at least the Chair could be relieved because in the beginning we actually had a quorum hitch but currently the members who stood here almost half of them

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have already gone. Which means they are not keen with their committee but they are only keen with their welfare.

As you have said, let us also be keen in terms of adoption because in the near future, it may haunt us. Members, let us ensure that we sign because we are signing vouchers for payment but we are not signing the adoption of the report to ensure that when auditors come at least things could be okay on our side.

As I support the report, but there are a few things that I need clarification; on this issues of casuals because we are having two figures here 660 and 463. I wish that when the chair will be responding to at least tell us where this figure of 660 emerged from and why the court settled on 463, so that as we pass it as a House, we also know the source of this 660 and why the court settled on 463. As we speak, I know the process is still on and even the County boss was ordered to appear before the court which should be today over this issue. Otherwise, I support.

**Mr. Deputy Speaker:** Thank you, Hon. Joseph Nyongesa, our Leader of Majority. Hon. Waliaula Aggrey Mulongo!

**Hon. Aggrey Mulongo:** Thank you, Mr. Speaker Sir for giving me this time to contribute. First of all, I congratulate the mover of the motion. When you look at the recommendation and the observations, there are only two recommendations. When you look at that first recommendation, it's talking about the County Public Service Board to increase the Budget. When you go to the second one, they are again talking about the increment of the budget. They are not talking about timelines. They want to pick the Committee of Implementation to act upon it, yet they have not even given the timeline, so they are admitting failure, for how long; two months, one month, 60 days or how many?

The committee should wake up and suggest timelines before asking Implementation Committee to act on the report.

**Mr. Deputy Speaker:** Thank you, Hon. Waliaula. Hon. Sifuna Everton Nganga!

**Hon. Everton Nganga:** Thank you, Hon. Speaker for giving me a chance to contribute towards this motion. First, I would like to laud the Chair of the committee for reading the report eloquently. As a new member of this committee, I have been monitoring the trend of the attendance of my chair as earlier mentioned by the Majority Leader. You know this report has appeared on this floor three times but today it is good you have allowed it to be moved and deliberated upon.

The issue of the County Public Service Board on underfunding has been there for a very long time. Under-funding interferes with the completion of the projects that are being managed by the

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County Public Service Board; for instance the office block. I do not know if we as the Assembly can devise a way to assist the County Public Service Board, so that they cannot be underfunded.

Looking at the issue of casuals, currently those casuals that are being given letters by the Public Service Board, I have been following, they are only 235, a list that has been generated; I do not know where it emanated from. Currently it is only 235 from a list of 463 that appeared before the court. Another list of 660 I do not know whether the problem of casual workers will ever end, because they are only employing 235 then the remaining around 228 will bring an issue again.

I think if the Chair can respond on that because the County is only employing 235, what about the remaining 228. We should have a time of rest, where we should not have wars and court cases all the time about casuals. I support the motion.

**Mr. Deputy Speaker:** Thank you, Hon. Everton Sifuna Nganga. Hon...

*(Laughter)*

...Hon. Kawa Zakayo!

**Hon. Jack Kawa:** Thank you, Honorable Speaker for giving me this time to also add my voice on the motion before us. I appreciate the committee and the mover of the motion who is our chair.

I have gone through the report and I have seen something which to me is a disease to most of the departments. I have seen somewhere about the imprest holder and looking at our PFM Act, it is very clear that anybody holding an imprest for a certain period of time must face consequences.

Looking at the report as they were concluding, they have not sent a tough signal to anybody holding imprest for long and surpassing the period.

I must also be very clear that it cuts across the whole departments including my department of Gender and Culture; one can take more than two imprests and fail to surrender. So I just want to support the report and urge members of this County Assembly as the oversight team that we must send a strong signal to anybody holding imprest for a certain period of time. I support the report.

**Mr. Deputy Speaker:** Thank you, Hon. Jack Kawa for your contribution. It's time for Hon. Ipara Johnston member for Tongaren/ Kiminini.

**Hon. Johnston Ipara:** Thank you, Honorable Speaker Sir. I also want to join other members to laud the Committee on Labor. Labor is a critical committee in any institution because it deals with matters touching on the welfare of a worker.

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I am reminded after reading, there I was a bit confusion because two figures emerged. There is a strange figure of 660 and another figure that was recognized by the court through petition 1 of 2019 which was 463, so the question maybe the Chair on behalf of the Committee should guide the Honorable House where they got 660. What is the source and the court was very clear that within 60 days that matter has to be cleared and why has it dragged for all that long and what corrective measures have been put in place to address the mess that is emerging.

**Mr. Deputy Speaker:** Thank you, Hon. Johnston Ipara for your contribution. Let us now have the mover to reply!

**Hon. Hentry Nyongesa:** Thank you Hon. Speaker. First, I want to applaud the members who have contributed to this report and most of the contributions are positive. I think one of the issues the leader has touched is the Membership of the Committee; I think that is within his purview and we are looking forward that members will observe what the House is recommending, that is attending the committee meetings and also supporting the report on the floor of the House.

The issue of the casuals who went to court is actually the thorny issue in the County. From the onset, we had a report tabled in this House from the taskforce that was formed by His Excellency the Governor and one of the issues was to ascertain the number of casuals; there are those who went to court but during the identification, they didn't turn up. The identified number was 660 at that time but it came to the knowledge of the committee that among the 660, some were having appointment letters signed by other people who do not have the authority to issue those letters. Appointment letters are supposed to be signed by the Secretary to the County Public Service Board, but some had letters which had not been signed by the board which they were disregarded.

The issue at hand is the 463 casuals who identified themselves through the Union and went to court, because we are not discussing court issues but the ruling of the court was very clear that 463 be absorbed by the County Government.

During the interrogation, when the Board appeared, it was noted that only 335 out of the 463 appeared for scrutiny and we had only 235 that qualifies as per the Employment Act. The remaining number has been set aside and the advisory is being sought from the Public Service Commission; that around 45 of them have no qualifications, around 55 were underage during that time the exercise was being undertaken. So the County Public Service Board is seeking an advisory from the Public Service Commission on how they can handle those who don't meet the requirements.

**Mr. Deputy Speaker:** Members consult in low tones kindly.

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**Hon. Hentry Nyongesa:** Honourable Speaker, on the matter of the timeline of the implementation as indicated by Hon. Aggrey Mulongo, it is very clear that this House has been giving direction and implementation of those resolutions. It's very clear that it's supposed to be within sixty days.

The issue of imprests, the department has observed the PFM Act in terms of the issue of imprests, and all the imprests were surrendered, but as Members are saying, other departments should copy on this, that the imprest holders are supposed to surrender those imprests within the timeline as per the Finance Management Act, which states that immediately after winding up with the duties given to you outside the station, immediately you report, you have to surrender your imprests.

In terms of the budget allocation, which the committee has identified as a bigger issue, as Hon. Everton Nganga was putting it, the funding of that department should be sufficient so that it carries out its mandate.

Otherwise, I thank the House and I urge that this report is adopted for further implementation,

**Mr. Deputy Speaker:** Thank you, Hon. Hentry Nyongesa for the reply. Honourable Members, allow me now to put the question;

*(Question put and agreed to)*

So the report is adopted, table clerks will ensure transmission to the relevant offices for action as per the recommendations of the Committee.

Next item,

## **REPORT ON THE IMPLEMENTATION STATUS OF THE BUNGOMA COUNTY ALCOHOLIC DRINKS CONTROL ACT 2015**

**Mr. Deputy Speaker:** Yes, the Member of the Committee, Hon. Alice Nanyama Kibaba, special elected member has the privilege to move. And before you do that, we must ascertain the quorum of the committee.

Yes. So the committee members, be upstanding, please.

**Hon. Alice Kibaba:** Hon. Leader of Majority

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**Mr. Deputy Speaker:** Are there members? Yes. Okay, fine. The only caveat I will put is that you have to be sitting through the report, so that we go up to the end, especially Hon. Jeremiah Kuloba. In the previous committee report, you moved out. Yes, so you have to sit through the report. Proceed.

**Hon. Alice Kibaba:** Thank you, Mr. Speaker. Allow me to move a report by Committee on Gender, Culture, and Social Welfare. Report on the implementation status of Bungoma County Alcoholic Drinks Control Act 2015.

### **Preface**

In line with its oversight mandate under Article 185(3) of the Constitution of Kenya and Standing Order 217(5) of the County Assembly of Bungoma Standing Orders, the Committee on Gender, Culture and Social Welfare undertook an in-depth scrutiny of implementation status of the Bungoma County Alcoholic Drinks Control Act, 2015. This initiative was driven by the Committee's commitment to ensuring that the Act achieves its objectives and that the law continues to serve the public interest effectively.

Article 183(1) of the Constitution of Kenya, 2010 obligates the County Executive Committee to implement County legislation or national legislation within the County to the extent the legislation so requires. Further, a County Executive Committee may prepare proposed legislation for consideration by the County Assembly.

The Bungoma County Alcoholic Drinks Control Act enacted in 2015, provides for Licensing and regulation of the production, sale, distribution, consumption and outdoor advertising of alcoholic drinks and for connected purposes.

The primary objective of the Bungoma County Alcoholic Drinks Control Act, 2015 is;

To provide for licensing of alcoholic drinks by the County Government pursuant to part II of the fourth schedule of the Constitution of Kenya, 2010.

### **The Object and Purpose of the Act includes;**

To control the production, sale, distribution, promotion and use of alcoholic drinks and to promote research, treatment and rehabilitation for alcohol dependency in order to:

- (a) Protect the health of the individuals in the light of dangers of excessive consumption of alcoholic drinks;

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- (b) Protect persons under the age of eighteen years from negative impact on health and social development as a result of exposure to advertisement of alcoholic drinks;
- (c) Protect the consumers of alcoholic drinks from misleading or deceptive inducements and inform them of risks of excessive consumption of alcoholic drinks;
- (d) Protect the health of persons under the age of eighteen years by preventing their access to alcoholic drinks;
- (e) Inform and educate the residents in the county on the harmful health, economic and social consequences of the consumption of alcoholic drinks;
- (f) Adopt and implement effective measures to eliminate illicit manufacturing and counterfeiting;
- (g) Ensure fair and ethical business practices related to production and sale of alcoholic drinks;
- (h) Reduce and mitigate the negative health, social and economic impact on communities resulting from production, sale and consumption of alcoholic drinks.

This report presents a detailed analysis of the implementation status of the Bungoma County Alcoholic Drinks Control Act, 2015 based on information received from the department through both written and oral submissions. The report also incorporates the observations and deliberations of the Committee on Gender, Culture and Social Welfare.

Furthermore, the report outlines the Committee's informed recommendations aimed at enhancing the effectiveness of the Act in regulating the production, distribution, and consumption of alcoholic drinks within Bungoma County. The recommendations are also intended to guide future decisions, strengthen enforcement mechanisms and ensure that the legislation achieves its intended purpose.

### **Objectives of the report**

- i. To assess the extent to which the Bungoma County Alcoholic Drinks Control Act, 2015 has been implemented since its enactment.
- ii. To identify any gaps or challenges in the enforcement of the legislation.
- iii. To propose recommendations with the aim of enhancing the effectiveness and social impact of the law.

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**Aspects to be implemented in the Bungoma County Alcoholic Drinks Control Act, 2015**

- i. Establishment of Alcoholic Drink Control Directorate
- ii. Establishment of rehabilitation facilities and programmes
- iii. Establishment of Alcoholic Drink Fund
- iv. Establishment of enforcement Committee
- v. Control of alcoholic drink
- vi. Establishment of sub-county alcoholic drinks regulation committee

**Committee membership**

The current composition of the Committee on Gender, Culture and Social Welfare is as follows:

1. Hon. Jack Kawa	Chairperson
2. Hon. Abraham Obama	Vice Chairperson
3. Hon. Joseph Nyongesa	Member
4. Hon. Aggrey Mulongo	Member
5. Hon. Godfrey Mukhwana	Member
6. Hon. Alfred Mukhanya	Member
7. Hon. George Tendet	Member
8. Hon. Eunice Yeko	Member
9. Hon. John Wanyama	Member
10. Hon. Metrine Nangila	Member
11. Hon. Florence Juma	Member
12. Hon. Mildred Barasa	Member
13. Hon. Alice Kibaba	Member
14. Hon. Maurine Wafula	Member
15. Hon. Sheila Sifuma	Member

**Acknowledgement**

The Committee on Gender, Culture and Social Welfare wishes to express its sincere appreciation to the Office of the Speaker and the Clerk of the County Assembly of Bungoma for the invaluable logistical and administrative support accorded to the Committee which enabled the successful execution of its mandate.

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The Committee further extends its gratitude to Members and Secretariat for their commitment and insightful contributions which greatly enriched the successful compilation of this report.

It is now my pleasant duty and privilege, on behalf of the Sectoral Committee on Gender, Culture and Social Welfare, to present to this House the report on the implementation status of the Bungoma County Alcoholic Drinks Control Act, 2015 for consideration and adoption.

Report is signed by Hon. Jack Kawa Chairperson, Committee on Gender, Culture and Social Welfare

### **LEGAL FRAMEWORK**

Article 185 of the Constitution of Kenya 2010 vests legislative authority to County Assemblies:

- 1) The legislative authority of a County Assembly is vested in and exercised by its County Assembly
- 2) A County Assembly may make any laws that are necessary for or incidental to the effective performance of the functions and exercise of the powers of the County Government under the fourth schedule.
- 3) A County Assembly while respecting the principle of separation of powers may exercise oversight over the County Executive Committee and any other organs.

Article 183(1) and (2) of the Constitution obligates the County Executive Committee to implement County Legislation and prepare proposed legislation for consideration by the County Assembly.

### **The Alcoholic Drinks Control Act, 2015**

#### **Section 4 of the Act; establishment of the directorate and Appointment of the director**

The alcoholic drinks control directorate was established by the Alcoholic Drinks Control Act, 2015. The Directorate is headed by the Alcoholic drinks Control Director who is an officer appointed by the Public Service Board.

The Executive Member and the County Public Service Board shall ensure that the Directorate has adequate human, financial and any other appropriate resources to enable it carry out the functions assigned under the Act.

The Directorate operates as a committee and consists of the following members:

- a) The Departmental Executive member who is the chairperson

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- b) The County Public Health Officer
- c) The Officer Commanding Kenya Police Services in the County
- d) The Officer Commanding Administration Police in the County
- e) The Director who is the Secretary
- f) The officer in charge of coordination of national government functions in the county
- g) The officer in charge of physical planning in the County
- h) An Advocate of the High Court of Kenya who is appointed by the Executive Member from among staff serving in the County public service
- i) Four residents of the County two of whom are youths and a person living with disability across all genders.

The directorate performs critical functions aimed at enhancing the effectiveness of alcoholic drinks regulation within the County.

These functions include;

- a) Support and facilitate Sub-County committees in carrying out their functions
- b) Carry out public education and sensitization on alcoholic drinks control in the County directly in collaboration with other public or private bodies and institutions.
- c) Facilitate citizen participation in matters related to alcoholic drinks control in accordance to the frameworks for citizen participation established under the County governments Act.

Mr. Speaker Sir, there is a lot of murmuring from AZIMIO side, please protect me

*(Laughter)*

**Mr. Deputy Speaker:** Members, kindly consult in low tones or you better concentrate and follow the proceedings on the floor of the House; the two whips should be taking charge of that

**Hon. Alice Kibaba:** Thank you, Honourable Speaker. They are the ones making noise

- d) Facilitate and promote collaboration with other Counties and National Government institutions in the establishment of treatment and rehabilitation facilities and programmes.
- e) Carry out research directly in collaboration with other institutions and serve the repository of data and statistics related to alcoholic drinks control.
- f) Develop strategies, laws and plans for the implementation of the alcoholic drinks control Act, 2015.
- g) Monitoring and evaluation of the Act and operations of the Sub-County committees.

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### **Departmental submission**

The directorate has not been established fully because the department foresaw the need to operationalize Sub -County committees first because they are tasked directly with the day to day implementation of the objects of the Act. The prioritization was also informed by the limited resources available for the operationalization of the Act. Most of the functions have been handled but in a limited way dependent on the budgetary provision.

The department through a letter dated 5<sup>th</sup> September 2017 (annexed) requested the County Public Service Board to regularize the appointment of a Director of Alcoholic Drinks Control which is yet to be achieved. The advertisement was done and interviews conducted. The department however has an acting Director in the directorate of Liquor Licensing.

### **Implementation Status**

The Committee observed that the Directorate of Liquor Licensing has not yet been fully established in accordance with the provisions of the Bungoma County Alcoholic Drinks Control Act, 2015. Despite the absence of a fully constituted directorate, the department has an acting Director who was not duly appointed to serve and is currently responsible for coordinating the functions and activities of the Directorate.

### **Section 5 of the Act; establishment of rehabilitation facilities and programmes**

Establishment of treatment and rehabilitation facilities and programmes for persons dependent on alcoholic drinks in each Sub -County.

### **Response by the department**

The department has not been able to establish County rehabilitation facilities for the following reason;

- Lack of adequate budgetary allocation to enable the department to establish rehabilitation facilities in each Sub- County.

### **Implementation Status**

There are no rehabilitation centers established by the County in all Sub-Counties.

### **Section 6 of the Act; establishment of the Alcoholic Drinks Control Fund**

There is established under the Act a Fund to be known as the Alcoholic Drinks Control Fund.

### **Response by the department**

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The department is required in writing to request the CECM Finance and Economic Planning to fast track and give authority for the opening of an Alcoholic Drinks Control Fund and to also appoint its signatories as per the PFM Act requirements. This was done vide a letter dated 3<sup>rd</sup> May 2018(Annexed) together with reminders. A lot of consultation has been on-going to find a best suited way within the confines of the law (PFM ACT) including the recommendation to review the Act to enable the operationalization of the Fund.

### **Implementation Status**

The Fund remains un-established due to the absence of regulations to operationalize it.

### **Section 9 of the Act; Establishment of The Sub-County Alcoholic Drinks Regulation Committees**

There shall be, for every Sub- County a committee to be known as the Sub- County alcoholic drinks regulation committee.

### **Response by the department**

The Committees were appointed in 2017 for a period of 3 years and also in 2024. The committees operations have however been hampered due to limited resources to facilitate their meetings and activities at Sub-County level. Lack of funds has also hindered the appointment of (3) community members per Sub -County thus rendering the committees administratively impossible to transact. A single Sub-County committee activity costs up to Kshs. 600,000. At least four meetings by each committee at the Sub -County are to be conducted in a year hence an accumulative cost of Kshs 2,400,000 per year. For the three years that the committees were in operation the cost is Kshs. 7,200,000 however, there has been no allocation in the budget for the same.

### **The membership of the committee includes:**

- Sub-County administrator appointed under the County Governments Act who is the chairperson;
- The sub-county public health officer;
- The officer commanding Kenya Police Services in the sub-county;
- The officer commanding administration police in the sub-county;
- one officer designated by the Director who shall be the Secretary ( Sub county gender and culture officers)
- The officer responsible for coordination of national government functions in the sub-county(DCC)

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- The officer for the time being responsible for physical planning in the sub-county;
- Three residents of the sub-county appointed by the Executive Member through a competitive process in accordance with the prescribed rules, one of whom shall be a youth provided that not more than two persons shall be of the same gender;

### **Implementation Status**

Since the establishment of Sub-County Committees in 2017 they have remained non-operational due to lack of budgetary allocations. Although the legal framework exists, the absence of budgetary allocation has hindered their ability to carry out their mandate. This has resulted in uncoordinated efforts at the Sub-County level, weakening community engagement and oversight in addressing the growing challenges of alcohol production, distribution and abuse.

### **SECTION 57/58 of the Act; Establishment of an enforcement committee**

This sections highlights the appointment of authorized officers and establishment of the County Alcoholic Drinks Control Enforcement Coordinating Committee

#### **The Enforcement Committee shall consists of—**

- (a)The chief officer responsible for alcoholic drinks control who shall be the chairperson of the committee;
  - (b) One authorized officer appointed under section 57;
  - (c) The officer responsible for coordination of national government functions in the county;
  - (d) The County Public Health Officer;
  - (e) The officer in charge of Kenya Police Services in the county;
  - (f) The officer in charge of Administration Police Services in the county;
  - (g) One officer appointed by Kenya Bureau of Standards;
  - (h) One officer appointed by Anti-Counterfeit Agency;
  - (i) One officer appointed by the Department of Weights and Measures; and
  - (j) Any other officer as the Governor may designate.
- (3) The Directorate shall provide secretariat services to the Enforcement Committee.

#### **Functions of Enforcement Committee**

- (a) Coordinate enforcement of the Act;
- (b) Monitor and evaluate the enforcement process and system under the Act;
- (c) Advise the Governor on the necessary measures to be adopted in order to ensure effective enforcement and compliance with the Act; and
- (d) Carry out any other function as may from time to time be assigned by the Governor

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### **Departmental Submission**

The Sub-County Alcoholic Drinks Regulation Committee has already appointed its authorized members who are tasked with ensuring enforcement of the Act, achieving revenue targets and overseeing revenue collection enforcement. On need basis and on recommendation by the Sub - County committees the other members (enforcement coordinating committee) are on boarded as ex official members' i.e. (weights and measures, Anti Counterfeit any other officer deemed fit by the CECM for purposes of enforcement)

### **Implementation Status**

The Sub-County Alcoholic drinks enforcement committee has been in place since 2017 but is not operational due to lack of budgetary allocation.

### **Subsequent laws under section 74 of the Bungoma County Alcoholic Drinks Control Act.**

Regulations 74 (1) The Executive Member may on recommendation by the relevant Department, make Regulations for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations shall—

- (a) Prescribe regulations on the brew and sale of traditional drink commonly known as “busaa”;
- (b) Prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;
- (c) Prescribe the forms of applications, notices, licenses and other documents for use under this Act;
- (d) Prescribe the fees payable under this Act.

### **Departmental Submissions**

The County Executive Committee Member, through a letter dated 5<sup>th</sup> May 2025 (Annexed), appointed a departmental technical committee to spearhead the development of regulations for the better carrying out of the objects of the Act. Public participation was conducted and concluded on 3<sup>rd</sup> June 2025. The public participation notice has been annexed.

### **Implementation Status**

The development of the Bungoma County Alcoholic Drinks Control Regulations is on-going.

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**Review of the Act**

**Departmental submissions**

The Bungoma County Alcoholic Drinks Control Act 2015 was enacted to regulate the production, sale, distribution and consumption of alcoholic drinks within Bungoma County. The legislation sought to mitigate the negative health, social and economic effects of alcohol abuse while fostering a controlled and safe environment for responsible consumption. However, recent trends and legal inconsistencies have necessitated a comprehensive review of the Act to enhance its relevance and enforceability.

The County Executive Committee Member, through a letter dated 5<sup>th</sup> May 2025 (annexed), appointed a departmental technical committee to spearhead the process of reviewing the Act.

**Implementation Status**

The review of the Act is at the legal review stage.

**Challenges as cited by the department in implementation of the Act**

The department notes the following challenges to the implementation of the Act;

1. Lack of budgetary allocation to fully realize the objects of the Act.
2. Lack of access to finances collected through applications and liquor licenses as it is collected by a separate department(revenue)
3. Lack of official appointment of the director by the public service board in order to fully operationalize the Directorate.
4. Lack of full mandate and autonomy to implement the objectives of the Act, coupled with administrative and legal gaps has hampered its effective operationalization.

**Collections for the calendar years 2023, 2024 and 2025**

The liquor licenses run for a calendar year i.e. January 1<sup>st</sup> to December 31<sup>st</sup> of every year and are not accounted for per financial year. The department of Finance through the revenue department has been doing all collections and their report on the collections for calendar years 2023, 2024 and up to May, 2025 is as shown below:

No.	YEAR	AMOUNT COLLECTED
1.	30 <sup>th</sup> May 2025	7.342million

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2.	2024	7.593 million
3.	2023	7.238 million

**The allocation has been as follows;**

No.	YEAR	AMOUNT
1.	2025	5,000,000
2.	2024	2,000,000
3.	2023	1,000,000
4.	2022	2,000,000
5.	2021	2,000,000
6.	2020	2,000,000
7.	2019	2,750,000
8.	2018	2,000,000
9.	2017	2,000,000

**Departmental Submissions**

The funds allocated from financial year 2016/2017 to 2023/ 2024 were redirected to other vote heads .The allocation of Kshs. 5,000,000 for Financial year 2024/2025 was spent on reviewing of the Bungoma County Alcoholic Drinks Control Act,2015 and formulation of Regulations for the better carrying out of the objects of the Act.

**Committee Observations**

**The committee made the following observations:**

1. The Committee observed that the Directorate of Liquor Licensing has not yet been fully established in accordance with the provisions of the Bungoma County Alcoholic Drinks Control Act, 2015.

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2. The Bungoma County Alcoholic Drinks Control Act 2015 was enacted to regulate the production, sale, distribution, and consumption of alcoholic drinks within Bungoma County. The legislation sought to mitigate the negative health, social, and economic effects of alcohol abuse while fostering a controlled and safe environment for responsible consumption. However, recent trends and legal inconsistencies compels for a comprehensive review of the Act to enhance its relevance and enforceability.
3. Section 6 of the Act, establishes the Alcoholic Drinks Control Fund and also appoint its signatories as per the PFM Act requirements. However, there is an absence of Regulations to operationalize the Fund.
4. Section 5; establishes rehabilitation facilities and programmes for persons dependent on alcoholic drinks in each Sub- County. The department has not been able to establish County rehabilitation facilities due to lack of budgetary allocation.

### **Committee Recommendations**

#### **The committee made the following recommendations**

1. **THAT**, the Department should fast-track the full operationalization of the Directorate of Liquor Licensing in strict accordance with the provisions of the Bungoma County Alcoholic Drinks Control Act, 2015. This should include the immediate appointment of a substantive Director, recruitment of qualified technical and administrative staff and allocation of adequate financial and logistical resources to enable the Directorate to carry out its mandate effectively. The department to submit a comprehensive implementation report to the County Assembly within sixty (60) days from the adoption of this report, outlining clear timelines, staffing structures and budgetary allocations for the full establishment of the Directorate.
2. **THAT**, the department should undertake a comprehensive review and amendment of the Bungoma County Alcoholic Drinks Control Act 2015, to address emerging trends, legal inconsistencies, and enforcement challenges. The County Executive Committee Member for Gender, Culture, Youth and Sports should submit the Bungoma County Alcoholic Drinks Control (Amendment) Act to the County
3. **THAT**, the department should fast-track the development and enactment of regulations to operationalize the Alcoholic Drinks Control Fund as established under Section 6 of the Bungoma County Alcoholic Drinks Control Act, 2015 and submit to the County Assembly within sixty(60) days from the adoption of this report. These regulations should define the procedures for the management, disbursement and oversight of the Fund in compliance with the Public Finance Management (PFM)

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Act, 2015.

4. **THAT**, the department should Prioritize and allocate dedicated budgetary resources for the establishment and operationalization of rehabilitation facilities and programs in each Sub-County, as mandated under Section 5 of the Bungoma County Alcoholic Drinks Control Act 2015.

The schedule was signed by all Members of Committee on Gender culture Social Welfare they all appended their signatures.

Mr. Speaker, allow me to call Hon. Sheila Sifuma special elected Member of Bungoma County Assembly to second the motion.

**Mr. Deputy Speaker:** Very well moved report by Hon. Alice Kibaba. Hon. Sheila Sifuma.

**Hon. Sheila Sifuma:** Thank you, Mr. Speaker Sir for the opportunity. Let me start by commending the mover of the motion. I think the articulation, grammar and English from the Honourable member is very clear and needs appreciation and other Members who have a challenge should be challenged to do better.

First of all, I want to commend the committee for the due diligence and good work they did to ensure that this Act actually comes into life. This Act is actually very important to the County, because it will actually help us to increase revenue maybe if we start from a point of resources, then maybe we can see the importance. One, it will help us to collect more revenue as a County. In the last financial year, as the mover has mentioned, we collected very little money as compared to our population and we can collect more as a county.

If you look at other Counties that we are almost on the same level, they are collecting more than us. Counties that are more established like Nairobi are targeting KShs1Billion and upwards. All this is important because if there is a regulation then there is oversight, there's enforcement then you can be able to raise a lot of money from Alcohol because even as you are aware, members in this Assembly are partakers of this Act in one way or another because they are committee members of the *Uji* department. It is also important to the public because it safeguards the health of members of the public. This is important because drinks that are produced illegally are harmful to the health of the people of Bungoma. Therefore, I call for the full implementation of the report as has been read, noting a few gaps that have been mentioned already.

We need to increase allocation to the department for it to be able to do enforcement of the laws we also need to have a full Directorate of Liquor and appoint a substantive director. We have heard that the Director who is there is just on acting capacity. So we need to have a substantive

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director. Also we need to come up with regulations as has been mentioned because regulations will help us to operationalize the Act in totality.

Implementing the Act will also help us to know how many bars are operating in the County. You just ask and they check how many bars are in Bungoma and also establish how much are we collecting from these bars. For now, it is very hard to answer because we have no data on the same and without data, then we can't get any money as a County.

We also need to push for a comprehensive implementation of the report as has been mentioned with a limit of 60 days. And I think we also have to put the department to task to ensure that they implement this report with a focus on having a County-level committee that actually oversees the enforcement and actually even have sub-county-level committees that can actually help us with enforcement. We know most of these alcohol producers and sellers actually like playing hide-and-seek with the enforcement agencies and so if we don't have them at the local level, then we might have a very good Act at the county level that has not trickled down to the rest of the county.

As I conclude, the Act actually affects a lot of people directly and indirectly. As I have earlier mentioned that we need to ensure that the alcohol that is sold in Bungoma is safe for the consumption by all, that is one. Two, we need to hunt down on any illegal brew that is being done in the county. We need to ensure that the bars and the alcohol dens are not next to schools or institutions of higher learning where our students are so that they are not lured into taking alcohol at a young age. We need also to emphasize on having rehabilitation center and as a committee, we will be looking to benchmark with Nairobi, which has a rehabilitation center that is operational called the Sinai Outpatient Center.

All these things will actually help us as a County to be able to have a secure alcoholic environment that the consumers are protected, the businessmen are actually accountable and our children's future is also secured.

As I finish, I want to get the attention of the whole House because I know some of them are partakers of the alcoholic substances in this county and I would like them to be able to support us in this motion. This motion is for us, by us and it is important for the whole county as much as it is important to us. I second.

**Mr. Deputy Speaker:** Thank you, Hon. Sifuma for urging members, because they are partakers, especially the Hon. Mutiambu.

*(Laughter)*

*(Motion proposed)*

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We have the Hon. Ipara,

**Hon. Johnston Ipara:** Honourable Chair, as a senior partaker, I stand to support this motion with the following. As a partaker from Tongaren, I want to believe that this Act is very important, and if fully implemented, it will earn more revenue, and besides that, it will bring order in the business sector. For a long time, people have mistaken liquor as being a bad thing, but I want to say it's a good thing, and that's why even when the Kenya breweries were starting their first products, the motto was 'Baada ya kazi'.

I want to appeal to this committee, if you can direct the department responsible to implement this Act with neutrality then we can't have order without us having a County Alcoholic Drinks Regulation Committee at the County level and the key role on that is to formulate County policies on alcoholic drinks control.

This particular Act creates other key levels on management of the Act. The second level is the Sub-County level, and, that is where majorly most of these activities do take place in our small markets, and without that sub-county Alcoholic Drinks Act, we can't achieve what we want, because they are supposed to receive the applications from the business entities who do businesses within those local areas, and channel them to the county for final approval.

The third part of it is in the Act, it provides for the County Appeals Committee. This is a committee where when an application has been submitted and it has been rejected by the two levels, that is the county level, and the sub-county level, the appeal committee comes in handy to support by looking at why the application was rejected, look into it and reconsider or reject it.

The last one that is involved in the administration is the Directorate. I saw even the Hon. Allan Nyongesa was wondering why the mover and the seconder were insisting on having the Directorate. The Directorate is involved on daily running and management. For instance when we approve this report, the implementer is the Directorate. They ensure payments have been done and ensure that premises that are operating are operating within the law.

With that, I don't see any reason why I should not support this report in totality. I submit.

**Mr. Deputy Speaker:** Thank you, Hon. Ipara Okasida, Hon. Florence,

**Hon. Florence Juma:** Thank you, Honourable Speaker. As a mild partaker of the same from Matulo Ward, I wish to say something. When you look at the observation from the committee, this Act was actually enacted to regulate the production and I am looking at the word 'production'. As Bungoma County, we are supposed to be producers, distributors and sellers of this Alcoholic drink. There is so much money out there and if we are able to properly and timely revise this Act, it means that we will be able to even attract investors and even our own locals

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who can be able to produce. You know, one day when you walk around and you look at Bungoma, I don't know whether we will call it Bungoma Breweries or Bungoma Liquor Manufacturer, whatever name it will be, but that will be a source of revenue to this County.

We are always speaking about own-source revenue, which is always below par, so this is one of the activities that will enable this County to be able to collect and improve on own source revenue.

I am looking at a county like Bungoma, we need to have the Alcoholic Drinks Committee just like Budget and PAIC in this House and everybody wants to be on the committee because it is believed to be a very lucrative committee because this stream brings in a lot of money. This review is supposed to enhance the Act's relevance and enforceability. The Act is there but it is not relevant because any Act after 10 years is supposed to be reviewed, so it has not been reviewed, it's not active and unenforceable. So I urge you that we pass this Act to be able to enable it operate.

When you look at the current Act of 2015, it has some lapses in the sense that it lacks the regulations to operationalize the fund. As much as we are looking at the Act, it's not self-operating; it means that immediately we revise this Act, we also need to have the regulations.

I am just hoping that the Executive will fast-track the regulations to also be able to make sure that this Act is actually operationalized and this is according to section six of the same Act which establishes the Alcoholic Drinks Control Fund and also appoint its signatories as per the PFM Act requirements.

Finally, as partakers of this...

**Mr. Deputy Speaker:** Order! There is an Honourable member with her phone on and that is not acceptable. Whoever that member is, please let us respect the plenary.

**Hon. Florence Juma:** Thank you, Honourable Speaker.

As mild and heavy partakers of this drink, I urge Honourable members to be good agents because many people are operating bars, wines and spirits and all sort of things and revenue is still low, meaning people are operating without licenses and necessary documentation. A lot of money is being lost out there. How I wish that we pass this Act so that we can be able to fast-track on the regulations to enable this Act be operationalized and make Bungoma County to be one of the top counties that will be a collector of own-source revenue. I support.

**Mr. Deputy Speaker:** Honourable members, Hon. Florence Teresa Juma, she's married to a pastor and a sharpshooter. She has been very passionate about this motion before the House and I

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hope everyone was listening to her apart from some few disruptions from some phone somewhere.

Hon. Kawa,

**Hon. Jack Kawa:** *(On a Point of Information)* Thank you, Mr. Speaker. I just want to inform Honourable members that looking at the motion before us this morning, it needs some keenness because it cuts across the County. I was expecting members of the Budget and Health Committee to be present so that we look at this report. I just want to ask Honourable members that let us be keen and let us actually listen to what the report entails because at the end of the day, it is about us.

**Mr. Deputy Speaker:** Thank you, Hon. Kawa. That's an intervention by the Chair of the Committee. Hon. John Kennedy Wanyama,

**Hon. Kennedy Wanyama:** Thank you, Honourable Speaker. I rise to support the adoption of the motion on the implementation status of the Bungoma County Alcoholic Drinks Control Act 2015. I must also repeat that this Act is actually the key for Bungoma County to increase our own source revenue. We really need to focus on it and ensure that it's implemented fully.

Despite the department putting in some effort to ensure that the Directorate of Liquor Licensing is operational, there seems to be a lack of goodwill and this is demonstrated in the lack of budgetary allocation year in and year out. Despite the department having established both the Sub-County Alcoholic Drinks Regulation Committee and the Sub-County Alcoholic Drinks Enforcement Committees in 2017, these committees are not operational. So it's really unfortunate to establish committees, give people roles, but then you don't give them money to work. So as a department, I think we really need to focus on this issue so that we ensure that this Directorate is fully operationalized. Lack of budgetary allocation has actually hindered the ability of these committees to discharge their mandates effectively and this could actually explain the reason for the increase in the production, distribution and abuse of alcoholic drinks.

This Directorate is critical but does not have a substantive Director. Like we have directed in our recommendations, the department should move fast to ensure that a substantive Director is actually engaged so that then the operations of this department or rather Directorate can be fully operationalized.

Like we have noted in our report, we do not have a single rehabilitation center in any of our sub-counties and looking at the state of the use and abuse of alcoholic drinks in the county, this is very urgent and each and every sub-county should at least have one rehabilitation center to assist

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those affected by the use of alcoholic drinks, so that they can be able to get counseling and then we will be able to have a good society.

Finally, while the Directorate of Liquor Licensing is domiciled in the Department of Gender, Culture, Youth, and Sports, revenue from application and liquor licenses is actually under the revenue department. This beats logic because as the department that collects the revenue, they should have access to at least part of that revenue, even if it's not 100%, but they should have at least access to a certain percentage of that revenue, so that then they can use the same for enforcement of this Act. I support.

**Mr. Deputy Speaker:** Thank you, the Hon. John Kennedy Wanyama, specially elected for your contribution. We have the Hon. Benjamin Jeremiah Otsiula,.

**Hon. Benjamin Otsiula:** Thank you, Honourable Speaker. I don't want to go that route of partaking. I used to partake a long time ago, but since I got saved, Jesus Christ became my personal savior.

I want to laud the mover of this motion. I think the English was very beautiful, and from the school of thought where I come from, I really enjoyed. I think she was doing all that it takes for us to appreciate the language and I think we encourage our members also to borrow a leaf from the mover of the motion when moving reports on the floor of the House.

*(Applause)*

I want to laud the committee. I think for a very long period of time, we have been moving reports, trying to look at legislation. I don't know it is because it was touching on liquor or what, but they have really tried to bring out issues precisely. If you look at that Act, that is the Bungoma County Alcoholic Drinks Control Act 2015, the object was to protect the health of individuals. If the first object of the Act was to protect the health of individuals for an Act that was passed in 2015 and we have not protected the health of our people, we have lost several people and that means the Act has not achieved its primary objective.

If you look at the object (f) *adopt and implement effective measures to eliminate illicit manufacturing and counterfeiting*. If you go back to our villages today, you will realize that police officers are moving around in land cruisers allegedly trying to control the illicit brewing of Chang'aa and Busaa. I have always believed that those people brewing Chang'aa and Busaa are not engaging in an illegality had we fully operationalized this Act. I am 100% sure that what we are witnessing currently would have ended. If we say we want to protect, we are going to lay down procedures and these people who are brewing Chang'aa and Busaa will be allowed to

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operate and brew that Chang'aa and Busaa within some measures which are provided in this Act and the regulations.

They can easily pay for a license, even if it means KShs.1,000 or KShs.2,000 and the County Government of Bungoma will be generating revenue, but our people are being arraigned in court here and MCAs are expected to assist somebody to raise KShs.100,000 to be freed by courts. That means the County Government of Bungoma is not benefiting in any way over those arbitrary arrests.

If we are going to come up with such reports and do follow up fully to ensure that they are implemented, then I think our County is going to be taken to the next level.

I want to stand in and protect my members of the Budget Committee. When the Chair of the respective committee said that members of the Budget Committee and the Health Committee were supposed to attend so that they can contribute to this particular motion, if you look around, I am flung by members of that committee. I know Hon. Kawa wanted to see members of the old Budget Committee and he is forgetting that Hon. Kaiser, Jeremiah Kuloba, Christine, Jerusa and Hon. Evelyn Mutiambu are members of the Budget Committee. Therefore, we are ably represented and we are present following this particular motion. I support.

**Mr. Deputy Speaker:** Thank you, Hon. Benjamin Jeremiah Otsiula for your submissions. We now have the Hon. Makhanu Cornelius Wanjala.

**Hon. Cornelius Makhanu:** Thank you, Honourable Speaker. As I laud the earlier members, I just want to point out something about the objectives of this Act. Objective (b); *the Act was meant to protect persons under the age of 18 years from the negative impact on health and social development as a result of exposure to advertisement of alcoholic drinks and (c) to protect the consumers of alcohol drinks from misleading or deceptive inducements and inform them of the risks of excessive consumption of alcohol.*

Honourable Speaker, I used to be a partaker also but two years down the line...

**Mr. Deputy Speaker:** Hon. Makhanu, why is it that everyone who is contributing is trying to allege that he was or she was, but not now.

**Hon. Cornelius Makhanu:** I was, that is me. I'm not talking about the other person.

**Mr. Deputy Speaker:** Why are you running away from this? Proceed.

**Hon. Cornelius Makhanu:** Honourable Speaker, it has started on advertisement because the objective is to protect our underage populations. But I have seen a very large Billboard of East Africa Breweries erected in my Ward encouraging people to take alcohol. So as we discuss how

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to regulate manufacturing, distribution and selling, we have also to be keen on how to advertise, because when you look at that Billboard, it's erected across the road. I don't know how much the County got out of that as revenue.

As we discuss this, we have also to be keen on the side of advertising, because that Billboard is screaming that even now our underage populations are reading it every day. When you entering or leaving town, it's put across the road. I don't know how the County accepted that billboard to be erected there; it is against what we are discussing. It should not be put like that. When you enter Bungoma town, you just feel this is an alcoholic County. So I would like to know how much we made as a County in terms of revenue. Otherwise, I support.

**Mr. Deputy Speaker:** Thank you, Hon. Cornelius. Let me now call the mover to make reply.

**Hon. Alice Kibaba (Mover):** Thank you, Mr. Speaker. First, I would like to appreciate all the Honourable members who have contributed to this motion. I also want to let the House know that as Gender committee, we are proud of our Chair as he is the right chair in the right committee.

To all the members who have contributed, we are going to sit down with the department and I know this Act is going to help the people of Bungoma. As I finish, whether we are partakers of this substance or not, we are all children of God and God loves us all. I urge this House to adopt the report.

*(Laughter)*

**Mr. Deputy Speaker:** Thank you so much Hon. Alice. Honourable members allow me now put the question to the House.

*(Question put and agreed to)*

The report is adopted and the Clerks at the Table should transmit the same to relevant offices for action as per the recommendations of the committee.

## **BILLS**

### **SECOND READING OF THE BUNGOMA COUNTY LIVESTOCK SALE YARD BILL 2025**

**Hon. Bernard Kikechi:** Thank you, Honourable Speaker. I beg to move that the Bungoma County Sale Yard Bill 2025 be now read a second time;

The Bungoma County Sale Yard Bill 2025 seeks to establish a legal framework for the development, management and regulation of Livestock sale yard in Bungoma County. Its key objectives are

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1. To promote livestock marketing
2. To improve operational efficiency
3. Enhance revenue collection
4. Strengthen disease control and ensure livestock disability

The Bill consists of 42 clauses arranged in 5 parts and 7 schedules.

Part 1: Preliminary

Part 2: Establishment and management of livestock sale yards

Part 3: Licensing and regulation of private sale yards

Part 4: Is the financial positions, establishment of a livestock sale yard development and management fund

Part 5: Miscellaneous; offences, penalties and regulations

The Bill addresses current challenges facing livestock sale yards including poor infrastructure, sanitation, inadequate facilities and lack of inclusivity. It provides a structured, transparent and accountable system for market operations and disease surveillance.

Following public participation as required by the constitution and the County Assembly Standing Orders, the committee incorporated several stakeholders including;

1. Replacing the Director of livestock with Chief Officer for Livestock as committee chairperson
2. Ensuring representation of Youth, women and persons with disability
3. Requiring public participation before designating sale yards
4. Making movement permits valid for 3 days
5. Allocation 40% of sale yard revenue for management and improvement.

This Bill is anchored on Article 185 of the Constitution and fourth schedule which devolved the function of sale yards to County Governments. The Bill will therefore enables the County to perform this function more effectively, improve market infrastructure, ensure animal health standards, promote transparency in livestock trading and enhance County Revenue.

With this remarks, I move that the Bungoma County Livestock Sale yard Bill 2025 be now read a second time.

I now call upon Hon. Allan Nyongesa who is a member of the committee to second

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**Hon. Allan Nyongesa:** Thank you, Mr. Speaker. I second that the Bill be read for the second time

**Mr. Deputy Speaker:** Honourable members, allow me now propose a motion.

*(Motion proposed)*

*(Question put and agreed to)*

*A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BUNGOMA TO GIVE EFFECT TO CLAUSE 1(B) OF PART 2 OF THE FOURTH SCHEDULE TO THE CONSTITUTION TO PROVIDE FOR THE DEVELOPMENT AND MANAGEMENT OF LIVESTOCK YARDS AND FOR CONNECTED PURPOSES, **Second Reading***

**Mr. Deputy Speaker:** Now Honourable members we move to the Committee of the Whole House.

### **COMMITTEE OF THE WHOLE HOUSE**

(Order of the Committee Read)

[Mr. Deputy Speaker (Hon. Stephen Wamalwa) left the Chair]

IN THE COMMITTEE

[Temporary Chairperson (Hon. Christine Mukhongo) in the Chair]

**THE BUNGOMA LIVESTOCK SALE YARD BILL 2025**

**Temporary Chairperson:** Welcome to the Committee of the Whole House for the consideration of Bungoma Livestock Sale Yard Bill 2025, I now call upon the Clerk at the Table to read the part of the Bill in the sequence specified in Standing Order 144.

#### **CLAUSE 3: Objects and Purpose of the Act**

**Temporary Chairperson:** Honourable members, allow me propose the question

*(Question proposed that Clause 3 be part of the Bill)*

*(Question put and agreed to)*

#### **CLAUSE 4: Application**

**Temporary Chairperson:** I now propose a question

*(Question proposed that clause 4 be part of the Bill)*

*(Question put and agreed to)*

#### **CLAUSE 5: Guiding Principles**

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**Temporary Chairperson:** That is a Clause with amendments so allow me propose a question

*(Question proposed that Clause 5 be part of the Bill)*

**The Temporary Chairperson:** Chair, Agriculture, Livestock, Fisheries and Cooperative Development.

**Hon. Bernard Kikechi:** Thank you, Chair. That Clause 5(d) of the Bill be amended by deleting the word “to” appearing immediately after the word “returns” and replacing it with the word “on” So as to read “Returns on investment to livestock producers and commercial focus for livestock enterprise”

Justification is to correct a grammatical error.

*(Question amendment as proposed)*

*(Question put and agreed to)*

*(Question that Clause 5, as amended, be part of the bill, proposed)*

**The Temporary Chairperson:** Yes, please.

**Hon. Sheila Sifuma:** Before you continue on the same 5(c). Maybe because you are doing the grammatical corrections, I think you can also do it on 5(c), so that it reads. I don't know what that word you have written there means. It's 5(c).

**The Temporary Chairperson:** Yeah, just read it.

**Hon. Sheila Sifuma:** I wanted clarification if it's okay or there's an issue. Grammar.

**The Temporary Chairperson:** Sustenance... It is okay. It is okay.

**Hon. Sheila Sifuma:** Just clarification. Okay, it's all right. Thank you. So I'll go back again to the question.

*(Question that Clause 5, as amended be part of the bill, proposed)*

*(Question put and agreed to)*

### **Clause 6: Standard Livestock Sale Yard**

**Chairperson:** Chairperson.

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**Hon. Bernard Kikechi:** Thank you, Madam Chair. That Sub-Clause 6(3) of the Bill be amended by inserting the words “and after carrying out public participation” immediately after the word “Committee” So as to read “A public livestock sale yard shall be designated by the County Executive Committee Member on the recommendation of the Committee and after carrying out public participation”

The justification is to comply with the legal requirement for public participation. That Sub-Clause 6(6) of the Bill be amended by deleting the Word “operationalize” appearing immediately after the word “effective” and replacing it with the word “operationalization” and further deleting the phrase “Part II” appearing immediately after the words “operationalize of” and substituting it with the phrase “section 6(5)” So as to read “The County Executive Committee Member shall make regulations for effective operationalization of section 6(5)

The justification is to cite the specific sub-clause affected and grammatical error

*(Question of amendment proposed)*

*(Question put and agreed to)*

*(Question that clause 6 as amended be part of the bill, proposed)*

*(Question put and agreed to)*

## **Clause 7 Bungoma County Livestock Yard Sale Management Committee**

**The Temporary Chairperson:** Chairperson?

**Hon. Bernard Kikechi:** Honorable Chair, That Sub-Clause 7(1) of the Bill be amended by deleting the phrase “section 5” appearing immediately after the words “pursuant to” and replacing it with the phrase “section 6” So as to read “A public livestock sale yard established pursuant to section 6 of this Act, shall be managed by a committee to be known as the Bungoma County Livestock Sale Yard Management Committee”

Justification is to correct a wrong citation. That Sub-Clause 7(2) of the Bill be amended as follows: In sub-clause (a), delete the words “County Director” appearing immediately before the word “responsible” and replace them with “Chief Officer” So as to read “the Chief Officer responsible for Livestock Production who shall be the chairperson”

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Justification is the Committee should be chaired by an officer directly accountable to the County Assembly.

In sub-clause (b), delete the words “Veterinary Services” appearing immediately after the words “responsible for” and replace them with “Livestock Production” so as to read “the County Director responsible for Livestock Production who shall be the secretary”

Justification is the secretary should be the officer directly responsible for livestock production.

Insert a new sub-clause (c) to read “The County Director of Veterinary Services” and renumber the existing sub-clause (c) as (d) onwards.

Justification is to incorporate the officer into the membership of the Committee after deletion.

In sub-clause (j), delete the entire sub-clause and substitute it with the words “three livestock farmers representing youth, women and persons living with disabilities”.

Justification is to include representation of marginalized groups.

Insert a new sub-clause (l) to read “The County Commissioner or his/her representative”.

Justification is to address security issues in the management of livestock sale yards.

Delete sub-clause (3) entirely.

Justification: Marginalized groups have already been included under sub-clause 7(2) (j).

In sub-clause (8), delete the phrase “6(2)(i) and (j)” appearing immediately after the word “under” and replace it with “section 7(2)(i) and (j)” So as to read “The members appointed under section 7(2)(i) and (j) shall hold office for a term of three years renewable for one further term only”

Justification is to correct a wrong citation.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 7 as amended be part of the bill, proposed)*

*(Question put and agreed to)*

## **Clause 8, Vacation of Office of Member of Management Committee**

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**Hon. Bernard Kikechi:** Thank you, Honorable Chair. That Clause 8 of the Bill be amended by deleting the phrase “6(2) (i) and (j)” appearing immediately after the word “under” and replacing it with “section 7(2)(i) and (j)” So as to read “The office of a member of County Livestock Sale Yard Management Committee appointed under section 7(2)(i) and (j) shall become vacant if the member”

Justification is to correct a wrong citation.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that clause 8, as amended be part of the bill, proposed)*

*(Question put and agreed to)*

**Clause 9: Development and Management of a Livestock Yard Sale**

**Clause 10: Function of the Committee**

**Clause 11: Livestock Health Inspections**

**Clause 12: Power of an Inspector**

**Clause 13: Search and Entry**

*(Question that clause 9, 10, 11, 12, 13 be part of the bill, proposed)*

*(Question put and agreed to)*

**Clause 14, Sale of Livestock**

**The Temporary Chairperson:** Chair?

**Hon. Bernard Kikechi:** That Clause 14 of the Bill be amended by inserting a new clause to be sub-clause 14(2) and renumbering sub-Clause 14(2) as sub-Clause 14(3). To read as follows “A person shall be admitted into designated livestock sale yard upon payment of fees and charges as prescribed under schedule Eight”

*(Question of the amendment proposed)*

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*(Question put and agreed to)*

*(Question that clause 14 as amended be part of the bill, proposed)*

**The Temporary Chairperson:** Yes, Leader of Majority?

**Hon. Joseph Nyongesa:** Chair, I am saying you know in terms of maybe livestock trading, we normally have the willing and the buying sale. So if maybe I am at home and I feel that I want to sell my livestock should I take it to the market? I am seeing the fine 20,000. Suppose I am caught that I have sold, what shall I do? Because we have a willing seller and buyer or maybe on the way to the market and I found a willing buyer and then I sell it. Then this embodiment of 20,000, so I think the committee could have looked into it.

**The Temporary Chairperson:** Chairperson, do you have anything to say about that?

**Hon. Bernard Kikechi:** Thank you, Honourable Chair that is why we are here debating this Bill so such an obviously valid concern raised shall be looked into.

**The Temporary Chairperson:** Yes, Hon. Allan.

**Hon. Allan Nyongesa:** Thank you, Chair. Whatever Majority Leader is raising was debated on while we were going through this Bill and whatever the fine that was being raised, it was addressing that issue of a person who has gone to the sell yard and goes ahead to sell when he's near the presence of the sale yard. We were addressing that issue. Not a willing buyer and seller at home. That is when you are around the presence of the sale yard.

**The Temporary Chairperson:** Leader of Majority,

**Hon. Joseph Nyongesa:** Chair, I am talking as an expert in that field and you know Allan is talking like a professional. So Chair what normally happens that we normally have morning hours from six to almost nine. People normally do some trading. So, from nine is when maybe we shall be entering the auction ring. So it is so tricky Chair.

**Temporary Chairperson:** Yes, Hon. Alan,

**Hon. Allan Nyongesa:** Honourable Chair, remember we are doing this to cure the issue of revenue collection. We were saying this because we wanted the animals that have gone to the sell yard to enter the sell yard so that we can be able to raise revenue out of it. If we encourage the selling of animals outside the sale yard, we will not be able to get any revenue out of it. That's why we are encouraging members who are participating in this to adhere to these rules being set.

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**Hon. Bernard Kikechi:** Honourable Chair, I support what Hon. Allan Nyongesa is saying and remember the Bill that we are trying to enact here is on the issue of sell yard and whatever we are doing, it is revolving around the sell yards. So that is where we have to strengthen so that at least this County government can raise enough revenue to make its operations more efficient.

**Temporary Chairperson:** You are still there, Honourable Majority.

**Hon. Joseph Nyongesa:** Thank you, Chair. What I am focusing on is the charges 20,000. Suppose I have sold my livestock, let me say maybe a sheep or a goat at a fee of 6,000. Then you are charging me 20,000. Suppose maybe there is a cow of 15,000. Then you are charging me a fine of 20,000. So even if you are looking at the issue of maybe revenue collection then we should also be fairer to these farmers, because you know normally one can earn a profit of maybe 2,000. Then charges are more than the animals that I am selling. So let's also revisit the issue of this fine as much as we are looking for the issue of maybe revenue collection, but we should also be fairer to our farmers. The impounding fee is on the higher side.

**Temporary Chairperson:** Thank you, Majority Leader but as much as it's on the higher side, we are also trying to prohibit such behaviors.

*(Applause)*

Chair, yes.

**Hon. Benard Kikechi:** Honourable Chair, I would like to respond to our Majority Leader. This fine is not targeting anybody who is selling our sheep inside the selling yard. As long as you are breaking the law because after we enact this Bill, we will do a sensitization. Traders will be sensitized, so that whoever will flout this rule is the one that will be penalized but as long as you have your sheep and you are going to sell inside the selling yard, nobody will penalize you.

**Temporary Chairperson:** Thank you. Hon. Ipara. Yes.

**Hon. Johnston Ipara:** Honourable Chair, I think that the law is supposed to bring order and not create inconveniences and the Chair has also tried to mislead the House because public participation is done before enactment of a law. Was it carried out? Was it agreeable by the stakeholders? The answer is no based on what the Honourable Chair said.

If you looked in the law itself it does not indicate the time when they are supposed to enter into the selling yard, so that the law is effective. Now you say if you fail to enter into, you will be penalized 20,000 Kenya shillings. That creates a gap and when that gap exists then it is not

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beneficial to us. We should address this. We are not here to compete. We are here to create what will create harmony and order across the County.

Let us look for what is convenient. The rationale of 20,000, what was it? We could have had several categories from 1 to 5 i.e. for Chickens, Cats, dogs and Category 5 to the highest one. Each of them attracting different fines and penalties, which is not provided in this law. So let us consider rectifying it at this level before it creates more problems for us.

**Temporary Chairperson:** Honourable Majority and then Hon. Anyango will come in.

**Hon. Joseph Nyongesa:** Chair, you know we are not just passing laws for the sake of passing. We are passing laws that actually we shall also be those farmers. In fact the Hon. Ipara has reminded me that if this public participation was carried on, what were the views from these traders? What did they say, because if we are passing a law that did not go through the public participation then as a House we are being unfair?

So Chair, as we deliberate this is very punitive. So kindly, let's pass laws that actually shall assist our people. This won't assist our people.

*(Applause)*

**Temporary Chairperson:** Hon. Anyango

**Hon. Evelyn Anyango:** Thank you Chair. Honourable Speaker, in this House we are serving our people and away from serving our people, we are also farmers and traders. Any law that we pass in this House should not be punitive, thinking that we will be in this House forever. One day we are out there and we will also be found with our chicken selling outside the auctioned area and when we will be asked to pay 20,000, it will be very painful. So let's not just blind ourselves in being in this House.

Let's think of the people that we are serving and the people of Bungoma County. Kshs 20,000 is too much for a farmer and I want to tell my fellow Honourable Members that you find somebody with a goat going to sell, it is either because of school fees, or there is a very big problem. So let's consider our people before we pass this punitive law that we are discussing.

*(Applause)*

**Temporary Chairperson:** Hon. Otsiula

**Hon. Benjamin Otsiula:** Thank you, Chair. When you are legislating sometimes you have to keep in mind the purpose of the law that is coming into force. When you talk about deterrence, you are saying we want to deter. Deterrence comes when it is either a threat, either to the life or

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the welfare of the people around that place but this is just a penalty for somebody who has not complied or has failed to sell his animals within the precincts.

So if you are talking about we want to deter by imposing a fine of 20,000 shillings, then the object of the Act loses its meaning because deterrence, we deter a behavior that is a danger or is life-threatening to the people around that place. Therefore, just imagine, somebody is selling what we call a *bata* or a duck. One is coming with one duck to sell and that one, I think it costs roughly 1,500 shillings or even 600 shillings. Then you meet the majority leader maybe who is having visitors and he says you are my voter. Let me just give you 800 shillings. You go back home, then that person is now charged 20,000 shillings as a fine. It dilutes the object. In fact, the enforcement of the Act would be very difficult.

So what we are saying is that your reason to impose a fine is agreeable and is right, but you revise the fine and you also particularize to avoid this Act now being ambiguous.

I agree with what Hon. Okasida is saying. Otherwise, this clause will be rendered ambiguous and when you start now implementing or imposing the fine, somebody will easily challenge you and say look there is much ambiguity as far as the provision is concerned.

(Applause)

We can just correct there and proceed.

**Temporary Chairperson:** Okay.

**Hon. Benard Kikechi:** Honourable Chair, maybe you can give guidance here on what the Honourable Members are raising. Is it procedural? Are we supposed to... because I thought if there is an amendment, it should be procedural so that it can be brought before this Honourable House. So maybe we just get guidance over the same.

**Temporary Chairperson:** This is what we are going to do. We have to be considerate. We are a House of Rules and Procedure and we can always make an amendment which procedurally according to the Standing Orders 145 part 2 and part 3, I will read so that we all listen and then we shall see on how to do it.

Standing Order number 145, part 2. *No amendment shall be moved to any part of a Bill by any Member other than the Member in charge of the Bill unless written notification of the amendment shall be given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the bill is considered in Committee.*

(Applause)

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Part 3, just be patient. *Despite paragraph 2, where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.*

Therefore, what we are going to do, we are going to skip that part and let the members give a writing notification to the chairperson and then we do the amendment. So allow me to continue. As we let that one, we shall come and consider it. Yes. Hon. Ipara.

**Hon. Johnston Ipara:** You said that we can amend based on the Standing Orders.

**The Temporary chairperson:** Yes.

**Hon. Johnston Ipara:** Honourable Chair, the purpose of the Committee of the Whole House, one of them is to examine clauses in detail. Number two is to consider and adopt or reject or propose amendments so that Standing Order is not correct. You have applied the wrong Standing Order because it says the purpose of the Committee of the Whole House; the main purpose is to examine clauses in detail, consider, adopt or reject and propose amendments, correct technical or legal issues, ensure the Bill reflects the intent of the Assembly and the public interest before final approval

**Temporary Chairperson:** Hon. Ipara, we are saying that that part three despite paragraph two, we can propose that is where we are so we are saying that we shall skip it. The proposed amendment shall be put in written and the handed to the chairperson who will hand over to the committee to reconsider.

**Hon. Bernard Kikechi:** Honourable Chair, we are very well guided and as a committee, I want to assure the Honourable Members in this House that this is not a rigid committee. This is a committee that listens and takes into consideration the concerns of the members and we are concurring with you Honourable chair. Let the amendments be brought procedurally and as a Committee on Agriculture, we will look into them. Thank you.

**Temporary Chairperson:** Hon. Allan member of the committee.

**Hon. Allan Nyongesa:** Honourable Chair, if I heard you well, as my chair is saying we are not a rigid committee but if there was timelines for those amendments to come in, it was 24hours before this. Whatever we are doing right now if I got you well...

**Temporary Chairperson:** Number three says despite paragraph 2 there is that allowance. Despite paragraph 2, where an amendment has been moved to any part of a bill in accordance with this paragraph, any member may move an amendment. Any member but it has to be written

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not verbally. Therefore we have to give you time to go and do the writing and hand it to the chairperson of the committee

*(Loud consultations)*

**Hon. Johnston Ipara:** Honourable Chair, if you read the Law clearly step two which says clause by clause consideration, the bill is read clause by clause, each clause is discussed, questioned and can be amended. Members can move amendments to insert new clauses or delete existing ones. The law during the activities of the Whole House allows all this that we are talking about because this is the only level that we can do those amendments. Thank you.

**Temporary Chair:** Yes Majority Leader

**Hon. Joseph Nyongesa:** Chair if we also insist on time, this report was sent to our gadget today at 8 in the morning so we are just within the timeframe so our 24hrs is not yet over so we can do amendments.

**Temporary Chairperson:** You just follow the procedure and do the amendments. Hon. Allan

**Hon. Allan Nyongesa:** Chair, I am not convinced. If you read that clause keenly, the English used there... Let us all be there. It is saying a fine not exceeding 20, 000 shillings or imprisonment term of one month or both. Let us underline the word not exceeding. It can be 2,000, it can be 1,000 depending on what you are selling.

*(Loud Consultations)*

**Temporary Chairperson:** Okay Honourable members let us continue. I have said there is an issue there and we are skipping that clause 14 where we will consider it before the end of this. I think we will not finish debating on this. Hon. Otsiula give us the guidance.

**Hon. Benjamin Otsiula:** Chair I want members to understand this when the wording of the law say...my brother has read it very well. Shall on conviction be liable to a fine not exceeding 20,000 shillings then it means that it's not Hon. Allan or Hon. Benjamin Otsiula who will be imposing the fine, but who will be using this Law can say 18,000 or 20,000. So we want to correct that anomaly now, so that we don't allow the person who will be sitting in the chair...

*(Applause)*

...to punish our people by imposing the maximum penalty because maximum limits that person sitting on the chair from imposing the maximum penalty. The Law is ambiguous.

**The Temporary Chair:** Thank you for your guidance Honourable member. We shall consider that clause that I have ruled. Let us consider what we have. We are going up to clause 43

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therefore Honourable Members, just be patient. We shall come to that 14. Now do you want us to go ahead or you want us to leave this on the way

*(Loud consultations)*

**Hon. Bernard Kikechi:** With due respect, you have guided well. They are within the amendments so as we continue, they can do the amendment and bring it here.

**The Temporary chairperson:** They are already working on it.

**Hon. Bernard Kikechi:** They bring it to the Committee of the Whole House.

*(Loud consultations)*

**Temporary Chairperson:** It is being worked on so that is why I am telling you before we finalize, we shall be having something with us. So let us continue.

**Clause 15: Type of sales**

**Clause 16: Sale by Auction**

*(Clause 15 and 16 be part of bill, proposed)*

*(Question put and agreed to)*

**Clause 17: Electronic trading**

**Hon. Bernard Kikechi:** Thank you Honourable Chair on Clause 17 That sub-Clause 17(2) of the Bill be amended by deleting the phrase “15(1)” appearing immediately after the word “operationalize” and replacing it with “15(a)” So as to read “The County Executive Committee Member shall make regulations to operationalize 15(a)”

Justification is to correct typographical errors.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 17 as amend be part of the bill, proposed)*

*(Question put and agreed to)*

**Clause 18: Transportation of Livestock for sale**

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**Hon. Bernard Kikechi:** Thank you, Honourable Chair. That Clause 18(1) of the Bill be amended by deleting the word “prescribed” appearing immediately before the word “fee” and inserting the following words after the word fee “prescribed under schedule Eight” further insert the words “valid for three days” immediately after the word “department” So as to read “A person who intends to transport livestock within or outside the county shall on payment of the fee prescribed under schedule Eight, obtain a movement permit from the department valid for three days”

Justification is to indicate the validity period for the movement permit after issuance.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

**Temporary Chairperson:** Honourable members, I now put the question;

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 18 be part of the Bill proposed)*

*(Question put and agreed to)*

### **Clause 19: Temporary Livestock Sale Yard**

**Hon. Benard Kikechi:** Thank you, Honourable Chair.

That clause 19(1) of the Bill be amended by deleting the word association, appearing immediately under the word marketing. So as to read, the County Executive Committee Member upon recommendation from the committee and the livestock marketing group, May for purpose of this act and in such special circumstances, for a specified period of time, designate a place within the county to be a temporary livestock sale yard.

Justification is to correct sentence syntax.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 19 be part of the Bill proposed)*

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*(Question put and agreed to)*

Next,

**Clause 20: Livestock Marketing Groups**

**Temporary Chairperson:** Chairperson. Thank you, Chair.

**Hon. Benard Kikechi:** Thank you, Chair. Those sub clauses 20 (2) (a), delete the word farmers appearing immediately after the word livestock and substitute it with the word traders, so as to read, eight livestock traders drawn from the catchment areas of the public livestock sale yard. Justification is to reflect that marketing groups primarily deal with the traders.

**Temporary Chairperson:** Thank you, Chair. I now propose a question that clause...

**Hon. Benard Kikechi:** Chair.

**Temporary Chairperson:** Yes, please.

**Hon. Benard Kikechi:** There is that sub clause 20(2)(b).

**Temporary Chairperson:** Two?

**Hon. Benard Kikechi:** That sub clause 20(2) (b), delete the word traders appearing before the word livestock and substitute it with farmers; so as to read, three persons representing livestock farmers, transporters, and input suppliers within the livestock sale yard. And justification is to ensure farmers are represented.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 20 be part of the Bill proposed)*

*(Question put and agreed to)*

Next,

**Clause 21: Functions of the Livestock Marketing Groups**

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**Clause 22: Vacation of Office by Member of Livestock Marketing Group**

**Clause 23: Livestock Marketing Data Manager**

**Temporary Chairperson:** Clause without amendments.

*(Question proposed that Clauses 21, 22, 23 be part of the Bill)*

*(Question put and agreed to)*

**Clause 24: Records to be Kept**

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That clause 24(1) (c) be deleted in its entirety. The justification is that it is already covered under sub-clause 24(1)(b)

**Temporary Chairperson:** Thank you Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 24 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 25: Application for a Licence.**

**Temporary Chairperson:** Chairperson.

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That sub-Clause 25(3)(c) of the bill be amended by deleting the following words, by the County Finance Act, appearing immediately after the word prescribed, and replaced with the following words, under Schedule 8. So as to read proof of payment of application fee prescribed under Schedule 8.

The justification is that the amendment removes reference to the County Finance Act to prevent overlap and ensure all fees are clearly provided within the bill under the 8th Schedule for clarity and consistency.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

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*(Question put and agreed to)*

*(Question that Clause 25 be part of the Bill proposed)*

*(Question put and agreed to)*

Next,

**Clause 26: Issuance of a Licence.**

**Temporary Chairperson:** Honourable Chair

*(Question proposed that Clauses 26 be part of the Bill)*

*(Question put and agreed to)*

Next,

**Clause 27: Grounds for Refusal to Grant a Licence.**

**Temporary Chairperson:** Honourable Chair.

**Hon. Benard Kikechi:** Thank you. On clause 27 (1)(b) be amended by inserting the word “her” immediately after the word “his” so as to read; Admits any stolen livestock in his/her sale yard. Justification is to ensure gender inclusivity.

**Temporary Chairperson:** Thank you Chair

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 27 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 28: Revocation or Suspension of a Licence**

**Temporary Chairperson:** Honourable members,

*(Question proposed that Clauses 28 be part of the Bill)*

*(Question put and agreed to)*

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**Clause 29: Application for Review or Appeal.**

**Temporary Chairperson:** Honourable Chair.

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That sub-clause 29(1) of the Bill be amended by deleting the phrase section 22(1)(b) or 24 appearing immediately after the word under and substituting it with the phrase section 28, so as to read a person who is dissatisfied with the decision of the County Executive Committee Member under section 28 may apply for a review of the decision before the County Secretary and head of Public Service.

The justification is to correct a wrong citation.

**Temporary Chairperson:** Thank you chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 29 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 30: Establishment of the Fund.**

**Temporary Chairperson:** Chair.

**Hon. Benard Kikechi:** Thank you, Honourable Chair.

It is proposed that Clause 30 of the bill be deleted in its entirety.

The justification is that sale yards management cannot be budgeted through the Loan department.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 30 be deleted)*

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*(Question put and agreed to)*

**Clause 31: Administration of the Fund.**

**Temporary Chairperson:** Chairperson.

**Hon. Benard Kikechi:** Thank you, Honourable Chair.

It is being proposed that the Bill, Clause 31 of the proposed bill, be deleted in its entirety.

The justification is that the clause applies where there is a fund.

**Temporary Chairperson:** Thank you, Chair.

*Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 31 be deleted)*

*(Question put and agreed to)*

**Clause 32: Revenue and Expenditure of the Fund**

**Temporary Chairperson:** Chairperson.

**Hon. Benard Kikechi:** Thank you, Honourable Chair.

That Clause 32 of the bill be amended as follows. Delete the side notes entirely and replace them with sources of financing.

The justification is that the side notes applied where there is a fund.

In sub-Clause 32(1), delete the word fund appearing immediately after the word shall and replace it with sources of financing. So as to whom sources of financing shall consist of, that is what shall be amended.

The justification is a fund established under Clause 30 has been deleted.

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In the sub-Clause 32(1) (a), delete the word fund appearing immediately after the words for the purposes of the and replace it with management of the livestock sale yard. So as to read, such monies as may be appropriated by the County Assembly for the purposes of the management of the livestock sale yards.

The justification is that the fund has been deleted from the Bill.

In sub-Clause 32(1)b, insert the phrase 40% of the immediately before the word monies. So as to read, 40% of the monies received as fees or any other charges in accordance with the provisions of this Act.

The justification is to establish a mechanism of financing sale yard management including sale yard infrastructural development.

Delete sub-Clauses 32(2) and (3) entirely.

The justification is that the sub-Clauses apply where there is a fund.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 32 be part of the Bill proposed)*

*(Question put and agreed to)*

Next,

### **Clause 33: Accounts of the Fund**

**Temporary Chairperson:** Honourable Chair.

**Hon. Benard Kikechi:** Thank you. Chair, that Clause 33 of the bill be deleted in its entirety. The justification is that the fund has been removed from the bill.

**Temporary Chairperson:** Thank you, Chair

*(Question of the amendment proposed)*

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*(Question put and agreed to)*

*(Question that Clause 33 be deleted)*

*(Question put and agreed to)*

**Clause 34: Financial Year**

**Temporary Chairperson:** Clause 34 and 35 without amendment. I now propose a question that Clause 34 and 35 be part of the bill.

I now put a question that Clause 34 and 35 be part of the bill.  
Let's do some correction there.

Clause 34 has amendments.

**Clause 34: Financial Year.**

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That clause 34 of the Bill be deleted in its entirety.

The justification is found established under clause 30 of the bill has been deleted.

**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 34 be deleted)*

*(Question put and agreed to)*

Hon. Kuloba, it is like you have a concern. Please air it instead of murmuring it down.

**Hon. Jeremiah Kuloba:** Chair, mine has just been on the, that is 34, where you haven't said it has been deleted in entirety, but you have said an amendment. When we talk of an amendment, we remove something and leave something.

**Temporary Chairperson:** Thank you for that correction. It is an amendment.

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**Hon. Jeremiah Kuloba:** But you haven't said it has been deleted. But other clauses you have been talking of.

**Temporary Chairperson:** It is under amendment. That is an amendment you are making.

**Hon. Jeremiah Kuloba:** Chair, I agree with you, but the words you have used. The words you used in other clauses where you have deleted it in entirety.

**Temporary Chairperson:** But that is, it has been amended.

**Hon. Jeremiah Kuloba:** Thank you, Chair.

**Temporary Chairperson:** Thank you, Hon. Kuloba for understanding.

**Clause 35: Annual Estimates**

**Temporary Chairperson:** Without amendment

*(Question proposed that Clauses 35 be part of the Bill)*

*(Question put and agreed to)*

**Clause 36: Reporting**

**Temporary Chairperson:** Chairperson.

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That clause 36 of the bill be deleted entirely and be replaced with the following new clause.

Annual reports of the Committee

1. The committee shall within three months after the end of each financial year submit to the county executive committee member an annual report containing;
  - i. A statement of expenditure of the committee during that year.
  - ii. Committee performance indicators and any other related information.
  - iii. A report on the operations of the committee during that year.
  - iv. Any other information that the county executive committee member may request.

Thank you.

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**Temporary Chairperson:** Thank you, Chair.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 36 be deleted)*

*(Question put and agreed to)*

**Clause 37: Audit of the Fund.**

**Temporary Chairperson:** Chair, 37.

**Hon. Benard Kikechi:** Thank you, Honourable Chair.

That Clause 37 of the Bill be deleted in its entirety.

The justification is that audit of the fund applies where there is a fund.

**Temporary Chairperson:** Thank you, Chair.

Honourable members, I want all of us to participate. It is on HANSARD and it will look like the Chair had only two members in the House. Kindly let us all participate.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 37 be deleted)*

*(Question put and agreed to)*

Next,

**Clause 38: Display of Licence**

**Temporary Chairperson:** Honourable Chair.

**Hon. Benard Kikechi:** That sub-clause 38 of the Bill be amended by deleting the word 10 appearing immediately before the word thousand and replacing it with a 20; so as to read, a person who fails to display a license pursuant to subsection 1 commits an offence and shall on conviction be liable to a fine of 20,000 shillings or imprisonment of a term of one month.

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**Temporary Chairperson:** Is it 10 or 20, Chair?

**Hon. Benard Kikechi:** It is 20,000.

Let me repeat, Honourable Chair, on Clause 38. That sub-clause 38(2) of the bill is amended by deleting the word 10 appearing immediately before the word thousand and replacing it with a 20. So as to read, a person who fails to display a license pursuant to subsection 1, commits an offence and shall on conviction be liable to a fine of 20,000 shillings or imprisonment of a term of one month.

This one is in order because it will serve as a deterrent measure.

**Temporary Chairperson:** Hon. Kuloba. Okay. I'll be giving you a chance to speak. Just a minute.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 38 be part of the Bill proposed)*

*(Question put and agreed to)*

Okay. Hon. Kuloba, you have a chance.

**Hon. Jeremiah Kuloba:** Chair, mine was the reader never took the word not exceeding Kshs 20,000 or to imprisonment for a term of one month. That word "not exceeding" I haven't seen it from his readings.

**Temporary Chairperson:** Yes Chair,

**Hon. Benard Kikechi:** Honourable Chair, he is right. It is not there because we have not put it there.

*(Laughter)*

**Temporary Chairperson:** Okay, Hon. Kuloba

**Hon. Jeremiah Kuloba:** Chair from the amendments, he only said he was amending the word 10 not other words. My argument is from there. The word that is being omitted there or being replaced is 10 being replaced by 20 but these others.

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**Temporary Chairperson:** I can correct that. Chair I want you to use this to read that section because there is not exceeding but when you go to the pamphlet here we don't have it. So kindly come up again.

**Hon. Benard Kikechi:** Thank you, Honourable Chair. That sub clause 38(2) of the Bill be amended by deleting the word '10' appearing before the word thousand and replacing it with '20' so as to read a person who fails to display a license pursuant to subsection 1, commits an offense and shall in conviction be liable to a fine of a sum not exceeding Kshs 20,000 or to imprisonment for a term of one month.

Justification chair is to serve as a deterring measure.

**Temporary Chairperson:** Thank you Chair, I think it is okay. Yes, Hon. Ipara

**Hon. Johnston Ipara:** Honourable Chair, protect me from Hon. Allan

**Temporary Chairperson:** You are protected.

**Hon. Johnston Ipara:** Honourable Chair, We are on 38 clause 2 where he is saying a person who fails to display a license pursuant to sub section 1 is 38.1 and let me read out 38(1) a person who has been issued with a license under this Act shall display or cause to be displayed in a conspicuous place within a livestock sale yard in respect of which it is issued.

There is nowhere from the first clause up to where we are 38 indicating that they will be side businesses that are carried out and those side businesses, they will have licenses. So this is a person that is unknown and a license that is unknown and I also want to conclude by saying where we are putting a fine of not exceeding, it will be based on the discretion of the one who decides either you pay a fine of the maximum 20,000 or they can decide to give you a fine of 100.

I want the amendment that is being carried out by Hon. Nyongesa our Majority Leader, let that amendment also apply to clause 38(2) and let the chair clarify which type of businesses are these referred to clause 38(1).

**Temporary Chairperson:** Yes.

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**Hon. Allan Nyongesa:** Just to inform Hon. Ipara, I think he has not gone through the whole Bill. We also have private sale yards so those people who want to have their private sale yards are the ones we are referring to.

**Temporary Chairperson:** Hon. Ipara, I think you can put your amendments in written so that it comes procedurally.

**Hon. Johnston Ipara:** There are no amendments; he is talking of a person who has been issued with a license. Here is a person who operates a private sale yard and fails to display those words must come out clearly. We are talking about law and the law should come out clearly and show your way and how you want to arrive there or else this one if left as it is, it will cause a lot of problems to us and we shall not attract any penalties.

**Temporary Chairperson:** So Hon. Ipara, we need that amendment in writing, so that it comes to the table of the chair...

Next Clause,

**Clause 39: Offences and Penalties**

**Temporary Chairperson:**

*(Question proposed that Clauses 39 be part of the Bill)*  
*(Question put and agreed to)*

**Hon. Benard Kikechi:** Honourable chair, as we proceed and looking at the time pursuant to Standing Order 145(16), I beg to move that the Committee do a report to this House on the Bungoma County Livestock Sale Yard Bill 2025. I call upon the Hon. Allan Nyongesa to second.

**Hon. Allan Nyongesa:** Honourable Chairperson, I second

**Temporary Chairperson:**

*(Question put and agreed to)*

We are waiting for the Speaker to come in so that we can report where we have reached and then put our request.

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*(Loud consultations)*

**RESUMPTION OF HOUSE**

*(Honourable Deputy Speaker ushered in)*

(MR. SPEAKER [HON. STEPHEN WAMALWA] IN THE CHAIR)

**Deputy Speaker:** Chair

**Temporary Chairperson:** Thank you, Honourable Speaker. The Committee of the Whole House has considered the Livestock Sale Yard Bill 2025 and has not concluded. I request that the House resumes in the same at 2:30 p.m to complete the consideration.

**Mr. Deputy Speaker:** Thank you, Chair of the Whole House. Honourable Members as ably put by the chair because of time, I propose to the House that this exercise be adjourned until 2:30 p.m. so I am proposing so that if there is any issue because it has to be seconded at the latter tail of it so I propose that we adjourn up to 2:30 p.m. As requested by the chair of the Committee of the Whole House.

**ADJOURNMENT**

Now being no any indication of debate on the same, I put the question that as requested by the Chair of the Committee of the Whole, we adjourn this exercise till 2:30 p.m.

*(Question put and agreed to)*

***The House rose at 1.04 p.m.***

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