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21/2/24*

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION - 2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 FEB 2024	DAY: WED
TABLED BY:	Hon George Mungara, mp Chairperson, ILAC
CLERK-AT-THE-TABLE:	Miriam Mudo

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

DECEMBER 2023

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Agriculture and Livestock on its consideration of the Statute Law (Miscellaneous Amendments) (No. 2) Bill (*National Assembly Bill No. 68 of 2023*) which was published on 30th October 2023.

The Bill went through the First Reading on 15th November 2023 and was thereafter committed to relevant Departmental Committees for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 68 of 2023) seeks to make amendments to various statutes including the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011).

The Bill proposes to amend the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011) by making minor corrections to provisions relating to the definition of “*animal*”, “*animal resource industry*”, “*annual license*”, “*private practice*”, “*register*” and “*veterinary medicine*” and grammatical errors in the Act.

Following placement of adverts in the print media on 22nd November 2023 requesting for comment on the proposed amendment from members of the public and relevant stakeholders, pursuant to Article 118(1) (b) of the Constitution and Standing Order 127 (3), the Committee received one memorandum from the State Department for Livestock Development.

In considering the amendments proposed to the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011), the Committee observed that the amendments will improve clarity of the Act.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Statute Law (Miscellaneous Amendments) (No. 2) Bill (*N.A. Bill No. 68 of 2023*). The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the amendments proposed to the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011) through the Statute Law (Miscellaneous Amendments) (No. 2) Bill (*N.A. Bill No. 68 of 2023*) and have the honor to report back to the National Assembly with the recommendation that the amendments to the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011) be **approved with amendments as reported by the Committee**.

Hon. (Dr.) John Kanyuithia Mutunga, M.P.
Chairperson, Departmental Committee on Agriculture and Livestock

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Agriculture and Livestock is one of the twenty (20) Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:

- i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. ***To study and review all the legislation referred to it;***
- v. *To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
- viii. *To examine treaties, agreements and conventions;*
- ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider agriculture, livestock, food production and marketing.
3. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Agriculture and Livestock was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson

Hon. (Dr.) John Kanyuithia Mutunga, MP
Tigania West Constituency
UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP
Konoin Constituency
UDA Party

Members

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member
Jubilee Party

Hon. Ferdinand Kevin Wanyonyi
Kwanza Constituency
Ford Kenya Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency
UDA Party

Hon. Jared Okello Odoyo, MP
Nyando Constituency
ODM Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency
NOPEU Party

Hon. David Kiplagat, MP
Soy Constituency
UDA Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency
UDA Party

Hon. Monicah Muthoni Marubu, MP
Lamu County
Independent Member

Hon. Pamela Njoki Njeru, MP
Embu County
UDA Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency
ODM Party

Hon. Peter Kalerwa Salasya, MP
Mumias East Constituency
DAP-K Party

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

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following secretariat:

Ms. Laureen Omusa Wesonga
Clerk Assistant II/Head of Secretariat

Mr. Victor Kilimo
Clerk Assistant III

Mr. Ahmednoor Hassan
Clerk Assistant III

Brigitta Mati
Legal Counsel I

Mr. David Ng'eno
Research Officer II

CPA. Robert Ng'etich
Fiscal Analyst II

Ms. Sheila Chebotibin
Senior Serjeant-at-Arms

Mr. Gerald Kadede
Legal Counsel II

Mr. Muhumed Shillow
Research Officer III

Ms. Noelle Chelagat
Media Relations Officer II

Ms. Lilian Aluga
Public Relations Officer III

Mr. Kelvin Sakani
Audio Recording Officer

Mr. Richard Sang
Serjeant-at-Arms

PART TWO

2 OVERVIEW OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

2.1 INTRODUCTION

6. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022) is an omnibus Bill that seeks to amend various statutes. The Bill contains proposed amendments to the following laws:
- i. The Oaths and Statutory Declarations Act (Cap. 15);
 - ii. The Advocates Act (Cap. 16);
 - iii. The Notaries Public Act (Cap. 17);
 - iv. The Civil Procedure Act (Cap. 21);
 - v. The Public Holidays Act (Cap. 110);
 - vi. The Trustees (Perpetual Succession) Act (Cap. 164);
 - vii. The Industrial Training (Cap. 237);
 - viii. The Traffic Act (Cap. 403);
 - ix. The Sexual Offences Act, 2006 (No. 3 of 2006);
 - x. The Employment Act, 2007 (No. 11 of 2007);
 - xi. The Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011);
 - xii. The Public Finance Management Act, 2012 (No. 18 of 2012);
 - xiii. The Universities Act, 2012 (No. 42 of 2012);
 - xiv. The Office of the Attorney-General Act, 2012 (No. 49 of 2012);
 - xv. The Civil Aviation Act, 2013 (No. 21 of 2013);
 - xvi. The Value Added Tax Act, 2013 (No. 35 of 2013); and
 - xvii. The Privatization Act, 2023 (No. 11 of 2023).
7. The various statutes were committed to respective Departmental Committees for consideration. The Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011) was committed to the Departmental Committee on Agriculture and Livestock.

2.2 REVIEW OF THE AMENDMENT PROPOSED TO THE VETERINARY SURGEONS AND VETERINARY PARAPROFESSIONALS ACT (NO. 29 OF 2011)

8. The Bill proposes to amend the Veterinary Surgeons and Veterinary Paraprofessionals Act (No. 29 of 2011) by making minor corrections to provisions relating to the definition of “*animal*”, “*animal resource industry*”, “*annual license*”, “*private practice*”, “*register*” and “*veterinary medicine*” and grammatical errors in the Act.

PART THREE

3 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

9. Following placement of adverts in the print media on 22nd November 2023 requesting for comments on the proposed amendment from members of the public and relevant stakeholders, pursuant to Article 118(1) (b) of the Constitution and Standing Order 127 (3), the Committee received one memorandum from the State Department for Livestock Development.
10. The State Department submitted as follows:

3.1 STATE DEPARTMENT FOR LIVESTOCK DEVELOPMENT

11. In a letter, REF: MOALF/SDL/LPRRD/ADM/10 (58) dated 6th December 2023, the State Department submitted that the Bill proposes minor amendments to the Veterinary Surgeons and Veterinary Paraprofessionals Act but the State Department had embarked on a holistic review of the Act in order to effectively address the Bottom-up Economic Transformation Agenda (BETA). In this regard, they requested the Committee to drop the amendments proposed to the Act.

Committee's Recommendation

The Committee observed that the amendments proposed to the Act will improve the quality of the legislation. Their proposal was therefore not adopted.

PART FOUR

4 COMMITTEE OBSERVATION

12. Having considered the Bill, the Committee observed that the amendments proposed to the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011) will improve the quality of the legislation.

PART FIVE

5 COMMITTEE RECOMMENDATION

13. The Committee having reviewed the amendment proposed to the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2009 (No. 29 of 2011) through the Statute Law (*Miscellaneous Amendments*) (No. 2) Bill (National Assembly Bill No. 68 of 2023) recommends that the House approves the amendments proposed to the Act as provided in the Schedule in Part Six of this report.

PART SIX

6 SCHEDULE OF PROPOSED AMENDMENTS

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

1. Deleting the proposed amendment to the definition of the word “*annual premises license*”.

Justification

There is no provision for registration of premises under Section 26 and the Fourth Schedule to the Act. The law is providing for the licensing of individuals and not premises. Amending the definition to include premises requires subsequent amendments to Section 26 and the Fourth Schedule to the Act.

2. Deleting the proposed amendment to the definition of the word “*private practice*”.

Justification

The term “*private practice*” has been used in sections 19(1) (d), 26, 45(2) (a), (b) and (j) and it is therefore important to define the term in the Act.

3. Deleting the proposed amendment to section 16(5).

Justification

The Registrar is subject to the directive of the Board. The Act provides for the Board to direct the Registrar to effect registration and issue certificate of temporary registration. The Act further puts emphasis on the provisions of S. 26 on registration. The amendment seeks to do away with the directive of the Board to the Registrar and omits the emphasis on the requirements of S. 26.

SIGNED.....  DATE 6/12/2023

HON. (DR.) JOHN KANYUTHIA MUTUNGA, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION - 2023

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE FOR THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
(NO. 2) BILL, 2023

DATE: 6TH DECEMBER 2023

VENUE: 2ND FLOOR, CONTINENTAL HOUSE

S/NO.	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUITHIA MUTUNGA, MP - CHAIRPERSON	
2.	HON. BRIGHTON LEONARD YEGON, MP - VICE- CHAIRPERSON	
3.	HON. SABINA WANJIRU CHEGE, CBS, MP	
4.	HON. FERDINAND KEVIN WANYONYI, MP	
5.	HON. GEOFFREY MAKOKHA ODANGA, MP	
6.	HON. JUSTICE KIPSANG KEMEI, MP	
7.	HON. JARED ODOYO OKELO, MP	
8.	HON. LAWRENCE MPURU ABURI, MP	
9.	HON. DAVID KIPLAGAT, MP	
10.	HON. GABRIEL GATHUKA KAGOMBE, MP	
11.	HON. MONICAH MUTHONI MARUBU, MP	
12.	HON. PAMELA NJOKI NJERU, MP	
13.	HON. PATRICK KIBAGENDI OSERO, MP	
14.	HON. PETER KALERWA SALASYA, MP	
15.	HON. YUSSUF MOHAMED FARAH, MP	



MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
State Department for Livestock Development
Office of the Principal Secretary

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When Replying Please Quote

KILIMO HOUSE
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NAIROBI

Ref: MOALF/SDL/LPRRD/ADM/10/(58)

Date: 6th December, 2023


MR SAMUEL NJOROGE, CBS

The Clerk of the National Assembly
Parliament Building
NAIROBI

**RE: DROPPING AMMENDMENT OF THE VETERINARY SURGEONS AND
VETERINARY PARAPROFESSIONALS ACT THROUGH THE STATUTE LAW
MISCELLANEOUS AMMENDMENT BILL, 2023**

Receive our compliments from the State Department for Livestock Development (SDLD), Ministry of Agriculture and Livestock Development. The Statute Law Miscellaneous Amendment (No.2) Bill, 2023 published proposes minor amendments to the Veterinary Surgeons and Veterinary Paraprofessionals Act. I wish to report that to effectively address the Bottom-Up Economic Transformation Agenda (BETA) we embarked on a holistic review of the Act which is in progress.

In this regard, we wish to invite the National Assembly to drop the entire proposed amendments of the Veterinary Surgeons and Veterinary Paraprofessionals Act on pages 1851, 1852 and 1853 under the Statute Law Miscellaneous Amendment (No.2) Bill, 2023 which will be fully addressed in the ongoing review of the Act.


Dr. Christopher Wanga, PhD, EBS
FOR: PRINCIPAL SECRETARY