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THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

CLERK'S CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

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TABLED BY:	Hon. (Dr.) MUTINDI JOHN, MP (CHAIRPERSON)
CLERK AT THE TABLE:	INZO PU MWALE

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4. Copy of the News Paper Advertisement on Public Participation
5. Letter Inviting Stakeholders for a Meeting with the Committee
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 - a) The Ministry of Agriculture and Livestock Development
 - b) Kenya Society for Agricultural Professionals (KESAP)
 - c) Pest Control Products Board (PCPB)
 - d) Kenya National Farmers Federation (KENAFF)
 - e) Animal Health and Industry Training Institute (AHITI)
 - f) Mr. Dunstan Kaburu Mishek

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Agriculture and Livestock on its consideration of the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No. 19 of 2024*) which was published in the Kenya Gazette Supplement No. 67 of 14th March 2024.

The Bill went through the First Reading on 5th June, 2024 and was thereafter committed to the Departmental Committee on Agriculture and Livestock for consideration and reporting to the House pursuant to the provision of Standing Order 127 (1).

The Bill has forty-seven (47) clauses. It seeks to provide a legislative framework for the training, registration and licensing of agricultural professionals. It also seeks to regulate the practice of agricultural professionals and to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board which shall regulate the profession.

Following placement of advertisements in the print media on Monday, 10th June 2024 requesting for comments on the Bill 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 memoranda from six (6) stakeholders.

The Committee also invited stakeholders vide letter REF: NA/DDC/A&L/2024/047 dated 13th August 2024 for a stakeholders' engagement meeting on the Bill. Two of the invited stakeholders attended the meeting which was held on Thursday, 22nd August 2024 in Committee Room 21, Bunge Tower, Parliament Buildings.

In their memorandum, the Ministry of Agriculture and Livestock Development observed that the Bill was silent on the institution that will be offering the mandatory pre-registration training for agricultural professionals. The Ministry proposed that agricultural professionals need to undergo a mandatory Agricultural Management Course offered at the Kenya School of Agriculture before registration by the Board.

The Ministry also observed that the practice certificate and annual license serve the same purpose and therefore mandatory requirement of the two has a negative impact on the ease of doing business. Additionally, the Bill pre-supposes that Kenya Society of Agricultural Professionals is the only professional body for agricultural professionals yet there are various bodies to which agricultural professionals affiliate to depending on their specialty and preference. The representation in the Board should come from an umbrella body of the existing agricultural professional bodies.

Further, the Bill puts all agricultural professionals under one category irrespective of their qualifications which range from post graduate to certificate holders. The professionals should be categorized based on their qualifications i.e. Agricultural Technicians (certificate holders), Agricultural Assistants (diploma holders) and Agricultural Specialists (degree holders).

The Kenya Society for Agricultural Professionals (KESAP), the Pest Control Products Board (PCPB) and the Kenya National Farmers' Federation (KENAFF) proposed that a reasonable fee should be set for the registration and licensing of agricultural professionals.

The Animal Health and Industry Training Institute (AHITI) highlighted a number of benefits that can accrue from enactment of the Bill including, regulatory oversight, professional standards and

accountability, support for smallholder farmers, enhanced credibility and trust, access to professional development and resources, improved agricultural productivity and enhanced food security, legal framework for employment, economic growth, development and diversification as well as public participation.

The Committee observed that the Bill aligns with the agricultural policy framework of the government and is very timely given the number of fake practitioners in the agriculture sector. The sector has not achieved its potential because professionals have not been given the prominence and importance that they deserve. Enactment of the Bill will enhance professionalism in the agriculture sector.

In considering the Bill, the Committee adopted most of the proposals that were submitted by the stakeholders and they form part of the Committee's proposed amendments.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*).

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 all stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honourable 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 Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*) and has the honour to report back to the National Assembly with the recommendation that the Bill be approved with amendments.

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

CHAPTER ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

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

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

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, 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 the following Members:

Chairperson

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

UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP
Konoin Constituency

UDA Party

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member

Jubilee Party

Hon. Ferdinand Kevin Wanyonyi, MP
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 Odoyo Okelo, MP
Nyando Constituency

ODM Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency

NOPEU Party

Hon. David Kiplagat, MP
Soi 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 I/Head of Secretariat

Mr. Victor Kanda Kilimo
Clerk Assistant III

Mr. David Ng'eno
Principal Research Officer II

CPA. Robert Ng'etich
Fiscal Analyst II

Mr. Gerald Kadede
Legal Counsel II

Mr. Muhumed Shillow
Research Officer III

Ms. Diana Chepkemai
Audio Assistant

Ms. Brigitta Mati
Legal Counsel I

Ms. Zainabu Wario Sora
Serjeant-at-Arms II

Mr. Erastus Lotuk
Public Relations Officer III

Ms. Edith Chepngeno
Media Relations Officer III

CHAPTER TWO

2 BACKGROUND OF AGRICULTURAL PROFESSIONALS IN KENYA

2.1 INTRODUCTION

6. The Agricultural Professionals Registration and Licensing Bill, 2024 is a Bill by the Departmental Committee on Agriculture and Livestock sponsored by the Chairperson. The Bill was published on 14th March 2024 and read a First Time on 7th June 2024.
7. Part 1 of the Fourth Schedule to the Constitution allocates the National Government the function of Agricultural Policy and this proposed legislation falls under policy making.
8. While professionals in the livestock sub-sector are regulated under the Veterinary Surgeons and Veterinary Para-Professionals Act (No. 29 of 2011) and the Animal Technicians Act (No.11 of 2010), there is no legislation that regulates professionals in the crop sub-sector. The Agricultural Professionals Registration and Licensing Bill, 2024, seeks to bridge this gap.

2.2 SITUATIONAL ANALYSIS

9. Developing a pool of agricultural professionals is an important step in the pursuit of a sustainable food system. Such professionals need a host of skills that they can apply in the transition towards a sustainable food system in the country.
10. The Alliance for African Partnership with support from Michigan State University conducted a study in 2022 on agricultural extension and extension training in Kenya and found that both the training curricula and the extension services were wanting due to underfunding, inadequate capacity of lecturers and negative attitude and low practical skills of students. They recommended eleven (11) process skills and core competencies for inclusion into training curricula. Supporting skill development and providing incentives for the youth in agriculture is therefore needed.

2.3 COMPARATIVE ANALYSIS

11. **India's** regulatory framework for agricultural professionals is primarily state-specific rather than uniform at the national level.
12. **South Africa** has no central body to regulate agricultural professionals and instead several agricultural institutions play regulatory roles, such as Agricultural Produce Agents Council and South African Council for Natural Scientific Professions.
13. **Ghana** also has no single body that regulates agricultural professionals and several agricultural institutions play a regulatory role. The Food and Drugs Authority (FDA) is primarily focused on food safety, but it also plays a role in regulating agricultural inputs and products in Ghana.
14. **Canada** has a body under the Agrologist Act, 1994 that regulates agricultural professionals.

CHAPTER THREE

3 OVERVIEW OF THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL (*NATIONAL ASSEMBLY BILL NO. 19 OF 2024*)

3.1 INTRODUCTION

15. The Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No.19 of 2024*) provides that an agricultural professional shall not engage in private practice (the practice of an agricultural professional on his/her own account or in partnership with others, for profit) unless registered by the Board, holds a valid practicing certificate and a license both renewed annually at a fee; and further introduces fines and jail terms for various offenses.

3.2 CONTENTS OF THE BILL AND INSTITUTIONAL FRAMEWORKS PROPOSED

Objectives of the Bill

16. The principal object of the Bill is to provide a legal framework for the training, registration, licensing and the practice of agricultural professionals; specifically, to:
- a) make provision for the registration and licensing of agricultural professionals;
 - b) provide for the regulation of the standards and practice of the profession; and
 - c) provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board.

Institutional Frameworks Proposed in the Bill

17. The Bill proposes to establish a Board that will be known as the Agricultural Professionals Registration and Licensing Board, which shall regulate the registration, licensing and the practice of agricultural professionals. Its functions are to:
- a) register and issue certificates of practice to qualified agricultural professionals, organizations and institutions;
 - b) arbitrate professional disputes and constitute independent tribunals to solve disputes where necessary;
 - c) order deregistration and withdrawal of registration certificates and licenses of practice from persons, organizations or institutions involved in unprofessional practices;
 - d) vet and authenticate professional certificates obtained from institutions operating outside this Act and in foreign countries;
 - e) collaborate with the Kenya National Qualifications Authority to verify professional qualifications; and
 - f) set annual levies and uphold code of conduct, standards and ethics of practice in the agricultural profession

Regulatory Framework

18. The Bill gives the Cabinet Secretary, in consultation with the Board, the power to make regulations including regulations on the:
- a) form and method of keeping registers and other records;
 - b) conditions under which training institutions other than those established or accredited under Universities Act, the TVET Act or any other written law may be approved;
 - c) terms and conditions of professional practice of registered agricultural professionals;
 - d) forms and fees to be prescribed;
 - e) inspection of agricultural professionals' institutions;
 - f) service to be rendered by an agricultural professional in private practice;
 - g) employment of an agricultural professional in private institutions; and
 - h) form and method of conducting any inspection, assessment, evaluation, examination or regulation.

Consequences of the Bill

19. If enacted, the legislation will likely lead to an orderly agricultural business environment that improves the agricultural services to the nation.

3.3 CLAUSE BY CLAUSE PROVISIONS OF THE BILL

Part I: Preliminary

20. Clauses 1 and 2 of the Bill contain preliminary provisions which are the short title and the interpretation of terms used in the Bill.

Part II: The Agricultural Professionals Registration and Licensing Board

21. Clauses 3 to 14 of the Bill provide for the establishment of the Agricultural Professionals Registration and Licensing Board, the composition, functions and powers of the Board. It further provides for the appointment of the Registrar.
22. Clause 3 establishes the Board as a body corporate with perpetual succession capable of suing and being sued while clause 4 provides for the composition of the Board, consisting of among others the Principal Secretary for Agriculture, the Principal Secretary responsible for Livestock, five members nominated by the Kenya Society for Agricultural Professionals, the Chairperson of the said society, an appointee of the Cabinet Secretary from the agro industry and a Registrar who is an ex-officio member.

23. Clause 5 has provisions on vacation from office by members of the Board with an exception of the Registrar while clause 6 provides for the conduct of the business and affairs of the Board as provided for in the First Schedule.
24. Clause 7 outlines the functions of the Board which include among others registration and issuance of certificates of practice, arbitration of professional disputes and may constitute of an independent tribunal where necessary, ordering deregistration and withdrawal of certificates and licenses of practice, vetting and authenticating professional certificates, verifying professional qualifications, setting annual levies and upholding the code of conduct, standards and ethics of practice.
25. Clause 8 has provisions on the powers of the Board which include powers to control, supervise and administer assets, determine expenditure and operate bank accounts, receive gifts and donations and to invest funds of the Board.
26. Clauses 9 and 10 of the Bill give the Board powers to delegate any of its functions to committees of the Board and to establish committees respectively.
27. Clause 11 provides for the competitive recruitment of the Registrar by the Board who shall be the chief executive officer and secretary to the Board and responsible for the day-to-day management of the affairs of the Board.
28. Clause 12 has provisions on the functions of the Registrar which include; maintaining a register of all persons registered under the Act, sign, issue, renew and cancel certificates of registration and licenses, keep all documents and records and assets of the Board, manage the budget of the Board among other functions.
29. Clauses 13 and 14 have provisions on appointment of other officers and staff of the Board or hiring of experts and their limitation from personal liabilities for any act or omissions done in good faith.

Part III: Registration of Agriculture Professionals

30. Clauses 15 to 20 provide for the registration of agricultural professionals, the qualifications for registration, the register of agricultural professionals and certificate of registration.
31. Clause 15 outlines qualifications for eligibility for registration as an agricultural professional under the Act. The qualifications include persons who hold a degree, diploma or certificate recognized by the Board and have applied for membership and paid prescribed subscription fees, professional competence and character and a member of a professional body recognised by the Board among others.
32. Clauses 16, 17 and 18 provide for application for registration as an agricultural professional, the register of registered professionals maintained by the Registrar and a certificate of registration under the seal of the Board as conclusive evidence of registration.
33. Clause 19 provides for an appeal to the Cabinet Secretary by a person aggrieved by the decision of the Board within sixty days from the date of notification of such a decision whereas clause 20 provides for updating of the register by the registrar, by removing the names of deceased persons, persons struck out of the register or fraudulent or erroneous entries into the register.

Part IV: Licensing of Agricultural Professionals

34. Clauses 21 to 26 have provisions for licensing of agricultural professionals, the qualifications for private practitioners, validity of practicing certificates and renewal, cancellation and revocation of certificates issued.
35. Clause 21 provides qualifications for private practice and prohibits a person from engaging in private practice as an agricultural professional unless such a person is registered, holds a valid practicing certificate and an annual license, and further holds a degree, diploma or certificate recognized by the Board. The clause further outlines that employment by the government, state corporation or any person or partnership does not amount to private practice.
36. Clause 23 provides that an application for a practicing certificate shall be made to the Registrar accompanied by the prescribed fees and registration certificate issued by the Board.
37. Clauses 24, 25 and 26 contain provisions on validity of the practicing certificate, renewal, cancellation and suspension of practicing certificates and application for annual licenses respectively.

Part V: Discipline

38. Clauses 27 to 33 contain provisions on the discipline of agricultural professionals including composition of the disciplinary committee.
39. Clauses 27 to 31 establish the Disciplinary Committee of the Board consisting of one agricultural professional in the national government, one agricultural professional in the county government, three agricultural professionals and the Registrar as the secretary to the committee.
40. The Committee may impose a fine, issue a letter of admonishment, suspend a license for a period not exceeding twelve months or remove a name from the register.
41. A person suspended from practice may appeal to the Board to lift the suspension and be restored on the register.

Part VI: Financial Provisions

42. Clauses 34 to 39 contain financial provisions of the Board which include; the funds of the Board, the financial year, annual estimates, investment of the funds, accounts and audit, and annual reports of the Board.

Part VI: Miscellaneous Provisions

43. Clauses 40 to 46 have miscellaneous provisions such as offences relating to agricultural professionals, transitional provisions and the general penalty.
44. Clause 40 provides for offences and penalties relating to registration and imposes a fine of not less than one million or imprisonment for a term not exceeding three years for any person who practices as an agricultural professional without being registered under the Act.

45. It also imposes a penalty of a fine not less than one million or imprisonment for a term not exceeding five years for any person in charge of an agricultural institution or organization, who employs a person who is not registered under the Act as an agricultural professional.
46. Clause 41 imposes a fine not exceeding fifty thousand or imprisonment for a term not exceeding twelve months for a person who procures or attempts to procure fraudulent registration.
47. Clause 42 outlines what amounts to professional misconduct by agricultural professionals while clause 43 provides for offences by persons not eligible for registration under the Act.
48. Clause 44 imposes a fine not exceeding five hundred thousand or imprisonment for a term not exceeding one year for an offence committed by a person in charge of a training institution which is not approved by the Board.
49. Clause 45 of the Bill provides for a general penalty of a fine not exceeding one hundred thousand or imprisonment for a term not exceeding one year for any offence under the Act for which no penalty is provided for.

Part VIII: Delegated Powers

50. Clause 47 of the Bill contains provisions on delegated powers.

Schedules to the Bill

51. **First Schedule:** Contain provisions relating to the conduct of business and affairs of the Board.
52. **Second Schedule:** Outlines committees of the Board.
53. The Bill delegates legislative powers to the Cabinet Secretary but does not limit any fundamental rights and freedoms.
54. The Bill does not concern county governments in terms of Article 110 (1) (a) of the Constitution. Paragraph 29 of Part 1 of the Fourth Schedule to the Constitution provides that agricultural policy is a National Government Function. The Bill seeks to provide a policy framework for the regulation of agricultural professionals and therefore does not affect counties.
55. Enactment of the Bill may occasion additional expenditure of public funds to be provided through the annual estimates.

CHAPTER FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

56. Following the call for memoranda from the public through placement of advertisements in the print media on 10th June 2024 and vide a letter REF: NA/DDC/A&L/2024/047 dated 13th August 2024 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- a) The Ministry of Agriculture and Livestock Development;
- b) Kenya Society for Agricultural Professionals (KESAP);
- c) Pest Control Products Board (PCPB);
- d) Kenya National Farmers Federation (KENAFF);
- e) Animal Health and Industry Training Institute (AHITI); and
- f) Mr. Dunstan Kaburu Mishek

The stakeholders submitted as follows:

4.1 MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

In their letter, Ref: No. MOA/ADM/1/27/VOL.IV dated 20th August 2024, the ministry proposed the following amendments to the Bill:

Clause 2

57. Define "*agriculture professional*" to mean "*a holder of a degree, diploma or certificate in an agricultural specialty from a university or institution that is recognized by the Board and duly registered under this Act*". This is because agricultural organizations and institutions go beyond the scope of agriculture professionals.

Committee Observation/Recommendation

58. The committee rejected the proposal after opting to adopt the registration of both professionals and technicians and differentiating the qualification for registration of both.

59. Amend definition of the term "*agricultural specialty*" to include training or specialization in agriculture. Since, "*agricultural specialty*" is dynamic and evolves depending on demand and technology development.

Committee Observation/Recommendation

60. The proposal was adopted with further amendments to include fisheries.

61. Delete interpretation of the term "*Agriculture*" because it is not used in the Bill and its limiting to crops as per the AFA Act, 2013 while agricultural specialty includes animal production and range management.

Committee Observation/Recommendation

62. The proposal was rejected by the Committee. The Committee however decided to include the definition of Agriculture in the Bill since it is important to cover the scope of the areas covered by the definition that are not included in AFA.

Clause 4

63. Amend paragraph 4 (1) (c) as follows: "(i) Registered agricultural professional who is a principal in middle level agricultural training institution; (ii) Registered agricultural professional who is a dean in a high level agricultural training institution; (iii) Two persons who are registered and practicing as agricultural professionals appointed by the Cabinet Secretary; (iv) Chairperson of the umbrella organisations of agricultural professionals; (v) Agricultural professional". This is to allow for diversification and inclusivity while reducing over representation by the Kenya Society for Agricultural Professionals and to reduce the number of members from 5 to 4 to have the membership of the Board in line with the *Mwongozo* Code of Conduct.

64. Committee's Observation/Recommendation

The proposal was adopted with further amendments to ensure representation in all the sector of agricultural profession.

Clause 7

65. Amend the clause by inserting the following new paragraphs under sub-clause (1), "In consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals; Receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act; and Maintain the standards of practice by the registered persons under this Act". For effective service delivery and regulation of the agricultural profession.

Committee's Observation/Recommendation

66. The proposal was adopted by the Committee to widen the scope of the areas covered by the Board.

Clause 15

67. Amend paragraph 15 (1) (a) to read as follows, "is a holder of degree, diploma, or certificate in an agricultural specialty specified under this Act". To provide better clarity and consistence with the requirements for qualification in specified in the other Clauses of the Bill.

Committee's Observation/Recommendation

The proposal was adopted with amendments to provide for registration both as an agricultural professional or technician.

68. Amend the clause by deleting paragraphs 15 (1) (c) and (d) because they adequately provided for in paragraph 15(1)(a).

Committee's Observation/Recommendation

The proposal was adopted with amendments by providing for qualification for registration as an agricultural professional or technician.

69. Amend the clause by deleting paragraph 15 (1) (e) and substituting it with the following paragraph, "is a member of a professional body registered by the Board". To align the provision with the proposed amendment for professional Bodies to register with the Board.

Committee's Observation/Recommendation

The proposal was rejected by the Committee to allow agricultural professionals or technicians who are not members of any professional body to be registered under the Act. This is to ensure that agricultural professionals or technicians are not compelled to register with other bodies before registering under the Act.

70. Amend the clause by inserting the following new paragraph: "(f) *Qualified in agricultural specialty course and has undergone a training programme of not less than cumulative four weeks in Agricultural Management Course at the Kenya School of Agriculture*". Qualified professionals to be exposed practical on goings through Agricultural Management course.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both agricultural professionals and technicians.

71. Amend the clause by inserting the following new paragraph, "(g) *Provide for experienced extension service providers with prior learning experience who will have a minimum of Form Four Certificate or equivalent and undertake 2 Months Agricultural Management Course at Kenya School of Agriculture*". To give experienced persons opportunity to register as agricultural professionals and to be exposed on practical on goings through Agricultural Management course.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

72. Amend the clause by providing for categorization of Agricultural Professionals considering degree, diploma or certificate which should also include extension service providers with prior learning experience. The professionals differ on their qualifications.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

73. Amend the clause by replacing sub-clause 15 (2), (3), (4) and (5) with, "*A person who holds a certificate, a diploma or a degree from an institution outside Kenya recognized by the Board shall be eligible for registration under this Act as an agricultural professional if the person undertakes not less than cumulative four weeks Agricultural Management Course at the Kenya School of Agriculture*". The provisions in 15 (2), (3), (4) and (5) are detailed processes for recognizing degrees, diplomas or certificates from other countries.

Committee's Observation/Recommendation

The proposal was adopted with amendments by the Committee to ensure registration of both professionals and technicians.

Clause 15

74. Amend the clause by moving sub-clause 15 (6) to clause 17 to allow similar provision to be together and provide flow.

Committee's Observation/Recommendation

The proposal was adopted by the Committee to allow for proper flow of the provisions of the Bill.

Clause 16

75. Amend the clause by deleting sub-clause 16 (2) since this provision is clearly provided for in clause 15.

Committee's Observation/Recommendation

The proposal was adopted by the Committee.

Clause 18

76. Recast the entire Clause 18 to provide that: "(1) *A person shall not practice as an agricultural professional without a certificate of registration issued by the Board* (2) *A person who practices without a certificate of registration commits an offence*". There is need for clarity on not practicing without being a registered professional.

Committee's Observation/Recommendation

The proposal was rejected by the Committee. Having the particulars of the offence as contained in the Bill provides more clarity.

Clause 19

77. Amend the clause by reducing the number of days from sixty to thirty days from the day of being notified of the decision to appeal because sixty days from the day of being notified of the decision to appeal is too long and will lead to pile ups.

Committee's Observation/Recommendation

The proposal was adopted by the Committee to provide for reasonable timeliness.

Clause 21

78. Amend the marginal note for to "*Licensing Provisions*".

Committee's Observation/Recommendation

The proposal was rejected by the Committee. The provision of clause 21 are specific to private practitioners as indicated on the marginal note.

79. Amend sub-clause 21 (1) to provide for licensing of registered agricultural professionals. "*No person shall practice as an agricultural professional without a valid license issued by the Board; A person who practices as an agricultural professional without a valid license issued by the Board commits an offence; and the Cabinet Secretary shall prescribe procedures for issue, renewal, revocation, suspension or cancellation of License in regulations*". This Part provides for licensing of practitioners and not registration which is provided for in Part III.

Committee's Observation/Recommendation

The proposal was rejected by the Committee. Clause 21 is specific on private practice while PART III is on registration.

80. Amend sub-clause (3) by inserting the following new paragraph "*an agricultural professional who has been dully registered in accordance with clause 15 may practice without requirements of licensing*". To provide clarity on the exemption being sought for professionals employed as so in public service

Committee's Observation/Recommendation

The proposal was reject by the Committee, the clause is specific on what does not amount to private practice. There is no exemption for taking out a practicing certificate for all persons registered under the Act.

81. Amend the clause by deleting paragraph (3) (c) because exempting agricultural professionals who are employed in agricultural professional firms creates a gap and may allow non-qualified persons to practice.

Committee's Observation/Recommendation

The proposal was rejected by the Committee, all registered professionals to take out an annual practicing certificate to generate funds for the Board.

Clause 22

82. Amend the marginal note to read, "*Board to issue annual licenses*".

Committee's Observation/Recommendation

The proposal was rejected by the Committee. The Board issues both the practicing certificates and licences as indicated on the marginal note.

83. Amend clause 22 to read as follows, "*The Board shall issue, in accordance with the provision of this Act and any rules made under this Act, Identification Badge and an annual license to an agricultural professional named to engage in private practice*".

Committee's Observation/Recommendation

The Committee rejected the proposal. Issuance of badge is an administrative action that does not need to be included in the Act. Practice certificate and licence is sufficient.

Clauses 23 to 25

84. Amend the clauses by deleting the words "*Practicing Certificate*" and substituting with the words "*Annual license*". To align with the recommendation in clause 22

Committee's Observation/Recommendation

The Committee rejected the proposal. Proposed amendment to clause 22 sought to be aligned with in this proposal was rejected.

Clause 26

85. Delete the Clause because it is provided for under clause 23

Committee's Observation/Recommendation

The Committee rejected the proposal. The provision 23 and 26 are distinct since one is on practicing certificate while the other is on license.

Clause 28

86. Amend the clause to read as follows, "*The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act has.....*," since the law does not work retrogressively

Committee's Observation/Recommendation

The Committee adopted the proposal.

Clause 31

87. Delete the clause by deleting paragraph 31 (1) (d) since it is adequately provided for in paragraph 31 (1) (c).

Committee's Observation/Recommendation

The Committee adopted the proposal with amendments and merged the two clauses.

88. Amend clauses 31 and 32 by deleting the words, "*practicing certificate*" to align it with the recommendation in clause 22.

Committee's Observation/Recommendation

The Committee rejected the proposal. The proposed amendment to Clause 22 sought to be aligned with was rejected.

Clause 43

89. Amend sub-clause 43 (2) to read as follows, "*A person who contravenes sub-clause (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding two years, or both*". To provide clarity and align effectively.

Committee's Observation/Recommendation

Agreed to and be moved to disciplinary sub-head.

Clause 44

90. Amend the Bill by deleting the clause because agricultural specialty trainings are regulated under other statutes.

Committee's Observation/Recommendation

The Committee rejected the proposal since the provision is specific on offences by training institutions which are regulated by the Board.

Clause 47

91. Amend the clause by introducing a new amendment to provide for the procedures for application, conditions, withdrawal, cancellation and chargeable fees for registration certificates and annual licenses. This is necessary for operation

Committee's Observation/Recommendation

The Committee rejected the proposal, such details are better off left for regulations.

4.2 KENYA SOCIETY FOR AGRICULTURAL PROFESSIONALS (KESAP)

92. In a meeting with the Committee held on 22nd August 2024, Mr. Paul Mbuni, the Chief Executive Officer of the Kenya Society for Agricultural Professionals proposed the following amendments to the Agricultural Professionals Registration and Licensing Bill 2024:

Title

93. Amend the title of the Bill to read, "*Agricultural Technicians and Professionals Registration and Licensing Bill*" to recognize technicians who are part of professionals in the industry.

Committee's Observation/Recommendation

The Committee adopted the proposal and distinguished the registration of agricultural professionals and technicians.

Clause 4

94. Amend sub-clause 4 (4) to read as follows, "*The Board Chairman shall be appointed by the President and shall be an agricultural professional of any specialty of good character and standing*". The purpose of the above proposal is that by the President appointing the Chairperson, the proposed Board will have the necessary thrust in law to execute its functions. In addition, it will in line with similar Boards and entities in which the President is the appointing authority of the chairs.

Committee's Observation/Recommendation

The Committee rejected the proposal to allow the Board to elect its own Chairperson.

95. Insert the following new sub-clause 4 (5), "*The Board shall elect a Vice Chairperson from among its members*".

Committee's Observation/Recommendation

The proposal was adopted with amendments.

Clause 42

96. Amend clause 42 to by deleting the word "*conduct*" and substituting with the word "*misconduct*".

Committee's Observation/Recommendation

The Committee adopted the proposal.

4.3 PEST CONTROL PRODUCTS BOARD

97. In their letter, Ref: PCPB/1/VOL.III/24/031 dated 20th August 2024, the Pest Control Products Board through its Chief Executive Secretary, Mr. Fredrick Muchiri proposed the following amendments to the Agricultural Professionals Registration and Licensing Bill 2024:

Part IV

98. Amend part IV to read "*Licensing of Agricultural Professionals*". To harmonize contents.

Committee's Observation/Recommendation

The Committee adopted the proposal

Clause 25

99. Amend sub-clause 25 (3) to provide separate circumstances under which renewal of practicing certificate may be refused, cancelled, withdrawn or suspended. To guide the Board in decision making and promote transparency and fairness.

Committee's Observation/Recommendation

The Committee rejected the proposal, such details are better off left for regulations.

Clause 31

100. Amend paragraphs 31 (1) (c) and (d) by harmonizing the period of withdrawal or cancellation of the practicing certificate in the two paragraphs for consistency.

Committee's Observation/Recommendation

101. The Committee adopted the proposal with amendments by merging the two subclauses.

4.4 KENYA NATIONAL FARMERS FEDERATION (KENAFF)

102. In a meeting with the Committee held on Thursday, 22nd August 2024, Ms. Mary Kageni, the Projects Officer, proposed the following amendments to the Bill:

Clause 4

103. Amend sub-clause 4 (1) to include the National Farmers' Organization in the membership of the Board.

Committee's Observation/Recommendation

104. The Committee adopted the proposal with amendments.

Clause 7

105. Amend the clause to consider and accommodate the local indigenous knowledge in agriculture. There is need for consideration of the indigenous knowledge that is very important in agriculture.

Committee's Observation/Recommendation

The Committee rejected the proposal, it is not possible to ascertain indigenous knowledge for purposes of registration as an agricultural professional or technician.

Clause 22

106. Either delete the clause or reduce the fees. The cost of licensing the professionals, if high will have an equal effect on farmers hence smallholder farmers will shy away from consulting professionals and this will limit them from benefiting from the Bill's provisions.

Committee's Observation/Recommendation

The Committee rejected the proposal since the Bill does not mention any specific amounts to be charges.

Clause 40 (3)

107. Amend the clause by deleting sub-clause 40 (3) because employment of persons not registered under this guideline is limiting fresh graduates from TVETs and universities.

Committee's Observation/Recommendation

The Committee rejected the proposal, fresh graduates are entitled for registration immediately after completing their education.

4.5 ANIMAL HEALTH AND INDUSTRY TRAINING INSTITUTE (AHITI) – KABETE

108. In their letter, Ref: AHITI/MLD/5/VOL.IV/043/ dated 21st August 2024, the Principal, Dr. Samuel Mugo stated that the Institute was in support of the Bill because it is a landmark piece of legislation that represents a critical step towards professionalizing the agricultural sector in Kenya. By establishing a framework for registration and licensing, the Bill aims at enhancing the quality of agricultural services, protect farmers, and promote sustainable agricultural practices. The successful implementation of this Bill could lead to significant improvements in agricultural productivity and food security, benefiting the economy and society as a whole.

4.6 MR. DUNSTAN KABURU MISHECK

109. Mr. Dunstan Kaburu Misheck, a crop protection specialist and agronomist in the Department of Agriculture, Meru County; proposed that clause 4 should be amended in paragraph 4 (1) (c) by deleting the words, "*Kenya Society for Agricultural Professionals*" and replacing with "*Agricultural Professional Bodies*".

Committee's Observation/Recommendation

The Committee adopted the proposals with amendments to by including agricultural professional bodies without specifying specific organisations since organisations may cease to exist with time.

CHAPTER FIVE

5 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee observed that enacting the Agricultural Professionals Registration and Licensing Bill, 2024 into law will bring several potential benefits to the agriculture industry, including:

110. **Regulatory oversight:** The Bill establishes the Agricultural Professionals Registration and Licensing Board that will oversee the registration, licensing, and regulation of agricultural practitioners.
111. **Professional standards and accountability:** The Bill provides for the registration and licensing of agricultural professionals. This will enhance accountability and professionalism within the sector.
112. **Support for smallholder farmers:** By regulating who can dispense agricultural inputs such as fertilizers and seeds, the Bill aims at protecting farmers from unscrupulous traders selling counterfeit or substandard products. This is crucial for safeguarding the livelihoods of farmers and ensuring that they receive quality inputs necessary for successful farming ultimately improving their productivity and income levels.
113. **Enhanced credibility and trust:** Registered agricultural professionals will be recognized as credible practitioners, which can foster trust among farmers and other stakeholders in the agricultural value chain. This trust is essential for effective collaboration and for farmers to seek advice and services from professionals without fear of exploitation.
114. **Access to professional development and resources:** The Bill encourages continuous professional development by requiring registered professionals to engage in ongoing education and training. This will help practitioners to stay updated on the latest agricultural practices, technologies, and regulations, ultimately benefiting the agricultural sector as a whole.
115. **Improved agricultural productivity and enhanced food security:** With qualified professionals providing guidance and support to farmers, the overall productivity of the agricultural sector is likely to improve. Better advice on crop management, pest control, and resource utilization can lead to increased yields and more sustainable farming practices.
116. **Legal framework for employment:** Like in other regulated sectors, the bill creates a legal requirement for employers in the agricultural sector to hire only registered professionals. This not only ensures that employers comply with legal standards but also promotes job security and professional recognition for agricultural practitioners.
117. **Economic growth, development and diversification:** A more professional agricultural sector can attract investment and innovation, contributing to the overall economic growth of the country. Improved standards can also enhance Kenya's competitiveness in both domestic and international agricultural markets. As agricultural productivity increases, there will likely be a ripple effect on related sectors, such as food processing and distribution.
118. **Public participation:** By allowing stakeholders to give input and second membership to the Board, it means public input and stakeholder engagement have been given priority. This is crucial for ensuring that the needs and concerns of all agricultural stakeholders are considered, fostering a collaborative approach to agricultural regulation.

CHAPTER SIX

6 COMMITTEE RECOMMENDATION

The Committee having reviewed the Agricultural Professionals Registration and Licensing Bill (*National Assembly Bill No. 19 of 2024*) recommends that the House approves the Bill with amendments as proposed in the Schedule in Chapter Seven of this report.

CHAPTER SEVEN

7 SCHEDULE OF PROPOSED AMENDMENTS

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

SHORT TITLE

1. **THAT**, the Bill be amended by deleting the short title and substituting therefor the following new short title—

**“THE AGRICULTURAL PROFESSIONALS AND TECHNICIANS
REGISTRATION AND LICENSING BILL, 2023”**

Justification

To provide for registration either as a professional or a technician.

LONG TITLE

2. **THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to make provision for the registration and licensing of agricultural professionals and technicians, to provide for the regulation of the standards and practice of the profession, to provide for the establishment, powers and functions of the Agricultural Professionals Registration and Licensing Board and for connected purposes”

Justification

To provide for registration either as a professional or a technician.

CLAUSE 2

3. **THAT**, the Bill be amended in Clause 2 by deleting the definition of “agriculture specialty and substituting therefor the following new definition—

“agriculture specialty” include training or specialization in crop production, horticulture, plant breeding, seed technology, agronomy, botany, crop science, crop protection, home economics, food science, farm management, animal production, range management, agricultural economics, agribusiness, agricultural extension, agricultural education, agricultural marketing, agricultural policy and law, floriculture, biotechnology, agricultural engineering, soil and water engineering, soil science, agro-forestry, and aquaculture, apiculture and fish biology;

Justification

To introduce aquaculture, apiculture and fish biology.

CLAUSE 3

4. **THAT**, the Bill be amended in Clause 3—

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

“Establishment of the Agricultural Professionals and Technicians Registration and Licensing Board.”

(b) by deleting subclause (1) and substituting therefore the following new subclause—

“(1) There is established a Board known as Agricultural Professionals and Technicians Registration and Licensing Board.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 4

5. **THAT**, the Bill be amended in Clause 4—

(a) in subclause (1)—

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

“(c)two person from the training institutions; one from a middle level agricultural training institution and one from high level agricultural training institution, one person from agricultural research institutions, one person from agricultural professionals organization, one person from animal production professionals and one person from fisheries and agricultural engineers;

(ii) by deleting paragraph (d); and

(iii) by deleting subclause (4) and substituting therefor the following new subclause—

“(4) The Board shall elect a Chairperson from among its members who shall be gazette by the Cabinet Secretary.”

Justification

To ensure that every sector of the agricultural speciality is represented in the board is represented in the board considering the representation of the technicians as well and the Board being a professional body, allowing it to elect its own Chairperson,.

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

“(b)is an agricultural professional or agricultural technician of any specialty and of good character and standing.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 7

6. **THAT**, Clause 7 of the Bill be amended in sub-clause (1)—

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

“(a)register and issue certificates of practice to qualified persons, organizations and institutions;

Justification

To accommodate the introduction of registration of technicians.

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

“(b)arbitrate professional disputes;”

Justification

Tribunals are established pursuant to Article 169 and Acts of Parliament hence the Board can not constitute an independent tribunal.

(c) by inserting the following new paragraphs immediately after paragraph (f)—

“

- (g) in consultation with such approved agricultural training institutions as the Board may deem appropriate, prescribe courses of training for agricultural professionals;
- (h) receive, evaluate and register code of ethics on the practice of all agricultural professional organizations registered under this Act; and
- (i) maintain the standards of practice by the registered persons under this Act.”

Justification

To broaden the functions of the Board to include training, code of ethics for the professionals and enforcements of standards which are key elements.

CLAUSE 15

7. **THAT**, the Bill be amended in Clause 15—

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

“

(1.) A person shall be eligible for registration under this Act—

- (a) as an agricultural professional if the that person holds a degree or post graduate degree in a relevant agricultural specialty recognized by the Board;
- (b) as an agricultural technician if the person has undergone a post-secondary training course and passed examination in Kenya or elsewhere and obtained a diploma or certificate in a relevant field or any agricultural specialty which the Board recognizes as an equivalent qualification for registration;

(2.) A person shall be eligible for registration as an agricultural professional or agricultural technician if the person—

- (a) has applied for membership and paid the prescribed fee;
- (b) satisfies the Board that he or she is professionally competent, a person of good character and fit to be registered under this Act; and

(3.) A person who holds any academic qualification from an institution outside Kenya recognized by the Board shall be eligible for registration under this Act subject any regulations made under this Act.

Justification

To accommodate the introduction of registration of technicians and provide for recognition of qualifications obtained from institutions outside Kenya.

CLAUSE 16

8. **THAT**, the Bill be amended in Clause 16 by delete subclause (2).

CLAUSE 17

9. **THAT**, the Bill be amended in Clause 17—

- (a) by deleting the words “agricultural professional” in subclause (1) and substituting therefor the word “persons”;
- (b) by deleting the words “agricultural professional” in subclause (2) and substituting therefor the word “persons”;
- (c) by deleting the words “agricultural professional” in subclause (3) and substituting therefor the word “person”; and
- (d) by inserting the following new subclause immediately after subclause (6)—

“(6A) The Registrar shall register every qualified person by entering the name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose.”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 18

10. **THAT**, Clause 18 of the Bill be amended in subclause (4) by deleting the words “thirty thousand” in paragraph (b) and substituting therefor the words “fifty thousand”.

Justification

To provide for a penalty that is commensurate to the offence.

CLAUSE 19

11. **THAT**, the Bill be amended in Clause 19 by deleting the word “sixty” appearing immediately after the word and substituting therefor the word “thirty”.

Justification

To provide for a reasonable timeline for appeals.

CLAUSE 20

12. **THAT**, the Bill be amended in Clause 20 by inserting the following new subsection immediately after subsection (2)—

“(3) The Registrar shall publish the gazette notice under sub-section (2) by the end of the second month of every calendar year”

Justification

To provide for a duration within which an updated registered is published in the gazette by the Registrar.

CLAUSE 21

13. **THAT**, the Bill be amended in Clause 21—

- (a) in subclause (1)—

- (i) by inserting the words “or technician” immediately after the word “professional” in the opening statement; and
- (ii) by deleting paragraph (c).

- (b) in subclause (2) by inserting the words “or technician” immediately after the word “professional” in the opening statement; and
- (c) in subclause (3) by inserting the words “or technician” immediately after the word “professional” in paragraph (c).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 23

14. **THAT**, Clause 23 of the Bill be amended in subclause (3)—

- (a) by deleting the phrase “and agricultural professional” and substituting therefore the words “a person”; and

Justification

To accommodate the introduction of registration of technicians.

- (b) by deleting the word “sixty” and substituting therefor the word “thirty”.

Justification

To provide for a reasonable time for issuance of practicing certificate

CLAUSE 24

15. **THAT**, the Bill be amended in Clause 24 by deleting the words “the agricultural professional” and substituting therefor the words “a person” in subclause (4).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 25

16. **THAT**, the Bill be amended in Clause 25—

- (a) deleting the words “An agricultural professional” and substituting therefor the words “a person” in subclause (1);
- (b) deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (2); and

Justification

To accommodate the introduction of registration of technicians.

- (c) by deleting the words “Cabinet Secretary” and substituting therefore the word “Board” in subsection (4).

Justification

To correct mix-up of a function of the Board.

CLAUSE 26

17. **THAT**, the Bill be amended by moving Clause 26 to appear immediately after Clause 21 subclause (3).

Justification

To ensure proper flow of the provision of the Bill.

CLAUSE 27

18. **THAT**, the Bill be amended in Clause 27 by deleting subclause (1) and substituting therefor the following new subclause—

- (1) There is established a Disciplinary Committee of the Board which shall consist of—
- (a) at least two members of the Board from different agricultural specialties;
 - (b) three members coopted by the Board for from different agricultural specialties relevant to the subject matter under consideration by the Disciplinary Committee; and
 - (c) the Registrar who shall be the secretary to the Committee and shall be responsible for taking records of the proceedings but shall not have a right to vote on any matter.

Justification

To ensure proper representation and constitution of the Committee,

CLAUSE 28

19. **THAT**, the Bill be amended in Clause 28 by deleting the opening statement and substituting therefore the following opening statement—

“(1) The Board may refer a matter to the Disciplinary Committee if it has reason to believe that a person registered under this Act, has—”

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 30

20. **THAT**, the Bill be amended in Clause 30 be amended—

- (a) in subclause (1) by deleting the words “the agricultural professional” and substituting therefor the words “a person” in subclause (1); and
- (b) by inserting the following new subclause immediately after subclause (3)—

“(4) The Committee may at its discretion seek the assistance of the Attorney-General to advise the Committee at on matters pertaining to law, procedure for evidence, or examination and cross-examination of witnesses.”

CLAUSE 31

21. **THAT**, the Bill be amended in Clause 31—

- (a) in subclause (1)—
 - (i) by deleting the words “an agricultural professional” in the opening statement and substituting therefor the words “a person”;

- (ii) by deleting the words “an agricultural professional” in paragraph (b) and substituting therefor the words “person”;
- (iii) by deleting paragraph (c) and substituting therefore the following new paragraph—
“(c)suspend, withdraw or cancel the practicing certificate a person registered under this Act for a period not less not exceeding three years; or
- (iv) by deleting paragraph (d);
- (v) by deleting paragraph (e) and substituting therefor the following new paragraph—
“(e)remove the name of the name of a person from the register if their practicing certificate has been cancelled, suspended or withdrawn.”
- (b) in subclause (2) by deleting the words “an agricultural professional” and substituting therefor the words “a person”;
- (c) in sub-clause (3) by deleting the words “an agricultural professional” and substituting therefor the words “a person”;
- (d) by deleting subclause (4) and substituting therefor the following new subclause—
“(4) A person who refuses or fails to surrender his badges, licenses or certificates to the Registrar on request shall be guilty of professional misconduct and liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.”
- (e) in subclause (5) by deleting the words “an agricultural professional” and substituting therefor the words “a person”.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 32

22. **THAT**, the Bill be amended in Clause 32—

- (a) by deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (1); and
- (b) in subclause (2)—
 - (i) by deleting the words “an agricultural professional” and substituting therefor the words “a person”; and
 - (ii) by deleting the word “may” and substituting therefore the word “shall”.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 33

23. **THAT**, the Bill be amended in Clause 33 by deleting the words “an agricultural professional” and substituting therefor the words “a person” in subclause (1).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 40

24. **THAT**, the Bill be amended in Clause 40 by inserting the words “or technician” immediately after the word “professional” in the opening statement in subclause (1).

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 42

25. **THAT**, the Bill be amended in Clause 42—

- (a) by deleting the opening statement and substituting therefor the following new opening statement—

“(1)A person who is licensed under this Act shall be guilty of professional misconduct if such person—”

Justification

To accommodate the introduction of registration of technicians.

- (b) by moving Clause 42 to appear immediately after Clause 27(2).

Justification

To ensure proper flow of the provisions of the Bill.

CLAUSE 43

26. **THAT**, Clause 43 of the Bill be amended—

- (a) in subsection (1)—

- (i) by inserting the words “or technician” immediately after the word professional in paragraph (a);
(ii) by deleting paragraph (c) and substituting therefore the following new paragraph—

“(c) manages or dispenses agricultural inputs in form of agricultural chemicals.

Justification

Not to criminalize dispensing of fertilizers and feeds.

- (iii) by inserting the following new subclause immediately after subclause (1)—

“(2)A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shilling or imprisonment for a term not exceeding two years, or both.”

Justification

To ensure proper flow of the provisions of the Bill.

CLAUSE 46

27. **THAT**, the Bill be amended in Clause 46 by inserting the words “or technician” immediately after the word “professional” appearing in the opening statement.

Justification

To accommodate the introduction of registration of technicians.

CLAUSE 47

28. **THAT**, Clause 47 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (h)—

- i. safe use of agricultural chemicals;
- j. gazettement of any agricultural specialty; and
- k. any other regulations covered under this Act.

Justification

To broaden the regulations made under the Act by including the areas left out.

FIRST SCHEDULE

29. **THAT**, the Bill be amended in the First Schedule—

- (a) by deleting the word “one” appearing immediately after the word “further” in paragraph (1); and

Justification

To correct typographical error.

- (b) in paragraph (3) deleting subparagraph (4) and substituting therefor the following new subparagraph—

“(4) The quorum for the conduct of the business of the Board shall be five voting members.”

Justification

To reduce the quorum from seven to five in relation to the number of Board members.

SECOND SCHEDULE

30. **THAT**, the Bill be amended in the Second Schedule—

- (a) by deleting the phrase “Agricultural Advisory Services Committee” and substituting therefor the following new phrase—

“Agricultural and Environmental Advisory Services Committee”

- (b) by inserting the following new phrase immediately after the phrase “Research and Training Committee”

“Biosystems Engineering Committee”

Justification

To include other relevant areas in the Committees of the Board.

SIGNED  DATE 06/11/2024
HON. (DR.) JOHN KANYUTHIA MUTUNGA, PhD, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 NOV 2024	DAY: TUESDAY
TABLED BY:	HON. (DR.) JOHN MUTUNGA, MP (CHAIRPERSON)
CLERK AT THE TABLE:	INZOFU MWALE

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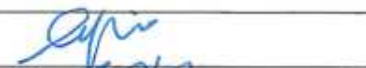


THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Wednesday, 30th October 2024 do hereby affix our signatures to this **Report on the Agricultural Professionals Registration and Licensing Bill, 2024 (National Assembly Bill No.19 of 2024)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, 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	

