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THE SENATE

THIRTEENTH PARLIAMENT

THIRD SESSION, 2024

**Rt. Hon. Speaker**  
You may approve for tabling  
J. M. Nyegenye, C.B.S.,  
Clerk of the senate/ secretary, PSC  
Date: 19/03/24

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES

COMMITTEE REPORT

ON

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



Clerk's Chambers,  
First Floor,  
Parliament Buildings,  
NAIROBI.



MARCH, 2024

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**LIST OF ABBREVIATIONS AND ACRONYMS**

AMCOMET	-African Ministerial Conference on Meteorology
KMD	-Kenya Meteorological Department
KMSA	- Kenya Meteorological Service Authority
WMO	-World Meteorological Organization

**LIST OF ANNEXURES**

- 1. Minutes
- 2. Copy of the newspaper advertisement for public participation
- 3. Stakeholder submissions

PREFACE

**Establishment of the Committee**

The Standing Committee on Land, Environment and Natural Resources is established under standing order 228(3) of the Senate Standing Orders. The mandate and the functions of the Committee are set out under the Fourth Schedule of the Senate Standing Orders which mandates the Committee to consider all matters relating to lands and settlement, environment, forestry, wildlife, mining, water resource management and development.

**Membership of the Committee**

The Committee is comprised of the following members -

- |  |                      |
|--|----------------------|
| 1. Sen. John Muhia Methu, MP               | - Chairperson        |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice - Chairperson |
| 3. Sen. William Cheptumo Kipkiror, CBS, MP |                      |
| 4. Sen. Johnes Mwashushe Mwaruma, MP       |                      |
| 5. Sen. Issa Juma Boy, MP                  |                      |
| 6. Sen. Agnes Kavindu Muthama, MP          |                      |
| 7. Sen. Wamatinga Wahome, MP               |                      |
| 8. Sen. Mariam Sheikh Omar, MP             |                      |
| 9. Sen. Beatrice Akinyi Ogola, MP          |                      |

**Mr. Speaker,**

The Meteorology Bill, 2023, aims to establish a comprehensive framework for regulating, coordinating, monitoring, managing, and controlling meteorological services in Kenya. It seeks to align the meteorological services with international standards and enhance the contribution of these services to various sectors such as aviation, agriculture, and environmental management.

The Bill is designed amidst the growing need for accurate meteorological information across various sectors, requiring an efficient institutional framework. It seeks to regulate meteorological services, currently managed by the unlegislated Kenya Meteorological



Department, to enhance efficiency, accountability, and standardization. Kenya is a party to international conventions like the Chicago Convention of 1944 and the African Ministerial Conference on Meteorology (AMCOMET) of 2015. These conventions set standards and practices for meteorological services, particularly in aviation safety and climate monitoring. The Bill seeks to align Kenya's meteorological services with these international standards, ensuring compliance with global best practices. This includes obligations for accurate weather forecasting, climate monitoring, and timely provision of meteorological information, crucial for sectors like aviation, agriculture, and disaster management.

**Mr. Speaker Sir,**

The Bill was published on 22<sup>nd</sup> September, 2023, and read a First Time in the Senate on 14<sup>th</sup> November, 2023. Following the First Reading in the Senate, the Bill stood committed, pursuant to standing order 145(1) of the Senate Standing Orders, to the Standing Committee on Land, Environment and Natural Resources for facilitation of public participation.

Subsequently, the Committee, pursuant to Article 118(1) (b) of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and the Daily Nation Newspapers on 22<sup>nd</sup> November, 2023.

## **CHAIRPERSON'S FOREWORD**

This report contains proceedings of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Meteorology Bill 2023 (Senate Bill No. 45 of 2023) which was published on 22<sup>nd</sup> September, 2023. The Bill went through the First Reading on 14<sup>th</sup> November, 2023 and was thereafter committed to the Land, Environment and Natural Resources Committee for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The application of the Bill once enacted shall apply to weather observers, meteorological service providers, private weather service providers, the Meteorology Training and Research Directorate, any meteorological training institution, and any entity using meteorological information for commercial purposes.

The objective of this Bill is to create a robust framework for the management, control, coordination, monitoring, and regulation of meteorological services. It aims to improve the meteorological services' contribution to a variety of industries, including aviation, agriculture, and environmental management, and to harmonize them with worldwide standards. The Bill has fifty-one (51) clauses.

According to the Bill the Kenya Meteorological Service Authority shall be required to provide weather forecasts and information to the public for individual, household or group planning, the management and custody of the national climatological data bank for research and for posterity.

The main purpose of providing meteorological services is to facilitate actors in socio-economic sectors to make informed decisions, enhance efficiency and reduce risks in their operations and draw benefits associated with accurate and timely provision of weather and climate information and services.

Following placement of advertisements in the print media on 22<sup>nd</sup> November, 2023 seeking public and stakeholder views on the Bill pursuant to Article 118(1)(b) of the Constitution and Standing Order 145(5) of the Senate Standing Orders, the Committee received two memoranda from the general public and held a meeting to review the submissions with the Ministry of Environment Climate Change & Forestry on 23<sup>rd</sup> February, 2024.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate as well as the Secretariat for the support extended to it in the conduct of the public hearings and in fulfilling its mandate.

Further, the Committee wishes to thank members of the public and stakeholders who sent written submissions including the general public.

**Mr. Speaker,**

It is now my pleasant duty, pursuant to standing order 148 of the Senate Standing Orders, to present the Report of the Standing Committee on Land, Environment and Natural Resources on the Meteorology Bill 2023 (Senate Bill No. 45 of 2023).

Signed: \_\_\_\_\_



Date: 14th March, 2024

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**



## CHAPTER ONE

### INTRODUCTION

#### 1.0 Purpose of the Bill

1. The Meteorology Bill, (Senate bills No.45 of 2023), aims to establish a comprehensive framework for regulating, coordinating, monitoring, managing, and controlling meteorological services in Kenya. It seeks to align the meteorological services with international standards and enhance the contribution of these services to various sectors such as aviation, agriculture, and environmental management.

#### 2.0 Background

2. The Bill is designed amidst the growing need for accurate meteorological information across various sectors, requiring an efficient institutional framework. It seeks to regulate meteorological services, currently managed by the unlegislated Kenya Meteorological Department, to enhance efficiency, accountability, and standardization. Kenya is a party to international conventions like the Chicago Convention of 1944 and the African Ministerial Conference on Meteorology (AMCOMET) of 2015. These conventions set standards and practices for meteorological services, particularly in aviation safety and climate monitoring. The Bill seeks to align Kenya's meteorological services with these international standards, ensuring compliance with global best practices. This includes obligations for accurate weather forecasting, climate monitoring, and timely provision of meteorological information, crucial for sectors like aviation, agriculture, and disaster management.
3. The Bill was published on 22<sup>nd</sup> September, 2023, and read a First Time in the Senate on 14<sup>th</sup> November, 2023. Following the First Reading in the Senate, the Bill stood committed, pursuant to standing order 145(1) of the Senate Standing Orders, to the Standing Committee on Land, Environment and Natural Resources for facilitation of public participation.
4. Subsequently, the Committee, pursuant to Article 118(1) (b) of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and the Daily Nation Newspapers on 22<sup>nd</sup> November, 2023.

### **3.0 Overview of the Bill**

#### **10. Application of the Bill**

The Bill once enacted, shall apply to weather observers, meteorological service providers, private weather service providers, the Meteorology Training and Research Directorate, any meteorological training institution, and any entity using meteorological information for commercial purposes.

#### **11. The Kenya Meteorological Service Authority**

The Bill establishes the Kenya Meteorological Service Authority, replacing the current Meteorological Department. This new Authority, functioning as a corporate body, is vested with the responsibility to offer meteorological services and serve as the principal technical advisor on meteorology matters to both the National and County Governments.

12. The proposed Kenya Meteorological Service Authority shall undertake functions including developing and overseeing government policies in meteorology, creating a national strategy for climate services, and establishing meteorological observation networks. It will provide aeronautical meteorological services as per international aviation standards, timely information for search and rescue operations, and disseminate weather forecasts and warnings. The Authority will also monitor environmental pollution, lead research in meteorology, design meteorological instruments in collaboration with the Kenya Bureau of Standards, set standards for meteorological practices, provide public weather services, engage in outreach, and collaborate in meteorological data collection, research, and training, while fulfilling international commitments.
13. Regarding its powers, the Bill provides that the Authority will have the ability to determine and impose fees for specialized services it provides, with the approval of the Cabinet Secretary. It will be responsible for regulating and setting standards for meteorological services across the country. Additionally, the Authority will have the capability to create and exploit research innovations, own and protect these inventions, and receive donations or endowments, utilizing them in accordance with the law and other relevant statutes.
14. The Bill further provides that the governance of the Kenya Meteorological Service Authority shall be entrusted to a Board of Directors, comprising a chairperson appointed by the President, Principal Secretaries or their representatives from



ministries overseeing meteorological services, finance, and transport, the Attorney-General or a representative, a nominee from the Council of County Governors, and two knowledgeable individuals in fields like meteorology, aviation, marine, agriculture, or water resources management.

15. This Board is tasked with roles such as strategic planning, policy oversight, and financial management, ensuring that the Authority operates efficiently and effectively. In performing these functions, the Board shall have powers to administer the assets of the Authority and determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority.

16. The Bill further provides for the appointment of a Director-General of the Authority, whose roles shall include, managing the Authority's daily operations, executing Board strategies and decisions, being Kenya's Permanent Representative to the World Meteorological Organization, implementing meteorology policy, promoting meteorological services development, overseeing training and instruction in meteorology, setting performance targets, managing resources, and ensuring operational and financial control.

17. The Bill outlines provisions for appointing a Corporation Secretary for the Authority, who will report to the Director-General. The Secretary's responsibilities shall include providing legal services, advice, and guidance to the Board, ensuring compliance with legal and ethical standards, managing Board procedures and records, and coordinating governance audits.

**18. The Meteorology Training and Research Directorate**

The Bill establishes the Meteorology Training and Research Directorate as a directorate of the Authority, designated as the successor to the Institute for Meteorological Training and Research. Headed by a Director accountable to the Director-General, this Directorate shall be tasked with conducting training and research activities. It will serve as the Regional Training Centre of the World Meteorological Organization, offering professional courses in meteorology, operational hydrology, and related sciences.

**19. Financial Provisions**

The Bill provides for the funds of authority which shall include, among others, monies appropriated by Parliament, charges for private goods services, grants and



loans from the government, money collected under the Air Passenger Service Charge Act, and interest on savings made by the Authority. The financial provisions also require the Board to prepare estimates of revenue and expenditure of the Authority for each financial year, and submit to the Cabinet Secretary for approval. The Bill further requires the Board to maintain proper financial records and submit them for audit.

## **20. General Provisions**

### **(a) Establishment of Observation Stations**

The Bill enables the Authority to identify and establish meteorological observation stations. When a station is to be located on private property, the Authority is required to enter into an agreement with the property owner. This agreement will outline the maintenance of the station and stipulate the minimum distance required between the station and any other structure.

### **(b) Authorization Officers**

The Bill provides for the designation and appointment of authorized to carry out the functions of the Authority.

### **(c) Intellectual Property Rights**

The Bill provides that the Authority shall retain the intellectual property rights over meteorological, hydrological, environmental data, and advisory services it generates. Additionally, it mandates that any distribution of such data and services, classified as private goods, to third parties requires the Director-General's written consent. Furthermore, the Bill provides that any use of the Authority's information in public mediums like radio, TV, social media, or the internet must acknowledge the Authority as the source. Any person found to be in contravention of these provisions shall be guilty of an offence and upon conviction be liable for a fine not exceeding five million shillings or imprisonment to a term not exceeding two years, or both.

### **(d) Liability and Compliance**

The Bill provides that the Authority shall not be liable for any damages arising from reliance on the meteorological information it provides.

### **(e) Regulations**

The Bill further gives the Cabinet Secretary responsible for matters relating to meteorological services the authority to make regulations for the better carrying out of the provisions once enacted.

## 21. Offences and Penalties

The Bill creates offences and imposes penalties for actions such as obstructing Authority officers, misrepresenting as an Authority representative, damaging meteorological equipment, unauthorized distribution of meteorological information, and using unapproved meteorological instruments or unregistered weather stations. Penalties include fines and imprisonment, varying based on the severity of the offence. The Bill also specifies penalties for unauthorized land occupation for meteorological purposes and for using meteorological instruments without valid calibration. Additionally, it mandates the use of Authority-issued meteorological data for feasibility studies in development projects.

## 22. Transitional provisions

The Bill outlines transitional provisions for the shift from the Kenya Meteorological Department to the Authority. The transitional provisions address the continuation of ongoing legal, administrative, and appeal processes. It further provides that the funds, assets, and liabilities of both the Kenya Meteorological Department and the Institute for Meteorological Training and Research will transfer to the Authority and the Directorate, respectively. The Bill covers the transition of staff, with technical and non-technical staff being absorbed or seconded to the Authority, and specifies that their pension rights and service terms remain unaffected.

## 23. Schedules

The Bill contains the following schedules:

- (a) First Schedule – provides for private good services, including specialized weather forecasting for various sectors, marine and aeronautical meteorological services, consultancy, research, and commercial meteorological services.
- (b) Second Schedule – outlines public good services like gathering meteorological data, fulfilling international service obligations, providing public weather forecasts, managing national climatological data, and offering specialized services for sectors like farming and maritime.
- (c) Third Schedule – details the conduct of business and affairs of the Board, including meeting procedures, committee formation, and disclosure of interest.

## 4.0 Consequences of the Bill

24. The enactment of the Meteorology Bill, 2023, will establish a formal and comprehensive framework for meteorological services in Kenya. It will enhance the

standardization, reliability, and global integration of these services. The establishment of the Kenya Meteorological Service Authority will ensure adherence to international meteorological standards, improving services crucial for sectors like aviation and agriculture. The Bill also strengthens legal and regulatory oversight of meteorological activities, ensuring more efficient service delivery and better resource management.



## CHAPTER TWO

### PUBLIC PARTICIPATION

#### 2.1 Attendance by Stakeholders

25. The Committee, pursuant to Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and Daily Nation Newspapers on 22<sup>nd</sup> November, 2023.

**The Committee received submissions from the following stakeholders-**

- 1) Google;
- 2) Hydrological Society of Kenya and
- 3) The Ministry of Environment Climate Change and Forestry

26. The Committee met a representative from Google and thereafter met with the Principal Secretary, State Department for Environment and Climate Change accompanied by the relevant officials from the Meteorological Department on 23<sup>rd</sup> February, 2024.

27. The Ministry was able to provide a rationale for the proposals in the Bill and consensus on various amendments as proposed by the various stakeholders who made proposals on the Bill.

### **3.1 Submissions from stakeholders and committee observations and determinations on stakeholder proposals**

28. The Committee received submissions on specific clauses of the Bill and made various observations and determinations on each proposal as follows-

#### **A. GOOGLE**

In the memorandum, they proposed the following amendments to the Bill-

1. *Clause 2* of the Clause 2 provides for the preliminary provisions and outlines the definitions and interpretation

#### **Propose –**

- i. To amend Clause 2 to include the following definitions; Alerts, Advisories, Analysis, Warnings, Data exchange, Media;

**Justification-** The definitions of alerts, advisories, analysis, warnings, data exchange, media, are vague and need to be clarified.

- ii. There is need to clarify the following definitions; Forecasting, Meteorological information, Meteorological data, Meteorological products;
- iii. The Bill should provide clarity and clear distinctions in the Authority's approach where an entity's meteorological services could be deemed to be private good services and concurrently a number of its services could be deemed to be private good services;

**Justification-** A number of entities with multi-disciplinary functions and services may be deemed to be offering both a private good service and public good service due to their engagement with consumers. This will lead to several instances where entities are unsure as to the specific licencing or approval requirements that would apply to them.

#### **Committee's Observation/Recommendation**

**The Committee did not adopt this proposal as the words indicated have been defined in the Bill and those not defined have their ordinary meaning.**

- iv. Amend the definition of "meteorological services" by exempting meteorological services provided through electronic means.



**Justification-** The amendment of this definition will offset the onerous regulatory burden from entities in the technology and innovation sector especially where the information and services are provided at no cost to users, and have the potential to save lives by providing early signs and averting imminent danger to life and property.

**Committee's Observation/Recommendation**

**The Committee did not adopt this proposal.**

**This has been provided for under Clause 3 which impliedly exempts the Act's application to non-commercial purposes.**

**2. Clause 3**

**Propose –**

- i. It is proposed that the Bill be amended in the wording in section 3 (f) to provide that the Act shall apply to any person, group of persons or organization whose undertakings involve or include, specifically, the use of meteorological information for scientific research, educational or national security and administrative purposes.

**Justification-** The application of the Act as provided is too broad and is an overreach by the drafters of the Bill as it may result in unintended regulation of certain services such as dissemination of meteorological information.

- ii. It is proposed that the Bill be amended to clarify the meaning and parameters of “commercial purposes” and a “meteorological service provider”.

**Justification-** The risk with having such a broad interpretation of both terms is that technology companies whose main service is not meteorological in nature may be subject to this definition and provision even where their core products and services do not fall under the purview of the Bill. This has the potential to greatly reduce the rate at which innovators are coming up with efficient solutions. For example, this is seen in the agricultural sector where cloud services, IOT technology and artificial intelligence are all deployed to provide farmers with accurate weather forecasts or accurate temperature readings and soil fertility statistics.

**Committee's Observation/Recommendation**

**The Committee noted that clause 3(f) indicates that the Act shall only apply where meteorological information is to be used for commercial purposes. There is need to define the term ‘commercial purposes’ to ensure that there is no ambiguity in the application of the Bill.**

### 3. *Clause 7*

#### **Propose –**

- i. The functions of the Authority should be limited to entities and government organizations whose core use of such information is for meteorological information for scientific research, educational or national security and administrative purposes.

**Justification-** The establishment of such an Authority with attendant compliance stipulations will potentially create onerous compliance requirements for stakeholders. Compliance requirements such as fees to be paid to the Authority even for the provision of private good services and weather/meteorological services may stifle innovation and investment into Kenyan technology companies.

- ii. The Kenya Meteorological Department (KMD) as constituted currently does not stipulate any licensing and registration requirements as part of its mandate. This change and introduction of the Authority may therefore stifle innovation, growth and advancement of meteorological services in Kenya thereby hampering the sector from attaining global standards.

**Justification-** The Authority should supervise and oversee entities whose undertakings involve or include, specifically, the use of meteorological information for scientific research, educational or national security and administrative purposes.

- iii. The Bill and requirement for regulations thereunder should provide an exemption mechanism exempting certain private entities whose core business is not meteorological services, from the payment of fees where private good services are provided. The Bill should additionally provide for a mechanism whereby certain entities and individuals or institutions may be exempted from the regulatory oversight and subsequent payment of fees where such entities can demonstrate internal and self-regulated compliance with high standards in meteorological reporting and dissemination as recommended by the Authority under its enabling regulations.
- iv. The functions of the Authority in relation to the provision of private good services should exclude the provision of weather and climatic forecasting and early warning services intended for the benefit of the public, safety of life and protection of property and infrastructure and research and development respectively.

#### **Committee's Observation/Recommendation**

**The Committee did not adopt this proposal. The functions of the Authority under Clause 7 have already been limited to the extent of matters related to meteorology. Further, the private good services are those provided by the Authority and not private entities.**



4. *Clause 36* –states that the Director-General shall designate and appoint any person to be an authorized officer for purposes of carrying out the functions of the Authority.

**Propose –**

- i. The process of vetting and hiring of authorised officers of the Authority needs to be well-defined in the Bill.

**Justification-** The process of vetting and hiring of authorised officers of the Authority should be a well-defined, empirical and transparent process in line with Chapter Six of the Constitution.

**Committee's Observation/Recommendation**

**The Committee considered this proposal and noted that the reference to the designation of 'any person' as an authorized officer is too broad and may be interpreted to imply that individuals who are not employees of the Authority may be designated as authorised officers under the proposed law. There is therefore need to amend this clause to qualify who can be appointed as an authorised officer.**

5. *Clause 40* - It is noted that Clause 40(2)(f) provides that the Cabinet Secretary may make regulations prescribing the procedures for registration of persons and entities providing meteorological services, including private weather service providers. However, the Authority is yet to be instituted and operationalised and therefore the regulations and guidelines on how the registration procedure will be conducted have not been issued.

**Propose –**

- i. The Bill must provide positive guidelines for registration of weather stations, and examination of weather instruments and equipment before creating the negative consequence where no registration is undertaken by weather stations and meteorology service providers.
- ii. The Bill should also provide for practical implementation and enforcement where the service providers are foreign entities whose instruments and equipment may be located outside Kenya.
- iii. The Bill should provide for a mechanism whereby certain entities and individuals or institutions may be exempted from the supervisory, licensing and registration requirements where such entities can demonstrate internal and self-regulated compliance with certain standards, procedures and policies recommended by the Authority under its enabling regulations.

**Justification-** This provision has the potential to create onerous compliance requirements for stakeholders. This requirement may stifle innovation and has the potential to turn away potential investments due to the stiff commercial environment and business/operational costs.

*Committee's Observation/Recommendation*

**The Committee considered this proposal and observed that there was need to insert a substantive clause on the requirements and/or instances that would give rise to the need for a permit issued by the Authority.**

6. *Clause 41*

**Propose –**

Clause 41(e) is amended to the effect that the offence will only apply to weather stations located in Kenya.

**Justification-** The Bill does not provide for any registration requirements for weather stations, and as such, the general offence at Section 41 (e) of the Bill is misplaced.

*Committee's Observation/Recommendation*

**The Committee did not accept this proposal. The Meteorology Bill would inherently apply only within the jurisdiction of Kenya unless otherwise specified. It is therefore implied that the regulations and standards set out in the Bill would apply to those weather stations located within Kenya, not to those outside of its geographical limits.**

7. *Clause 42* – states that a person who uses an instrument that is not examined or approved by the Authority commits an offence.

**Propose –**

- i. The Bill should provide for positive guidelines for the examination and approval of weather equipment and instruments before creating the negative consequence where no examination or approval is sought prior, and obtained by an entity..
- ii. The imputed criminal liability in the Bill should only be applicable to cases where an individual is offering the meteorological services. The imputed criminal liability should therefore not be extended to corporate entities.
- iii. The statutory fines or monetary penalties should apply where an individual does not seek and obtain the requisite approvals for the use of meteorological instruments and equipment. This offence could be interpreted as being civil in nature and the appropriate remedy can be in the monetary/financial penalties solely.



**Justification-** The Bill however does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining the Authority's valid approval of its equipment and instruments prior to use, or for the provision of meteorological services.

**Committee's Observation/Recommendation**

**The Committee concurred that there is need to provide a substantive clause providing for the approval of meteorological equipment and instruments.**

8. *Clause 44* – states that a person who relocates meteorological stations, instrument or equipment without the approval of the Authority commits an offence.

**Propose –**

- i. The Bill must provide positive guidelines for such relocation of stations and equipment, before creating the negative consequence where no prior approval is sought and obtained by an entity.
- ii. The imputed criminal liability in the Draft Bill should only be applicable to cases where an individual is offering the meteorological services for monetary benefit. The imputed criminal liability should therefore not be extended to corporate entities that provide such services for greater public good.
- iii. The statutory fines or monetary penalties should only apply where an individual does not seek and obtain the requisite approvals for the use of meteorological instruments and equipment. This offence could be interpreted as being civil in nature and the appropriate remedy can be in the monetary/financial penalties solely.

The Bill needs to provide further guidance on the definition of "relocation".

Section 44 of the Bill should be amended to the effect that this offence will only apply to meteorological stations, instruments and equipment within Kenya.

**Justification-** The Bill does not provide for the guidelines or procedures to be followed where a person or entity intends to relocate or move their meteorological stations, instrument or equipment. The risk with having such a broad provision is that technology companies (mostly foreign and at times non-resident in Kenya) whose main service is not meteorological in nature may be subject to this onerous and broad requirement.

The provision is too broad and may erroneously insinuate that the Authority has powers to inspect entities that are not located within the country, which would be impractical and difficult to enforce.

**Committee's Observation/Recommendation**



**The Committee concurred that there is need to provide a substantive clause for the approval by the Authority for the relocation of meteorological stations, instrument or equipment.**

9. *Clause 45* – states that a person who uses meteorological instruments without a valid calibration certificate from the Authority and the Kenya Bureau of Standards commits and offence.

**Propose –**

- i. The Bill must first provide positive guidelines for obtaining a calibration certificate before using such instruments and equipment in Kenya.
- ii. The imputed criminal liability in the Bill should only be applicable to cases where an individual is offering the meteorological services. The imputed criminal liability should therefore not be extended to corporate entities.

**Justification-** The Bill does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining a valid calibration certificate for meteorological equipment. There is no list or categories of equipment requiring calibration certification.

**Committee's Observation/Recommendation**

**The Committee concurred that there should be clear provisions in the Bill outlining the procedure for obtaining a valid calibration certificate for meteorological equipment.**

**B. HYDROLOGICAL SOCIETY OF KENYA (HSK).**

In the memorandum, they proposed the following amendments to the Bill-

1. *Second Schedule*

**Propose –** A provision be made in the second schedule of the Bill under the public goods and services and World Meteorological Organisation /Kenya Meteorological Services arrangements, for Kenya Meteorological Services to actually provide weather data to the public on request;

**Committee's Observation/Recommendation**

**The Committee noted that while the Bill already incorporates elements of public service and information dissemination, it may not explicitly cover direct public requests for weather data.**

Therefore, there may be need to include an amendment to the Second Schedule to include a clause that mandates the Kenya Meteorological Services to provide weather data to the public upon request. This would enhance public accessibility to weather information.

## 2. General

**Propose** – HSK requests that hydrologists should not be restricted in the Meteorology Bill, 2023 in accessing and using rainfall, temperature and any other primary climatic data in the course of their work.

**Justification**- Considering that the services hydrologists provide have a bearing on essential and life-saving activities, HSK requests that hydrologist should not be restricted in the Meteorology Bill, 2023 in accessing and using rainfall, temperature and other climatic data in the course of their work. In fact, spillways for some big, high-risk dams are sized based on hydrological analysis that makes use of probable maximum precipitation (PMP). Also, computation of water balance which hydrologists are often called upon to conduct, requires use of rainfall, temperature, evaporation, humidity and other climatic data, besides discharge. Without such data, hydrologists would be handicapped in their work to render essential services. On the other hand, meteorologists also use, without restriction, river discharge data that has been generated by hydrologists.

### Committee's Observation/Recommendation

The Committee noted that the Bill states that a person obtaining data, information, advisory, and meteorological services from the Authority cannot distribute it to a third party without the Director-General's written consent (Clause 37(2)). Moreover, anyone using this information for publication must acknowledge the Authority as the source (Clause 37(3)).

As such, the Committee held that while the Bill provides control over the dissemination of meteorological information, it does not explicitly restrict access for professional or scientific use, particularly for those in related fields such as hydrology, which is essential for public safety and environmental management.

However, the current wording may inadvertently limit professionals' ability to use necessary data. Therefore, an amendment may be proposed to provide access to and use of primary climatic data without undue restrictions.

## C. THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

The Principal Secretary made submissions on behalf of the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry as follows -



## BACKGROUND

To guide on the formulation of this Bill, a Ministerial Technical Committee was constituted in April 2019. The Ministry, vide an advertisement in the newspapers on 14<sup>th</sup> May, 2019 and on the Kenya Meteorological Department (KMD) and Ministry's websites, invited public participation through submission of written memoranda.

The Ministerial committee also held various stakeholder consultation workshops as follows:

- a) Joint meeting of the National Assembly Departmental Committee on Environment and Natural Resources and the Senate Standing Committee on Land, Environment and Natural Resources on 25<sup>th</sup> May, 2019.
- b) Key stakeholders' consultations were held on 20<sup>th</sup> May, 2019.
- c) Consultations with Representatives of Staff of the Kenya Meteorological Department from the headquarters and county offices held on 27<sup>th</sup> May, 2019.
- d) An online National Validation Workshop was held on 21<sup>st</sup> January 2021.
- e) Joint meeting of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Lands, Environment and Natural Resources in March, 2023.

## JUSTIFICATION FOR THE BILL

KMD is a Department of the Ministry and has operated without an Act of Parliament despite the approval of the Meteorological Policy by the current administration.

Risks associated with severe weather and extreme climate events, brought about by Climate Change, create social and economic stresses that often pose a challenge to the achievement of the country's economic development.

There is need for new and innovative approach on the delivery of meteorological and climate services to ensure the safety and security of humankind and the development of sustainable adaptive economic strategies.

Internationally, the Bill seeks to give effect to:

- (a) The Directive from the 12<sup>th</sup> meeting of the East African Community (EAC) Sectorial Council on Transport, Communications and Meteorology (TCM) held in September, 2015 which urged Kenya and Burundi as the only existing Partner



States that had not effected the transformation of their National Meteorological Services into semi- autonomous agencies.

- (b) The 3<sup>rd</sup> Session of the African Ministerial Conference on Meteorology (AMCOMET) held in February, 2015 which encouraged National Meteorological Services (NMSs) in Africa to transform into autonomous agencies and/or authorities having noted improvement of operations and service delivery from the NMSs which had already transformed to autonomous agencies/authorities.
- (c) The International Civil Aviation Organization (ICAO) Chicago Convention 1944, Annex III on provision of Meteorological Services which states that meteorological services for international air navigation should be provided by meteorological authorities designated by the states.
- (d) The WMO Convention (2007) which reaffirmed the vital importance of the mission of the National Meteorological and Hydrological Services (NMHSs) in observing and understanding weather and climate and in providing meteorological, hydrological and related services in support of relevant national needs.
- (e) The 13<sup>th</sup> WMO Congress held in May, 1999 which affirmed the importance of having national legal instruments that define the mission and mandate of NMHSs to ensure clarity in the definition of the responsibilities and recognition of their contribution to the society to facilitate allocation of adequate resources.

## **OBJECTIVES OF THE BILL**

The principal object of the Bill is to put in place a legislative framework for regulation, co-ordination, monitoring, management and provision of in Kenya and to co-ordinate and monitor meteorological services.

The Bill proposes to establish the Kenya Meteorological Service Authority which shall be responsible for the provision, regulation, co-ordination and management of meteorological services.

Further the Bill will give effect to and ensure fulfilment of the obligations under the international treaties, protocols, agreements, and conventions on meteorology, in particular the Convention of World Meteorological Organization, to which Kenya is a party.

## **SALIENT FEATURES OF THE BILL**

Generally:

The Bill proposes to establish the Kenya Meteorological Service Authority as the official and sole national authoritative source for the provision of meteorological services in Kenya; and the principal technical advisor to the National and County Governments on matters related to meteorology.

The Bill provides for registration and regulation of persons and entities undertaking weather observations, meteorological service providers, and private weather service providers.

The Bill proposes establishment of a directorate of the Authority to be known as the Meteorology Training and Research Directorate which shall be the successor to the Institute for Meteorological Training and Research. The Directorate shall be a National and International training institution and the World Meteorological Organization Regional Training Centre.

**Specifically:**

Part I Preliminary: (Clauses 1-4) of the Bill provides for the preliminary provisions and outlines the purpose and objectives of the Bill.

Part II The Kenya Meteorological Service Authority: (Clauses 5-8) of the Bill Establishes the Kenya Meteorological Service Authority and provides for its functions and powers under clauses 6 and 7, respectively.

Part III Management of the Authority: (Clauses 9-28) of the Bill provides for the Management of the Authority by a Board of Directors appointed under clause 9.

Part VI Meteorology Training and Research Directorate: (Clauses 29) of the Bill provides for the establishment of the Kenya Institute of Meteorology Training and Research (KIMTR) which shall be the successor of the Institute for Meteorological Training and Research (IMTR) and the designated WMO Regional Training Centre

Part V Financial Provisions: (Clauses 30-34) of the Bill provides for financial provisions including reporting mechanism, audits and accounts, investment and management of funds by the Authority.

Part VI General Provision: (Clauses 35-40) of the Bill sets out the General Provisions relating to establishment of weather stations, intellectual property rights on any data, advisories, inventions, discoveries generated by the Authority, protection from personal liability of the Board of the Authority or any agent thereof.



Part VII Offences and Penalties: (Clauses 41-47) of the Bill contains provisions relating to offences and penalties.

Part VIII (Clauses 49-51) of the Bill contains transitional provisions relating to court proceedings, assets and liabilities, contracts and staff of the Kenya Meteorological Department.

### **Schedules**

The Bill has Three (3) Schedules:

- a) First Schedule-Private Good Service;
- b) Second Schedule-Public Good Service; and
- c) Third Schedule- conduct of business and the affairs of the Board.

### **OTHER MATTERS TO NOTE ABOUT THE BILL**

#### **Delegation of legislative powers**

The Bill confers on the CS powers to make Regulations under the Act for the purposes of operationalizing the Act.

#### **Limitation of fundamental rights and freedoms**

The Bill does not limit any fundamental rights or freedoms.

#### **Counties**

The Bill does not affect the functions of the County Governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning counties.

#### **Money Bill**

The Bill is not a Money Bill within the meaning of Article 14 of the Constitution.

#### **Expected Benefits**

- (a) The Bill will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather and climate information in the decision-making processes. Further, it will enhance provision of timely, accurate and effective weather forecasts, advisories



and alerts as well as provision of user-tailored specific climate and weather products.

- (b) Establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks will be ensured through the law as well as improvement in acquisition, installation and maintenance of meteorological equipment, instruments and infrastructure.
- (c) With the passage of this Bill, there will be increased engagement with counties in the provision of weather and climate services since it is expected that there will be more staff at the county levels.
- (d) It is expected that climate information services in support of national development programs shall be streamlined.
- (e) The nation stands to benefit from compliance with international commitments and requirements.
- (f) It is expected that there will be a better understanding and uptake of products and services offered by the NMS to the community levels.
- (g) Provide decision support that informs policy making at the national and county level.
- (h) Ensure national and international curricula standards are maintained in accordance to national, regional and international requirements e.g.: TVET\_CDACC, KNQA, WMO and ICAO requirements.
- (i) It is expected that operational research will be enhanced and promote development programs.

## **SOURCES OF FUNDS FOR THE AUTHORITY**

The following shall be the sources of funds for the Authority

- (a) Monies appropriated by Parliament for purposes of the Authority;
- (b) Charges from private good services;
- (c) Monies that may accrue to the Authority in the course of exercising its powers and functions;

- (d) Grants and loans from the government and any organizations or person(s) subject to provisions of Public Finance Management Act, 2012;
- (e) Interest on savings made by the Authority;
- (f) Money collected under the Air Passenger Service Charge Act; and
- (g) Monies and fees from any other sources provided, donated or lent to the Authority.

### **BUDGET IMPLICATIONS**

The current budgetary provision (Salaries, Operations & Maintenance, and Development) from the exchequer is approximately Kshs. 1.6 billion.

The enactment of this Bill shall occasion limited additional expenditure of public funds which shall be provided for in the annual estimates.

The Bill will enable the Authority to generate revenue and reduce dependency on the exchequer.

The estimated revenue projection is Kshs. 2.965 billion in the next two years.

### **REQUEST TO PARLIAMENT**

The Ministry requests Senate to support the Bill.



## **CHAPTER THREE**

### **COMMITTEE OBSERVATIONS**

The Committee made the following observations in line with its consideration of the Meteorology Bill 2023 (Senate Bill No. 45 of 2023) –

#### **General Observation:**

1. The Committee observed that the introduction of the Meteorology Bill is timely, reflecting the prolonged period during which the Kenya Meteorological Department (KMD) has operated without a specific legislative framework. This Bill is pivotal for Kenya to fulfill its commitments under various international meteorology-related treaties and conventions, thereby aligning the nation with international meteorological standards.

#### **Specific Observations:**

2. **Clause 2**

The Committee noted that clause 3(f) indicates that the Act shall only apply where meteorological information is to be used for commercial purposes. There is need to define the term ‘commercial purposes’ to ensure that there is no ambiguity in the application of the Bill.

3. **Clause 7**

The Committee observed the need to refine Clause 7(j) of the Bill to ensure comprehensive educational and training standards within meteorology and related fields.

4. **Clause 36**

The Committee expressed concern regarding the broad and unspecific authorization in Clause 36, which permits the Director-General to designate and appoint 'any person' as an authorized officer for carrying out the functions of the Authority. They observed that this could lead to arbitrary appointments.

5. **Clause 37**

The Committee observed that while Clause 37 aims to protect the intellectual property of the Authority, its provisions may unintentionally restrict the professional and scientific use of essential meteorological data. This could impede activities critical to public safety and environmental management, especially in related fields like hydrology.

6. **Clause 40**

The Committee observed that Clause 40, particularly Clause 40(2)(f), specifies that the Cabinet Secretary may enact regulations detailing the procedures for application for permits, suspension and cancellation of such permits. Despite these provisions, the Bill lacks substantive clauses that detail the circumstances under which a permit is required for the conduct of certain meteorological activities.

Further, the Committee noted that within subclauses (2)(g) and (2)(h) appear to be repetitive in content, as both subclauses address the procedures for the registration of persons and entities providing meteorological services.

7. **Clauses 42, 44 and 45**

The Committee observed that while Clauses 42, 44, and 45 of the Bill establish offenses related to the unauthorized use and relocation of meteorological equipment, there lacks specific corresponding regulatory clauses that define the procedures and standards for the lawful use, relocation, and calibration of such equipment.

8. **Second Schedule**

The Committee observed that the Bill does not explicitly guarantee the availability of meteorological information and services to the general public. Recognizing the critical importance of timely and accurate weather information for public safety, awareness, and decision-making, the Committee notes the necessity to enhance public accessibility to these services. Ensuring meteorological data is available upon request aligns with the principles of transparency, public welfare, and informed citizenry.



## **CHAPTER FOUR**

### **COMMITTEE RECOMMENDATIONS**

The Committee having reviewed the Meteorology Bill 2023 (Senate Bill No. 45 of 2023) and conducted public participation, made the following recommendations:

1. **Clause 2**

The Committee recommended the insertion of a definition of "commercial purposes" within the Bill to mean, the use of meteorological information acquired from the Authority for the purpose of generating income. This definition shall narrow the scope of the Bill to ensure that only the intended commercial activities are regulated, thereby reducing the risk of unnecessary regulation on non-commercial, educational, or public welfare-related uses of meteorological information.

2. **Clause 7**

The Committee recommended deleting the current clause 7(j) and introducing a new clause that mandates the setting of standards, development of curricula, provision of training, examination, and awarding of diplomas and certifications in meteorology and operational hydrology, aligning these processes with World Meteorological Organization standards.

3. **Clause 36**

The Committee recommended amending Clause 36(1) to restrict the Director-General's authority to designate and appoint authorized officers to individuals who are employed by the Authority and possess the necessary qualifications and training to undertake the functions of the Authority effectively.

9. **Clause 37**

The Committee recommended amending Clause 37 to maintain the Authority's intellectual property rights while ensuring professionals and scientists have appropriate access to meteorological data. Specifically, the amendment to this clause should allow for the responsible sharing and use of data, subject to the Authority's consent, thereby balancing protection with accessibility.

10. **Clause 40**

The Committee recommended that the Bill be amended by inserting a clause indicating the requirement when and why permits are needed for specific meteorological services and activities.

Further, the Committee recommended the deletion of clause 40(2)(g) to remove repetition. Retention of Clause 40(2)(h) should adequately cover the necessary provisions for the Cabinet Secretary's power to prescribe regulations for the registration of persons and entities providing meteorological services.

11. **Clauses 42, 44 and 45**

The Committee recommended that the Bill be amended to incorporate provisions specifying the standards required for the lawful examination, approval, relocation, and calibration of meteorological equipment and instruments.

12. **Second Schedule**

The Committee recommended that the Bill be amended in the Second Schedule by incorporating a paragraph that ensures meteorological information and services are accessible to the general public as public goods, available upon request, provided that this information is not utilized for commercial or monetary gain.



**APPENDICES**

- Annex I: Minutes of the meetings**
- Annex II: Newspaper Advert**
- Annex III: Stakeholder Submissions/ Public Views**



**MINUTES OF THE NINTH (9<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE  
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON  
TUESDAY, 12<sup>TH</sup> MARCH, 2024 IN COMMITTEE ROOM 5, BILATERAL III,  
FIRST FLOOR, KICC BUILDING AT 9:00 AM**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. John Muhia Methu, MP                  | - Chairperson      |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 3. Sen. Issa Juma Boy, MP                     | - Member           |
| 4. Sen. Johnes Mwashushe Mwaruma, MP          | - Member           |
| 5. Sen. Agnes Kavindu Muthama, MP             | - Member           |

**ABSENT WITH APOLOGIES**

- |  |          |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS. MP | - Member |
| 2. Sen. Wamatinga Wahome, MP               | - Member |
| 3. Sen. Mariam Sheikh Omar, MP             | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP          | - Member |

**IN ATTENDANCE**

1. Mr. Victor Bett
2. Ms. Ivy Nyambura
3. Ms. Angela Kagunyi
4. Mr. John Gichia
5. Ms. Janice Naserian
6. Mr. Jack Lemeteki
7. Ms. Shirley Milimu
8. Mr. John Lekampule
9. Mr. Eva Muturi

**SECRETARIAT**

- |                               |
|-------------------------------|
| - Clerk Assistant I           |
| - Clerk Assistant III         |
| - Legal Counsel II            |
| - Research Officer III        |
| - Research Officer III        |
| - Media Relations Officer III |
| - Audio Officer III           |
| - Serjeant at Arms            |
| - Intern                      |

**MINUTE SEN/LENR/039/2024:**

**PRELIMINARIES**

The Chair called the meeting to order at 9.24 am. This was followed by a word of prayer.

**MINUTE SEN/LENR/040/2024:**

**ADOPTION OF AGENDA**



The agenda was adopted after having been proposed by Sen. Johnes Mwashushe Mwaruma, MP and seconded by Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the previous sittings;
4. Matters arising;
5. **Consideration of -**
  - i. **A Legislative Proposal- The Environmental Laws (Amendment) Bill, 2023;**
  - ii. **The public views matrix on the National Rating Bill, 2022 (National Assembly Bill No. 55 of 2023); and**
  - iii. **The Report of the Committee on the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023).**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

**MINUTE SEN/LENR/041/2024:**

**CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS**

The Committee confirmed the Minutes of the fourth (4<sup>th</sup>) meeting held on 23<sup>rd</sup> February, 2024 as a true record of events after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Agnes Kavindu Muthama, MP respectively;

**MINUTE SEN/LENR/042/2024:**

**MATTERS ARISING**

There were no matters arising.

**MINUTE SEN/LENR/043/2024:**

**LEGISLATIVE PROPOSAL - THE ENVIRONMENTAL LAWS (AMENDMENT) BILL, 2023;**

The Committee resolved to recommend for publishing the Legislative Proposal - The Environmental Laws (Amendment) Bill, 2023 and communication be done to the Speaker of the Senate.

**MINUTE SEN/LENR/044/2024:**

**THE PUBLIC VIEWS MATRIX ON THE NATIONAL RATING BILL, 2022 (NATIONAL ASSEMBLY BILL NO. 55 OF 2023)**

The Committee resolved to defer the consideration of the Matrix noting that there are justifications that were to be submitted by the Ministry of Lands, Public Works, Housing and Urban Development that had not been received by the Committee and would have

aided the Committees determination on some of the proposed amendments. The Secretariat was tasked to follow up with the Ministry and schedule the matter again for the Committees consideration during the next sitting.

**MINUTE SEN/LENR/045/2024:**

**THE REPORT OF THE COMMITTEE ON  
THE METEOROLOGY BILL, 2023  
(SENATE BILLS NO. 45 OF 2023)**

The Committee adopted the report of the Committee on the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023) after having been proposed by Sen. (Dr.) Steve Lelegwa Ltumbesi, CBS, MP and seconded by Sen. Issa Juma Boy, MP.

**MINUTE SEN/LENR/046/2023**

**ANY OTHER BUSINESS**

**Invitations to Stakeholder events -**

The Chairperson notified the Committee that there are two invitations that members can express interest to attend and will catered for by the Committee i.e. –

- i. Invitation from the PS Stated department for Wildlife for a sensitization workshop on the state department for wildlife draft strategic plan 2023 – 2027 scheduled for **15<sup>th</sup> – 18<sup>th</sup> March, 2024 in Mombasa County**; and
- ii. Invitation from the PS, state department for water and Sanitation to the World Water day 2024 Celebrations scheduled to be held in **Elgeyo Marakwet County on 22<sup>nd</sup> March, 2023**.

**MINUTE SEN/LENR/047/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at 9:59 am. The date of the next meeting was to be called on notice.

Signed \_\_\_\_\_



Date \_\_\_\_\_

**12/03/2024**

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON  
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**





**MINUTES OF THE FOURTH (4<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 23<sup>RD</sup> FEBRUARY, 2024 IN WINDSOR GOLF HOTEL & COUNTRY CLUB, KIAMBU COUNTY AT 9:00 AM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 3. Sen. Wamatinga Wahome, MP         | - Member      |
| 4. Sen. Agnes Kavindu Muthama, MP    | - Member      |
| 5. Sen. Mariam Sheikh Omar, MP       | - Member      |
| 6. Sen. Beatrice Akinyi Ogola, MP    | - Member      |

**ABSENT WITH APOLOGIES**

- |   |                    |
|---|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP    | - Member           |
| 3. Sen. Issa Juma Boy, MP                     | - Member           |

**IN ATTENDANCE**

**A. MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Eng. Festus K. Ng'eno | - PS, Environment & Climate Change |
| 2. Ms. Margaret Maina    | - Senior Legal Officer             |
| 3. Mr. John Elungata     | - Secretary for Administration     |
| 4. Rodney Omari          | - Parliamentary Liaison Officer    |

**B. GOOGLE LLC**

- |                        |  |
|------------------------|--|
| 1. Mr. Michael Murungi | - Head of Government Affairs & Public Policy |
|------------------------|--|

**C. SECRETARIAT**

- |                       |                        |
|-----------------------|------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant I    |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III  |
| 3. Ms. Angela Kagunyi | - Legal Counsel II     |
| 4. Mr. John Gichia    | - Research Officer III |

- |                       |                               |
|-----------------------|-------------------------------|
| 5. Mr. Jack Lemeteki  | - Media Relations Officer III |
| 6. Ms. Shirley Milimu | - Audio Officer III           |
| 7. Mr. John Pere      | - Serjeant at Arms            |
| 8. Mr. David Muthuri  | -Intern                       |

**MINUTE SEN/LENR/016/2024:**

**PRELIMINARIES**

The Chair called the meeting to order at 9.22 am. This was followed by a word of prayer.

**MINUTE SEN/LENR/017/2024:**

**PRESENTATION OF PUBLIC VIEWS  
ON THE METEOROLOGY BILL 2023  
(SENATE BILL NO 45 OF 2023)**

**a. Ministry of Environment, Climate Change & Forestry**

The Principal Secretary, Ministry of Environment, Climate Change and Forestry began by conveying apologies from the Cabinet Secretary who had an official engagement regarding the Sixth Session of the United Nations Environmental Assembly (UNEA-6) scheduled for 26<sup>th</sup> February to 1<sup>st</sup> March, 2024. He went on to give a brief background on the formulation of the Bill including various stakeholder engagements.

The Ministry informed the Committee of the importance of the enactment of the Bill as the Kenya Meteorological Department of the Ministry has been operating without an Act of Parliament despite the approval of the Meteorological Policy by the current administration.

Additionally, risks associated with severe weather and extreme climate events, brought about by Climate Change, create social and economic stresses that often pose a challenge to the achievement of the country's economic development. Hence, there is need for new and innovative approach on the delivery of meteorological and climate services to ensure the safety and security of humankind and the development of sustainable adaptive economic strategies.

The Ministry stated salient features of the Bill as follows -

- i. The Bill proposes to establish the Kenya Meteorological Service Authority as the official and sole national authoritative source for the provision of meteorological services in Kenya; and the principal technical advisor to the National and County Governments on matters related to meteorology;
- ii. The Bill provides for registration and regulation of persons and entities undertaking weather observations, meteorological service providers, and private weather service providers;
- iii. The Bill proposes establishment of a directorate of the Authority to be known as the Meteorology Training and Research Directorate which shall be the successor to the Institute for Meteorological Training and Research; and



- iv. The Directorate shall be a National and International training institution and the World Meteorological Organization Regional Training Centre

**b. Google LLC**

The Head of Government Affairs & Public Policy in Google began by commending the Committee for instituting the process of designing a cogent legal framework for the regulation, coordination, monitoring, management, provision and control of meteorological services in Kenya.

He went on to inform the Committee that given that the Draft Bill will potentially apply to Google's operations, the proposed law will have a significant impact on Google's ability to operate freely and provide its products and services within Kenya. As a result, this may hinder the citizenry's free access to real-time, and accurate meteorological information, data and statistics which generally is used to alert users of bad and adverse weather conditions.

Nonetheless, he stated that indeed Google acknowledges that regulatory changes may be needed in light of the digital transformation in Kenya. However in doing so, it would be important to ensure that a policy framework is put in place which optimally encourages innovation and optimizes social economic development, economic growth and investment in the sector with a particular emphasis on the technology industry and small medium and micro enterprises.

Google identified issues of particular concern as follows-

- i. *Definitions;*

The Draft Bill's definitions, especially in relation to the meteorological and advisory services to be offered, have been drafted in a general and ambiguous manner. As such it may be difficult for entities to comply with the Bill, and for the Authority to implement the provisions of the Bill.

- ii. *Application of the Draft Bill;*

The Draft Bill's broad and vague definitions of persons who would be regulated by the Authority are difficult to understand and implement.

- iii. *Establishment and functions of the Authority;*

The establishment of such an Authority with attendant compliance stipulations will potentially create onerous compliance requirements for stakeholders. Further, compliance requirements such as fees to be paid to the Authority even for the provision of private good services and weather/meteorological services may stifle innovation and investment into Kenyan technology companies. The process of vetting and hiring of authorized officers of the Authority should be a well-defined, empirical and transparent process in line with Chapter Six of the 2010 Constitution.

iv. *Proposed regulations outlining procedures for registration of entities;*

The Draft Bill has not provided clarity on the regulatory and licensing approach to situations where an entity's meteorological services could be deemed to be private good services and concurrently a number of its services could be also deemed to be public good services. Implementation of this provision will result in additional onerous requirements for technology companies where their core business is not the provision of meteorological services especially where the companies offering such services may be foreign and non-resident entities in Kenya. Further, the Bill does not provide for avenues through which mutual legal assistance can be provided. It also does any requirements for entities to establish a presence locally. Therefore enforcement of these obligations may be difficult to achieve. The provision is also too broad and may erroneously insinuate that the Authority has powers to inspect entities that are not located within the country which would be impractical.

v. *Authorised officers;*

The criteria to apply in designating an authorised officer is unclear and has not been provided for under the Draft Bill. This raises a pertinent risk where certain unfit officers may be hired/employed by the Authority especially in cases where their credentials do not align with Chapter Six of the 2010 Constitution.

vi. *Offences in relation to meteorological equipment and instruments; and*

The Draft Bill does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining a valid calibration certificate for meteorological equipment. There is no list or categories of equipment requiring calibration certification. Additionally, it does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining the Authority's valid approval of its equipment and instruments prior to use, or for the provision of meteorological services.

vii. *Offence for relocation*

The Draft Bill however does not provide for any guidelines and procedures to be followed where a person or entity intends to relocate or move their meteorological stations, instrument or equipment. The risk with having such a broad provision is that technology companies (mostly foreign and at times non-resident in Kenya) whose main service is not meteorological in nature may be subject to this onerous and broad requirement. In summary, the provision is too broad and may erroneously insinuate that the Authority has powers to inspect entities that are not located within the country, which would be impractical and difficult to enforce.

***Committee Resolutions***

- i. The Committee noted that Clause 40 of the Bill was not clear on substantive provision that on the various regulations the Cabinet Secretary would make thus they directed the Ministry to write to the Committee Secretariat regarding clause



40 and sub sections (2g) and (h) of the Bill sharing proposals on how the amendments should be made on issuance of licenses and permits.

- ii. Members also raised the question on the right to access of information and the impact the Bill would have to this right as raised by Google LLC as it was noted a lot of individuals do indeed rely on Google Search for a lot of information including the weather forecast in various parts of the country. The Ministry responded by informing the Committee that electronic media are only viewed as channels for sharing information and would thus not require a permit to share weather forecast on their platforms. The Committee thus directed the Ministry to ensure that this was stated clearly in their amended proposal.
- iii. On Section 37 on the issue of the Authority retaining the intellectual property rights on any data, meteorological, hydrological, environmental and advisory services among others raised concerns among members as they noted that it was not practical for every individual to seek consent from the Director General on the use of the meteorological information for instance in the case of pilots, farmers among others. The Ministry agreed to amend the clause with the right wording so as to be clear on its intended meaning.
- iv. On concluding the PS, Ministry of Environment, Climate Change and Forestry extended an invitation to visit the Kenya Metrology Department in order to get a first-hand feel of the work they do. The Committee acceded to the invite and included it in the work plan.

**MINUTE SEN/LENR/018/2024**

**ANY OTHER BUSINESS**

There was no other business.

**MINUTE SEN/LENR/019/2024**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at 12.56pm. The date of the next meeting was to be called on notice.

Signed  Date 12/03/202

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**



**MINUTES OF THE FIFTY EIGHTH (58<sup>TH</sup>) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 25<sup>TH</sup> NOVEMBER, 2023 IN SERENA HOTEL, MOMBASA COUNTY AT 2:00 PM**

**PRESENT**

- |                                      |               |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP         | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP    | - Member      |
| 3. Sen. Issa Juma Boy, MP            | - Member      |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member      |
| 5. Sen. Wamatinga Wahome, MP         | - Member      |
| 6. Sen. Beatrice Akinyi Ogola, MP    | - Member      |
| 7. Sen. Mariam Sheikh Omar, MP       | - Member      |

**ABSENT WITH APOLOGIES**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP   | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member           |

**IN ATTENDANCE**

**SECRETARIAT**

- |                       |                                 |
|-----------------------|---------------------------------|
| 1. Mr. Victor Bett    | - Clerk Assistant II            |
| 2. Ms. Ivy Nyambura   | - Clerk Assistant III           |
| 3. Ms. Angela Kagunyi | - Legal Counsel II              |
| 4. Ms. Lydia Kagumba  | - Public Communications Officer |
| 5. Mr. Jack Lemeteki  | - Media Relations Officer       |
| 6. Ms. Shirley Milimu | - Audio Officer III             |
| 7. Mr. Ibrahim Odindo | - Serjeant at Arms              |

**MINUTE SEN/LENR/330/2023**

**PRELIMINARIES**

The Chair called the meeting to order at 2:24 pm. This was followed by a word of prayer.



**MINUTE SEN/LENR/331/2023**

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

The aforementioned Bill aims to establish a comprehensive framework for regulating, coordinating, monitoring, managing, and controlling meteorological services in Kenya.

The Committee was taken through the background against which the Bill is set as well as the general overview of the Bill highlighting the application of the Bill once its enacted, establishment of the Kenya Meteorological Service Authority to replace the current Meteorological Department, establishment of the Meteorology Training and Research Directorate as a directorate of the Authority, financial provisions, offences and penalties for actions such as obstructing Authority officers as well as general provisions such as the establishment of observations stations, retention of intellectual property rights among others.

The Secretariat informed the Committee that no memoranda had been received on the Bill thus far however the deadline for submission had also not yet lapsed. The Committee advised that should any memoranda be received a matrix should be prepared before engaging various targeted stakeholders such as the Kenya Meteorological Department, Training Institutions, Weather Observers among others to provide their input.

**MINUTE SEN/LENR/332/2023**

**ANY OTHER BUSINESS**

There was no other business discussed.

**MINUTE SEN/LENR/333/2023**

**ADJOURNMENT AND DATE OF  
NEXT MEETING**

The meeting was adjourned at 4:10 pm. The date of the next meeting was to be called on notice.

Signed \_\_\_\_\_



Date 15/2/2024

**SEN. JOHN MUHIA METHU, MP**

**CHAIRPERSON  
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**

**ANNEX II – PUBLIC ADVERT**

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | SECOND SESSION

THE SENATE

**INVITATION FOR SUBMISSION OF MEMORANDA**

At the sitting of the Senate held on Tuesday, 14<sup>th</sup> November, 2023, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi; or emailed to [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to the email address of the respective Committee indicated at the fourth column below, to be received on or before **Wednesday, 6<sup>th</sup> December, 2023 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The Meteorology Bill, 2023 (Senate Bills No. 45 of 2023)	Standing Committee on Land, Environment and Natural Resources	<a href="mailto:landenvironmentcommittee.senate@parliament.go.ke">landenvironmentcommittee.senate@parliament.go.ke</a>
b) The County Public Finance Laws (Amendment) Bill, 2023 (Senate Bills No. 39 of 2023)	Standing Committee on Finance and Budget	<a href="mailto:financebudgetcomm.senate@parliament.go.ke">financebudgetcomm.senate@parliament.go.ke</a>

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

**J.M. NYEGENYE, CBS,**  
**CLERK OF THE SENATE.**



## **ANNEX I - MINUTES**



5 December 2023

Office of the Clerk of the Senate,  
Main Parliament Buildings,  
P.O. Box 41842-00100  
G.P.O.  
Nairobi,  
Kenya

For the Attention of: J.M. Nyegenye, CBS, (Clerk of the Senate)

Email: [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and [landenvironcommittee.senate@parliament.go.ke](mailto:landenvironcommittee.senate@parliament.go.ke)

Dear Sir

**Google – Submissions of Memoranda on the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023)**

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## 1. Introduction

- 1.1. We refer to the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023) (the **Draft Bill**) which was published by the Clerk of the Senate (**Clerk**) on 22 November 2023 for public comment by interested persons.
- 1.2. These submissions are made by and submitted on behalf of Google LLC (**Google**).
- 1.3. Google is a multinational technology company that offers various internet related services and products, including meteorological observation, data processing and archival, data exchange, issuance of weather forecasts, alerts, advisories and warnings, to users in a number of jurisdictions around the world, including Kenya.
- 1.4. Google commends the Senate and specifically the Standing Committee on Land, Environment and Natural Resources (the **Committee**) for instituting the process of designing a cogent legal framework for the regulation, coordination, monitoring, management, provision and control of meteorological services in Kenya.
- 1.5. Given that the Draft Bill will potentially apply to Google's operations, the proposed law will have a significant impact on Google's ability to operate freely and provide its products and services within Kenya. As a result, this may hinder the citizenry's free access to real-time, and accurate meteorological information, data and statistics which generally is used to alert users of bad and adverse weather conditions.
- 1.6. We acknowledge that regulatory changes may be needed in light of the digital transformation in Kenya. However in doing so, it will be important to ensure that a policy framework is put in place which optimally encourages innovation and optimizes social economic development, economic growth and investment in the sector with a particular emphasis on the technology industry and small medium and micro enterprises.
- 1.7. Balanced and quality regulation will benefit the various stakeholders in the technology and environmental sub-sectors, sectors including consumers, local businesses,



traditional enterprises and government. In this regard, any proposed legal framework for regulating this sector should support an environment that incentivises innovation for those companies that wish to conduct business in Kenya so as to enable users to benefit fully from such services. Google believes that well-intended regulation should be in line with the the Big Four Agenda and the Sustainable Development Goals (SDGs) which inter alia provide for reduced inequalities, fostering industry, innovation and infrastructure and fostering partnerships to ensure the goals are attained.

- 1.8. Google supports the Kenyan government's initiatives as part of its new Digital Superhighway and Creative Economy Project, which seeks to strengthen the country's information communication and technology backbone. In this regard, Google believes that regulatory oversight and supervision should not stifle innovation and technological advancement especially in situations where technology is applied for greater public good.
- 1.9. Further, whilst Google is supportive of this proposed regulatory framework, it does not believe that stringent supervision, registration and licensing requirements that makes it difficult for foreign businesses to operate and provide services in Kenya is the way to best achieve these objectives. We recommend that any proposed regulation of meteorological services in Kenya be harmonized with international standards and industry best practice.
- 1.10. Globally, Google closely collaborates with global weather agencies around the world in the provision of its meteorological services<sup>1</sup>. Google is therefore also willing to partner with, and collaborate with the Authority in relation to the operation of Flood Hub and other Google weather-related products in Kenya such as Google Maps, Google Earth, and Google Weather.
- 1.11. The Draft Bill should additionally provide for a mechanism whereby certain entities and individuals or institutions may be exempted from the regulatory oversight where such entities can demonstrate internal and self-regulated compliance with certain standards, procedures and policies recommended by the Authority under its enabling regulations.
- 1.12. We also note that the proposed regulatory framework requires a number of clarifications on certain provisions that may affect business and products in the Information, Communication and Technology Sector.

## **2. General comments**

As an introduction to our submission, there are specific aspects of the Draft Bill that we wish to address, namely: (i) the definitions; (ii) the application of the Draft Bill; (iii) establishment of the Kenya Meteorological Service Authority (the Authority); (iv) proposed regulations outlining procedures for registration of persons and entities; (v) authorized officers; (vi) offences in relation to meteorological equipment and instruments; and (vii) offences in relation to relocation.

### **2.1. Definitions**

- (i) We note that the key objective of the Draft Bill is to provide for the establishment of the Authority as well as the regulation, coordination, monitoring, management, provision and control of meteorological services. The

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<sup>1</sup> The global agencies include but are not limited to; Deutscher Wetterdienst [https://www.dwd.de/DE/Home/home\\_node.html](https://www.dwd.de/DE/Home/home_node.html) Environment Canada <https://weather.gc.ca/> EUMETNET <https://www.eumetnet.eu/> European Centre for Medium-range Weather Forecasts (ECMWF) <https://www.ecmwf.int/> National Oceanic and Atmospheric Administration (NOAA) <https://www.noaa.gov/> National Weather Service <https://www.weather.gov/> Met Office <https://www.metoffice.gov.uk/> and Unidata <https://www.unidata.ucar.edu/>



Draft Bill will in providing for the above put in place a proper legislative framework to regulate the meteorological services in Kenya.

- (ii) However, the definitions of “alerts”, “advisories”, “analysis” “warnings”, “data exchange”, and “media”, have not been included in the Draft Bill and other definitions such as “forecasting”, “meteorological information”, “meteorological data” and “meteorological products” are vague.
- (iii) The Draft Bill should also provide clarity and clear distinctions in the Authority's approach where an entity's meteorological services could be deemed to be private good services and concurrently a number of its services could be also deemed to be public good services. A number of entities with multi-disciplinary functions and services may be deemed to be offering both a private good service and public good service due to their engagement with consumers. This will lead to several instances where entities are unsure as to the specific licensing or approval requirements that would apply to them

## **2.2. Application of the Draft Bill**

- (i) One of the significant proposals of the Draft Bill is that it is to apply to all weather observers; meteorological service providers; private weather service providers; any person, group of persons or organisation whose undertakings involve or include, generally, the use of meteorological information for commercial purposes among other entities.
- (ii) However this definition and approach is too broad and an overreach by the drafters of the Draft Bill as it may result in unintended regulation of certain services such as dissemination of meteorological information.

## **2.3. Establishment of the Authority**

- (i) We note that one of the requirements laid out by the Draft Bill is that the Authority will oversee the provision of meteorological services in Kenya; and regulation, coordination, monitoring, management and control of meteorological services. The Authority would also oversee provision of weather and climatic forecasting and early warning services intended for the benefit of the public, safety of life and protection of property and infrastructure.
- (ii) However the establishment of such an Authority with attendant compliance stipulations will potentially create onerous compliance requirements for businesses including technology companies. We note that the Kenya Meteorological Department (KMD) does not stipulate any licensing and registration requirements as part of its mandate. This change and introduction of the Authority may therefore stifle innovation, growth and advancement of meteorological services in Kenya thereby hampering the sector from attaining global standards.

## **2.4. The proposed regulations outlining procedures for registration of entities**

- (i) It is envisaged that regulations will be enacted to provide for the procedures for registration of persons and entities providing meteorological services, including private weather service providers.
- (ii) However, the Authority is yet to be instituted and operationalised and therefore the regulations and guidelines on how the registration procedure will be conducted have been issued.



- (iii) This provision also has the potential to create onerous compliance requirements for stakeholders.
- (iv) This requirement may stifle innovation and has the potential to turn away potential investments due to the stiff commercial environment and business/operational costs.

## **2.5. Authorised Officers**

- (i) Section 36 of the Draft Bill states that the Director-General shall designate and appoint any person to be an authorized officer for purposes of carrying out the functions of the Authority.
- (ii) The process of vetting and hiring of authorised officers of the Authority has not been well-defined within the Draft Bill.

## **2.6. Offences in relation to meteorological equipment and instruments**

- (i) Section 42 of the Draft Bill states that a person who uses an instrument or equipment that is not examined or approved by the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand Kenya shillings (approx USD 3,300) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.
- (ii) Section 45 of the Draft Bill states that a person who uses meteorological instruments without a valid calibration certificate from the Authority and the Kenya Bureau of Standards commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand Kenya shillings (approx. USD3,300) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.
- (iii) The Draft Bill however does not provide for the guidelines or procedures to be followed by an entity desirous of either obtaining a valid calibration certificate or for the approval of equipment and instruments.

## **2.7. Offence for relocation**

- (i) Section 44 of the Draft Bill states that a person who relocates meteorological stations, instrument or equipment without the approval of the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding two million Kenya shillings (approx. USD 13,050) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.
- (ii) The Draft Bill however does not provide for any guidelines and procedures to be followed where a person or entity intends to relocate or move their meteorological stations, instrument or equipment.

## **3. Summary of Issues**

We have identified issues of particular concern and in respect of which we make certain recommendations. These include:

- (i) Definitions;
- (ii) Application of the Draft Bill;
- (iii) Establishment and functions of the Authority;
- (iv) Proposed regulations outlining procedures for registration of entities;
- (v) Authorised officers;
- (vi) Offences in relation to meteorological equipment and instruments; and
- (vii) Offence for relocation.

## **4. Definitions**

#### 4.1. Section / Issue

##### (i) Overview

- a. We note that Section 5 of the Draft Bill will provide for the establishment of the Authority, regulation, coordination, monitoring, management, provision and control of meteorological services.
- b. The Draft Bill's definitions, especially in relation to the meteorological and advisory services to be offered, have been drafted in a general and ambiguous manner. As such it may be difficult for entities to comply with the Bill, and for the Authority to implement the provisions of the Bill.

#### 4.2. Concerns

- (i) The definitions of "alerts", "advisories", "analysis" "warnings", "data exchange", "media" are vague and need to be clarified.
- (ii) The risk with having such a broad interpretation of terms is that ICT products and services may be subject to these definitions even where the products do not fall under the Draft Bill and regulations thereafter. This by virtue of the fact that a number of software and technology companies (not primarily meteorology-based) facilitate the exchange of mass amounts of data including but not limited to weather and forecasting information, social networking, and business solutions, among other use cases. The Draft Bill should be clear in its scope of application, for instance to educational institutions, weather stations, road traffic and security agencies which may use or provide such meteorological information through other means.

#### 4.2 Recommendations

- (i) The definitions of "alerts", "advisories", "analysis" "forecasting", "warnings", "data exchange", "meteorological products", "media" need to be , clarified.
- (ii) The Draft Bill also needs to provide guidance on the use cases and test for "commercial purposes."
- (iii) We propose the amendment of the definition of "meteorological services" to read "meteorological services" means meteorological observation, data processing and archival, data exchange, issuance of weather forecasts, alerts, advisories and warnings, provision of climatological and related environmental information ***through any other means than electronic means.***"
- (iv) The amendment of this definition will offset the onerous regulatory burden from entities in the technology and innovation sector especially where the information and services are provided at no cost to users, and have the potential to save lives by providing early signs and averting imminent danger to life and property.

### 5. Application of the Draft Bill

#### 5.1. Section / Issue

- (i) We note that Section 3 of the Draft Bill applies to any person, group of persons or organization whose undertakings involve or include, generally, the use of meteorological information for commercial purposes.



## **5.2. Concerns**

- (i) The Draft Bill's broad and vague definitions of persons who would be regulated by the Authority are difficult to understand and implement.
- (ii) We would also request that clarity be provided as to the parameters of what is to be deemed "commercial purposes" and a "meteorological service provider"
- (iii) The risk with having such a broad interpretation of both terms is that technology companies whose main service is not meteorological in nature may be subject to this definition and provision even where their core products and services do not fall under the purview of the Draft Bill. This has the potential to greatly reduce the rate at which innovators are coming up with efficient solutions. For example this is seen in the agricultural sector where cloud services, IOT technology and artificial intelligence are all deployed to provide farmers with accurate weather forecasts or accurate temperature readings and soil fertility statistics.

## **5.3. Recommendations**

- (i) We propose to amend the wording in section 3 (f) of the Draft Bill to read, "any person, group of persons or organization whose undertakings involve or include, specifically ,the use of meteorological information for scientific research, educational or national security and administrative purposes".
- (ii) We also propose that the Draft Bill be amended to clarify the meaning and parameters of "commercial purposes" and a "meteorological service provider".

# **6. Establishment of the Authority**

## **6.1. Section / Issue**

- (i) Section 5 of the Draft Bill seeks to establish the Authority which shall be responsible for; the provision of meteorological services in Kenya; and regulation, coordination, monitoring, management and control of meteorological services.
- (ii) Section 8 (2) (a) of the Draft Bill states that the Authority shall determine and impose fees for any private good services provided by the Authority.

## **6.2. Concerns**

- (i) The establishment of such an Authority with attendant compliance stipulations will potentially create onerous compliance requirements for stakeholders.
- (ii) Compliance requirements such as fees to be paid to the Authority even for the provision of private good services and weather/meteorological services may stifle innovation and investment into Kenyan technology companies.
- (iii) The process of vetting and hiring of authorised officers of the Authority should be a well-defined, empirical and transparent process in line with Chapter Six of the 2010 Constitution.
- (iv) As such, we reiterate our submission that the Authority should supervise and oversee entities whose undertakings involve or include, specifically ,the use of meteorological information for scientific research, educational or national security and administrative purposes.

### **6.3. Recommendations**

- (i) The functions of the Authority should be limited to entities and government organizations whose core use of such information is for meteorological information for scientific research, educational or national security and administrative purposes.
- (ii) The Kenya Meteorological Department (KMD) as constituted currently does not stipulate any licensing and registration requirements as part of its mandate. This change and introduction of the Authority may therefore stifle innovation, growth and advancement of meteorological services in Kenya thereby hampering the sector from attaining global standards.
- (iii) The Draft Bill and regulations thereunder should provide an exemption mechanism exempting certain private entities whose core business is not meteorological services, from the payment of fees where private good services are provided. The Draft Bill should additionally provide for a mechanism whereby certain entities and individuals or institutions may be exempted from the regulatory oversight and subsequent payment of fees where such entities can demonstrate internal and self-regulated compliance with high standards in meteorological reporting and dissemination as recommended by the Authority under its enabling regulations.
- (iv) The functions of the Authority under the Second Schedule of the Draft Bill should exclude clauses 4, and 9 of the Second Schedule in relation to the provision of weather and climatic forecasting and early warning services intended for the benefit of the public, safety of life and protection of property and infrastructure and research and development respectively.

## **7. Proposed regulations outlining procedures for registration of entities**

### **7.1. Section/Issue**

- (i) The regulations to be established under Section 40 of the Draft Bill will provide for the procedures for registration of persons and entities providing meteorological services, including private weather service providers.
- (ii) Any person, group of persons or organization whose undertakings involve or include the use of meteorological information for commercial purposes will also be required to register.
- (iii) The Authority will maintain an up-to-date register of all licensed/registered entities.
- (iv) Under Section 41 (e) of the Bill, a person who issues to the public meteorological data collected, or weather information derived from a weather station not registered by the Authority commits an offence.

### **7.2. Concerns**

- (i) We note that this section imposes new obligations such as the registration of entities and in many instances impractical.
- (ii) However, the Authority is yet to be instituted and therefore, it is not operational and has not provided the guidelines on how the registration procedure will be conducted.



- (iii) The Draft Bill has not provided clarity on the regulatory and licensing approach to situations where an entity's meteorological services could be deemed to be private good services and concurrently a number of its services could be also deemed to be public good services.
- (iv) Implementation of this provision will result in additional onerous requirements for technology companies where their core business is not the provision of meteorological services especially where the companies offering such services may be foreign and non-resident entities in Kenya. The Draft Bill does not provide for avenues through which mutual legal assistance can be provided. The Draft Bill also does not create any requirements for entities to establish a presence locally. Therefore enforcement of these obligations may be difficult to achieve.
- (v) The provision is also too broad and may erroneously insinuate that the Authority has powers to inspect entities that are not located within the country which would be impractical.
- (vi) The Draft Bill should be amended to provide the entities to whom the registration requirement will apply as well as a provision for exemption from the registration requirement for foreign companies or technology companies that do not have any meteorological equipment, or manifest presence in Kenya (and whose core business is not the provision of meteorological services).
- (vii) The Draft Bill does not provide for any registration requirements for weather stations, and as such, the general offence at Section 41 (e) of the Bill is misplaced.

### **7.3. Recommendations**

- (i) This requirement is unreasonably burdensome, impractical to comply with and must be deleted in its entirety given that the current Kenya Meteorological Department does not have in place nor does it enforce any registration requirements.
- (ii) In the alternative, this requirement can be retained, subject to amending the definition of "meteorological services" to read "meteorological services" means meteorological observation, data processing and archival, data exchange, issuance of weather forecasts, alerts, advisories and warnings, provision of climatological and related environmental information through any other means than electronic means."
- (iii) The recommendation above can also be implemented in line with the proposed amendments to the Second Schedule in relation to the regulatory mandate of the Authority.
- (iv) The Draft Bill must firstly provide positive guidelines for registration of weather stations, and examination of weather instruments and equipment before creating the negative consequence where no registration is undertaken by weather stations and meteorology service providers.
- (v) The Draft Bill should also provide for practical implementation and enforcement where the service providers are foreign entities whose instruments and equipment may be located outside Kenya.

- (vi) In essence, the Draft Bill should provide for a mechanism whereby certain entities and individuals or institutions may be exempted from the supervisory, licensing and registration requirements where such entities can demonstrate internal and self-regulated compliance with certain standards, procedures and policies recommended by the Authority under its enabling regulations.
- (vii) The Draft Bill should also provide clarity and clear distinctions in the Authority's approach where an entity's meteorological services could be deemed to be private good services and concurrently a number of its services could be also deemed to be public good services. A number of entities with multi-disciplinary functions and services may be deemed to be offering both a private good service and public good service due to its engagement with consumers. This will lead to several instances where entities are unsure as to the specific licensing or approval requirements that would apply to them.
- (viii) The Draft Bill should be amended at Section 41 (e) to the effect that the offence will only apply to weather stations located in Kenya. The provision should therefore read:

*"A person who issues to the public meteorological data collected, or weather information derived from a weather station situated within Kenya and which is not registered by the Authority commits an offence".*

## **8. Authorised Officers**

### **8.1. Section/Issue**

- (i) Section 36 of the Draft Bill states that the Director-General shall designate and appoint any person to be an authorized officer for purposes of carrying out the functions of the Authority.

### **8.2. Concerns**

- (i) The criteria to apply in designating an authorised officer is unclear and has not been provided for under the Draft Bill.
- (ii) This raises a pertinent risk where certain unfit officers may be hired/employed by the Authority especially in cases where their credentials do not align with Chapter Six of the 2010 Constitution.

### **8.3. Recommendations**

- (i) The criteria and process of vetting, designating and hiring of authorised officers of the Authority should be clear and well-defined under the Bill and the attendant regulations. This process should be transparent, with the necessary qualifications provided for.

## **9. Offences in relation to meteorological equipment and instruments**

### **9.1. Section/Issue**

- (i) Section 42 of the Draft Bill states that a person who uses an instrument or equipment that is not examined or approved by the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand Kenya shillings (approx USD 3,300) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.



- (ii) Section 45 of the Draft Bill states that a person who uses meteorological instruments without a valid calibration certificate from the Authority and the Kenya Bureau of Standards commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand Kenya shillings (approx. USD3,300) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

## **9.2. Concerns**

- (i) The Draft Bill however does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining a valid calibration certificate for meteorological equipment. There is no list or categories of equipment requiring calibration certification.
- (ii) The Draft Bill however does not provide for the guidelines or procedures to be followed by an entity desirous of obtaining the Authority's valid approval of its equipment and instruments prior to use, or for the provision of meteorological services.

## **9.3. Recommendations**

- (i) The Draft Bill must firstly provide positive guidelines for the examination and approval of weather equipment and instruments before creating the negative consequence where no examination or approval is sought prior, and obtained by an entity.
- (ii) The Draft Bill must firstly provide positive guidelines for obtaining a calibration certificate before using such instruments and equipment in Kenya.
- (iii) The imputed criminal liability in the Draft Bill should only be applicable to cases where an individual is offering the meteorological services. The imputed criminal liability should therefore not be extended to corporate entities.
- (iv) Further to this, we would also recommend that only statutory fines or monetary penalties apply where an individual does not seek and obtain the requisite approvals for the use of meteorological instruments and equipment. This offence could be interpreted as being civil in nature and the appropriate remedy can be in the monetary/financial penalties solely.

## **10. Offence in relation to relocation**

### **10.1. Section/Issue**

- (i) Section 44 of the Draft Bill states that a person who relocates meteorological stations, instrument or equipment without the approval of the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding two million Kenya shillings (approx. USD 13,050) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

### **10.2. Concerns**

- (i) The Draft Bill however does not provide for any guidelines and procedures to be followed where a person or entity intends to relocate or move their meteorological stations, instrument or equipment.

- (ii) The risk with having such a broad provision is that technology companies (mostly foreign and at times non-resident in Kenya) whose main service is not meteorological in nature may be subject to this onerous and broad requirement.
- (iii) In summary, the provision is too broad and may erroneously insinuate that the Authority has powers to inspect entities that are not located within the country, which would be impractical and difficult to enforce.

### 10.3. Recommendations

- (i) The Draft Bill must firstly provide positive guidelines for such relocation of stations and equipment, before creating the negative consequence where no prior approval is sought and obtained by an entity.
- (ii) The imputed criminal liability in the Draft Bill should only be applicable to cases where an individual is offering the meteorological services for monetary benefit. The imputed criminal liability should therefore not be extended to corporate entities that provide such services for greater public good.
- (iii) Further to this, we would also recommend that only statutory fines or monetary penalties apply where an individual does not seek and obtain the requisite approvals for the use of meteorological instruments and equipment. This offence could be interpreted as being civil in nature and the appropriate remedy can be in the monetary/financial penalties solely.
- (iv) The Draft Bill also needs to provide further guidance on the definition of "relocation".
- (v) Section 44 of the Draft Bill should be amended to the effect that this offence will only apply to meteorological stations, instruments and equipment within Kenya. The provision should therefore read:

*"A person who relocates meteorological stations, instruments or equipment within Kenya without the approval of the Authority commits an offence and shall, on conviction, be liable to a fine not exceeding two million Kenya shillings (approx. USD 13,050) or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment".*

### 11. Conclusion:

- 11.1. As set out in the introduction, Google welcomes the Senate's Draft Bill and specifically the Committee for instituting the process of designing a cogent legal framework for the regulation, coordination, monitoring, management, provision and control of meteorological services in Kenya
- 11.2. The optimal regulation of meteorological services is one that recognises the global nature of the digital economy, technological innovation and data-driven industries. This balance is necessary to allow users to continue to benefit from the varied service offerings made available in the digital space and ensure that there is adequate support for the expansion of online businesses and digital infrastructure.
- 11.3. We would like to take this opportunity to thank the Senate for affording us this opportunity to make written submissions on the Draft Bill. Google would very much like to engage with the Committee as a constructive partner as the Committee weighs the most effective, democratic, progressive and workable approaches to address the regulation, dissemination and distribution of meteorological services in Kenya.



11.4. We request that the recommendations and issues highlighted in our submission be taken into consideration and that the commercial realities of technological innovation and the Information, Communication and Technology Sector as a whole, be recognised for any future policy developments.

Yours faithfully,

*Michael Murungi*

**Michael M. Murungi**  
Head of Government Affairs & Public Policy  
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**Hydrological Society of Kenya**



The Hydrological Society of Kenya  
P.O. Box 1455-00100  
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Email: [hskkenya2023@gmail.com](mailto:hskkenya2023@gmail.com)  
29<sup>th</sup> November 2023

The Chairperson  
Senate Committee on Land, Environment and Natural Resources  
Nairobi

**HYDROLOGICAL SOCIETY OF KENYA COMMENTS ON THE METEOROLOGY  
BILL, 2023**

The Hydrological Society of Kenya (HSK) is the professional body that brings together hydrologists in Kenya for the advancement of the profession and practice of hydrology in its application to find solutions to problems in water resources.

Hydrologists are the custodians of surface water resources data used for planning, development and operation of water development projects (water supply intakes, dams, irrigation systems, hydropower, sewerage systems, storm water drainage for bridges and culverts, highways, railways and airports, urban and rural drains, etc). Specifically, hydrologists compute and determine the design discharge values for sizing of hydraulic structures in those projects, besides conducting water resources assessment.

Hydrologists also compute and forecast water levels on rivers, lakes, reservoirs and other water bodies, besides magnitudes of discharge and stream power in flood events. They also conduct floodplain mapping to determine likely submergence/inundation/extent of floods for various scenarios of flood magnitude. From the analysis and information referred to in the foregoing, hydrologists are able to issue flood early warnings.

The most important datasets that hydrologists use include measured river discharges, rainfall, temperature, evaporation, humidity and other climatic data.



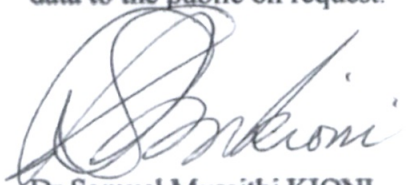
Considering that the services hydrologists provide have a bearing on essential and live-saving activities, HSK requests that hydrologists should not be restricted in the Meteorology Bill, 2023 in accessing and using rainfall, temperature and other climatic data in the course of their work. In fact, spillways for some big, high risk dams are sized based on hydrological analysis that makes use of probable maximum precipitation (PMP). Also, computation of water balance which hydrologists are often called upon to conduct, requires use of rainfall, temperature, evaporation, humidity and other climatic data, besides discharge. Without such data, hydrologists would be handicapped in their work to render essential services.

On the other hand, meteorologists also use, without restriction, river discharge data that has been generated by hydrologists. This is clear as alluded to in the Meteorology Bill, 2023 at Articles 7.(2)(j) and 29.(3).

The Hydrological Society of Kenya makes the above request also in view of the fact that hydrologists and meteorologists are very interdependent professions as alluded to at Article 9.(2)(g)(v) of the Meteorology Bill, 2023.

HSK therefore requests that Parliament, through your esteemed committee, considers that hydrologists, recognized as such by the Hydrological Society of Kenya and the Hydrologist Act No. 19 of 2017, should not be restricted in the Meteorology Bill, 2023 in accessing and using rainfall, temperature and any other primary climatic data in the course of their work.

We also request that a provision be made in the second schedule of the Meteorology Bill under the public good services and WMO/KMS arrangements, for KMS to actually provide weather data to the public on request.



Dr Samuel Mureithi KIONI  
National Chairman  
Hydrological Society of Kenya



**MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY**  
**MEMORANDUM ON THE METEOROLOGY BILL, 2023**

**1.0 BACKGROUND**

1. To guide on the formulation of this Bill, a Ministerial Technical Committee was constituted in April 2019. The Ministry, vide an advertisement in the newspapers on 14 May 2019 and on the Kenya Meteorological Department (KMD) and Ministry's websites, invited public participation through submission of written memoranda.
2. The committee also held various stakeholder consultation workshops as follows:
  - a) Joint meeting of the National Assembly Departmental Committee on Environment and Natural Resources and the Senate Standing Committee on Lands, Environment and Natural Resources on 25 May 2019.
  - b) Key stakeholders' consultations were held on 20 May 2019.
  - c) Consultations with Representatives of Staff of the Kenya Meteorological Department from the headquarters and county offices held on 27 May 2019.
  - d) An online National Validation Workshop was held on 2<sup>nd</sup> January 2021.
  - e) Joint meeting of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Lands, Environment and Natural Resources in March 2023



## 2.0 JUSTIFICATION FOR THE BILL

3. KMD is a Department of the Ministry and has operated without an Act of Parliament despite the approval of the Meteorological Policy by the current administration.

4. Risks associated with severe weather and extreme climate events, brought about by Climate Change, create social and economic stresses that often pose a challenge to the achievement of the country's economic development. There is need for new and innovative approach on the delivery of meteorological and climate services to ensure the safety and security of humankind and the development of sustainable adaptive economic strategies.

5. Internationally, the Bill seeks to give effect to:

- a) The Directive from the 12<sup>th</sup> meeting of the East African Community (EAC) Sectorial Council on Transport, Communications and Meteorology (TCM) held in Sept 2015 which urged Kenya and Burundi, as the only existing Partner States that had not effected the transformation of their National Meteorological Services into semi-autonomous agencies.
- b) The 3<sup>rd</sup> Session of the African Ministerial Conference on Meteorology (AMCOMET) held in Feb 2015 which encouraged National Meteorological Services (NMSs) in Africa to transform into autonomous agencies and/or authorities having noted improvement of operations and service delivery from the NMSs which had already transformed to autonomous agencies/authorities.
- c) The International Civil Aviation Organization (ICAO) Chicago Convention 1944 Annex III on provision of Meteorological Services which states that meteorological services for international air navigation should be provided by meteorological authorities designated by the states.
- d) The WMO Convention (2007) which reaffirmed the vital importance of the mission of the National Meteorological and Hydrological Services (NMHSs) in observing and understanding weather and climate and in



providing meteorological, hydrological and related services in support of relevant national needs.

- e) The 13<sup>th</sup> WMO Congress held in May 1999 which affirmed the importance of having national legal instruments that define the mission and mandate of NMHSs to ensure clarity in the definition of the responsibilities and recognition of their contribution to the society to facilitate allocation of adequate resources.

### **3.0 OBJECTIVES OF THE BILL**

6. The Principal object of the Bill is to put in place a legislative framework for regulation, co-ordination, monitoring, management and provision of meteorological services in Kenya and to co-ordinate and monitor meteorological services.

7. The Bill proposes to establish the Kenya Meteorological Service Authority which shall be responsible for the provision, regulation, co-ordination and management of meteorological services.

8. Further the Bill will give effect to and ensure fulfilment of the obligations under the international treaties, protocols, agreements, and conventions on meteorology, in particular the Convention of World Meteorological Organization, to which Kenya is a party.

### **4.0 SALIENT FEATURES OF THE BILL**

#### **Generally:**

9. The Bill proposes to establish the Kenya Meteorological Service Authority as the official and sole national authoritative source for the provision of meteorological services in Kenya; and the principal technical advisor to the National and County Governments on matters related to meteorology.

The Bill provides for registration and regulation of persons and entities undertaking weather observations, meteorological service providers, and private weather service providers.

The Bill proposes establishment of a directorate of the Authority to be known as the Meteorology Training and Research Directorate which shall be the successor to the Institute for Meteorological Training and Research. The



Directorate shall be a National and International training institution and the World Meteorological Organization Regional Training Centre

**Specifically:**

**Part I Preliminary: (Clauses 1-4)** of the Bill provides for the preliminary provisions and outlines the purpose and objectives of the Bill.

**Part II The Kenya Meteorological Service Authority: (Clauses 5-8)** of the Bill Establishes the Kenya Meteorological Service Authority and provides for its functions and powers under clauses 6 and 7, respectively.

**Part III Management of the Authority: (Clauses 9-28)** of the Bill provides for the Management of the Authority by a Board of Directors appointed under clause 9.

**Part IV Meteorology Training and Research Directorate: (Clauses 29)** of the Bill provides for the establishment of the Kenya Institute of Meteorology Training and Research (KIMTR) which shall be the successor of the Institute for Meteorological Training and Research (IMTR) and the designated WMO Regional Training Centre

**Part V Financial Provisions: (Clauses 30-34)** of the Bill provides for financial provisions including reporting mechanism, audits and accounts, investment and management of funds by the Authority.

**Part VI General Provision: (Clauses 35-40)** of the Bill sets out the General Provisions relating to establishment of weather stations, intellectual property rights on any data, advisories, inventions, discoveries generated by the Authority, protection from personal liability of the Board of the Authority or any agent thereof.

**Part VII Offences and Penalties: (Clauses 41-47)** of the Bill contains provisions relating to offences and penalties

**Part VIII (Clauses 49-51)** of the Bill contains transitional provisions relating to court proceedings, assets and liabilities, contracts and staff of the Kenya Meteorological Department.



## **Schedules**

The Bill has Three (3) Schedules:

- a) First Schedule-Private Good Service;
- b) Second Schedule-Public Good Service; and
- c) Third Schedule- conduct of business and the affairs of the Board.

## **5.0 OTHER MATTERS TO NOTE ABOUT THE BILL**

### **Delegation of legislative powers**

The Bill confers on the CS powers to make Regulations under the Act for the purposes of operationalizing the Act.

### **Limitation of fundamental rights and freedoms**

The Bill does not limit any fundamental rights or freedoms.

### **Counties**

The Bill does not affect the functions of the County Governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning counties.

### **Money Bill**

The Bill is not a Money Bill within the meaning of Article 114 of the Constitution.

## **6.0 Expected Benefits**

- a) The Bill will enhance access and utilization of meteorological services through engagement and partnerships with all stakeholders to facilitate the integration of weather & climate information in the decision-making processes. Further, it will enhance provision of timely, accurate and effective weather forecasts, advisories and alerts as well as provision of user-tailored specific climate and weather products.
- b) Establishment of sufficient upper air, land, hydro-meteorological and marine weather observation networks will be ensured through the law as well as improvement in acquisition, installation and maintenance of meteorological equipment, instruments and infrastructure.



- c) With the passage of this Bill, there will be increased engagement with counties in the provision of weather and climate services since it is expected that there will be more staff at the county levels.
- d) It is expected that climate information services in support of national development programs shall be streamlined.
- e) The nation stands to benefit from compliance with international commitments and requirements.
- f) It is expected that there will be a better understanding and uptake of products and services offered by the NMS to the community levels.
- g) Provide decision support that inform policy making at the national and county level.
- h) Ensure national and international curricula standards are maintained in accordance to national, regional and international requirements e.g: TVET\_CDACC, KNQA, WMO and ICAO requirements.
- i) It is expected that operational research will be enhanced and promote development programs.

## 7.0 SOURCES OF FUNDS FOR THE AUTHORITY

The following shall be the sources of funds for the Authority

- a) Monies appropriated by Parliament for purposes of the Authority;
- b) Charges from private good services;
- c) Monies that may accrue to the Authority in the course of exercising its powers and functions;
- d) Grants and loans from the government and any organizations or person(s) subject to provisions of Public Finance Management Act, 2012;
- e) Interest on savings made by the Authority;
- f) Money collected under the Air Passenger Service Charge Act; and
- g) Monies and fees from any other sources provided, donated or lent to the Authority.



## **8.0 BUDGET IMPLICATIONS**

The current budgetary provision (Salaries, Operations & Maintenance, and Development) from the exchequer is approximately Kshs. 1.6 billion.

The enactment of this Bill shall occasion limited additional expenditure of public funds which shall be provided for in the annual estimates.

The Bill will enable the Authority to generate revenue and reduce dependency on the exchequer.

The estimated revenue projection is Kshs. 2.965 billion in the next two years.

## **9.0 REQUEST TO PARLIAMENT**

The Ministry requests Senate to support the Bill.

**Hon. Soipan Tuya, EGH**  
**CABINET SECRETARY**



NO.	NAME	ADDRESS	I.D. NUMBER	SIGNATURE
1	SAMWEL OWINO ORIANGA	P.O. BOX 39, KADONGO, TEL. 0711 527 225	1368231	
2	REMJIUS ODHIAMBO	"	33094819	
3	WAREN ALANDO	"	23308663	
4	ISAYA YOGO WAMBE	"	3821817	
5	PERES JUMA	"	5299713	
6	CHRISTINE NASIKE	"	30832906	
7	LINET AKOTH	"	36160509	
8	JOSPHAT SAOKE	"	23340711	
9	EMMANUEL SAOKE	"	24065626	
10	VICTOR OMONDI	"	29154878	
11	GILBERT SAMBA	"	24147585	
12	BENTA ATIENO	"	24353429	
13	DANIEL OYOLO	"	5889054	
14	SYPRINE OPIYO	"	3686110	
15	MATHEW ONYANGO	"	29851709	
16	EDWIN OKOTH	"	27328892	
17	SYPHROSE AUMA	"	32689489	
18	MICHAEL OKINDO	"	21855490	
19	DORINE ADHIAMBO	"	9548479	
20	PAMELA ADHIAMBO	"	13091204	
21	PETER OLUOCH	"	28017936	
22	NEREA AUMA	"	1603066	
23	TOBIAS NYALALA	"	30002424	
24	AKUMU NYACHOKA	"	4813938	
25	GEORGE OTIENO	"	24497633	
26	HELLEN KAINDO	"	2599612	
27	PAUL ORENGO JOHN	"	27976223	
28	PETER GANGA	"	31436998	
29	MESHACK OCHIENG	"	9911827	
30	JENIFA AKELO	"	5888956	
31	HENRY OWINO	"	9912088	
32	FLORENCE AYODO	"	35542549	
33	YUCABETH AKUMU	"	5888932	
34	SIMON AKUMU	"	22405486	
35	SAMMY AKUMU	"	7222251	
36	REUBEN AGANGA	"	6956714	
37	ROSE AWUOR	"	26988461	
38	WISBORN OWINO	"	24147595	
39	KEVIN OTIENO	"	33229745	

Petition to the Minister of Environment by Siany Residents concerning Degradation of Siany Wetland

40	LILIAN OUMA	"	30892866	Lilian
41	WILSON ODHIAMBO	"	22940698	Wilson
42	TOBIAS OTILA	"	23395915	Tobias
43	NANCY ANYANGO	"	28953412	NANCY
44	PERES ODHIAMBO	"	26988782	PERES
45	MARY ABONGO	"	3869071	MARY
46	KEVIN OTIENO	"	24903806	KEVIN
47	KENNEDY OMONDI	"	34383789	Kennedy
48	MILLCENT OMOLLO	"	13091253	MILLCENT
49	GEOFFREY OMOLLO	"	25827781	GEOFFREY
50	MARTIN OMONDI	"	32298576	MARTIN
51	RUTH ODOYO	"	31276671	RUTH
52	JOHN WAMBE	"	3821680	WAMBE
53	MICHAEL BONYO	"	11113615	MICHAEL
54	KENNEDY OGWENO	"	21635997	KENNEDY
55	NEREAH AWINO	"	32479710	NEREAH
56	WILIAM AYODO	"	31718070	AYODO
57	JOSEPH OMONGO	"	4874072	JOSEPH
58	DORIS SAMBA	"	5888941	DORIS
59	CALVINCE OMONDI	"	31234233	CALVINCE
60	JOHN OYOLLO	"	6523029	JOHN
61	HENRY OKOTH	"	9402910	OKOTH
62	BENARD OGWENO	"	13567553	BENARD
63	BENARD OTILA	"	20902426	BENARD
64	ELSA ONYANGO	"	33711376	ELSA
65	BELDINA AUMA	"	5888069	BELDINA
66	ELGA OKOTH	"	23657961	ELGA
67	BONFACE ONYANGO	"	34416738	BONFACE
68	JOSHUA ODONGO	"	2816832	JOSHUA
69	JANE MWALO	"	0774928	JANE
70	JOSEPH MARAO	"	7282919	JOSEPH
71	FRANCIS MARAO	"	3869181	FRANCIS
72	DICKSON AYIEKO	"	8646589	DICKSON
73	DAMALIS ARONI	"	6957591	DAMALIS
74	BENARD ODHIAMBO	"	33058412	BENARD
75	ERICK OTIENO	"	35769444	ERICK
76	JOB ODHIAMBO	"	36342628	JOB
77	SYDNEY FESTUS	"	35033031	SYDNEY
78	GODWINS ODHIAMBO	"	36849611	GODWINS
79	BRITON OCHIENG	"	36894107	BRITON

Petition to the Minister of Environment by Siany Residents concerning Degradation of Siany Wetland



**12<sup>th</sup> March, 2024**

The Clerk of the Senate  
Parliament Buildings  
**NAIROBI**

**RE: COMMITTEE STAGE AMENDMENTS TO THE METEOROLOGY BILL,  
2023 (SENATE BILLS NO. 45 OF 2023).**

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**NOTICE** is given that Sen. John Muhia Methu, the Chairperson to the Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Meteorology Bill, 2023 (Senate Bills No. 46 of 2023), at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by numbering the introductory paragraph as sub clause (1) and inserting the following new subclause immediately after the proposed subclause (1):

(2) For purposes of this section—

“commercial purposes” means the use of meteorological information acquired from the Authority for the purpose of generating income;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (2) by deleting paragraph (j) and inserting therefor the following new paragraph —

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

**CLAUSE 36**

**THAT** clause 36 be amended in subclause (1) by deleting the words “any person” appearing immediately after the words “designate and appoint” and inserting therefor the words “an employee of the authority”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended by deleting—

(a) subclause (1) and inserting therefor the following new subclause —

(1) The Authority shall retain the intellectual property rights on any meteorology data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority.

(b) subclause (2) and inserting therefor the following new subclause —

(2) A person who obtains any meteorological data, information and other meteorological services from the Authority as a private good shall not, without the consent of the Authority, provide the same to a third party or cause it to be distributed.

#### **CLAUSE 40**

**THAT** clause 40 be amended in subclause (2) by deleting paragraph (g).

#### **SECOND SCHEDULE**

**THAT** the Second Schedule be amended by inserting the following new paragraph immediately after paragraph (5)—

(5A) The provision of meteorological services and information to the general public upon request, provided that such information is not used for monetary gain.

#### **NEW CLAUSES**

That the Bill be amended by inserting the following new clauses immediately after clause 8—

Regulatory powers  
of Authority.

**8A.** (1) The Authority shall regulate the meteorological services in Kenya.

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

(a) ensure compliance with—

(i) international standards and practices in meteorological services; and

(ii) standards in installation and maintenance of meteorological instruments;

(b) approve and register meteorological stations; and

(c) monitor and supervise functions of meteorological operators.




Permit.

**8B.** Any person who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

Prohibition of meteorological activities.

**8C.** (1) No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without a permit commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment.

Dated ..  14<sup>th</sup> March , 2024.

Sen. John Muhia Methu,  
Chairperson,  
*Committee on Land, Environment and Natural Resources.*