

Tuesday, 10th July, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly - Second Session

Tuesday, 10th July, 2018

The House met at the County Assembly Chamber at 2.30 p.m.

[The Temporary Speaker (Hon. Opanga) in the Chair]

PRAYER

NOTICE OF MOTION

PMU MANAGEMENT OF UWARIA BEACH

Hon. Otiato: Thank you, Mr. Temporary Speaker, Sir; allow me to give Notice of this Motion in regards to the PMU management of Uwaria beach. I would request that Members take their time to go through the Motion. Aware that beach management unit (BMU) is a legal entity established under fisheries (Beach Management Unit) Regulations, 2012 (Revised) consisting of an assembly, an Executive Committee, and such Sub-Committees as may be specified in the by-laws of the beach management unit with mandate of ensuring the orderly, safe and effective use, management and operations of fish landing station. Section 14 (1) and 15 (4) of the said Regulations provides that the executive Committee of a Beach Management Unit shall have not less than 9, nor more than 15 members, who shall be democratically elected by the members of the beach management unit through secret ballot.

Further aware that section 20 of the regulations gives grounds for dismissal of executive committee or any sub-committee member by the assembly, which includes; *if proven to be unsound mind, has failed without reasonable cause to attend three consecutive scheduled meetings, has engaged in or condoned illegal fishing activities, has failed to perform the duties required of his office as specified in the regulations or the laws, or is convicted of a criminal offense.* Section 20 (5) explains that in the event two thirds or more of the executive committee shall stand dissolved from office by the assembly, then the entire executive committee shall stand dissolved and the authorized fisheries officer shall appoint an interim committee and call for fresh elections within ninety days of the dismissal.

Noting that section 33 (5) gives power to an authorized fisheries officer to make inquiries into the conduct of the affairs of a beach management unit during the course of which he may inspect books and records and interview its members. When an authorized fisheries officer finds *prima facie* evidence of financial malpractices, misconduct or that the beach management has not

Disclaimer: *The electronic version of the official Hansard Report is for information purposes Only. A certified version of this Report can be obtained from the Hansard Editor.*

Tuesday, 10th July, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

been operating in accordance with regulations, he may require the executive committee to convene the assembly where he may present his findings to the members of the beach management unit.

Further noting that; section 33(7) only provides for the suspension of executive committee by authorized fisheries officer if the committee fails to convene the assembly within 30days upon request. A temporary manager shall then be appointed to run the beach management unit fresh election is held.

Concerned that the only ground under which director or authorized fisheries officer can suspend the executive committee and appoint an interim committee or an interim committee member without passing through the BMU-assembly is spelt in the regulation under section 21 (1) which states that if the Director or an authorized fisheries officer, has reasons to believe that an executive committee or any of its members are engaged in or are condoning proscribed fishing practices.

Deeply concerned that on the 26th January 2018, Bondo Sub County fisheries officer Mr. Ezra Orwa vide letter Ref; FISH/BON/CO-MAN/125/Vol.3/71 purported to have temporarily suspended the democratically elected Uwaria BMU- Executive misappropriation –powers to which he don't have under the regulation, and instituted a new team to manage BMU affairs. This has caused a lot of tension and continuous hatred among BMU members and has even fueled inter-clan tension within the beach.

This House resolves as follow; the letter dated 26th January 2018 Ref: FISH/BON/CO-MAN/125/Vol.3/71 purporting to temporarily suspend the democratically elected BMU- Executive Committee is null and void, and the elected committee to resume their office duties immediately.

The County Director of Fisheries to present financial audit report of Uwaria Beach Management Unit to the BMU- assembly within 14days from the date of this Motion.

The Temporary Speaker: Thank you, Hon. Otiato. As the Mover of this Motion had stated earlier that we give Members humble time to also go through this and prepare so that when we meet the Motion will be debated on 12th Thursday at 2.30pm in the chambers. At least Members will have humble time also to do a search on their own and be able to contribute to this Motion.

Hon. Olasi: Mr. Temporary Speaker, Sir; I agree but I have a query. Why don't we discuss this Motion tomorrow rather than waiting for Thursday.

The Temporary Speaker: Hon. Olasi; there is a reason and tomorrow there is business that has to be undertaken. Next Order!

MOTION

The Temporary Speaker: Hon. Members would we be upstanding for adjournment.

ADJOURNMENT

Tuesday, 10th July, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Temporary Speaker: Hon. Members there being no other business this House adjourns until tomorrow, 11th at 9:30am in the Chamber.

The House rose at 2.40p.m.