

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 195 (National Assembly Bills No. 66)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2023**

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**NAIROBI, 19th October, 2023**

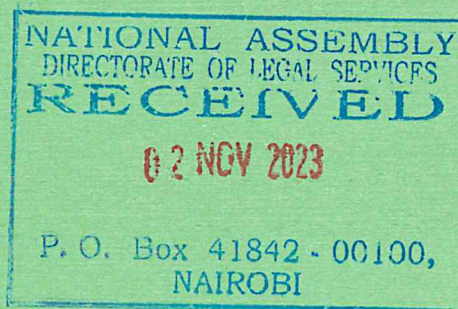
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Bill for Introduction into the National Assembly—

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The Environmental Management and Co-ordination (Amendment) Bill, 2023 1793



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COLLEGE PARK, MARYLAND  
APR 15 1964

**THE ENVIRONMENTAL MANAGEMENT AND CO-  
ORDINATION (AMENDMENT) BILL, 2023**

**A Bill for**

**AN ACT of Parliament to amend the Environmental  
Management and Co-ordination Act and for  
connected purposes .**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Environmental  
Management and Co-ordination (Amendment) Act, 2023.

Short title.

2. Section 147 of the Environmental Management  
and Co-ordination Act, 1999 is amended in subsection (2)  
by inserting the following new paragraph immediately after  
paragraph (b)—

Amendment of  
Section 147 of  
No. 8 of 1999.

(ba) make provisions for the prohibition of the  
introduction, growth or maintenance of trees of  
the eucalyptus species in and along any river,  
lake, sea or wetland.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of Objects and Reasons for the Bill**

The principal object of the Bill is to amend Section 147 of the Environmental Management and Co-ordination Act, No. 8 of 1999 to permit the Cabinet Secretary to make regulations to prohibit the planting of eucalyptus trees along rivers, lakes, seas, and wetlands. This is meant to remove the water-intensive eucalyptus trees from water catchment areas and thus preserve ground water and prevent the reduction of water levels.

**Clause 1** of the Bill provides for the short title.

**Clause 2** of the Bill provides for the insertion of paragraph (ba) in subsection (2) of section 147 to allow the Cabinet secretary to make regulations to provide for the prohibition of introduction, growth or maintenance of trees of the eucalyptus species in and along any river, lake, sea, or wetland.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill delegates legislative powers to the Cabinet Secretary but does not limit fundamental rights and freedoms.

### **Statement that the Bill concerns county governments**

The Bill concerns county governments in terms of Articles 110(1)(a) of the Constitution. It affects the functions of county governments under Paragraph 10 of Part 2 of the Fourth Schedule to the Constitution on implementation of specific national government policies on natural resources and environmental conservation.

### **Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated 19th October, 2023

**IRENE NYAKERARIO MAYAKA,**  
*Member of Parliament.*

*Section 147 of the Act which it is proposed to amend*

147. Power to make regulations

(1) The Cabinet Secretary may, on the recommendation of the Authority and upon consultation with the relevant lead agencies, make regulations prescribing for matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving full effect to the provisions of this Act.

(2) Regulations made under subsection (2) may—

- (a) make provisions for the issue, amendment and revocation of any licence;
- (b) provide for the charging of fees and levying of charges;
- (c) adopt wholly or in part or with modifications any rules, standards, guidelines, regulations, by laws, codes, instructions, specifications, or administrative procedures prescribed by any lead agency either in force at the time of prescription or publication or as amended from time to time.

