

**Third Assembly
Session**

***(No. 020 of 2024)
043)***

Sitting

**Third
Afternoon**

(No.



COUNTY GOVERNMENT OF LAMU
THIRD ASSEMBLY - (THIRD SESSION)
COUNTY ASSEMBLY OF LAMU
ORDERS OF THE DAY
THURSDAY, MARCH 14, 2024 AT 2:30 PM
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion *(See Appendix)*
7. Statements *(See Appendix)*
8. Motion.

(No. 020)

THURSDAY, MARCH 14, 2024

(No.044)

NOTICE OF MOTION

NOTICE OF MOTION : ILLEGAL FISHING

AWARE THAT, Chapter Eleven on Devolved Government re-crafts the vision of the nationalism movement as was enshrined in the Independence Constitution, 1963. This time round, the Constitution creates forty-seven Counties each with its own elected government. The County Government will have and exercise executive and legislative authority including the accompanying mandates and powers, to raise limited revenue, establish policies, plan, and budget and carry out the processes of governing. Additionally, the National Government is obligated to support the County Governments.

FURTHER AWARE THAT, the basic premise in the application of devolution is determining the extent to which the apportionment of the traditional power and authority of the state: - to tax, spend, account for governance, provide and deliver public services, control; distribute and redistribute resources, legislate, set public policy, define and enforce rights; and put in place and enforce a governing machinery; is reserved in the central/national state organs or dispersed across a range of devolved and decentralized entities of mini governments. The investiture or dispersal among the National and County Government is on the basis of the CK 2010.

RECOGNIZING THAT, the form of the Devolved Government in the CK 2010 is defined in Section 6 which postulates that though the two levels of government are distinct, nevertheless, they remain inter-dependent. Clarity of the extent and the apportionment of mandate, role, function and power in the

devolved system are to be found in the provisions of Chapter Eleven, the Fourth Schedule and the Acts of Parliament that enable and give effect to constitutional provisions.

NOTING THAT, devolved governance is achieved by the creation of County Governments and Decentralized Units and Structures. Underlying and embedded in the processes of devolution are the Objects and Principles of Devolved Government provided under Sections 174 and 175 of the CK 2010. 13

CONCERNED THAT, foreign fishermen are seen fishing using gas cylinders prohibited nets, and guns which is completely prohibited by the Fisheries Act 2016 and again the County Government of Lamu has banned the same.

(No. 020)

THURSDAY, MARCH 14, 2024

(No.045)

FURTHER CONCERNED THAT, Section 39(3) of the Fisheries Act 2016, states that, " The Director-General shall, in consultation with the counties and other stakeholders, develop guidelines and standards for the development of fisheries management plans that must conform to this Act and shall include— 35 CAP. 378 Fisheries Management and Development [Rev. 2022]

THEREFORE, I URGE THIS ASSEMBLY TO Compel the County Fisheries Department to come up with a bill on limitation on the type of prohibited gears, prohibited fisheries areas among others pursuant to section 40 (a-k) of the Fisheries Act 2016 and impose a fine to any who contravenes and imposition of licenses.

(MCA AHMED HAMID OMAR)

STATEMENTS

STATEMENTS TO BE REQUESTED

1. Pursuant to Standing Order 41(2)(c) **MCA Mohamed Aboud Abubakar** will raise a statement to the Departmental Committee Chairperson on Agriculture, Fisheries and Blue Economy on matters; Fisheries (Prohibitions) Regulations, 2003.

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