

THE KENYA METEOROLOGY BILL, 2019

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARIES

- 1– Title
- 2– Interpretation
- 3– Application of the Act
- 4– Object and purposes

PART II – THE KENYA NATIONAL METEOROLOGICAL AUTHORITY

- 5– Establishment of the Kenya National Meteorological Authority,
- 6– Headquarters
- 7– Functions of the Authority
- 8– Powers of the Authority

PART III – KENYA SCHOOL OF METEOROLOGY

- 9– Establishment of the Kenya School of Meteorology,
- 10– Functions of the School
- 11– Academic Board
- 12– Functions of the Board

PART IV – MANAGEMENT OF THE AUTHORITY

- 13 – Composition and appointment of Board of Directors
- 14– Qualifications of Board members
- 15– Disqualifications
- 16– Tenure of office
- 17– Vacancy
- 18– Functions of the Board
- 19– Powers of the Board
- 20– Meetings of the Board
- 21– Committees
- 22– Delegation by the Board
- 23– Remuneration of Members of the Board
- 24– Disclosure of interest
- 25– Common Seal of the Authority
- 26– The Director - General
- 27– Delegation of power by the Director-General
- 28– Appointment of Corporation Secretary
- 29– Staff of the Authority

PART V – FINANCIAL PROVISIONS

- 30– Funds of the Authority
- 31– Annual estimates
- 32– Investment of funds
- 33– Accounts and Audit
- 34– Annual Report

PART VI— GENERAL PROVISIONS

- 35– Establishment of observation stations
- 36– Authorised officers
- 37– Intellectual Property Rights
- 38– Limitation of Liability
- 39– Protection from personal liability
- 40– Offences
- 41– General penalty
- 42– Regulations

PART VII - TRANSITIONAL PROVISIONS

- 43– Interpretation of Part VI
- 44– Court and other proceedings
- 45– Assets and Liabilities
- 46– Staff

PART VII: METEOROLOGY REGULATORY CONTROLS

- 47– Establishment of Meteorology Regulatory Committee
- 48– Composition of the Committee
- 49– Regulatory functions of the Committee
- 50– Removal from Office
- 51– Remuneration of the Regulatory Committee
- 52– Meetings of the Regulatory Committee

PART VIII- KENYA METEOROLOGICAL SOCIETY

- 53– Establishment of the Kenya Meteorological Society
- 54– Functions of the Society
- 55– The Council
- 56– Subscription Fees
- 57– Committees of the Council
- 58– Secretary to the Council
- 59– Registration Committee
- 60– Requirement for practicing certificate
- 61– Practicing as a meteorologist and technologist

- 62- Application for a practising certificate
- 63- Issue of practising certificate
- 64- Qualifications for registration
- 65- Disqualification from registration

First Schedule	-	Public Goods Services
Second Schedule	-	Private Goods Services
Third Schedule		Provisions as to the Conduct of Business and Affairs of the Board
Fourth Schedule	-	Weather Service Providers

MEMORANDA OF OBJECTS AND REASONS

THE KENYA METEOROLOGY BILL, 2019

A Bill for

AN ACT of Parliament to provide for regulation, co-ordination, monitoring, management, provision and control of meteorological services and for connected purposes.

ENACTED by the Parliament of Kenya as follows: -

PART I - PRELIMINARIES

Short title 1. This Act may be cited as the Kenya Meteorology Bill, 2019 and shall come into operation on such dates as the Cabinet Secretary may, by notice in the Kenya Gazette, appoint.

Interpretation 2. In this Act, unless the context otherwise requires: -

“advisory services” includes weather and climate outlooks, weather and climate forecasts, warnings and any other climatological advice;

“Aerodrome Meteorological Office” means an office designed to provide meteorological service for aerodromes serving international air navigation;

“Aeronautical services” or aviation services includes information, direction and other facilities furnished, issued or provided in connection with meteorological forecasts or data for civil or military aviation;

“Air Navigation Services” has the meaning assigned to it under section 2 of the KAA Act, 1991;

“Authority” means the Kenya National Meteorological Authority established under section 5;

“authorized officer” means a person designated an authorized officer under section 36;

“Academic Board” has the meaning assigned to it under section 11 of this Act;

“Board” means the Board of Directors constituted under section 13;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to meteorological services;

“climate” means the average weather conditions prevailing in an area over a period of at least thirty years characterized by statistics of the meteorological elements;

Act No. 11 of 2016 “climate change” has the meaning assigned to it under section 2 of the Climate Change Act, 2016;

“Director General” means the Chief Executive Officer appointed under section 26;

“environment” means a prevailing biodiversity and ecosystem of fauna and flora including land, climate, atmosphere, water and space;

“Financial Year” means a period of twelve (12) months which commences on 1st July in one year and ends on 30th June in the following year;

“*Gazette*” means the *Kenya Gazette* published by the authority of the Government of Kenya and includes any Supplement;

“Kenya Meteorology Society” means the professional body dedicated to the advancement of meteorology and related sciences, facilitating communication of important research findings and applications and assigned the responsibility of regulating meteorological service providers;

“land” has the meaning assigned to it under Article 260 of the Constitution;

“marine Meteorology” means meteorology as applied to activities in coastal zones and ecosystems, fisheries and maritime transportation;

“meteorology” means the science dealing with the phenomena of the atmosphere and its interaction with the land, oceans and the cryosphere;

“Meteorological Watch Office” an office designed by the state to provide meteorological service for air navigation within the flight information region;

“private weather service provider” means a person, persons or an organization, registered as a provider of weather services specified in the Fourth Schedule;

“meteorological infrastructure” includes the observational systems and networks; telecommunication systems and networks for rapid data exchange; data processing, analysis and forecasting systems; data management and archival systems; information and product dissemination systems; and human capital;

“meteorological services” means: the observation, transmission and processing of weather data; issuance of weather forecasts, alerts, advisories and warnings; provision of climatological and related environmental information; development and maintenance of observational, forecasting, climate data management and product dissemination systems and networks, telecommunication systems; carrying out operational research and development in meteorology, providing early warning services for disaster risk reduction; providing the scientific input for adaptation and mitigation to climate change; and the

provision of education and training in meteorology and related sciences in partnership with institutions of higher learning.

“premises” includes land, plants and ancillary works vested in or placed at the disposal of the Authority for the purposes of the Authority;

“Private Good Services” means the services specified in the Second Schedule;

“Public Good Services” means the services specified in the First Schedule;

“specialized service” means meteorological service provided by the Authority as it deems necessary or on request by an identifiable person;

“weather” means the ambient state of the atmosphere prevailing at any one time and place as defined by various meteorological elements.

Application of the Act

3. This Act and Regulations shall, except where implied or expressly specified, apply to: -

- (a) weather observers;
- (b) meteorological service providers;
- (c) meteorological training institutions;
- (d) any person, group of persons or organization whose undertakings involve, or include generally, the use of meteorological information.

Object and purposes

4. (1) The object and purposes of this Act are to regulate, coordinate and monitor meteorological affairs in Kenya.

(2) Without prejudice to sub-section (1), this Act shall be applied locally and internationally to enable the Authority to: -

- (a) provide high quality meteorological service in Kenya;
- (b) provide Public and Private Good Services to all its clients;
- (c) maintain up to date collection of weather and climate data over Kenya and within the zone of responsibility assigned to Kenya by the World Meteorological Organization;
- (d) be the long-term custodian of an accurate national climatological records;
- (e) fulfil Kenya’s international obligations under the United Nations Convention of the World

Meteorological Organization;

- (f) in its capacity as a state Authority in provision of aviation meteorological services, fulfil the international obligations of the Government of Kenya under the United Nations Convention of the International Civil Aviation Organization as relates to aeronautical meteorological services;
- (g) promote capacity development in meteorology and related sciences in Kenya; and
- (h) Fulfil such other mandate on weather, climate and related sciences as the Cabinet Secretary may direct.

PART II – THE KENYA NATIONAL METEOROLOGICAL AUTHORITY

Establishment of the
Kenya National
Meteorological
Authority

5. (1) There is hereby established an authority to be known as the Kenya National Meteorological Authority (In this Act referred to as the “Authority”).

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of–

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, charging and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts for the proper discharge of its functions under this Bill, which may be lawfully done or performed by a body corporate.

(3) The Authority is the National Authority for the provision of Meteorological Services in Kenya.

Headquarters

6. The headquarters of the Authority shall be in Nairobi.

Functions of the
Authority

7. The functions of the Authority are: -

- (a) the development and implementation of Government policy in the field of meteorology;
- (b) advising the National and County Governments on all aspects of meteorology and related sciences;
- (c) establishment and maintenance of national surface, upper-air and marine meteorological observation networks;
- (d) establishment and maintenance, nationally, regionally and

- internationally, of telecommunication network for exchange of meteorological data and products;
- (e) provision of aeronautical meteorological information through air navigation services;
 - (f) Rating of air traffic controllers for acquisition and renewal of operating licenses;
 - (g) the establishment and maintenance of data management, analysis, forecasting and archival systems;
 - (h) preparation and dissemination of weather forecasts, as well as issuance of advisories, alerts and warnings for severe weather and extreme climate events;
 - (i) play its role as the single authoritative voice for issuance of severe weather-related warnings;
 - (j) to provide Public and Private Good Services to all its customers;
 - (k) engage in Public Private Partnerships with relevant sector players;
 - (l) to monitor environmental pollution and greenhouse gases for air quality assessment and climate change detection and attribution;
 - (m) to monitor tropospheric and stratospheric ozone over Kenya in fulfillment of the Montreal Protocol and Vienna Convention on substances that deplete the ozone layer including UV-B radiation and aerosol transport;
 - (n) to carry out scientific assessments on the Climate Agenda under the Inter-governmental Panel on Climate Change in support of country position on the resolutions, protocols and conventions of the United Nations Framework Convention on Climate Change;
 - (o) to conduct education and training and set standards in meteorology, operational hydrology and related sciences;
 - (p) to conduct and co-ordinate operational research and development;
 - (q) to regulate and set standards for the provision of meteorological services;
 - (r) to design, fabricate, calibrate, and maintain basic meteorological instruments;
 - (s) to conduct public education and outreach; and
 - (t) any other function that the Authority may be required to undertake by this or any other written law.

Powers of the Authority

- 8.** (1) The Authority shall have all powers necessary for the proper performance of its functions under this Act.
- (2) Without prejudice to the generality of subsection (1), the Authority shall have power: -
- (a) subject to the approval of the Cabinet Secretary, to determine, impose and levy charges, dues or fees for any

services provided by the Authority, or for use by any person of any facility of the Authority;

- (b) to receive any gift, grant, donation or endowment made to it and to make legitimate disbursements in accordance with the provisions of this Act;
- (c) subject to any limitation that may be specified by the Cabinet Secretary, to enter into any contract, arrangement, Authority, association or partnership with any person, Government Authority or Authority, whether within or outside Kenya.
- (d) to create, develop, own, protect and exploit inventions and innovations resulting from research activities undertaken on or by the aid of the Authority.
- (e) to determine, in consultation with the Salaries and Remuneration Commission, the terms and conditions of employment of the Director-general and the staff.

PART III-KENYA SCHOOL OF METEOROLOGY

Establishment of the Kenya School of Meteorology

9. (1) There is hereby established a School to be known as the Kenya School of Meteorology (In this Act referred to as the “School”)

(2)The school shall be headed by a Director who will be responsible to the Director General of the Kenya National Meteorological Authority

(3) The School is the national training Institution for the provision of Diploma, Certificate and professional Operational Training Course (OTC) in meteorology and related sciences in Kenya.

Functions of the School

10. (1) The functions of the School are: -

- a) To provide training programmes, seminars and workshops aimed at maintaining standards in meteorology and related sciences;
- b) To provide directly or in collaboration with other institutions of higher learning services in meteorology and related sciences, consultancy, research and development;
- c) To provide collaboration between the public and private sector and other interested parties for the development of meteorological science; and
- d) To conduct examinations and award diplomas, certificates and other awards to successful candidates.

(2) Admission of candidates to the School for diploma shall be open to all persons accepted as qualified for such admission without distinction on the basis of ethnic origin, sex, or creed

being imposed on any person as a condition of his or her becoming or continuing to be a student of the School.

Academic Board

11. (1) There shall be an Academic Board of the School consisting of not more than nine (9) members appointed by the Director General. This shall consist of: -

- a) The Director of the School;
- b) Managers of the School;
- c) Heads of Departments of the School;
- d) A representative from the University of Nairobi;
- e) A representative of the South Eastern University of Kenya; and
- f) A representative from a Professional Meteorological Body

(2) members shall hold office for a period of three years on such terms and conditions as may be specified in their instruments of appointment and shall be eligible for reappointment.

Functions of the Academic Board

12. The functions of the Academic Board shall be: -

- a) Establishment of the Departments in the School;
- b) Set requirements for the award of diploma and certificates;
- c) Prescribe fees, boarding and other charges;
- d) Set and review the content and academic standard of any diploma or other awards;
- e) Establish standards for and evaluate the quality of the training program;
- f) Set, moderate and ratify examinations for award diplomas and certificates to suitably qualify the students; and
- g) Coordinate such other activities as may be undertaken by the School in the discharge of its functions under this Act.

PART IV – MANAGEMENT OF THE AUTHORITY

Composition and appointment of Board of Directors

13. (1) The management of the Authority shall vest in a board of directors to be known as the Kenya National Meteorological Authority Board (in this Act referred to as the “Board”) which shall comprise: -

- (a) a Chairperson, appointed by the President;
- (b) a representative of the Principal Secretary of the Ministry for the time being responsible for matters relating to meteorological services;
- (c) a representative of the Principal Secretary to the National Treasury;
- (d) a representative of the Attorney General;
- (e) A representative of the professional body

- (f) Four other persons, not being public officers, with knowledge and experience in any one of the following fields: -
 - (i) agriculture and livestock development;
 - (ii) disaster management;
 - (iii) transport industry (Aviation, Surface transport or Marine);
 - (iv) health and public safety;
 - (v) energy;
 - (vi) education and training and the research community;
- (g) the Director General appointed under section 22 of this Act, who shall be an ex-officio member of the Board.

(2) Persons appointed under subsection (1) (b) (c) (d) and (e) to represent their principals shall be appointed by name and in writing.

(3) Members of the Board, other than the chairperson, shall be appointed by the Cabinet Secretary.

(4) In appointing persons under this section, the appointing authorities shall take cognizance of the provisions of Article 10 of this Act and Chapter Four of the Constitution.

Qualifications of Board members

14. (1) A person shall be qualified for appointment as the Chairperson of the Board under section 9 if that person: -

- (a) is a citizen of Kenya;
- (b) meets the requirements of Chapter Six of the Constitution;
- (c) has knowledge and experience in meteorology and related sciences of which at least ten years are in public management; and
- (d) does not hold a position or have such interests that are likely to place that person in a position of conflict of interest.

(2) A person shall be qualified to for appointment as a member of the Board under section 9 if that person: -

- (a) is a citizen of Kenya;
- (b) meets the requirements of Chapter Six of the Constitution;
- (c) has knowledge and experience in meteorology and related sciences of which at least five years are in public management; and
- (d) does not hold a position or have such interests that are likely to place that person in a position of conflict of

interest.

Disqualifications

15. A person shall not be qualified for appointment as the Chairperson or as a member of the Board if that person: -

- (a) is a member of a governing body of a political party;
- (b) is an undischarged bankrupt;
- (c) has been convicted of a criminal offence and sentenced to imprisonment for a term of more than six months;
- (d) has been removed from any public office for contravening the provisions of the Constitution or any other written law;
- (e) is a member of Parliament or county assembly; or
- (f) has not met his or her legal obligations relating to tax and other statutory obligations.

Tenure of office

16. The Chairperson and members of the Board appointed under section 13, other than *ex officio* members shall hold office for a period of three years on such terms and conditions as may be specified in their instruments of appointment and shall be eligible for reappointment for one further term of three years.

Vacancy

17. (1) A vacancy shall arise in the Board if a member: -

- (a) dies;
- (b) resigns;
- (c) assumes a political office;
- (d) is found to have contravened Chapter Six of the Constitution;
- (e) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (f) is incapacitated by prolonged physical or mental illness from performing their duties as a member of the Board;
- (g) has been absent from three consecutive meetings of the Board without the prior permission of the Chairperson, except on good cause shown; or
- (h) is adjudged bankrupt or enters into a composition scheme or arrangement with their creditors.

(2) The Chairperson shall notify the Cabinet Secretary as soon as a vacancy occurs in the membership of the Board, and the appointing authority shall, within three months of receiving such notice, appoint a member to fill the vacancy.

Functions of the Board

- 18.** (1) The Board shall be responsible for the general management, development and control of the undertakings and affairs of the Authority, including a general duty to ensure that the functions of the Authority are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue disadvantage.
- (2) The Board shall consider and advise the Cabinet Secretary on policies and objectives of the Authority.
- (3) The Board shall, following a competitive recruitment process, recommend to Cabinet Secretary the appointment of the Director General, who shall be a professional meteorologist;
- (4) Without prejudice to the generalities of subsections (1) and (2) of this section, the Board shall: -
- (a) consider and advise the Cabinet Secretary in relation to meteorological services;
 - (b) consider and approve the strategic and business plans and budgets of the Authority;
 - (c) oversee the implementation of meteorology policies;
 - (d) consider and approve the Authority's remuneration package and revenue collection;
 - (e) ensure the financial viability and development of commercial services;
 - (f) ensure efficient, cost effective and quality meteorological services;
 - (g) approve the appointment of senior managers;
 - (h) monitor the performance of the Authority;
 - (i) Formulate policies for the administration and management for the School of Meteorology; and
 - (j) perform any other function assigned to it by the Cabinet Secretary.

Powers of the Board

- 19.** The Board shall: -
- (a) have all the powers necessary for the proper performance of the functions of the Authority under this Act;
 - (b) administer the assets of the Authority in such manner and for such purposes as best promotes the purposes for which the Authority is established;
 - (c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority; and

(d) on behalf of the Authority, receive gifts, donations, grants or other monies and equipment and make legitimate disbursements;

- Meetings of the Board
20. The conduct and regulations of the business and affairs of the Board shall be as provided in the Third Schedule but subject thereto, the Board may regulate its own procedure.
- Committees
21. The Board may establish such committees from amongst its members as are necessary for its effective function.
- Delegation by the Board
22. The Board may, by resolution generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.
- Remuneration of Members of the Board
23. The Authority shall pay members of the Board such remuneration, fees and allowances as may be determined by the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission.
- Disclosure of interest
24. (1) The Chairperson or a member of the Board who has a direct or indirect personal interest in a matter being considered or to be considered by the Board shall, as soon as reasonably practicable after the relevant facts concerning the matter have come to that person's knowledge, disclose the nature of their interest to the Board.
- (2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting of the Board and the chairperson or member shall not take part in the consideration or discussion of or vote during any deliberations by the Board on the matter.
- Common Seal of the Authority
25. (1) The seal of the Authority shall be kept in the custody of the Corporation Secretary and shall not be used except on the order of the Board.
- (2) The seal of the Authority when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization under this section shall be presumed to have been duly given.
- The Director - General
26. (1) There shall be a Director-General of the Authority, who shall be appointed by the Cabinet Secretary, on the recommendation of the Board, on such terms and conditions as

may be specified in the instrument of appointment.

- (2) The Director-General shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (3) A person is qualified for appointment as Director-General if that person: -
 - (a) is a citizen of Kenya;
 - (b) meets the requirements of Chapter Six of the Constitution; and
 - (c) has knowledge and experience of at least fifteen years in meteorology or other related sciences of which ten years are in senior management.
- (4) The Cabinet Secretary may, on recommendation of the Board, terminate the appointment of the Director- General if he or she: -
 - (a) has been absent from three consecutive meetings of the Board without the permission from the Chairperson;
 - (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
 - (c) is convicted of an offence involving dishonesty or fraud;
 - (d) is convicted of a felony;
 - (e) is incapacitated by prolonged physical or mental illness;
 - (f) is found to have contravened the provisions of Chapter Six of the Constitution; or
 - (g) fails to comply with the provisions of this Act relating to disclosure of interest.
- (5) The Director-General may at any time, resign by notice in writing to the Cabinet Secretary.
- (6) The Director-General shall: -
 - (a) subject to the direction of the Board, be responsible for the day to day management of the Authority;
 - (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Authority, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Authority;
 - (c) be the Chief Executive Officer of the Authority;
 - (d) be the Permanent Representative of Kenya with the

World Meteorological Organization;

- (e) perform such other duties as may, from time to time, be assigned by the Board.

(7) The Director-general shall neither engage in any other paid employment nor hold a position or have such interests that are likely to place the Director-general in a position of conflict of interest or impose undue influence on the Authority or its employees in discharging its functions under this Act or regulations made hereunder.

(8) Without prejudice to paragraph (8)(i), it shall be the responsibility of the Director-general to: -

- (a) implement the meteorology policy;
- (b) promote the development of meteorological services in Kenya;
- (c) use, with their consent, the available services, equipment and facilities of other agencies and co-operate with those agencies in the establishment, and use of services, equipment and facilities of the Authority;
- (d) strengthen the existing training institution and establish such other institutions for the purposes of offering instructions and training in matters related to meteorology and related sciences;
- (e) determine and set priorities of the performance targets of the Authority;
- (f) arrange with any department, authority or individual to observe, record and transmit meteorological data;
- (g) facilitate succession management and provide guidance in the appointment of senior managers;
- (h) ensure that the Authority has adequate systems of internal control, both operational and financial;
- (i) facilitate capacity development in meteorology;
- (j) monitor the deployment and utilization of the movable and immovable property of the Authority;
- (k) prepare the annual reports, business plans and financial statements of the Authority;
- (l) execution and communications of the Boards strategies, decisions and policies;
- (m) implement, co-ordinate and supervise the defined activities related to the management of meteorological programmes;
- (n) responsible for stakeholder management and enhancement of the corporate image of the Authority; and
- (o) perform such other activities as may, from time to time, be assigned by the Board.

power by the
Director-General

either generally or in any particular case, delegate to any person all or any of the powers, exercisable by the Director-General under any written law, excluding this present power of delegation.

- (2) Subject to any general or special direction given or condition attached by the Director-General, a person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly by this section and not by delegation.
- (3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary;
- (4) Any delegation under this section may be made to a specified person or to persons of a specified class or may be made to the holder or holders for the time being of a specified public office or class of public officers;
- (5) Every delegation under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the Director-General;
- (6) A delegation under this section shall, until revoked, continue in force according to its tenure, despite the fact that the Director-General by whom it was made may have ceased to hold office and shall continue to have effect as if made by the person for the time being holding office as Director-General.

Appointment of
Corporation
Secretary

- 28.** (1) The Board shall on such terms and conditions as it may determine, appoint a Corporation Secretary who shall perform such duties as the Board may, from time to time, assign
- (2) The Corporation Secretary shall in the performance of duties under this Act, be responsible to the Director-General.

Staff of the
Authority

- 29.** (1) The Authority may appoint such staff as are necessary for the proper discharge of the functions of the Authority under this Act upon such terms and conditions of service as the Board may, in consultation with the Salaries and Remuneration Commission, determine.
- (2) The Board shall from time to time review salaries, wages and other terms and conditions of service of the staff of the Authority.

PART V – FINANCIAL PROVISIONS

Funds of the
Authority

- 30.** (1) The funds of the Authority shall comprise of: -
- (a) such monies as may be appropriated by Parliament for the purposes of the Authority;

- (b) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
 - (c) grants and loans from the Government;
 - (d) grants and loans from any body, organizations or persons;
 - (e) interest on savings made by the Authority; and
 - (f) all monies from any other source provided, donated or lent to the Authority.
- (2) The Authority may open and operate its own Bank Accounts in both domestic and foreign currencies in banks approved by the Board;
 - (3) The Government may provide appropriations to meet operating deficit and capital funding of the Authority;
 - (4) The Authority shall, at the end of each Financial Year, retain un-utilized revenue in a revolving deposit account for its operations in the subsequent Financial Year.

Annual estimates

31. (1) The Board shall at least three months before the end of each financial year cause to be prepared estimates of revenue and expenditure of the Authority for that financial year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Authority for the financial year concerned and in particular shall provide for: -

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Authority;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority;
- (c) the proper maintenance of buildings and grounds of the Authority;
- (d) the funding of training, research and development activities of the Authority;
- (f) the provision of meteorological services including Universal Service Obligations;
- (g) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority;
- (h) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Board may deem

appropriate.

- (3) (a) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary;
- (b) Once the annual estimates have been approved under paragraph (3)(a), the sum provided in the estimates shall not be amended without the prior consent of the Board.
- (4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Board with the prior approval of the Cabinet Secretary.

Investment of funds

32. The Board may invest any of the funds of the Authority in securities in which, for the time being, trustees may by law invest funds or in any other securities which the National Treasury may from time to time approve for that purpose.

Accounts and Audit

33. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority.

(2) The Board shall within three months from the end of the Financial Year submit to the Auditor-General the accounts of the Authority together with: -

(a) a comprehensive statement of income and expenditure during the year; and

(b) a statement of the assets and liabilities (statement of financial position) of the Authority on the last day of that year.

(3) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

(4) The Board shall appoint an auditor whose appointment shall not be terminated by the Board without the prior written consent of the Auditor-General.

(5) The Auditor-General may give general or special directions to an auditor appointed under subsection (4) and the auditor shall comply with those directions.

- (6) An auditor appointed under subsection (4) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5).
- (7) Notwithstanding anything in this Act, the Auditor-General may submit to the Cabinet Secretary a special report on any matters incidental to the Auditor-General powers under this Act, and relevant sections of the Public Audit Act, 2015 shall apply, with necessary changes, to any report made under this section.
- (8) The Cabinet Secretary shall, as soon as reasonably practicable after the report is submitted to him or her, lay the audit report before the National Assembly.
- (9) The fee for any auditor, not being a public officer, shall be approved and paid by the Board.

Annual Report

- 34.** (1) The Board shall, within three months after the end of each Financial Year prepare and submit to the Cabinet Secretary a report of the operations of the Authority for the immediate preceding year.
- (2) The Cabinet Secretary shall cause the report to be presented to the National Assembly, together with the report of the Auditor-General and certified copies of accounts referred to in section 33(2), within three months of the day the National Assembly next sits after the report is presented to Cabinet Secretary.

PART VI — GENERAL PROVISIONS

Establishment of observation stations

- 35.** (1) The Authority shall establish observation stations at such places as the Board deems appropriate.
- (2) If an observation station established under subsection (1) is on private property, the Authority shall enter into an agreement with the owner which shall state the manner in which the station shall be maintained and the minimum distance to be kept between the station and any other structure.
- (3) An officer authorized under section 36 may enter at all reasonable times any land on which an observation station is established for the purpose of conducting necessary inspection, maintenance and data collection.
- (4) The Cabinet Secretary shall prescribe any fees to be paid to the private land owner for use of their land.

Authorized officers

36. (1) The Director-general shall designate such persons as the Director-general considers necessary, to be authorized officers for purposes of this Act. An authorized officer shall carry out the following duties: -

- (a) assess applications for establishing of private weather service providers
- (b) provide advice and guidance on the establishment of observing systems and forecasting systems by private weather service providers.
- (c) inspect monitor the installation of weather observing systems by private weather observers.
- (d) monitor risks of air traffic operations with regard to prevailing weather conditions.
- (e) assess the Authority's compliance with recommended quality management procedures and advise accordingly.
- (f) investigate the contribution of weather phenomena following accidents and natural disasters.
- (g) carry out any other authorized duties as the Director-General may direct.

An authorized officer may be given a different specific title depending on their area of deployment.

(5) Powers of authorized officers.

Authorized officers shall have powers to: -

- (a) approve applications for the establishment of private weather service providers;
- (b) authorize the establishment of observing and forecasting systems and enforce compliance with the World Meteorological Organization and the Kenya Bureau of Standards requirements by private weather service providers.
- (c) enforce compliance with WMO standards with regard to the specifications of weather and climate observing systems and recommend penalties for non-compliant private weather observers and forecasters including the procedures in section 37 of this Act.
- (d) issue notices to airmen on weather related risks to air traffic operations.

- (e) enforce compliance with quality management procedures within the Authority.
- (f) monitor and recommend measures for disaster risk reduction with regard to extreme weather and climate phenomena.

(6) The Director-General shall issue every authorized officer with documentation identifying the officer as an authorized officer.

Intellectual
Property Rights

37. (1) The Authority shall retain the Intellectual Property Rights on any data, meteorological, hydrological, environmental and advisory service, computer programs, inventions, discoveries and improvements, generated by the Authority in the fulfillment of its functions.

(2) A client or customer who obtains any data, information, advisory and meteorological services from the Authority shall not, without the written consent of the Director-General, provide the same to a third party or cause it to be distributed.

(3) A person who uses any information or material of the Authority by way of publication including in radio, television, social media, internet or other such medium, shall acknowledge the Authority as the source or contributor of such information.

Limitation of
Liability

38. The Authority is not liable for any damage, loss or injury sustained or alleged to have been sustained, by any person as a result of such person's reliance on meteorological information provided by the Authority.

Protection from
personal liability

39. No matter or thing done by a member of the Board or agent of the Board shall, if the matter or thing is done bona fide for executing the functions, powers and duties of the Board under this Act, render the member, or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Offences

40. A person who: -

- (a) obstructs an authorized officer of the Authority in the exercise of their powers or duties under this Act;
- (b) falsely holds themselves out to be an authorized representative of the Authority;
- (c) destroys, removes or damages a weather observation

station or other equipment of the Authority;

- (d) gives or distributes information obtained from the Authority contrary to the provisions of this Act;
- (e) issues to the public weather data collected, or weather information derived from a weather station not been registered with the Authority;

commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

General penalty

41. A person guilty of an offence under this Act for which no penalty is prescribed shall, on conviction, be liable to a fine not exceeding one hundred thousand shilling or imprisonment for a period not exceeding twelve months, or both.

Regulations

42. The Cabinet Secretary may, after consultation with the Board, make regulations generally for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of the foregoing, may make regulations prescribing: -

- (a) rates, fees, charges and alterations in the tariffs, levied for the services and facilities provided by the Authority under this Act;
- (b) the content of agreements between the Authority and private land owners regarding any weather station or equipment set up on private land;
- (c) Meteorological Data Policy;
- (d) the cost recovery for Aviation Meteorological Services land;
- (e) the standards for setting up and operating weather observing instruments;
- (f) dissemination of weather data and information to the public;
- (g) the operation of private Weather Services
- (h) any matter for which it is deemed necessary to make regulations in order to achieve the objectives of this Act.

PART VIII - TRANSITIONAL PROVISIONS

Interpretation

43. In this Part:-

“Appointed day” means the day appointed by the Cabinet Secretary as the commencement date for this Act.

“Former Service” means the Kenya Meteorological Department existing immediately before the commencement of this Act.

Court and other proceedings

- 44.** (1) Any proceedings taken against or by the Former Service or pending against it or any other person immediately before the commencement of this Act may be continued by or against the Authority as if instituted under this Act, provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question.
- (2) Any administrative investigation or inquiry instituted before the commencement of this Act shall be continued or disposed of as if instituted under this Act;
- (3) All disciplinary proceedings which immediately before the commencement of this Act were pending shall be continued or concluded as if instituted under this Act;
- (4) All appeals or processes, which immediately before the commencement of this Act were pending, shall proceed as if instituted under this Act;
- (5) A contract subsisting between the former Service and another person before the commencement of this Act shall subsist between the Authority and that person.

Assets and Liabilities

- 45.** Upon the commencement of this Act, all the property, assets, rights and liabilities, obligations and agreements (including any contract or employment) vested in, acquired, incurred or entered into, by or on behalf of the former Service, shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Authority, and accordingly, every such right, liability, obligation or agreement may be enforced by, or against the Authority to the same extent as it could have been enforced by or against the Former Service.

Staff

- 46.** A person who, immediately before the commencement of this Act was a member of staff at the Former Service, shall at the commencement of this Act be deemed to be seconded to the Authority provided that such a person shall, within a period of one (1) year from the appointed day exercise his or her option either:-
- (a) enter into a written contract of service with authority, where upon his/service with the government shall be deemed to have been terminated;

(b) to be redeployed by the Government.

PART VII: METEOROLOGY REGULATORY CONTROLS

Establishment of
Meteorology
Regulatory
Committee

47. (1) There is hereby established a Meteorology Regulatory Committee (In this Bill referred to as the “Committee”);

(2) The Cabinet Secretary in charge of Meteorological Services shall appoint the Committee.

Composition of the
Committee

48. (1) The management of the Committee shall comprise seven members: -

(a) a Chairperson, appointed by the Cabinet Secretary;

(b) a representative of the Principal Secretary of the Ministry for the time being responsible for matters relating to meteorological services;

(c) a representative of the Principal Secretary to the National Treasury;

(d) a representative of the Attorney General;

(e) A representative of the professional body;

(f) Two other persons, not being public officers, with knowledge and experience in any one of the following fields: -

(vii) agriculture and livestock development;

(viii) disaster management;

(ix) transport industry (Aviation, Surface transport or Marine);

(x) health and public safety;

(xi) energy;

(xii) education and training and the research community;

(4) In appointing persons under this section, the appointing authorities shall take cognizance of the provisions of Article 14

(2) of this Act and Chapter Four of the Constitution.

Regulatory
functions of the
Committee

49. (1) The Committee shall regulate the meteorological services in Kenya

(2) Without prejudice to the generality of subsection (1) the regulation of the Committee shall include:

(a) approval and registration of meteorological stations;

- (b) to ensure adherence to international standards and practices of meteorological services;
- (c) ensure adherence to standards in installation and maintenance of meteorological instruments;
- (d) to perform monitoring and supervisory functions over meteorological operators.

Removal from Office

- 50.** A member of the Committee may at any time be removed from Office by the Cabinet Secretary on the account of:
- (a) Misconduct;
 - (b) In ability to perform duties of his or her office effectively;
 - (c) Absence from any meeting of the Committee without the prior permission of the Chairperson except on good cause shown;
 - (d) Election as a member of Parliament or County Assembly;
 - (e) is a member of a governing body of a political party;
 - (f) is an undischarged bankrupt;
 - (g) has been convicted of a criminal offence and sentenced to imprisonment for a term of more than six months;
 - (h) has been removed from any public office for contravening the provisions of the Constitution or any other written law;
 - (i) has not met his or her legal obligations relating to tax and other statutory obligations.

Remuneration of the Regulatory Committee

- 51.** Any member of the Committee shall be paid by the Authority such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine;

Meetings of the Regulatory Committee

- 52.** The Committee must meet at least four times in a year at such times and places as the Committee may determine, but the first meeting of the Committee must be held at such time and place as the Cabinet Secretary determines.

PART VIII - KENYA METEOROLOGICAL SOCIETY

Establishment of the Kenya Meteorological Society

- 53.** (1) There is hereby established a professional society for meteorology known as the Kenya Meteorological Society (in this Act referred to as the “Society”)

Functions of the Society

- 54.** The functions of the Society are: -
- a) to promote standards of professional competence and practice amongst members of the Society;
 - b) Promote research in to the subject of meteorology, atmospheric and related sciences, and the publication of books, periodicals, journals and articles in connection therewith;
 - c) Promote the international recognition of the Society;

- d) Advice the Academic Board on matters relating to examination standards and policies;
- e) Advice the Cabinet Secretary on matters relating to meteorology and applied science; and
- f) Carry out any other functions prescribed for it under any other provisions in this Act or any other written law

The Council

55. (1) The Society shall be governed by a Council referred to as the Council of the Society;

(2) Subject to this Act, all acts and things done in the name of, or on behalf of the Society, by the Council or with the authority of the Council shall be deemed to have been done by the Society;

(3) The Council shall draw and publish standards of professional practice, ethics, practice guidelines for members of the Society; and

(4) the Council may with the approval of the Cabinet Secretary issue by-laws, regulations and guidelines to govern matters affecting the operations of the Society and practice by members of the Society.

Subscription Fees

56. The Members of the Society are specified in Section 49 shall pay such fees and subscriptions as the Council may determine from time to time.

Committees of the Council

57. (1) The Council may establish such committees as are necessary for the performance of the functions of the Society and may, subject to the provisions of this Act, delegate powers conferred on it to such committees;

(2) The provision of the sixth schedule shall have effect with respect to the Council

Secretary to the Council

58. (1) There shall be a Secretary to the Council who shall be appointed by the Council;

(2) The Secretary to the Council shall hold and vacate the office of Secretary in accordance with the terms of the instrument of appointment to that office;

(3) The Secretary to the Council shall exercise and perform such other functions as the Council may, from time to time, determine.

Registration Committee

59. (1) There is established a Registration and Quality Assurance Committee (hereinafter known as the Registration Committee) consisting of

seven members to be appointed by the Council as follows: -

- (a) Chairperson;
- (b) The Secretary of the Council
- (c) person nominated by the Academic Board;
- (d) one representative from the Universities training in Meteorology;
- (e) two persons nominated by the Council to represent the Society; and
- (f) one person, not being a member of the Society, nominated by the Council to represent the users of meteorological services.

(2) The functions of the Registration Committee shall be to: -

- (a) receive, consider and approve applications for registration as a professional meteorologist and technologists and grant of practicing certificates and annual licenses in accordance with the provisions of this Act;
- (b) monitor compliance with professional, quality assurance and other standards published by the Council for observance by the members of the Society;
- (c) prescribe regulations to govern quality assurance programmes, including actions necessary to rectify deviations from published standards;
- (d) where appropriate and based on the results of a quality assurance review, recommend to the Council that a member's conduct be referred for inquiry;
- (e) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance; and
- (f) perform any other functions incidental to the fulfillment of its objectives under this Act.

(3) In the performance of its functions under this section, the Registration Committee may undertake such investigations as it deems appropriate, and may requisition evidence, examine records and documents prepared or held by, or likely to be availed to, the member under investigation.

(4) The Council shall provide the Registration Committee with such facilities and resources as are necessary to enable it to competently discharge its functions;

(5) In the exercise of its functions under this Act, the Registration Committee shall regulate its own procedure and shall not work under the direction of any person or persons;

(6) The Secretary to the Council shall serve as the Secretary to the Registration Committee, and may, with the consent of the person presiding at a meeting, take part in the deliberations on any matter arising at the meeting, but shall not be entitled to vote on any such matter;

Requirement for practicing certificate

60. (1) No person shall practice as a meteorologist and technologist unless he is the holder a practicing certificate and a license to practice that are in force.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding three years or to both.

Practicing as a meteorologist and technologist

61. Any person practicing as a meteorologist or technologist offering services related to meteorology, must be registered with the Society.

Application for a practising certificate

62. (1) A person wishing to obtain a practising certificate shall apply to the Registration Committee.

(2) An application for a practising certificate shall be in the prescribed form and shall be accompanied by the prescribed fee.

Issue of practising certificate

63. (1) Where an application is made by a person in accordance with section 20, the Registration Committee shall issue to such person a practising certificate if it is satisfied that the person—

- (a) is registered;
- (b) meets such other requirements as may be prescribed, and, if not so satisfied, shall refuse the application.

(2) A practising certificate issued under this Act remains in force unless it ceases to be in force for a period of one year and can be renewed.

(3) Notwithstanding subsection (2), a practising certificate issued to any person shall cease to be in force if that person ceases to be registered.

Qualifications for registration

64. (1) Subject to this section, a person is qualified to be registered if the person—

- (a) has been awarded by the School; or
- (b) holds a qualification approved by the Council.

Disqualification
from registration

65. . (1) Subject to this section, a person is disqualified from being registered—

- (a) if such person is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving fraud or dishonesty;
- (b) if such person is an undischarged bankrupt;
- (c) if such person is of unsound mind and has been certified to be so by a medical practitioner.

PUBLIC GOODS SERVICES

Public goods service includes the following: -

1. The gathering of meteorological, climatological and environmental observational data over Kenya and the Western Indian Ocean, sufficient for the needs of the country and to comply with the international obligations and in accordance with the World Meteorological Organisation standards, International Civil Aviation Organization recommendations and best practices including standards pertaining to the Joint Commission of Oceanography and Marine Meteorology, where practicable.
2. The carrying out of those international service obligations agreed under the World Meteorological Organization arrangements, including the international distribution and exchange of meteorological data as a Regional Telecommunications Hub, Regional Specialised Meteorological Centre, Regional Training Centre, Regional Instruments Centre, a centre of Excellence for the African Satellite Meteorology Education and Training, a test-bed for the World Meteorological Organization concept of operation on the World Meteorological Organization Integrated Global Observing System and the World Meteorological Organization Information System, hosting IGAD Climate Prediction and Application Centre, World Meteorological Organization Regional Office for Eastern and Southern Africa.
3. The provision of other meteorological services and the representation of Government in fulfillment of international obligations, where appropriate.
4. 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 including conservation of the natural environment as enshrined in the Constitution of Kenya and the WMO Convention.
5. The provision of weather forecasts and information to the public for individual, household or group planning.
6. The management and custody of the national climatological databank.
7. The operation and maintenance of the national meteorological observation and telecommunication networks including computer infrastructure necessary for the provision of Public Good Services.
8. Provision of advice to the Government regarding meteorological and climatological matters, especially advice pertaining to severe weather, extreme climate events, disaster risk reduction, pollution and climate change.
9. Research and development aimed at improving the quality of the Public Good Services.

10. Provision of meteorological support for the transport sector including search and rescue operations pertaining to aircraft accidents, disaster risk reduction, relief and rehabilitation services.
11. Provision of specialized services for agriculture, livestock and fisheries sectors.
12. Provision of maritime weather, sea bulletins, tsunami advisories, alerts and warnings for safety of life at sea and coastal regions.
13. Provision of weather and climate information through the radio internet (RANET) targeting vulnerable communities.
14. Any other service the Cabinet Secretary may declare to be a Public Good Service.

PRIVATE GOODS SERVICES

Private goods service includes the following: -

1. Provision of specialized and value-added weather forecasting and climate information services for sport, recreation and tourism; building and construction industry; insurance; forensic meteorological services for investigations; accidents, health related pollution dispersals; crime scene weather conditions among other sectors.
2. Provision of marine meteorological services to the maritime sector, which are not included in international obligations of the Safety Of Life At Sea (SOLAS).
3. Provision of aeronautical meteorological services to the civil aviation industry.
4. Provision of meteorological services to airports for landing and parking services.
5. Weather and climate related publications.
6. Meteorological consultancy services including advice to the legal, financial and insurance industries.
7. Contracted weather and climate-related research and development activities.
8. Fabricating and selling of meteorological instruments and equipment as well as the servicing, standardization of instruments and equipment falling within the competence of the Authority.
9. Provision of services to the communication and media industries.
10. Calibration, maintenance, repair and inter-comparison of instruments.
11. Commercial services provided to State Departments, institutions and organizations.
12. Provision of services for hydro-power, geothermal, solar and wind energy generation and distribution.
13. Provision of meteorological training.
14. Provision of any other meteorological services that do not fall under Public Good Services.

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings

1. (1) The first meeting of the Board shall be held at such time and place as the Cabinet Secretary may determine.
- (2) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (3) Notice of a Board meeting shall be given in writing to each member of the Board at least fourteen days before the day of the meeting but a special, urgent or extra-ordinary meeting may be called within less that fourteen days notice at the request of at least five members of the Board.
- (4) Notwithstanding the provisions of subparagraph (2), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.
- (5) The notice to be given under paragraph (2)) shall state: -
 - (i) the venue of the meeting;
 - (ii) the Annotated Agenda with sufficient details of business to be discussed at the meeting.
- (6) The Chairman shall preside at every meeting of the Board at which he/she is present but in his/her absence, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairman.
- (7) Unless a unanimous decision is reached by consensus, a decision on any matter before the Board shall be by majority votes of those present, excluding the Director-General, and in case of equality of votes, the Chairperson or the person presiding shall have a casting vote.
- (8) The Board may co-opt or invite any number of persons to act as advisors or consultants at any of its meetings or form such committees to perform such functions or duties of the Board as the Board shall determine.
- (9) Subject to the provisions on quorum, no proceedings shall be invalid by reason only of a vacancy among the members of the Board.

(10) Subject to the provisions of this schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of any other person at its meetings and may make standing orders in respect of the meetings. Co-opted or invited persons shall not be counted in the quorum of the meetings of the Board and shall not be eligible to vote.

Committees of the Board

2. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.
- (2) A Committee established under sub-paragraph (1) shall elect a chairperson from amongst its members.
- (3) The Board may where it deems appropriate, invite any person to attend the deliberations of any of its committees.
- (4) All decisions by the committees appointed under subsection (1) shall be ratified by the Board.

Disclosure of Interest

- 3.(1) If a member of the Board is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he/she shall, at the meeting and as soon as is practicable after commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter. Provided that if the majority of the members are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

Minutes

The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

PRIVATE WEATHER SERVICES PROVIDERS

Private weather service providers concentrate their efforts to purely private good services. They offer value-added, customer specific weather products that offer quantifiable economic benefits to their clients. They may be engaged in one or more of the following: meteorological data collection; weather analysis and forecasts provision; sector specific product development or simply dissemination of the forecasts and products released by the National Meteorological Service. Private weather service providers design and package forecasts and products that are not in competition with the core functions of the National Meteorological Service, thus ensuring there is no conflict of interest.

The services provided by private weather service providers address the needs of economic sectors such as agriculture, media, health, tourism, energy among others. They could also involve consultancy in litigation where the service provider offers expert witness services, insurance and investment services industries. Others simply disseminate meteorological data, forecasts and products released by NMS.

With regard to data sourcing, some private weather service providers entirely depend on data from the NMS. Others collect supplementary data by having their own weather observing instruments in areas where the NMS data observation network is sparse, analyze data and provide services to their specific customer base.

Private weather service providers focus on enhanced accuracy, timeliness and packaging the information in a 'ready-to-use' format for their clientele. In some instances, they update their forecasts at shorter intervals than the National Meteorological Service to enable their clients make informed decisions. This ensures that the forecasts they provide have factored the microclimates within their areas of operation.

In practice, private weather service providers confine their services to localized geographical areas or specific economic sectors. This enables them to improve on accuracy and timeliness, not to mention enhanced one-on-one personal interactions between their representatives and their customers, with whom they are familiar and who would be at hand whenever they are needed. Such agents would have a personal knowledge of a client's location, business, and weather information needs and would proactively update the clients on any developing weather situation without prompting. Like many other professions, private weather service provision is a relationship business. It is not unusual, therefore, to have an official of a private weather service provider assigned to specific clients, thus developing long-term personalized working relationship between them.

In dealing with private weather service providers, NMS emphasizes cooperation and complementarity in service delivery between the private sector, academic and research entities to meet the needs of the users.

SOURCES OF REVENUE FOR THE AUTHORITY

1. (a)
 - (i) Landing and Take-off Charges from the Kenya Airport Authority;
 - (ii) Air Navigation fees from the Kenya Civil Aviation Authority;
 - (iii) Provision of marine services for ships plying Kenya's Exclusive Economic Zone

- (b)
 - (i) Provision of agriculture and food security; livestock management and development; water resource management and development; public health and sanitation; energy generation and distribution; conservation of the natural environment; forestry and wildlife; disaster risk management; recreation, sports and tourism, building and construction industry; shipping and maritime transport; road and rail transport; mining, oil exploration and drilling; military aviation and logistics; banking and insurance; security; law and order; climatic information and data services among others
 - (ii) Exhibition and sale of basic meteorological equipment;
 - (iii) Production and sale of publications, pamphlets, bulletins, and journals on meteorological services;
 - (iv) Provision of consultancy services on applied meteorology, operational hydrology, tsunamigenic sciences and related geosciences ;
 - (v) Rent from the Authority's institutional houses;
 - (vi) Disposal of boarded and obsolete stores owned by the Authority;
 - (vii) Collection of fees from institutional visits by organized groups for public education and awareness;
 - (viii) Cost recovery of meteorological services to communication, media houses, and mobile telephone service providers for dissemination;
 - (ix) Fees received from tuition for education and training and other properties owned by the Authority.

MEMORANDA OF OBJECTS AND REASONS

The objective of this Bill is to put in place a legislative framework to regulate the meteorological sector in Kenya and to co-ordinate and monitor meteorological services. It will be the Authority's formal legal instruments covering its responsibilities, its establishment and operation of its facilities, and government regulation and legal responsibility. It will also improve operational efficiency and service delivery as well as harmonize the implementation of meteorological programmes in the East African Community.

Part I contains the preliminary provisions and outlines the purpose and objectives of the Bill. These include among others fulfilling Kenya's international obligations under the Convention of the International Civil Aviation Organization. It further provides the Act shall apply to weather providers, meteorological service providers and meteorological institutions

Part II establishes the Kenya National Meteorological Authority and provides for its functions and powers under clauses 6 and 7 respectively. The Authority shall be managed by a board of Directors appointed under clause 13. A Director-general shall be responsible for the day to day administration of the Authority and is provided for under clause 26.

Part III provides for the establishment of the Kenya School of Meteorology

Part IV Management of the Authority

Part V Financial Provisions

Part VI General Provisions

Part VII Transitional Provisions

Part VIII provides for the establishment of the Kenya Meteorological Society

Dated on2019

Signed

Cabinet Secretary