Approved
28/09/2026

THIRD ASSEMBLY - FIFTH SESSION

KISUMU COUNTY ASSEMBLY

ORDER PAPER

TUESDAY 29TH SEPTEMBER, 2026 AT 2:30 P.M.

PRAYERS

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers.
6. Notices of Motion.
7. Statements.

COMENCEMENT OF BUSINESS

8*. **BILLS – SECOND READING OF THE KISUMU COUNTY MARKETS BILL, 2026 (COUNTY ASSEMBLY BILLS NO.5 OF 2026).**

(Hon Mickey Ochieng').

(Second reading)

Approved
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
18 SEP 2026
SIGN:.....

NOTICE OF AMENDMENTS

THE KISUMU COUNTY MARKETS BILL, 2026 (COUNTY ASSEMBLY BILLS NO.5 OF 2026).

NOTICE is given that the Chairperson Trade, Tourism, Marketing and Industry Committee intends to move the following amendments to the Kisumu County Markets Bill, 2026 (County Assembly Bills No.5 of 2026) at the Committee stage: -

CLAUSE 1

THAT Clause 1 be amended by inserting the expression "(1)" immediately before the words "This Act may be cited as the Kisumu County Markets Act, 2026.", and by inserting the expression "(2)" immediately before the words "This Act shall come into force upon gazettement in the Kenya Gazette.".

CLAUSE 2

THAT Clause 2 of the Bill be amended—

(a) by deleting the definition of the word "Lease" appearing for the second time therein;

(b) by deleting the definitions of the words "Marketplace", "Market Infrastructure", "Market Management" and "User";

(c) by inserting the following new definition in its proper alphabetical sequence—

"'market space' means any stall, shop, kiosk, open space, cubicle or other designated area within a market allocated to a trader for the purposes of trade;"; and

(d) by deleting the expression "market stall" wherever it appears in Part IV of the Bill, including in the heading to that Part, and substituting therefor, in each case, the expression "market space".

Approved
28/09/2026
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28 SEP 2026
SIGN:.....

CLAUSE 4

THAT Clause 4 be amended—

(a) in subclause (1), by deleting the words "by approval of the County Executive Committee and the County Assembly" and substituting therefor the words "in accordance with the County Integrated Development Plan and the annual budget estimates approved by the County Assembly";

(b) in subclause (3)(c), by inserting the words ", at both the market from which Project Affected Persons are to be relocated and the market to which they are to be relocated, and through radio or such other channels as are reasonably accessible to the affected community," immediately after the word "circulation"; and

(c) by inserting the following new paragraph immediately after paragraph (c) of subclause (3)—

"(ca) provide an express written assurance to Project Affected Persons of the County Government's commitment to their smooth and fair resettlement;".

CLAUSE 9

THAT Clause 9 be amended—

(a) by inserting the following new paragraph immediately after paragraph (e) of subclause (2)—

"(ea) a Chairperson of a Market Management Committee, nominated by the Chairpersons of Market Management Committees from amongst themselves;"; and

(b) by inserting the following new subclause immediately after subclause (2)—

Approved
28/09/2026
SPEAKER OF THE SENATE
2 8 SEP 2026
SIGN:.....

"(3) Not more than two-thirds of the members of the Committee appointed or nominated under subclause (2) shall be of the same gender.".

CLAUSES 12, 13 AND 14

THAT Clauses 12, 13 and 14 be amended by inserting, at the beginning of each clause, the words "Without prejudice to the composition of the Market Management Committee under Clause 21,".

CLAUSE 15

THAT Clause 15 be amended, in paragraph (e), by inserting the words ", after according the member notice in writing of the intended removal, an opportunity to respond and written reasons for the decision," immediately after the word "CECM".

CLAUSE 17

THAT Clause 17 be amended by inserting the words "and Market Management Committees, and sector leaders recognised under this Act," immediately after the words "Market Coordination Committee".

CLAUSE 21

THAT Clause 21 be amended—

(a) in subclause (2)(i), by deleting the word "en-officio" and substituting therefor the word "ex-officio";

(b) by inserting the following new subclause immediately after subclause (2)—

"(2A) Not more than two-thirds of the elected and nominated members of a Market Management Committee under subclause (2) shall be of the same gender."; and

(c) by inserting the following new subclause—

"(2B) The Chairperson, Vice-Chairperson and Treasurer of a Market Management Committee shall be elected by secret ballot, supervised by an officer designated by the Director, and the number of representatives elected under subclause (2)(e) from each product association or section of the market shall be proportionate to the population of traders in that section.".

CLAUSE 24

THAT Clause 24 be amended by inserting the following new subclause—

"(2) The Director shall, within ninety days of the commencement of this Act, develop and issue standard electoral guidelines for elections held under this Part, and shall avail a copy of the guidelines to every market.".

CLAUSE 27

THAT Clause 27 be amended—

(a) in paragraph (d), by inserting the words "and sentenced to a term of imprisonment of six months or more, without the option of a fine," immediately after the word "offence";

(b) in paragraph (e), by inserting the words ", after according the member notice in writing of the intended removal, an opportunity to respond and written reasons for the decision," immediately after the word "Directorate"; and

(c) in paragraph (f), by deleting the word "dies" and substituting therefor the words "becomes deceased".

CLAUSE 29

THAT Clause 29 be amended by inserting the following new subclause immediately after subclause (2)—

Approved
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
28 SEP 2026
SIGN:.....

"(3) The Market Manager shall be deputized by a person seconded by the respective Market Management Committee, who shall exercise the functions of the Market Manager during the latter's absence.".

CLAUSE 31

THAT Clause 31 be amended—

(a) by inserting the following new paragraph immediately after paragraph (b)—

"(ba) the operational management of a market shall be distinct from the oversight role of traders exercised through the Market Management Committee;";

(b) by inserting the following new paragraph—

"(bb) common open spaces within a market shall not be allocated to, occupied by, or otherwise captured by, any individual trader or group of traders;";

(c) in paragraph (g), by inserting the words ", or an officer designated by either Board for that purpose," immediately after "Municipal Boards"; and

(d) by inserting the following new paragraph—

"(k) a trader shall not be removed from a responsibility assigned to that trader under this section without first being accorded notice in writing, an opportunity to respond and written reasons for the decision.".

CLAUSE 32

THAT Clause 32 be amended—

(a) in subclause (4), by deleting the word "seven" and substituting therefor the word "ten", deleting the words "renewable once" and

Approved
CLERK OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
28 SEP 2026
SIGN:.....

(b) substituting therefor the words "continuous renewable" and deleting the words "after which the stalls shall revert to the County Government and be re-balloted"; and

(c) by deleting subclause (5) and substituting therefor the following new subclause—

"(5) Where a trader becomes deceased or incapacitated before the expiry of the lease period, the market space allocated to that trader shall pass to the next of kin nominated by the trader at the time of application for allocation, upon production to the Market Manager of a grant of representation or such other proof of entitlement as may be prescribed in regulations made under this Act.".

CLAUSE 34

THAT Clause 34 be amended by inserting the following new subclause—

"(5) Where a market project is funded by the County Government, the allocation of market space shall be conducted through a balloting process that is equally transparent and participatory as that prescribed under this section for nationally or partner-funded projects.".

CLAUSE 36

THAT Clause 36 be amended by inserting the words ",after consultation with the relevant Sector Leaders and upon according the affected trader notice in writing, an opportunity to respond and written reasons for the decision," immediately after the words "Municipal Board where applicable".

CLAUSE 38

THAT Clause 38 be amended by inserting the following new subclause—

"(9) For the avoidance of doubt, the operating hours of a market determined under Clause 37 shall not be varied by a Market Management Committee, whose role under this section is limited to the day-to-day enforcement of the operating hours so determined.".

CLAUSE 41

THAT Clause 41 be amended, in paragraph (a), by inserting the words ", adopting a preventive approach in liaison with the national and county security apparatus," immediately after the word "including".

CLAUSE 42

THAT Clause 42 Bill be amended—

(a) by inserting the following new subclause immediately after subclause (2)—

"(2A) Where the County Government is a party to a dispute before the Committee, an independent member, or a member co-opted with the agreement of both parties, shall sit on the Committee for purposes of determining that dispute."; and

(b) by inserting the following new subclause—

"(2B) A dispute between traders arising under this Act shall, in the first instance, be referred to the Sector Leaders, and thereafter, if unresolved, to the Market Management Committee, before it is referred to the Committee established under this section.".

CLAUSE 43

THAT Clause 43 be amended, in subclause (2), by inserting the words ", without prejudice to that party's right to access a competent court or tribunal," immediately after the word "mechanisms".

Approved
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
28 SEP 2026
SIGN:

CLAUSE 44

THAT Clause 44 of the Bill be deleted and substituted with the following new clause—

"Declaration of Markets as County Government Entities

44. (1) Upon the commencement of this Act, and with the approval of the County Executive Committee and the County Assembly (which approval shall be deemed granted by the passing of this Act), the County Executive Committee Member for Finance shall, pursuant to section 5 of the Public Finance Management Act, 2012, by order published in the Kenya Gazette, declare each market classified under section 5 of this Act to be a county government entity for the purposes of the Public Finance Management Act, 2012.

(2) A market declared to be a county government entity under subsection (1) shall be subject to the provisions of the Public Finance Management Act, 2012, and any regulations made thereunder, applicable to county government entities, including in respect of banking arrangements, budgeting, accounting and audit.

(3) The County Executive Committee Member for Finance shall, within thirty days of a declaration under subsection (1), publish and avail to the County Assembly a list of the markets so declared, and shall similarly publish and notify the County Assembly of any variation to that list, including any declaration that a market has, under section 5(4) of the Public Finance Management Act, 2012, ceased to be a county government entity.".

CLAUSE 45

THAT Clause 45 of the Bill be deleted and substituted with the following new clause—

"Retention and Application of Market Revenue

Approved
28/09/2026
SPEAKER OF THE KISII COUNTY ASSEMBLY
28 SEP 2026
SIGN:

45. (1) All revenue collected from a market shall be paid into the County Revenue Fund in accordance with Article 207 of the Constitution and section 109 (1) of the Public Finance Management Act, 2012.

(2) Notwithstanding subsection (1), and pursuant to section 109(2)(b) of the Public Finance Management Act, 2012, a market declared to be a county government entity under Clause 44 may retain, for the purpose of defraying its operational, maintenance and improvement expenses, an amount not exceeding ten percent (10%) of the revenue collected by that market in a financial year.

(3) An amount retained under subsection (2) shall—

(a) be reflected as Appropriation-in-Aid in the annual budget estimates of the County Government and be subject to appropriation by the County Assembly in accordance with the Public Finance Management Act, 2012;

(b) be applied by the Market Manager in accordance with an annual work plan approved by the Market Management Committee and the County Treasury; and

(c) be accounted for, audited and reported upon in accordance with the Public Finance Management Act, 2012, and any regulations made thereunder.

(4) The County Executive Committee Member for Finance may, by regulations made under this Act and approved by the County Assembly, review the percentage specified in subsection (2), and prescribe the manner of administration, banking and reporting of amounts retained under this section.

(5) For the avoidance of doubt, this section supersedes and replaces the Market Fund and the ring-fenced Appropriation-in-Aid formula appearing in the Bill as published, and any reference in this Act to the 'Market Fund' shall, unless the context otherwise requires, be construed as a reference to the amount retained under subsection (2).".

Approved
28/09/2026
SPEAKER OF THE KISII COUNTY ASSEMBLY
28 SEP 2026
SIGN:.....

CLAUSE 46

THAT Clause 46 be amended—

(a) in subclause (2), by deleting paragraph (a) and substituting therefor the following new paragraph—

"(a) the Market Manager shall, in consultation with the Market Management Committee, ensure that all utility charges, including water, electricity and sanitation services, are duly paid to maintain hygiene standards;"; and

(b) by deleting subclauses (3) and (4), the subject matter thereof being provided for in Clause 45.

CLAUSE 48

THAT Clause 48 of the Bill be amended—

(c) in subclause (2), by deleting the words "Fifty Thousand (KShs. 50,000)" and substituting therefor the words "Five Thousand (KShs. 5,000) for a first offence, without prejudice to prosecution before a competent court for a repeat or serious offence, and the fine payable shall be categorised according to the class of market and the nature of the market space involved, as may be prescribed in regulations";

(d) in subclause (3)(c), by deleting the words "or any other administrative action deemed necessary" and substituting therefor the words "revocation of the offender's allocation of market space, or such other administrative action as may be specified in regulations made under this Act"; and

Approved
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
28 SEP 2026
SIGN:

(e) by inserting the following new subclause—

"(4) No action shall be taken against a person under subsection (3) unless that person has first been accorded notice in writing, an opportunity to respond, and written reasons for the decision.".

CLAUSE 49

THAT Clause 49 be amended by inserting the following new subclause—

"(2) Following the enactment of this Act, and thereafter following any material amendment to it or to regulations made under it, the County Executive Committee Member shall publish a summary of the public views received and how they were considered.".

CLAUSE 51

THAT Clause 51 be amended—

(a) by correcting the numbering of the clause and its subsections to read as a single Clause 51 with subsections (1), (2) and (3), in place of the duplicated numbering appearing in the Bill as published; and

(b) by inserting the following new subsection—

"(4) Notwithstanding the repeal under subsection (1), a trader holding a lawful allocation of market space under a law repealed by this Act shall continue to hold that allocation until it is reviewed or renewed in accordance with this Act.".

SPEAKER'S OFFICE THE KISUMU COUNTY ASSEMBLY
29 SEP 2026
SIGN:.....
Approved
28/09/2026

APPENDIX

1. **STATEMENT:**

i. Statements pursuant to Order No. 41(2)(c) of the Standing Orders; Businesses coming before the County Assembly from Wednesday 29th September, 2026.

(Leader of Majority).

Approved
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
28/09/2026
28 SEP 2026
SIGN:.....

NOTICES

LIMITATION OF DEBATES

The House resolved on Wednesday, 18th February, 2026, as follows-

Limitation of Debate on Bills Sponsored by Parties or Committees

A. THAT, pursuant to the provisions of Orders No. 95(1) of the Standing Orders, this Assembly orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: - A maximum of thirty five (35) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of five (5) minutes for any other Member speaking, except the Leader of the Majority Party, who shall be limited to a maximum of fifteen (15) Minutes (if the Bill is not sponsored by him); and that priority in speaking be accorded to the Leader of the Majority Party and the Chairperson of the relevant Sectoral Committee, in that Order.