



**THE COUNTY ASSEMBLY OF MARSABIT
THIRD COUNTY ASSEMBLY – (FIFTH SESSION)
WEDNESDAY, 29TH APRIL 2026 AT 9. 30 A.M
ORDER OF BUSINESS**

PRAYERS

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

***5* PAPERS LAID**

1. Financial report and financial statement (County Executive) F/Y 2025/2026
2. County Revenue Fund financial report F/Y 2025/2026

***7* STATEMENT: STATEMENT ON GRAVEYARD IN MARSABIT MUNICIPALITY**

Hon. **Speaker**, I rise under Standing Order 41(2)(c) to seek a comprehensive statement from the Chairperson of the Committee on Lands, Housing and Urban Planning regarding the *dilapidated state of the old public graveyard and apparent upsurge in unregulated scrap metal dealings in Marsabit Town.*

The old graveyard, an area of solemn cultural and historical significance, has regrettably fallen into desolation. The site remains *unfenced, bush-infested, a defecation area and has degenerated into a den for criminal elements.* Reports abound of vandalism, desecration of graves, and removal of metallic grave ornaments which are allegedly sold as scrap metal in the local market. Such acts not only constitute a violation of the **Section 129 Public Health Act (Cap 242)** and **Section 144 of the Penal Code** (on interference with burial sites), but also affront the dignity of the deceased and the sanctity of public land as envisaged under **Article 28, 62 of the Constitution of Kenya, 2010.**

Further, there is a growing public outcry over the *mushrooming and largely unregulated trade in scrap metal* within Marsabit Town. This raises critical questions as to whether the metallic materials being sold are lawfully possessed, and whether the County Government is enforcing any regulatory framework pursuant to the **Scrap Metal Act, No. 1 of 2015**, particularly on licensing, traceability, and environmental management of such trade.

It is against this backdrop that I seek clarification from the Committee Chairperson on the following matters:

1. Maintenance and Security:

What immediate and long-term measures has the County Department of Lands, Housing, and Urban Planning put in place to secure, fence, and rehabilitate the old graveyard, including the clearing of overgrown vegetation and restoration?

2. Law Enforcement

What actions have been taken in collaboration with the County Enforcement Unit and the National Police Service to curb acts of vandalism, theft of metals, and desecration of graves?

3. Regulation of Scrap Metal Trade:

Has the County Government in liaison with National Government established mechanism to enforce a licensing and inspection regime for scrap metal dealers as required under the **Scrap Metal Act, 2015** and its subsidiary legislation, including verification of the source and ownership of metals before sale?

4. Revenue and Environmental Oversight:

What mechanisms exist to ensure that scrap metal business operations comply with environmental standards under the **Environmental Management and Coordination Act (EMCA, 1999)**?

5. Policy and Planning Interventions:

Are there plans by the County Department of Energy, Lands, Housing and Urban Development to designate and gazette lawful scrap metal collection and recycling yards within Marsabit Town, and to incorporate cemetery protection in the County Physical and Land Use Development Plan?

Mr. Speaker, this matter is of grave public concern and touches on *urban governance, heritage conservation, and public safety*. It is incumbent upon this House to ensure that the dignity of the departed is preserved and that urban land use in Marsabit is managed within the bounds of law and decency.

(HON. MOHAMED ISACK- MCA, MOYALE TOWNSHIP WARD)

A handwritten signature in blue ink, appearing to be 'SALIM N. KATO', with a long horizontal line extending to the right.

SALIM N. KATO

FOR: CLERK/SECRETARY (COUNTY ASSEMBLY SERVICE BOARD)