



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, APRIL 19, 2018 AT 2.30 P.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*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Kenya Roads Bill (National Assembly Bill No. 47 of 2017).

(Question to be put and Third Reading)

9*. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)

(The Leader of Majority Party)

First Reading

10*. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)

(The Leader of Majority Party)

First Reading

**11*. THE COUNTY GOVERNMENTS(AMENDMENT) BILL
(SENATE BILL NO. 11 OF 2017)
(The Leader of Majority Party)**

First Reading

12*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Irrigation Bill (National Assembly Bill No. 46 of 2017)
(The Leader of the Majority Party)
- (ii) The Energy Bill (National Assembly Bill No. 50 of 2017)
(The Leader of the Majority Party)

**13*. MOTION - REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2018
(The Chairperson, Committee on Delegated Legislation)**

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the National Transport & Safety Authority (Operation of Commercial Vehicles) Regulations, 2018, laid on the Table of the House on Tuesday, April 17, 2018, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b) ***annuls in entirety*** the said Regulations.

*** Denotes Orders of the Day**

(No. 32)

THURSDAY, APRIL 19, 2018

(260)

N O T I C E S

I. THE IRRIGATION BILL (NATIONAL ASSEMBLY
BILL NO. 46 OF 2017)

1) Notice is given that the Chairperson of the Departmental Committee on
Agriculture and Livestock intends to move the following amendments to
the Irrigation Bill (National Assembly Bill No. 46 of 2017) at the
Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended in the definition of the term “Authority”
by deleting the word “Development”.

CLAUSE 6

THAT, Clause 6 of the Bill be amended in sub clause (2) by—

- (a) deleting the words “by the counties” appearing in paragraph (b);
- (b) deleting the word “promote” and substituting therefor the word
“facilitate” appearing in paragraph (d); and
- (c) inserting the following new paragraphs immediately after paragraph
(h)—
 - “(ha) in collaboration with county governments, gather information and
maintain data bases on irrigation development and management
including data on irrigation water supplies, demands, projects, irrigated
areas, management performance, potential for expansion and human
resources;”
 - “(hb) conduct periodic technical and management audits of irrigation
schemes infrastructure, governance, management and financing.”

PART III TITLE

THAT, the title of Part III of the Bill be amended by deleting the word
“development” appearing immediately after the word “irrigation”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended in sub clause (1) by deleting the word
“development” appearing immediately after the word “irrigation”.

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

(a) in sub clause (2) by -

- (i) inserting the words “the county government” immediately after the word “finance” appearing in paragraph (c);
- (ii) deleting paragraph (e); and
- (iii) deleting paragraph (i).

(b) in sub clause (3) by —

- (i) deleting the word “shall” and substituting therefor the word “may”;
- (ii) deleting the words “primarily through the Authority and with the permission of the Cabinet Secretary, such powers and functions are best performed directly by the authority” appearing immediately after the word “contracts”.

CLAUSE 9

THAT, Clause 9 of the Bill be amended —

(a) in sub clause (1) by—

- (i) inserting the following new paragraph immediately after paragraph (d);
“(da) the Principal Secretary responsible for water or his representative”;

- (ii) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) five other members, who shall be appointed by the Cabinet Secretary, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below.”

(b) in sub clause (5) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds relevant academic and professional qualification including a university degree or its equivalent in any field.”

CLAUSE 12

THAT, Clause 12 of the Bill be amended in sub clause (2) by—

(a) deleting paragraph (c) and substituting therefore the following new paragraph -

“(c) holds a relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; and”; and

(b) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) has at least fifteen years’ experience in the management of a public or private institution, five of which should be at senior management level or is a distinguished scholar in a discipline relevant to irrigation.”

CLAUSE 15

THAT, Clause 15 of the Bill be amended in sub clause (2) by deleting the words “in pursuant” and substituting therefor the words “pursuant to”.

CLAUSE 19

THAT, Clause 19 of the Bill be amended in sub clause (1) by deleting the word “manage” appearing before the word “existing” and substituting therefor the word “oversee”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting sub clause (3).

CLAUSE 25

THAT, Clause 25 of the Bill be amended in sub clause (1) by —

(a) deleting the word “property” appearing before the word “operation”; and

(b) inserting the word “irrigation” immediately after the words “association or at”.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26 and substituting with the following new clause—

“**26.** Where the water users association or at the irrigation scheme level is unable to resolve a dispute, the same shall be referred to the Dispute Resolution Committee at the first instance to consider and determine the matter before the same is referred to Court.”

NEW CLAUSE

THAT, the Bill be amended by introducing the following new clause immediately after clause 32-

32A. Abstraction of water.

32A. Any person who abstracts water from an irrigation system or disrupts the distribution plan of a scheme commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term of one year or to both such fine and imprisonment.

CLAUSE 33

THAT, Clause 33 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) prescribe fees payable by irrigation water users based on costs of operation and maintenance of the scheme;”

CLAUSE 34

THAT, Clause 34 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) The members of the National Irrigation Board established under the Irrigation Act Cap 347, shall continue in office as members of the Board until the expiry of their existing terms”.

2) Notice is given that the Leader of Majority Party (Hon. Aden Duale) intends to move the following amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017) at the Committee Stage—

LONG TITLE

THAT, the long title be deleted and replaced with the following new long title—

“An Act of Parliament to provide for the development, management and regulation of irrigation, to support sustainable food security and socio-economic development in Kenya, and for connected purposes”.

CLAUSE 2

THAT, Clause 2 be deleted—

“(1) The Cabinet Secretary shall develop, manage and regulate irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage, including water harvesting and storage for irrigation”;

(b) in subclause (2), by—

- (i) deleting the phrase “by the counties” appearing in paragraph (b);
- (ii) deleting the word “promote” appearing in paragraph (d) and substituting therefor the word “facilitate”;
- (iii) inserting the words “or any other written law” immediately after the word “Act” in paragraph (j);

(c) by deleting subclause (4) and substituting therefor the following new subclause—

“(4) The Cabinet Secretary shall, in consultation with the county governments and other stakeholders, formulate and publish in the Kenya Gazette, a five-year national irrigation services strategy, based on, among others, the national irrigation policy for the time being in force”;

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

“(5) The Cabinet Secretary shall ensure effective implementation of the national irrigation services strategy and to this end shall institute reviews aligned to planning cycles or at such times as the Cabinet Secretary may determine”.

PART III

THAT,the heading to Part II be amended by deleting the word “DEVELOPMENT”.

CLAUSE 8

THAT,Clause 8 be amended by deleting subclause (3).

CLAUSE 9

THAT,Clause 9 be amended—

(a) in subclause (1), by deleting paragraph (e) and substituting therefor the following new paragraphs—

(No. 32)

THURSDAY, APRIL 19, 2018

(266)

“(e) the Principal Secretary for the time being responsible for Water or his representative;

(f) five other members, who shall be appointed by the Cabinet Secretary, and approved by the President, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2) below”;

(b) in subclause (5), by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds relevant academic and professional qualifications including a university degree in any field relevant to or related to irrigation, agriculture, finance, law or business”.

CLAUSE 12

THAT, Clause 12 be amended in subclause (2) by—

(a) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; or”;

(b) deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) in addition to relevant academic and professional qualifications, has at least fifteen years’ experience in the management of a public or private institution, five of which should be at senior management level, or is a distinguished practitioner in a discipline relevant to irrigation”.

CLAUSE 14

THAT, Clause 14 be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) Each county government may, within its area of jurisdiction, establish a county irrigation development unit for the better carrying out an irrigation function delegated by the Cabinet Secretary as may be prescribed in the Regulations”.

CLAUSE 19

THAT, Clause 19 be amended by deleting subclause (1) and substituting therefor the following new subclause—

(No. 32)

THURSDAY, APRIL 19, 2018

(267)

“(1) The Cabinet Secretary shall, through the Authority, oversee management of existing and new national or public schemes, except those under county governments, and particularly storage dams, intake, main and secondary systems as necessary”.

CLAUSE 34

THAT, Clause 34 be amended in subclause (2), by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) any person who, immediately before the commencement of this Act, was an officer, agent, or member of staff appointed, seconded or deployed or otherwise employed by the National Irrigation Board shall become an employee or otherwise seconded or deployed to the Authority on similar terms and conditions of service or as may be provided by the law”.

3) Notice is given that the Member for Mwea (Hon. Wachira Kabinga Wathayu) intends to move the following amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical order—

- (a) “Scheme Management Committee” means the Scheme Management Committee established under section 8(ba);
- (b) “Dispute Resolution Committee” means the Dispute Resolution Committee established under section 8(bb).

CLAUSE 8

THAT, Clause 8 of the bill be amended in sub clause (2) by—

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

“(ba) in consultation with the county governments and other stakeholders facilitate formation and strengthening of scheme management committees at scheme level for management of the schemes.”

“(bb) in consultation with the county governments and other stakeholders facilitate formation and strengthening of dispute resolution

CLAUSE 26

THAT, Clause 26 of the Bill be amended by deleting sub clause (1), (2) and (5).

(No. 32)

THURSDAY, APRIL 19, 2018

(269)

CLAUSE 33

THAT, Clause 33 of the Bill be amended in sub clause (2) by inserting the words "scheme management committee and dispute resolution committee" immediately after the words, "associations" appearing in paragraph (f).

II. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2017)

- 1) Notice is given that the Chairperson of the Departmental Committee on Energy intends to move the following amendments to the Energy Bill (National Assembly Bill No. 50 of 2017) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) by deleting the following definitions—

“adulterated petroleum” means any mixed refined petroleum products that alter product specifications detailed in the applicable Kenya Standards;

“downstream petroleum operations” means all or any of the operations related to distribution of petroleum to residential, industrial, or power generation end users;

“liquefied petroleum gas” means commercial propane, commercial butane, commercial pentane and mixture thereof as specified in the relevant Kenya standard;

“minimum operational stocks” means the amounts of petroleum prescribed by the Cabinet Secretary on the recommendation of the Authority under section 99U;

“open access” means the non-discriminatory provision for the use of an electric transmission or distribution system or common user petroleum logistics facility by any licensee or consumer;

“open tendering system” means the mode of procurement of petroleum products in Kenya whereby the lowest bidder on any given product is allowed to import on behalf of all the other oil marketing companies;

“petroleum business” means a concern carrying on the importation, exportation, refining, storage, transportation, supply or sale of petroleum;

“pipeline” means a pipe or system of pipes that is used or to be used for the transportation of petroleum and any apparatus and works associated therewith, including –

- (a) apparatus for inducing or facilitating the flow of petroleum through the pipe or system of pipes;
- (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of the pipe or system of pipes;
- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) or of such works as are mentioned in paragraph (b);
- (d) apparatus for the transmission of information for the operation of the pipe or system of pipes;
- (e) apparatus for affording cathodic protection to the pipe or system of pipes; and
- (f) a structure for the exclusive support of a part of the pipe or system of pipes;

“refine” means to process petroleum crude in a refinery in order to yield petroleum products;

“refined petroleum products” means the products yielded from the refining of petroleum;

“refinery” means a distillation plant for refining of petroleum crude to yield petroleum products;

“retail dispensing site” means premises where petroleum is stored in bulk in one or more tanks and dispensed to consumers for their own use and includes filling and service stations;

“storage depot” means premises consisting one or more tanks for storing petroleum;

“strategic stocks” means petroleum kept for purposes of ensuring security of supply;

by deleting the words “Physical Planning Act” in the definition of the term “building” and substituting therefor the words “relevant written law”;

(c) by deleting the definition of the term “Commission” and substituting therefor the following new definition—

“Authority” means the Energy and Petroleum Regulatory Authority established under section 9;

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(d) by deleting the definition of the term “distribution licence” and substituting therefor the following new definition—

(No. 32)

THURSDAY, APRIL 19, 2018

(272)

“distribution licence” means any document or instrument authorizing a person to operate a distribution system for the purpose of enabling supply of electrical energy to consumers or to other licensees;

(e) by deleting the definition of the term “local content” and substituting therefor the following new definition—

“local content” means the added value brought to the Kenyan economy from energy related activities through systematic development of national capacity and capabilities and investment in developing and procuring locally available work force, services and supplies, for the sharing of accruing benefits;

(f) by deleting the words “(excluding upstream petroleum and coal activities) in the definition of term “energy”;

(g) by deleting the words “authorizing the importation, exportation, refining, storage and sale of petroleum” in the definition of the term “licence”;

(h) by deleting paragraph (b) in the definition of the term “undertaking”;

(i) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “undertaking”;

(j) by deleting paragraph (b) in the definition of the term “works”;

(k) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “agent”;

(l) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “licensing authority”;

(m) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “tarriff”;

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

“Competition Authority” means the Authority established under section 7 of the Competition Act No.12 of 2010.

CLAUSE 3

THAT, Clause 3 of the Bill be amended —

- (a) by renumbering the opening paragraph as sub-clause (1);
- (b) by deleting paragraph (b);

(No. 32)

THURSDAY, APRIL 19, 2018

(273)

- (c) inserting the following new sub-clause immediately after sub-clause (1)

—

(2) Save where this Act expressly provides otherwise, any license granted or anything done under this Act shall not affect the right, privilege, obligation or liability acquired by any licensee or other person in any contract or under any written law prior to the commencement of this Act.

CLAUSE 4

THAT, Clause 4 of the Bill be amended in sub-clause (1) by inserting the words “in consultation with the relevant stakeholders” immediately after the words “The Cabinet Secretary shall”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended in sub-clause (1) by deleting the words “shall develop, publish and review energy plans in respect of midstream and downstream petroleum” and substituting therefor the words “shall in consultation with the relevant stakeholders develop, publish and review energy plans in respect of”.

PART III

THAT, Part III of the Bill be amended in the heading by deleting the words “Energy Regulatory Commission” and substituting therefor the words “Energy and Petroleum Regulatory Authority”.

CLAUSE 9

THAT, Clause 9 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Energy Regulatory Commission hereinafter referred to as the Commission” and substituting therefor the words “Energy and Petroleum Regulatory Authority hereinafter referred to as the Authority”;
- (b) in sub-clause (2) by deleting the word “Commission” and substituting therefor the word “Authority”;
- (c) in sub-clause (3) by deleting the word “Commission” and substituting therefor the word “Authority”;
- (d) in the marginal note by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 10

THAT, Clause 10 of the Bill be amended—

- (a) in the opening paragraph by deleting the word “Commission” and substituting therefor the word “Authority”;

(No. 32)

THURSDAY, APRIL 19, 2018

(274)

- (b) in the marginal note by deleting the word “Commission” and substituting therefor the word “Authority”;
- (c) by inserting the following new paragraphs immediately after paragraph (a) —
 - (aa) regulate, monitor and supervise upstream petroleum operations in Kenya in accordance with the law relating to Petroleum, the regulations made thereunder and the relevant petroleum agreement;
 - (ab) provide such information and statistics in relation to upstream petroleum operations in Kenya to the Cabinet Secretary responsible for matters relating to petroleum as may be required from time to time;
 - (ac) collect, maintain and manage upstream petroleum data;
 - (ad) receive, review and grant an application for a non-exclusive exploration;
 - (ae) co-ordinate the development of upstream petroleum infrastructure and promote capacity building in upstream petroleum operations;
 - (af) inspect and test any machinery or equipment that has been used, is used or shall be used in upstream petroleum operations;
 - (ag) assess field development plans and make recommendations to the Cabinet Secretary responsible for matters relating to petroleum for approval, amendment or rejection of the plans;
 - (ah) assess tail-end production and cessation of upstream petroleum operations and oversee decommissioning by a contractor;
 - (ai) verify the measurements of petroleum production to allow for estimation and assessment of royalties and profits of oil and gas due to the National Government;
 - (aj) verify the recoverable cost of oil and gas due to the parties to a petroleum agreement;
 - (ak) audit contractors for cost recovery;
 - (al) monitor in consultation with the Competition Authority conditions of contractors’ operations and their trade practices;
 - (am) provide information to the relevant authority for the collection of taxes and fees from upstream petroleum operations;
 - (an) set, review and approve contracts, tariffs and charges for common user upstream petroleum facilities;

- (ao) make proposals to the Cabinet Secretary responsible for matters relating to petroleum in relation to regulations which may be necessary or expedient for the regulation of the upstream petroleum sector or for carrying out the objects and purposes of this Act;

(No. 32)

THURSDAY, APRIL 19, 2018

(275)

- (ap)work with the relevant statutory authorities to formulate, enforce and review environmental, health, safety and quality standards for the upstream petroleum sector;
- (aq)develop guidelines, in consultation with other statutory authorities, in relation to the implementation of treaties, conventions or protocols affecting the upstream petroleum sector that have been ratified by Kenya;
- (ar)regulate contracts on upstream petroleum operations not specifically provided for under the law relating to petroleum;
- (as)advise the Cabinet Secretary responsible for matters relating to petroleum in the evaluation of the bids and applications made for upstream petroleum blocks;
- (at) ensure that contractors uphold the relevant laws, regulations and petroleum agreement terms;
- (au) ensure optimal levels of recovery of petroleum resources;
- (av) promote well planned, executed and cost-efficient operations;
- (aw) ensure optimal utilization of existing and planned facilities;
- (ax) ensure the establishment of a central database of persons involved in upstream petroleum operations;
- (ay) manage upstream petroleum data and provide periodic updates and publication of the status of upstream petroleum operations;
- (az) take such action as is necessary to enforce the requirements in a petroleum agreement or any regulations and to protect the environment, the health and safety of workers and the public;
- (ba) ensure and facilitate competition, access and utilization of facilities by third parties;
- (bb)prescribe the form and manner in which any application for any authority, consent or approval under the law relating to petroleum shall be made;
- (bc) investigate complaints or disputes arising from petroleum operations;
- (bd) enforce local content requirements;
- (be) issue operational permits and non-exclusive exploration permits in accordance with the law relating to petroleum;
- (bf)ensure enforcement and compliance with the national values and principles.

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

- (a) by inserting the following new paragraphs immediately after paragraph (l)—
- (la) enter, inspect and search any premises at which any undertaking relating to petroleum operations is carried out or an offence is being committed or is suspected to have been committed;

(No. 32)

THURSDAY, APRIL 19, 2018

(276)

- (b) issue orders either requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled in furtherance of its powers under the law relating to petroleum;
 - (lc) impose such sanctions and civil fines not exceeding five hundred thousand shillings per violation per day to secure compliance with orders issued under the law relating to petroleum;
 - (ld) take or remove, for analysis, testing or for use in evidence in connection with the commission of an offence under the law relating to petroleum, samples of petroleum or other substances from any area where any upstream petroleum operations are being carried on;
 - (le) inspect, take extracts from, or make copies of any document relating to any upstream petroleum operations;
- (b) by deleting the word “Commission” wherever it appears in the opening paragraph and substituting therefor the word “Authority”.
- (c) by deleting the word “Commission” in the marginal note and substituting therefor the word “Authority”.

CLAUSE 12

THAT, Clause 12 of the Bill be amended —

- (a) in sub-clause (1) —
 - (i) by deleting the words “and Petroleum” appearing in paragraph (b);
 - (ii) by inserting the following new paragraphs immediately after paragraph (b) —
 - (ba) the Principal Secretary responsible for Petroleum or his representative;
 - (bb) the Principal Secretary in the National Treasury or his or her authorized representative;
 - (iii) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) by deleting the word “Commission” in the marginal note and substituting therefor the word “Authority”;

- (c) in sub-clause (2) by deleting the words “in the fields of engineering, physical sciences, law, finance, environmental studies, economics, social sciences or energy” appearing in paragraph (b).

(No. 32)

THURSDAY, APRIL 19, 2018

(277)

CLAUSE 13

THAT, Clause 13 of the Bill be amended —

- (a) by deleting the word “Commission” wherever it appears in sub-clause (1) and substituting therefor the word “Authority”;
- (b) by deleting the word “Commission” wherever it appears in sub-clause (5) and substituting therefor the word “Authority”.

CLAUSE 15

THAT, Clause 15 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 16

THAT, Clause 16 of the Bill be amended—

- (a) by deleting the words “The Commission” and substituting therefor the word “the Authority”;
- (b) in the marginal note by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 17

THAT, Clause 17 of the Bill be amended by deleting the words “The Commission” and substituting therefor the word “the Authority”.

CLAUSE 18

THAT, Clause 18 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 19

THAT, Clause 19 of the Bill be amended—

- (a) by deleting the word “Commission” and substituting therefor the word “Authority”;
- (b) in the marginal note by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended—

- (a) in sub-clause (1) —

- (i) by inserting the following new paragraphs immediately after paragraph (c) —
 - (ca) any revenues generated from any proprietary interest held by the Authority whether movable or immovable;
 - (cb) interest from bank deposits;

(No. 32)

THURSDAY, APRIL 19, 2018

(278)

- (ii) by deleting the words “as fines” appearing in the proviso and substituting therefor the words “including levies, fines”.

(b) by inserting the following new sub-clauses immediately after sub-clause (1) —

(1A) Any funds retained by the Authority shall make part of the funds of the Authority by way of appropriation.

(1B) The Cabinet Secretary responsible for matters relating to petroleum may make Regulations to provide for a levy prescribing—

- (a) the amount in Kenya Shillings payable per cubic metre of crude oil;
- (b) the amount of Kenya Shillings payable per one thousand cubic metre of marketable natural gas;
- (c) when the relevant levy may be applied; and
- (d) any other requirements for implementation of the levy.

(c) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 21

THAT, Clause 21 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 22

THAT, Clause 22 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “Subject to any other written law” immediately before the words “A committee member”.
- (b) in sub-clause (4) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 24

THAT, Clause 24 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 26

THAT, Clause 26 of the Bill be amended—

(a) in sub-clause (1) —

(No. 32)

THURSDAY, APRIL 19, 2018

(279)

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) a chairperson who shall be appointed by the President from among persons qualified to be judges of the High Court and who have at least five years' experience in energy and petroleum matters.

(ii) by deleting the word "five" and substituting therefor the word "six" in paragraph (b);

(iii) by deleting the word "Commission" and substituting therefor the word "Authority" in paragraph (b);

(iv) by inserting the word "law," immediately before the word "petroleum" in paragraph (b);

(b) by inserting the following new sub-clause immediately after sub-clause (1) —

(1A) The members of the Tribunal shall at the first meeting of the Tribunal elect a vice-chairperson who shall be a person qualified to be a judge of the High Court possessing at least five years' experience in energy and petroleum matters.

CLAUSE 32

THAT, Clause 32 of the Bill be amended in sub-clause (4) by inserting the words "by the chairperson" immediately after the words "in the Gazette".

CLAUSE 35

THAT, Clause 35 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The members of the Tribunal shall serve on part-time basis.

CLAUSE 36

THAT, Clause 36 of the Bill be amended —

(a) by deleting sub-clause (4);

(b) in sub-clause (5) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority" .

CLAUSE 38

THAT, Clause 38 of the Bill be amended in sub-clause (3) by inserting the words “and rules of evidence of a similar nature” immediately after the words “natural justice”.

(No. 32)

THURSDAY, APRIL 19, 2018

(280)

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

NEW CLAUSE 40A

THAT, the Bill be amended by inserting the following new clause immediately after clause 40—

Protection from personal liability. **40A.** A matter or thing or act done by a member of the Tribunal or any officer, employee or agent of the Tribunal shall not, if the matter or thing is done bona fide for executing the functions, powers or duties of the Tribunal, render the member, officer, employee, agent or any other person acting on those directions personally liable to any action, claim or demand whatsoever.

CLAUSE 41

THAT, Clause 41 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority” .

CLAUSE 43

THAT, Clause 43 of the Bill be amended in sub-clause (1) —

(a) by deleting paragraph (j) and substituting therefor the following new paragraph—

“(j) develop, promote and manage in collaboration with other agencies, the use of renewable energy and technologies, including but not limited to biomass (biodiesel, bio-ethanol, charcoal, fuel-wood, bio-gas) municipal waste, solar, wind, tidal waves, small hydropower and co-generation but excluding geothermal;”

(b) by deleting the word “Institute” and substituting therefor the word “Agency” in paragraph (k);

(c) by deleting the word “Institute” and substituting therefor the word “Agency” in paragraph (l).

CLAUSE 44

THAT, Clause 44 of the Bill be amended in sub-clause (1) by deleting the words “and petroleum” appearing in paragraph (b).

CLAUSE 45

THAT, Clause 45 of the Bill be amended in sub-clause (2) by deleting the word “selection” and substituting therefor the word “recruitment”.

(No. 32)

THURSDAY, APRIL 19, 2018

(281)

CLAUSE 50

THAT, Clause 50 of the Bill be amended by inserting the word “liable” immediately after the words “directions personally”.

CLAUSE 57

THAT, Clause 57 of the Bill be amended by deleting paragraph (e)(i) and substituting therefor the following new paragraph—

“(i) one person shall be a registered nuclear energy engineer with experience of five years.”

CLAUSE 75

THAT, Clause 75 of the Bill be amended in sub-clause (2) by deleting the words “and petroleum” appearing in paragraph (a).

CLAUSE 78

THAT, Clause 78 of the Bill be amended—

(a) in sub-clause (4) by deleting the words “one year from the date of issue” and substituting therefor the words “two years from the date of issue”;

(b) in sub-clause (5) by inserting the following new paragraph immediately after paragraph (b)—

(ba) the authorized person has not commenced a search of geothermal resources for a continuous period of five years;

CLAUSE 79

THAT, Clause 79 of the Bill be amended in sub-clause (1) by deleting the words “The Cabinet Secretary on receiving an application for the extraction of geothermal resources in respect of any land, may, on the advice of the Commission” and substituting therefor the words “The Cabinet Secretary may, on receiving an application for the extraction of geothermal resources in respect of any land, and in consultation with the Renewable Energy Resource Advisory Committee”.

CLAUSE 80

THAT, Clause 80 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “and other relevant laws” immediately after the words “subject to this Act”.

(b) in sub-clause (2) by deleting the words “without requiring an additional licence notwithstanding the provisions of any other written law” and substituting therefor the words “after obtaining a license under the law relating to mining”.

CLAUSE 81

THAT, Clause 81 of the Bill be amended by deleting the word “Commission” appearing on the opening paragraph and substituting therefor the word “Authority”.

(No. 32)

THURSDAY, APRIL 19, 2018

(282)

CLAUSE 84

THAT, Clause 84 of the Bill be amended—

(a) in sub-clause (3) by deleting the word “twice” appearing in the proviso;

(b) in sub-clause (4) by deleting the words “concerned based on the extent of the investment in each county”.

CLAUSE 88

THAT, Clause 88 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 91

THAT, Clause 91 of the Bill be amended in sub-clause (1) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 92

THAT, Clause 92 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 93

THAT, the Bill be amended by deleting Clause 93.

CLAUSE 94

THAT, the Bill be amended by deleting Clause 94.

CLAUSE 95

THAT, the Bill be amended by deleting Clause 95.

CLAUSE 96

THAT, the Bill be amended by deleting Clause 96.

CLAUSE 97

THAT, the Bill be amended by deleting Clause 97.

CLAUSE 98

THAT,the Bill be amended by deleting Clause 98.

CLAUSE 99

THAT,the Bill be amended by deleting Clause 99.

CLAUSE 100

THAT,the Bill be amended by deleting Clause 100.

(No. 32)

THURSDAY, APRIL 19, 2018

(283)

CLAUSE 101

THAT,the Bill be amended by deleting Clause 101.

CLAUSE 102

THAT,the Bill be amended by deleting Clause 102.

CLAUSE 103

THAT,the Bill be amended by deleting Clause 103.

CLAUSE 104

THAT,the Bill be amended by deleting Clause 104.

CLAUSE 105

THAT,the Bill be amended by deleting Clause 105.

CLAUSE 106

THAT,the Bill be amended by deleting Clause 106.

CLAUSE 107

THAT,the Bill be amended by deleting Clause 107.

CLAUSE 108

THAT,the Bill be amended by deleting Clause 108.

CLAUSE 109

THAT,the Bill be amended by deleting Clause 109.

CLAUSE 110

THAT,the Bill be amended by deleting Clause 110.

CLAUSE 111

THAT,the Bill be amended by deleting Clause 111.

CLAUSE 112

THAT,the Bill be amended by deleting Clause 112.

CLAUSE 113

THAT,the Bill be amended by deleting Clause 113.

CLAUSE 114

THAT,the Bill be amended by deleting Clause 114.

CLAUSE 115

THAT,the Bill be amended by deleting Clause 115.

(No. 32)

THURSDAY, APRIL 19, 2018

(284)

CLAUSE 116

THAT,the Bill be amended by deleting Clause 116.

CLAUSE 117

THAT,the Bill be amended by deleting Clause 117.

CLAUSE 118

THAT,the Bill be amended by deleting Clause 118.

CLAUSE 119

THAT,the Bill be amended by deleting Clause 119.

CLAUSE 120

THAT,the Bill be amended by deleting Clause 120.

CLAUSE 121

THAT,the Bill be amended by deleting Clause 121.

CLAUSE 122

THAT,Clause 122 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 123

THAT,Clause 123 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 124

THAT,Clause 124 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 125

THAT,Clause 125 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 126

THAT, Clause 126 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 128

THAT, Clause 128 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(No. 32)

THURSDAY, APRIL 19, 2018

(285)

CLAUSE 129

THAT, Clause 129 of the Bill be amended in sub-clause (1) by deleting the word "Commission" and substituting therefor the word "Authority".

CLAUSE 130

THAT, Clause 130 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 131

THAT, Clause 131 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 132

THAT, Clause 132 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 133

THAT, Clause 133 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 134

THAT, Clause 134 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 135

THAT, Clause 135 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 136

THAT, Clause 136 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 137

THAT, Clause 137 of the Bill be amended by deleting the word "Commission" and substituting therefor the word "Authority".

CLAUSE 138

THAT, Clause 138 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 139

THAT, Clause 139 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(No. 32)

THURSDAY, APRIL 19, 2018

(286)

CLAUSE 140

THAT, Clause 140 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 142

THAT, Clause 142 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 144

THAT, Clause 144 of the Bill be amended by deleting the word "Commission" appearing in the opening paragraph and substituting therefor the word "Authority".

CLAUSE 145

THAT, Clause 145 of the Bill be amended by deleting the word "Commission" and substituting therefor the word "Authority".

CLAUSE 147

THAT, Clause 147 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 148

THAT, Clause 148 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 149

THAT, Clause 149 of the Bill be amended—

(a) in sub-clause (1) by inserting a new paragraph immediately after paragraph (e)

—
“(ea) that the contractual rights, privileges, liabilities and obligations accrued to an existing licensee or any other person are not materially adversely affected;”

(b) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 150

THAT, Clause 150 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 151

THAT, Clause 151 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(No. 32)

THURSDAY, APRIL 19, 2018

(287)

CLAUSE 152

THAT, Clause 152 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 153

THAT, Clause 153 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 154

THAT, Clause 154 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 155

THAT, Clause 155 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 156

THAT, Clause 156 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 157

THAT, Clause 157 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 158

THAT, Clause 158 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 159

THAT, Clause 159 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 160

THAT, Clause 160 of the Bill be amended in sub-clause (3) by deleting the word “Commission” appearing in paragraph (a) and substituting therefor the word “Authority”.

CLAUSE 161

THAT, Clause 161 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(No. 32) THURSDAY, APRIL 19, 2018

(288)

CLAUSE 164

THAT, Clause 164 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing in paragraph (d) and substituting therefor the word “Authority”.

CLAUSE 165

THAT, Clause 165 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 166

THAT, Clause 166 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 167

THAT, Clause 167 of the Bill be amended by inserting a new sub-clause immediately after sub-clause (2) —

“(3) A distribution license shall not be granted in respect of any location which is less than one quarter of a square kilometer:

Provided that this shall not apply in cases of islands in recognized rivers, lakes and in the exclusive economic zone”.

CLAUSE 168

THAT, Clause 168 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing in paragraph (e) and substituting therefor the word “Authority”.

CLAUSE 169

THAT, Clause 169 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 170

THAT, Clause 170 of the Bill be amended in sub-clause (6) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 173

THAT, Clause 173 of the Bill be amended—

(a) by inserting a new sub-clause immediately after sub-clause (3) —

“(4) Where a licensee enters into a contract to supply electrical energy to a consumer who is receiving electrical energy from another licensee under this Act, the new licensee shall forthwith assume all obligations of the previous licensee relating to the subject consumer and previous contract shall cease and be extinguished.”

(No. 32)

THURSDAY, APRIL 19, 2018

(289)

(b) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 174

THAT, Clause 174 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 175

THAT, Clause 175 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 176

THAT, Clause 176 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 177

THAT, Clause 177 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 178

THAT, Clause 178 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 179

THAT, Clause 179 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 187

THAT, Clause 187 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 188

THAT, Clause 188 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 191

THAT, Clause 191 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 192

THAT, Clause 192 of the Bill be amended by deleting the word “Commission” appearing in the opening paragraph and substituting therefor the word “Authority”.

(No. 32)

THURSDAY, APRIL 19, 2018

(290)

CLAUSE 193

THAT, Clause 193 of the Bill be amended—

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) by inserting the following new sub-clause immediately after sub-clause (6) —

(7) The Authority shall review the retail tariff every three years.

CLAUSE 195

THAT, Clause 195 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 196

THAT, Clause 196 of the Bill be amended in sub-clause (2) by deleting the word “Commission” and substituting therefor the word “Authority”.

CLAUSE 199

THAT, Clause 199 of the Bill be amended in sub-clause (1) by deleting the words “by public advertisement, in at least two newspapers of nationwide circulation” appearing in the proviso and substituting therefor the words “through appropriate mechanisms including public advertisement in at least two newspapers of nationwide circulation and an announcement in a radio station of local coverage for a period of two weeks”.

CLAUSE 201

THAT, Clause 201 of the Bill be amended in sub-clause (3) by deleting the words “by public advertisement, in at least two newspapers of nationwide circulation:” and substituting therefor the words “through appropriate mechanisms including public advertisement in at least two newspapers of nationwide circulation and an announcement in a radio station of local coverage for a period of two weeks:”.

CLAUSE 204

CLAUSE 220

THAT, Clause 220 of the Bill be amended by deleting the word "Commission" and substituting therefor the word "Authority".

CLAUSE 221

THAT, Clause 221 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 226

THAT, Clause 226 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(No. 32)

THURSDAY, APRIL 19, 2018

(292)

CLAUSE 228

THAT, Clause 228 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 229

THAT, Clause 229 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 230

THAT, Clause 230 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 231

THAT, Clause 231 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 232

THAT, Clause 232 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 233

THAT, Clause 233 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 234

THAT, Clause 234 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 235

THAT, Clause 235 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

CLAUSE 236

THAT, Clause 236 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 238

THAT, Clause 238 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 239

THAT, Clause 239 of the Bill be amended by deleting the word “Commission” appearing in paragraph (b) and substituting therefor the word “Authority”.

(No. 32)

THURSDAY, APRIL 19, 2018

(293)

CLAUSE 242

THAT, Clause 242 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 244

THAT, Clause 244 of the Bill be amended—

(a) in sub-clause (1) —

(i) by deleting paragraph (a);

(ii) by inserting the following new paragraph immediately after paragraph (h)

—

(i) applied research, technology development and innovation allied to energy sector including technology needs assessment, deployment and scaling up;

(b) in sub-clause (2) by deleting the word “Commission” appearing in paragraph (f) and substituting therefor the word “Authority”.

CLAUSE 248

THAT, Clause 248 of the Bill be amended—

(a) by deleting the word “may” and substituting therefor the word “shall”;

(b) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

CLAUSE 252

THAT, Clause 252 of the Bill be amended—

(a) in sub-clause (1) by deleting the expression “2013” and substituting therefor the expression “131 of 2012”;

(b) in sub-clause (2) —

- (i) by deleting the words “granted by the Commission” appearing in paragraph (b) and substituting therefor the words “granted by the Authority”;
- (ii) by deleting paragraph (f).

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended at the heading by deleting the words “THE ENERGY REGULATORY COMMISSION” and substituting therefor the words “THE ENERGY AND PETROLEUM REGULATORY AUTHORITY”.

(No. 32)

THURSDAY, APRIL 19, 2018

(294)

SECOND SCHEDULE

THAT, the Second Schedule of the Bill be amended—

- (a) at the heading by deleting the words “THE ENERGY REGULATORY COMMISSION” and substituting therefor the words “THE ENERGY AND PETROLEUM REGULATORY AUTHORITY”;
- (b) in paragraph 1 by deleting the word “Commission” and substituting therefor the word “Authority”;
- (c) in paragraph 2 by deleting the word “Commission” and substituting therefor the word “Authority”;
- (d) in paragraph 4 by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (e) in paragraph 5 by deleting the word “Commission” and substituting therefor the word “Authority”;
- (f) in paragraph 6 by deleting the word “Commission” and substituting therefor the word “Authority”;
- (g) in paragraph 7 by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (h) in paragraph 8 by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (i) in paragraph 9 by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

THIRD SCHEDULE

THAT, the Third Schedule of the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

1. Energy and Petroleum Regulatory Authority.

FOURTH SCHEDULE

THAT, the Fourth Schedule of the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

1. ENERGY AND PETROLEUM REGULATORY AUTHORITY

(a) The Energy and Petroleum Regulatory Authority established under section 9 shall be the successor to the Energy Regulatory Commission established by the Energy Act (now repealed) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Energy Regulatory Commission existing at the commencement of this Act shall be automatically and fully transferred to the Energy and Petroleum Regulatory Authority and any reference to the Energy Regulatory Commission in any contract or document shall, for all purposes, be deemed to be a reference to the Energy and Petroleum Regulatory Authority established under section 9.

(b) The persons who at the commencement of this Act are the Chairperson and Commissioners of the Energy Regulatory Commission shall become Chairperson and members of the Board respectively, as the case may be, of the Authority for the remainder of their tenure in accordance with their appointment under the repealed Act.

(c) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or members of the Board, as the case may be, as if they were appointed under section 12.

(d) Every person who at the commencement of this Act is an employee of the Energy Regulatory Commission, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the Energy and Petroleum Regulatory Authority on the same terms and conditions.

2) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Energy Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

CLAUSE 4

THAT, Clause 4 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

(3) The Cabinet Secretary shall submit the published report to Parliament for its consideration.

CLAUSE 6

THAT, Clause 6 of the Bill be amended—

- (a) by renumbering the existing clause as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after sub-clause (1)

—
(2) The Cabinet Secretary shall submit the published report to Parliament for its consideration.

(No. 32)

THURSDAY, APRIL 19, 2018

(296)

CLAUSE 11

THAT, Clause 11 of the Bill be amended by deleting paragraph (i).

CLAUSE 13

THAT, Clause 13 of the Bill be amended in sub-clause (3) —

- (a) by inserting the word “senior” immediately before the word “management” in paragraph (c);
- (b) by inserting the following new paragraph immediately after paragraph (c)—
 - (ca) has at least two years of experience in petroleum and energy.

3) Notice is given that the Member for Mvita (Hon. Abdullswamad Nassir) intends to move the following amendments to the Energy Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

NEW CLAUSE 145A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 145—

- Control of monopoly.
- 145A.**(1) The Authority shall put in place mechanisms to avoid monopoly in distribution of electricity.
 - (2) The Authority shall grant more than one distribution licences provided it has received more than one applications and the applicants

have met the conditions under section 149.

CLAUSE 194- *(proposed amendment is subject to provisions of Article 114 of the Constitution)*

THAT, Clause 194 of the Bill be deleted and substituted therefor the following new clause—

Liability of licensee to compensate for outages. 194.(1) Subject to subsection (2), a licensee shall be liable to compensate a consumer where due to power outages, the consumer—

(a) incurs financial loss;

(b) suffers from physical injuries; or

(c) any other case as may be determined under this Act or any written law.

(2) Subsection (1), shall apply to power outages that exceed a cumulative three hours within a twenty-four hour period, where the licensee has not issued a twenty-four hours prior notice.

(3) Where a consumer incurs financial loss, the licensee shall compensate the consumer by incorporating the compensation into the consumer's bill by way of a subsidy which shall be an amount equivalent to the loss incurred as presented by the consumer and agreed by the licensee.

(4) The amount paid as compensation under subsection (3), shall not be less than the amount the consumer would have paid the licensee, for power consumed for the period during which there was a power outage.

(5) Where due to power outages, a consumer suffers from physical injuries the licensee shall compensate the consumer in a manner determined by the Court.

CLAUSE 195- *(proposed amendment is subject to provisions of Article 114 of the Constitution)*

THAT, Clause 195 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (I)—

(Ia) prescribing the procedures for a consumer to make a claim for compensation for financial loss or any other case as may be determined by the Cabinet Secretary arising as a result of power outages.

(No. 32)

THURSDAY, APRIL 19, 2018

(298)

The House resolved on Wednesday, February 14, 2018 as follows:-

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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 forty five (45) 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 ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

...../Notice Paper I

NOTICE PAPER I

Tentative business for

TUESDAY, April 24, 2018

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Tuesday, April 24, 2018:-

A. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

First Reading

B. COMMITTEE OF THE WHOLE HOUSE

The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 48 of 2017)

(The Leader of the Majority Party)

C. THE KENYA COAST GUARD SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2017)

(The Leader of the Majority Party)

D. MOTION - REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Thursday, April 19, 2018)

...../Notice Paper II

NOTICE PAPER II

Status of Business before Committees

Thursday, April 19, 2018

It is notified that, during the Sitting of **Thursday, April 19, 2018**, the Chairpersons of the following Committees will be called upon to apprise the House on the Status of a **Joint Statement** referred to their Committees pursuant to the provisions of Standing Order 44(2)(c):-

The Chairpersons of the Budget and Appropriations Committee; the National Government Constituencies Development Fund Committee; and the Departmental Committee on Communication, Information and Innovation, regarding establishment of ICT Hubs in every constituency.

.....Appendix

APPENDIX

PETITIONS to be presented on

Thursday, April 19, 2018

It is notified that, pursuant to Standing Orders 225, the following Petitions will be presented to the House **today, Thursday, April 19, 2018:-**

NO.	<u>PETITION TO BE PRESENTED BY</u>	<u>SUBJECT</u>	<u>PETITIONER(S)</u>
1	The Hon. Speaker <i>(Pursuant to Standing Order 225(2)(b))</i>	Amendment of the Constitution to allow for equitable representation of the electorate & gender parity in Parliament	Ezekieh Njeru Namu
2	The Member for Emuhaya Constituency (Hon. Omboko Milemba, MP) <i>(Pursuant to Standing Order 225(2)(a))</i>	Ratification of the International Labour Organization Convention No. 189 of 2011	Kenya Union of Domestic Hotels, Education Institutions and Hospital Workers.