



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 09, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. Presiding - the Third Chairperson
4. **STATEMENT - EULOGY OF THE LATE HON. GEORGE MWICIGI NDUNG'U**

The Member for Gatang'a (Hon. Humphrey Njuguna) brought to the attention of the House the passing on of Hon. George Mwicigi Ndung'u, a former Member of Parliament for Kandara, part of which was the current Gatanga Constituency who served for three terms from 1969 to 1979 and later 1983 to 1989. During his term, the late Hon. Mwicigi initiated many social-economic development projects in his constituency and his legacy was one to be emulated by many.

The Member informed the House that the late Hon. Mwicigi left behind a hospital bill of Ksh3 million and appealed to Members to make donations towards settlement of the bill.

Thereafter, Members eulogized the late George Mwicigi Ndung'u. May God rest his soul in eternal peace.

5. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

- (i) **The Political Parties (Amendment) Bill (National Assembly Bill No. 5) of 2015**

Clause 1 - amendment proposed -

THAT, clause 1 of the Bill be amended in paragraph (b) by deleting the proposed new paragraph (c) and substituting therefor the following new paragraph —

"(c) the party does not have at least –

- (i) five elected members of the National Assembly; or
- (ii) three elected members of the Senate; or
- (iii) three elected members who are Governors; or
- (iv) twenty members of County Assemblies."

(Hon. Chris Wamalwa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended by deleting Clause 1 and substituting therefor the following new clause —

"2. Section 25 of the Political Parties Act is amended in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph-

"(a) the party does not have at least –

- (i) one elected member of the National Assembly; or
- (ii) one elected member of the Senate; or
- (iii) one elected member who is a Governor; or
- (iv) ten elected members of County Assemblies."

(Hon. Malulu Injendi)

Amendment withdrawn;

Clause 1 - as amended agreed to

Title - agreed to

Bill to be reported with amendments;

(ii) **The In-Vitro Fertilization Bill (National Assembly Bill No. 36 of 2014)**

Clause 28 - amendment proposed –

THAT, the Bill be amended by deleting Clause 28.

(Hon.(Dr.)James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - deleted

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended in paragraph(a) by deleting the words “one year” and substituting therefor the word “five years”;

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the clause 29 be further amended in paragraph (a) by deleting the words “the insemination” and substituting therefor the words “assisted reproductive process”;

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 29 of the Bill be amended by deleting sub clause(b) and substituting therefor the following new sub clause-

“(b) the man had consented to parentage in writing and the artificial insemination takes place within five years of the death of the man.”

(Hon. (Dr.) James Nyikal)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the Bill be amended in clause 29 –

(a) in paragraph (a) by deleting the words “the insemination” and substituting therefor the words “assisted reproductive process”;

(b) in paragraph (b) by deleting the words “parentage and the artificial insemination takes place within one year of the death of the man” and substituting therefor the words “the assisted reproductive process and it takes place within one year of the death of the man”.

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn

Clause 29 - as amended agreed to

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended in the opening statement by deleting the words “section 28” and substituting therefor the words “section 2 ”

(Hon. (Dr.) JamesNyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the clause 30 be further amended in –

(a) by deleting paragraph (c); and

(b) in paragraph (d) by deleting the words “at the time of the placing in the woman an embryo or sperm and eggs or her artificial insemination” and substituting therefor the words “ at the time of the assisted reproductive process”.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to

Clause 31 - amendment proposed –

THAT, clause31of the Bill be amended by deleting the words “in-vitro fertilization” and substituting therefor the words “assisted reproductive technology”.

(Hon. (Dr.)JamesNyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 31 be further amended by deleting the words “in vitro fertilization” and substituting therefor the “assisted reproduction” and by deleting the words “through sexual intercourse” and substituting word “sexually”.

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn

Clause 31 - as amended agreed to

Clause 32 - amendment proposed –

THAT, clause 32 of the Bill be amended by-

- (a) deleting subclause (1) and substituting therefor the following sub clause –
“(1) A woman of eighteen years or more may, at the request of a couple, consent to have an embryo or eggs and sperm of the couple placed in her or artificially inseminated for purposes of surrogate motherhood.”

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended in clause 32 in subsection (1) by deleting the words “any two persons, male and female have an embryo or sperm and eggs of the two persons, male and female placed or artificially inseminated in her for purposes of surrogate motherhood” and substituting therefor the words “parties to a marriage, undergo a process of assisted reproduction as a surrogate mother”;

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

Further amendment proposed –

THAT, the new sub-clause (1) be further amended by deleting the word “*eighteen*” and substituting therefor the words “*twenty five*” and by deleting the phrase “*have an embryo or eggs and sperm of the couple placed in her or artificially inseminated*” and substituting therefor the phrase “*a process of assisted reproduction*”.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

- (b) **THAT**, clause 32 of the Bill be amended in sub clause (2), by inserting the words “at birth” appearing immediately after the words “over the child”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Clause 32 be further amended in subsection (2) by deleting the words “*on behalf of the two persons*” and substituting therefor the words “*on behalf of the parties to a marriage*”.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

Clause 32 - as amended agreed to

Clause 33 - amendment proposed –

THAT, the Bill be amended by deleting clause 33 and substituting therefor the following new clause—

33. (1) Parties to a marriage wishing to enter into a surrogacy agreement with any woman must sign a surrogacy agreement in a prescribed form before the process is undertaken.

(2) The form shall indicate the names of the parties to the marriage as the parents of the child to be born through assisted reproductive process.

(3) The entry in the form shall be conclusive proof of parentage of the child and shall be used for purposes of registration of birth and any other legal processes.

(4) Where there is a dispute as to the parentage of a child born out of assisted reproductive process, the aggrieved party may apply to Court within sixty days of the birth of the child for determination of parentage of the child.

(5) The parties to a marriage shall not give any monetary or other benefits to the surrogate mother other than for expenses reasonably incurred in the process of surrogacy.

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 33 be further amended in subclause (1) by deleting the word “*wishing*” and substituting therefor the word “*intending*” and by deleting the word “*must*” and substituting therefor the word “*shall*”.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 33 of the Bill be amended-

- (a) in sub-clause (2) by deleting the words "creation of the embryo" appearing in paragraph (b) and substituting therefor the words "human procreation";
- (b) in sub -clause (3) by deleting the words "A husband and a wife" appearing immediately before the words "shall, sign" and substituting therefor the word "A couple";
- (c) in sub-clause (4) by deleting the words "husband and wife" and substituting therefor the following word "couple";
- (d) in sub-clause(6) by deleting the words "both the husband or wife "and substituting therefor the following words "the two persons constituting a couple";
- (e) in clause(7) by deleting the expression" section 7(b)"and substituting therefor the expression" section 27(b)";
- (f) in sub-clause(9)by deleting the words "given or" appearing immediately after the words "has been" appearing in the opening statement.

(Hon.(Dr.) James Nyikal)

Proposed amendment withdrawn;

Clause 33 - as amended agreed to

Clause 34 - amendment proposed –

THAT, the Bill be amended in clause 34–

- (a) in paragraph (a) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproductive";
- (b) in paragraph (c) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproduction process"; and
- (c) in paragraph (e) be amended by deleting the words "in vitro fertilization" and substituting therefore the words "assisted reproduction".

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to

Clause 35 - amendment proposed –

- (a) **THAT**, clause 35 of the Bill be amended in sub-clause (1) by deletin gparagraph(a);

(Hon. (Dr.) James Nyikal)

Question of the deletion proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 35 be further amended in subsection 1(a) by inserting the word "biological" immediately after the words "a person other than the a parent of the applicant may be a"

(Hon. Millie Odhiambo)

Proposed amendment withdrawn

(b) **THAT**, clause 35 of the Bill be amended in sub- clause(1) by deleting the words "in-vitro fertilization" appearing in paragraph (b) and substituting therefor the words "assisted reproduction".

(Hon. (Dr.) James Nyikal)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed-

THAT, the clause 35 be further amended in subsection 1(b) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproduction"

(Hon. Millie Odhiambo)

Proposed amendment withdrawn

(c) **THAT**, clause 35 of the Bill be amended in subsection (2) (a)by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproductive"

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 35 be further amended in sub-clause 2(a) by deleting the phrase "assisted reproductive" substituting therefor the words "assisted reproduction"

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

(d) **THAT**, clause 35 of the Bill be amended in sub clause(6) by renumbering sub-clause(6) as sub-clause(3);

(Hon.(Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to

Clause 36 - amendment proposed –

THAT, the Bill be amended in clause 36 (2) (a) by deleting the words “in vitro fertilization” and substituting therefor the words “assisted reproductive”

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 36 be further amended in sub-clause 2(a) by deleting the phrase “*assisted reproductive treatment services*” substituting therefor the words “*assisted reproduction process*”

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clause 37 - agreed to

Clause 38 - amendment proposed –

THAT, the Bill be amended in clause 38 (3) by deleting paragraph (f).

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - agreed to

Clause 40 - amendment proposed –

THAT, clause 40 of the Bill be amended, by deleting the words “in-vitro fertilization” and substituting therefor the words “assisted reproduction”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 40 be amended by deleting the words “in vitro fertilization” and substituting therefor the words “assisted reproduction”

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Clause 40 - as amended agreed to

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended in sub clause (3) by deleting the words “in-vitro fertilization” and substituting therefor the words “assisted reproduction”.

(Hon.(Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 41be amended by deleting the words “in vitro fertilization” and substituting therefor the words “assisted reproductive”

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

Clause 41 - as amended agreed to

Clause 42 - amendment proposed -

- (i) **THAT**, clause 42 of the Bill be amended in subclause (1) by deleting the words "carry out in vitro fertilization" and substituting therefor the words "undertake assisted reproductive technology".

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the Bill be amended in clause 42 in subsection (1) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproductive services"

(Hon. Millie Odhiambo)

Proposed further amendment Withdrawn;

Further amendment proposed -

THAT, the Bill be amended in clause 42 in subsection (2) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproductive services".

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 42 of the Bill be further amended in subclause (2) by deleting the phrase "assisted reproductive services" and substituting therefor the phrase "assisted reproduction process"

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended in subclause (3) by-

- (a) deleting the words “in-vitro fertilization” appearing in paragraph(a)and substituting therefor the words “assisted reproductive technology”;
- (b) deleting the words “in-vitro fertilization” appearing in paragraph(b) and substituting therefor the words “assisted reproductive technology”;
- (c) deleting the words “in-vitro fertilization” appearing in paragraph(c) and substituting therefor the words “ assisted reproductive technology”;
- (d) by deleting the words “creation of the embryos” appearing in paragraph (d) and substituting therefor the words “bringing about human procreation”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended in clause 43(3) –

- (a) in paragraph (a)by deleting the words “in vitro fertilization” and substituting therefore the words “assisted reproductive”;
- (b) in paragraph (b)by deleting the words “in vitro fertilization” and substituting therefore the words “assisted reproductive”
- (c) in paragraph (c)by deleting the words “in vitro fertilization” and substituting therefore the words “assisted reproductive”.

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

Clause 43 - as amended agreed to

Clause 44 - amendment proposed –

- (a) THAT**, clause44 of the Bill be amended in subclause(1)by deleting the word “an” appearing in paragraph (a) and substituting thereforthewords“theresultant”;

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

(c) **THAT**, clause 44 of the Bill be amended by deleting the words "in-vitro" appearing in paragraph (b) and substituting therefor the words "assisted reproductive technology";

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the Bill be amended in clause 44(1) (b) by deleting the words "in vitro than" and substituting therefor the words "assisted reproductive services".

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

(c) **THAT**, clause 44 of the Bill be amended by deleting the word "statutory" appearing in paragraph(d);

(Hon. (Dr.) James Nyikal)

Proposed amendment withdrawn;

(d) **THAT**, clause 44 of the Bill be amended by deleting sub clause (3) and substituting therefor the following new sub clause-
"(2) The storage period in respect of embryos shall be a period not exceeding ten years or as the license may specify."

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - amendment proposed -

THAT, clause 45 of the Bill be amended-

- (a) By inserting the expression(1) immediately after (45);
- (b) By renumbering the subsequent sub-clauses as is appropriate;
- (c) in sub clause (6) by deleting the expression "subsection(1)" and substituting therefor the expression" section 41(2)";
- (d) in sub clause(8) by inserting the word "be" immediately after the words "shall not".

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 45 - as amended agreed to

Clause 46 - amendment proposed –

THAT, clause 46 of the Bill be amended in subclause(1) by deleting the word “compiled” appearing in paragraph (d) and substituting therefor the word “complied”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended in subclause(1) by inserting the word “not” immediately after the words “licensee is” appearing in paragraph (e).

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to

Clauses 48, 49 & 50 - agreed to

Clause 51 - amendment proposed –

THAT, clause 51 of the Bill be amended, by inserting the following new paragraph immediately before paragraph (a)-

“(aa)monies allocated by Parliament for purposes of the Authority;”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - as amended agreed to

Clauses 52 & 53 - agreed to

Clause 54 - amendment proposed –

THAT, clause 54 of the Bill be amended in subclause (3) by deleting the word “fo” appearing immediately after the words “the end” and substituting therefor the word “of”.

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to

Clauses 55, 56 & 57 - agreed to

Clause 58 - amendment proposed –

THAT, the Bill be amended in clause 58(2) by deleting the word “subsection Shall” and substituting therefor the words “subsection (1) shall”.

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 58 of the Bill be amended in subclause (2) by deleting the words “subsection shall” and substituting therefor the expression “subsection (1) shall”.

(Hon. (Dr.) James Nyikal)

Proposed amendment withdrawn;

Clause 58 - as amended agreed to

Clause 59 - amendment proposed –

THAT, the Bill be amended by deleting Clause 59

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Clause 59 - agreed to

Clause 60 - amendment proposed –

THAT, the Bill be amended in clause 60—

(a) in paragraph(d) by deleting the words “in vitro fertilization a procedure” and substituting therefor the words “assisted reproductive services”;

- (b) in paragraph(e) by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproduction";
- (c) in paragraph (h) by deleting the words "an in vitro embryo" and substituting therefor the words "an embryo from assisted reproductive process"
- (d) in paragraph (n) by deleting the words " in vitro embryos" and substituting therefor the words "embryos from assisted reproductive process";
- (e)in paragraph (o) by deleting the words " in vitro fertilization" and substituting therefor the words "assisted reproduction processes".

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 60 of the Bill be amended-

(a) in the opening statement by inserting the words "in consultation with the Authority" immediately after the words "Cabinet Secretary";

(b) by inserting the following subparagraph immediately after subparagraph (p)-

"(q) in respect of research relating to assisted reproductive technology treatment, services and products."

(Hon. (Dr.) James Nyikal)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - as amended agreed to

Schedule - amendment proposed -

- (i) **THAT**, the Bill be amended in subsection (1)(b) of the **SCHEDULE** by deleting the words "written permission of the chairperson notified to the Board" and inserting the words "without justifiable reason "at the end of the sentence;

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

- (ii) **THAT**, the Bill be amended in paragraph(4)of the **SCHEDULE**, by deleting the word "off" and substituting therefor the word "of" appearing in sub paragraph(3); **and** in

paragraph(5) by deleting the word "or" appearing immediately after the words "the members" and substituting therefor the word "of";

(Hon. (Dr) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

- (iii) **THAT**, the Bill be amended in subsection (8) of the **SCHEDULE** by inserting the words "The minutes of the Board shall" immediately before the words " be kept in such a manner"

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the schedule to the Bill be further amended in paragraph (8) by inserting the words "The minutes shall" immediately before the words "be kept" appearing at the beginning of the paragraph.

(Hon. (Dr.) James Nyikal)

Proposed further amendment withdrawn;

- (iv) **THAT**, the Bill be amended in subsection (11)of the **SCHEDULE** by deleting the words "in vitro fertilization" and substituting therefor the words "assisted reproduction"

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Schedule - as amended agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended, by- (a) deleting the definition of the expression "in-vitro fertilization";

(a) deleting the definition of "In Vitro fertilization".

(b) inserting the following new definitions in proper alphabetical sequence—

"assisted reproductive technology" means fertilization in a laboratory dish or test tube of sperm with eggs which have been obtained from an ovary, whether or not the process of fertilization is completed in the laboratory dish or test tube;"

"child" means any human being under the age of eighteen years;

"couple" means a male and a female who are in an association that may be recognized as a marriage under any law in Kenya;"

"court" means the High Court of Kenya;"

"father "means a man who in the case of a child who is being carried by a woman as a result of the of placing in the woman an embryo or sperm and eggs or the artificial insemination of the woman-

(a) the man donated his sperms for the process of assisted reproduction, and at the time of placing in the woman the embryo or the sperm and eggs or artificial insemination of the woman-

- (i) the woman was party to a marriage with the man;or
- (ii) the woman was not party to a marriage with the man but has subsequently contracted a marriage to the man; or
- (iii) the man and the woman have never contracted a marriage, but the man has in agreement with the mother, written a parental agreement acquiring parental rights of a father, or

(b) the man did not donate his sperms for the process of assisted reproduction, and at the time of placing in the woman the embryo or the sperm and eggs or artificial insemination of the woman-

- (i)the man was party to a marriage with the woman; and
- (ii) the man has in agreement with the woman, written a parental agreement acquiring parental rights of a father;"

"mother" means a woman who is carrying or has carried a child as a result of placing in her an embryo or sperms and eggs or artificial insemination of the woman under a process of assisted reproduction and shall not include a woman carrying a child under a surrogate motherhood agreement;"

"parties to a marriage" means a husband and a wife and include a couple;"

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the Bill be amended in clause 2 by inserting the following new definitions-
"Court" means the High Court of Kenya; and

"Parties to a marriage" means a man and a woman married according to subsisting laws of marriage in Kenya.

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

Clause 2 - as amended agreed to

Long Title - amendment proposed –

THAT, the long title to the Bill be amended by deleting the long title and substituting therefor the following long title–

“AN ACT of Parliament to provide for the regulation of assisted reproductive technology; to prohibit certain practices in connection with assisted reproductive technology; to establish an Assisted Reproductive Technology Authority; to make provision in relation to children born of assisted reproductive technology processes and for connected purposes.”

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

Title - amendment proposed –

THAT, the Title of the Bill be amended by deleting the words “In-Vitro Fertilization” and substituting therefor the words “Assisted Reproductive Technology”

(Hon.(Dr.)James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - as amended agreed to

Clause 1 - amendment proposed –

THAT, clause 1 of the Bill, be amended by deleting the words “In-Vitro Fertilization” appearing immediately after the words “as the” and substituting therefor the words “Assisted Reproductive Technology”;

(Hon. (Dr.) James Nyikal)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to

Bill to be reported with amendments.

6. **HOUSE RESUMED** - the Second Chairperson in the Chair

(i) **The Political Parties (Amendment) Bill (National Assembly Bill No. 5 of 2015)**
Bill reported with amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

(Hon. Chris Wamalwa)

Question put and agreed to;

Motion made and Question proposed-

THAT, the Political Parties (Amendment) Bill (National Assembly Bill No. 5 of 2015 be now read a Third Time

(Hon. Chris Wamalwa)

Debate arising;

Question of the Third Reading deferred to another day.

(ii) **The Assisted Reproductive Technology Bill (National Assembly Bill No. 36 of 2014)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said report

(Hon. Millie Odhiambo)

Question put and agreed to;

Motion made and Question proposed-

THAT, the Assisted Reproductive Technology Bill (National Assembly Bill No. 36 of 2014) be now read a Third Time

(Hon. Millie Odhiambo)

Debate arising;

Question of the Third Reading deferred to another day.

And the time being One O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

7. **HOUSE ROSE** - at One O'clock

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, March 09, 2016 at 2.30 p.m.