



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, NOVEMBER 15, 2018**

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker

4. **QUESTIONS**

The following Questions were asked to the respective Ministries –

- (i) Question 152/2018 by the Member for Kwale County (Hon. Zuleikha Hassan, MP) regarding publication and submission of the regulations under sections 224 and 225 of the Mining Act (No. 12 of 2016) and the ratio for revenue sharing for proceeds of Titanium mining between the National Government and the local community;

*Question referred to the Departmental Committee on Environment & Natural Resources*

- (ii) Question 175/2018 by the Member for Wajir North Constituency (Hon. Ahmed A. Ibrahim, MP) regarding failure to award contracts to various companies for various works in the Ministry;

*Question referred to the Departmental Committee on Environment & Natural Resources*

- (iii) Question No. 176/2018 by the Member for Ikolomani Constituency (Hon. Bernard Shinali, MP) regarding delayed compensation of persons displaced and properties destroyed during the construction of the Sigalagala – Musoli – Bukura – Butere road D260;

*Question referred to the Departmental Committee on Transport, Public Works & Housing*

- (iv) Question No. 178/2018 by the Member for Malindi Constituency (Hon. Aisha Jumwa, MP) regarding the status of compensation and relocation of over 239 families whose land and other properties have been earmarked for demolition and relocation to pave way for the expansion of Malindi Airport;

*Question deferred to another sitting.*

- (v) Question no. 179/2018 by the Member for Mumias East Constituency (Hon. Benjamin Jomo Washiali, MP) regarding companies that have been contracted by Kenya Bureau of Standards to inspect goods imported into the Country;

*Question referred to the Departmental Committee on Trade, Industry & Cooperatives.*

(vi) Question number 182/2018 by the Member for Lamu County (Hon. Ruweida Mohamed, MP) regarding relocation of some Kenya Certificate of Primary Education candidates in Lamu County from their schools to new examination centres during the examination period;

*Question referred to the Departmental Committee on Education and Research*

**5. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2018)**

Motion made and Question proposed –

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018) and seek leave to sit again today.

*(The Leader of the Majority Party – 14.11.2018)*

Question put and agreed to;

Thereupon the House resolved into the Committee of the Whole House.

**6. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Fourth Chairperson in the Chair

**The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018)**

**PROVISIONS RELATING TO THE EXPORT PROCESSING ZONES ACT, 1990 (CAP 517)**

**Proposed amendment to Section 2**

**Further amendment proposed –**

**THAT**, the Schedule to the Bill be amended in the proposed amendment to section 2 of the Export Processing Zones Act (Cap. 517) by deleting the proposed definition of the term “eligible activities” and substituting therefor the following new definition—

s. 2 Insert the following definition in proper alphabetical sequence—

"eligible activities" include activities to enable agricultural activities preceding processing and value addition directly related to value addition conducted in Kenya within a gazetted export processing zone in aquaculture, horticulture, tea, coffee, floriculture, dairy and ranching and silviculture.

*(Chairperson, Departmental Committee on Trade, Industry & Cooperatives)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 2 - as amended agreed to.

Proposed amendment to Section 15(1) - agreed to.

Proposed amendment to Section 21(c)

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendment to section 2 of the Export Processing Zones Act (Cap. 517) by deleting the proposed amendment to section 21 of the Export Processing Zones Act (Cap. 517) and substituting therefor the following—

- s. 21 Delete the words “for a minimum period of thirty years within the export processing zone” and substitute therefor the words “or building or part thereof for a minimum period of ten years for land and buildings or part thereof”.

*(Chairperson of the Departmental Committee on Trade, Industry and Cooperatives)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 21(c) - as amended agreed to.

Proposed amendment to Section 26(3B) - agreed to.

Provisions relating to the Export Processing Zones Act, 1990 (Cap 517) - as amended agreed to.

**THE NATIONAL COUNCIL FOR LAW REPORTING ACT, NO. 11 OF 1994**

Proposed amendment to Section 2

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended by deleting the proposed amendments to the National Council for Law Reporting Act, No. 11 of 1994.

*(Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Further amendments proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments be amended by deleting the proposed amendment to section 2 of the National Council for Law Reporting Act, No. 11 of 1994.

*(Chairperson of the Departmental Committee on Justice and Legal Affairs)*

Proposed amendment dropped.

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended by deleting the proposed amendment to section 2 of the National Council for Law Reporting Act, No. 11 of 1994.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendment to Section 2 - deleted.

Provisions relating to the National Council for Law Reporting Act, No. 11 of 1994 - deleted.

**PROVISIONS RELATING TO THE HIGHER EDUCATION LOANS BOARD, 1995 (NO.3 OF 1995)**

Proposed amendments to Sections 4(1) & (3)

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Higher Education Loans Board Act, 1995 by deleting the proposed amendments to section 4(1) and (3).

*(Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Sections 4(1) & (3) - deleted.

Proposed amendment to Section 5

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Higher Education Loans Board Act, 1995 by deleting the proposed amendments to section 5.

*(Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Higher Education Loans Board Act, No.3 of 1995 by deleting the proposed amendments to section 5.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendment to Section 5 - deleted.

Proposed amendment to Section 22

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Higher Education Loans Board Act, 1995 by deleting the proposed amendments to section 22.

*(Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Higher Education Loans Board Act, No.3 of 1995 by deleting proposed amendments to section 22.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendment to Section 22 - deleted.

Provisions relating to the Higher Education Loans Board, 1995 (No.3 of 1995) - deleted.

**PROVISIONS RELATING TO THE KENYA INFORMATION & COMMUNICATIONS ACT, 1998 (NO. 2 OF 1998)**

Proposed amendments to Sections 6(1)(a), 6B(1) &(1)(b), (8), (9) & (10)

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended by deleting the proposed amendments to the Kenya Information and Communication Act, 1998.

*(Leader of the Majority Party)*

Proposed amendment withdrawn.

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Kenya Information and Communications Act, No.2 of 1998 by deleting the proposed amendments to section 6.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendments to Sections 6(1)(a), 6B(1) &(1)(b), (8), (9) & (10) - agreed to.

Proposed New Sections 6(1)(e) and 6(2)

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Kenya Information Communications Act, 1998 (No.2 of 1998) by -

- (i) inserting the following new amendments in their proper chronological sequence
  - s. 6(1) (e) Delete the expression “in accordance with section 6B”.
  - s. 6 Insert the following new subsection immediately after subsection (1) –
    - “(2) In appointing the members of the Board under subsection (1) (e) the Cabinet Secretary shall ensure—
    - (a) that the appointees to the Board reflect the interests of all sections of society;
    - (b) equal opportunities for persons with disabilities and other marginalized groups; and
    - (c) that not more than two-thirds of the members are of the same gender.”
- (ii) deleting the proposed amendments to section 6B and substituting therefor the following new amendment –
  - s. 6B Delete.

*(Chairperson, Departmental Committee on Communication, Information and Innovation)*

Motion made and question proposed –

**THAT** New section 6(1)(e) and 6(2) be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT** New section 6(1)(e) and 6(2) be part of the Bill;

Question put and agreed to.

Proposed New Sections 6(1)(e) and 6(2) - agreed to.

Proposed New Section 25A

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Kenya Information Communications Act, 1998 (No.2 of 1998) by inserting the following new section immediately after section 25—

Payment of licence fees. **25A.** (1) The Authority may prescribe fees payable for a licence issued under this Part.

(2) Subject to subsection (3), an applicant shall pay the prescribed fees in full before the grant of a licence.

(3) The Authority may permit the payment of spectrum license fees in equal instalments over a period not exceeding ten years if—

- (a) the fees exceed one billion shillings;
- (b) the applicant is a Kenyan citizen or an entity in which Kenyan citizens own at least fifty-one per cent shares; and
- (c) the applicant undertakes to construct at least five hundred base transceiver stations across the country within three years of the grant of the licence.

(4) A person granted a licence subject to the conditions under subsection (3) shall be liable to pay the prescribed licence fee in full if they—

- (a) cease to be a Kenyan citizen or an entity in which Kenyan citizens own at least fifty-one per cent shares; or
- (b) propose a transfer or assignment of the licence to a non-citizen or an entity in which Kenyan citizens do not own at least fifty-one per cent shares.

(5) The Authority shall revoke a licence granted subject to the conditions under subsection (3) if the licensee fails to meet the requirement under paragraph (3)(c).

*(Chairperson, Departmental Committee on Communication, Information and Innovation)*

Motion made and question proposed –

**THAT** New section 25A be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT** New section 25A be part of the Bill;

Question put and agreed to.

Proposed New Section 25A - agreed to.

Provisions relating to the Kenya Information Communications Act, 1998 (No.2 of 1998) – as amended agreed to.

**PROVISIONS RELATING TO THE COMMUNITY SERVICE ORDERS ACT 1998 (NO.10 OF 1998)**

Proposed amendment to Section 2 - agreed to.

Proposed amendment to Section 3(3)

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended by deleting the proposed amendment to section 3(3) of the Community Service Orders Act, No. 10 of 1998.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to section 3 of the Community Service Orders Act (No. 10 of 1998) by inserting the following new subsection immediately after the new subsection (9)—

- s.3 “(10) Subsection (1) of this Act shall not apply to a person convicted under the following legislation—
- (a) the Anti-Corruption and Economic Crimes Act, No. 3 of 2003;
  - (b) the Sexual Offences Act, No. 3 of 2006;
  - (c) the Prohibition of Female Genital Mutilation, No. 32 of 2011;
  - (d) the Prevention of Terrorism Act, No. 30 of 2012;
  - (e) the Proceeds of Crime and Anti-Money Laundering Act, No. 9 of 2009; or
  - (f) the Bribery Act, No. 47 of 2016.”

*(Chairperson, Departmental Committee on Administration and National Security)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendments to Section 3(3) - as amended agreed to.

Proposed amendments to Sections 7(1)(c), 7(3), 8(1) & 17 - agreed to.

Provisions relating to the Community Service Orders Act 1998 (No.10 of 1998) - as amended agreed to.



PROVISIONS RELATING TO THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT, 1999 (NO. 8 OF 1999)

Proposed amendment to Section 29(4)

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Coordination Act No. 8 of 1999 by deleting the proposed amendments to section 29(4).

*(Hon. Millie Odhiambo)*

*(Change of Chair from Fourth Chairperson to Second Chairperson)*

Proposed amendment dropped.

Proposed amendment to Section 29(4) - agreed to.

Proposed amendment to Section 32

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Coordination Act No. 8 of 1999 by deleting the proposed amendments to section 32.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendment to Section 32 - agreed to.

Proposed amendment to Section 36

Further amendment proposed –

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Coordination Act No. 8 of 1999 by deleting the proposed amendments to section 36.

*(Hon. Millie Odhiambo)*

Proposed amendment dropped.

Proposed amendment to Section 36 - agreed to.

Proposed New Section 2

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

The Environmental Management and Co-ordination Act, 1999 (No.8 of 1999)	s.2 s.2	Delete the definition of the word “Public Department”. Insert the following new definition in proper alphabetical sequence— “Complaints Committee” means the National Environmental Complaints Committee established under section 31.
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*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new section 2 be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to;

Motion made and question proposed –

**THAT**, new section 2 be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to;

Proposed New section 2 - agreed to.

Proposed New sections 31, 31(1), 31(1)(d), 31(2), 31(3), 31(4), 31(5) & 31(6)

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

The Environmental Management and Co-ordination Act, 1999 (No.8 of 1999)	s.31	Delete the word “Department” appearing on the marginal note and substitute therefor the words “Complaints Committee”.
	s.31 (1)	Delete the expression “National Environmental Department (hereinafter referred to as “the Department”) and substitute therefor the words “Complaints Committee”.
	s.31 (1)(d)	Delete the word “Department” and substitute therefor the words “Complaints Committee”.
	s.31 (2)	Delete the word “Department” and substitute therefor the words “Complaints Committee”.
	s.31 (3)	Delete the word “Department” appearing in the opening statement and substitute therefor the words “Complaints Committee”.

- s.31 (4) Delete the word “Department” and substitute therefor the words “Complaints Committee”.
- s.31 (5) Delete the word “Department” and substitute therefor the words “Complaints Committee”.
- s.31 (6) Delete the word “Department” and substitute therefor the words “Complaints Committee”

*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new sections 31, 31(1), 31(1)(d), 31(2), 31(3), 31(4), 31(5) & 31(6) be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the second reading put and agreed to;

Motion made and question proposed –

**THAT**, new sections 31, 31(1), 31(1)(d), 31(2), 31(3), 31(4), 31(5) & 31(6) be part of the Bill;

Debate arising;

Question put and agreed to.

Proposed New sections 31, 31(1), 31(1)(d), 31(2), 31(3), 31(4), 31(5) & 31(6) - agreed to.

Proposed New Section 32

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

- |   |      |  |
|---|------|--|
| The Environmental Management and Co-ordination Act, 1999 (No.8 of 1999) | s.32 | Delete the words “National Environmental Department” appearing in the marginal note and substitute therefor the words “Complaints Committee”.                    |
|   | s.32 | Delete the expression “National Environmental Department (hereinafter referred to as “the Department”) and substitute therefor the words “Complaints Committee”. |

*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new section 32 be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the Second Reading put and agreed to;

Motion made and question proposed –

**THAT**, new section 32 be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to;

Proposed New Section 32 - agreed to.

Proposed New sections 33, 33(1), 33(1)(a), 33(1)(b), 33(2)(a) and 33(2)(d)

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

- |   |              |   |
|---|--------------|---|
| The Environmental Management and Co-ordination Act, 1999 (No.8 of 1999) | s.33         | Delete the words “National Environmental Department” appearing in the marginal note and substitute therefor the words “Complaints Committee”.   |
|   | s.33 (1)     | Delete the expression “National Environmental Department (hereinafter referred to as “the Department”) appearing in the opening statement and substitute therefor the words “Complaints Committee”. |
|   | s.33 (1) (a) | Delete the word “Department” and substitute therefor the words “Complaints Committee”.  |
|   | s.33 (1) (b) | Delete the word “Department” and substitute therefor the words “Complaints Committee”.  |
|   | s.33 (2) (a) | Delete the word “Department” and substitute therefor the words “Complaints Committee”.  |
|   | s.33 (2) (c) | Delete the word “Department” and substitute therefor the words “Complaints Committee”.  |
|   | s.33 (2) (d) | Delete the word “Department” and substitute therefor the words “Complaints Committee”   |

*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new sections 33, 33(1), 33(1)(a), 33(1)(b), 33(2)(a) and 33(2)(d) be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the Second Reading put and agreed to;

Motion made and question proposed –

**THAT**, new sections 33, 33(1), 33(1)(a), 33(1)(b), 33(2)(a) and 33(2)(d) be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to;

Proposed New sections 33, 33(1), 33(1)(a), 33(1)(b), 33(2)(a) and 33(2)(d) - agreed to.

Proposed New section 34

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

The Environmental Management and Co-ordination Act, 1999 (No.8 of 1999)	s.34	Delete the words “National Environmental Department” appearing in the marginal note and substitute therefor the words “Complaints Committee”.
	s.34	Delete the word “Department” and substitute therefor the words “Complaints Committee”.

*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new section 34 be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the Second Reading put and agreed to;

Motion made and question proposed –

**THAT**, new section 34 be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to;

Proposed New section 34 - agreed to.

Proposed New section 35

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

Environmental Management and Co-ordination Act, 1999 (No.8 of 1999)	s.35 (1)	Delete the word “Department” wherever it appears and substitute therefor the words “Complaints Committee”.
		<i>(Leader of the Majority Party)</i>

Motion made and question proposed –

**THAT**, new section 35 be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the Second Reading put and agreed to;

Motion made and question proposed –

**THAT**, new section 35 be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question of put and agreed to;

Proposed New section 35 - agreed to.

Proposed New sections 36, 36(1) & 36(2)

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Environmental Management and Co-ordination Act, 1999 by inserting the following new amendments in proper numerical order—

Environmental Management and Co-ordination Act, 1999 (No.8 of 1999)	s.36	Delete the words “National Environmental Department” appearing in the marginal note and substitute therefor the words “Complaints Committee”.
	s.36 (1)	Delete the word “Department” and substitute therefor the words “Complaints Committee”.
	s.36 (2)	Delete the word “Department” and substitute therefor the words “Complaints Committee”.

*(Leader of the Majority Party)*

Motion made and question proposed –

**THAT**, new sections 36, 36(1) & 36(2) be read a Second Time;

*(Leader of the Majority Party)*

Debate arising;

Question of the Second Reading put and agreed to;

Motion made and question proposed –

**THAT**, new sections 36, 36(1) & 36(2) be part of the Bill;

*(Leader of the Majority Party)*

Debate arising;

Question of put and agreed to;

Proposed New sections 36, 36(1) & 36(2) - agreed to.

Provisions relating to the Environmental Management and Co-ordination Act, 1999 (No. 8 of 1999) - as amended agreed to.

**PROVISIONS RELATING TO THE KENYA ROADS BOARD ACT, 1999 (NO. 7 OF 1999)**

Proposed amendment to Section 12(2)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendment to section 12 (2) of the Kenya Roads Board Act, No. 7 of 1999 by deleting the word “Master’s” appearing in paragraph (a).

*(Chairperson, Departmental Committee on Transport, Public Works and Housing)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 12(2) - as amended agreed to.

Provisions relating to the Kenya Roads Board Act, 1999 (No. 7 of 1999) - as amended agreed to.

**PROVISIONS RELATING TO THE INDUSTRIAL PROPERTY ACT (NO.3 OF 2001)**

Proposed amendments to Sections 2, 6 & 9 - agreed to.

Proposed amendment to Section 12(2)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendment to the Industrial Property Act, No.3 of 2001 by deleting the proposed amendment to section 12 subsection (2).

*(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 12(2) - as amended agreed to.

Proposed amendments to Sections 16, 18, 21, 27 & 29(1)(a),(b) & (c) - agreed to.

Proposed amendments to Section 34(4) & 34(5)

Further amendment proposed-

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 34.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendments to Section 34(4) & 34(5) - agreed to.

Proposed amendment to Section 53(2)(a)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 53(2)(a).

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 53(2)(a) - agreed to

Proposed amendment to Section 59

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 59.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 59 - agreed to



Proposed amendment to Section 62

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 62.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 62 - agreed to

Proposed amendment to Section 63

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 63.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 63 - agreed to

Proposed amendment to Section 77

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 77.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 77 - agreed to.

Proposed amendment to Section 80 - amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 80.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 80 - agreed to.

Proposed amendments to Sections 84(1) & 84(2)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 84.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendments to Section 84(1) & 84(2) - agreed to.

Proposed amendments to Sections 86(2), 86(3), 86(4) & 86(5) - agreed to.

Proposed amendment to Section 87

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 87.

*(Hon. Millie Odhiambo)*

Proposed amendments withdrawn.

Proposed amendments to Sections 87, 87(2), 87(4), 87(6), 87(8), 87(9), 87(10), 87(11), 87(12) & 87(13)- agreed to

Proposed amendment to Section 90

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 90.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendments to Sections 90, 90(1), 90(2), 90(3) & 90(4) - agreed to

Proposed amendment to Section 91 - amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 91.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 91 - agreed to.

Proposed amendment to Section 91A

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed new section 91A.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 91A - agreed to.

Proposed amendment to Section 92(4)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 92(4).

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 92(4) - agreed to

Proposed amendment to Section 93(2)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 93(2).

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 93(2) - agreed to

Proposed amendment to Section 113

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 113.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendment to Section 113 - agreed to.

Proposed amendment to Section 113(6)

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting all the proposed amendments to section 113.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Further amendment proposed-

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendment to section 113 subsection (6) and substituting therefor the following—

- s. 113(6) Insert the following new subsection immediately after subsection (5)—

The Cabinet Secretary shall through a competitive process, appoint a person who has experience of not less than seven years in matters relating to industrial property being qualified and entitled to practice as an advocate in Kenya to be the Secretary to the Tribunal.

*(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Proposed amendment to Section 113(6) - as amended agreed to.

Proposed amendments to Sections 117, 119, 120 and the Second Schedule

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Industrial Property Act No. 3 of 2001 by deleting the proposed amendments to sections 117, 119, 120 and the Second Schedule.

*(Hon. Millie Odhiambo)*

Proposed amendment withdrawn.

Proposed amendments to Sections 117, 119, 120 and the Second Schedule  
- agreed to.

Provisions relating to the Industrial Property Act (No. 3 of 2001) - as amended agreed to

**THE CHILDREN ACT, 2001 (NO. 8 OF 2001)**

Proposed amendment to Section 2

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 2.

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived.

Further amendment proposed-

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 2.

*(Hon. Gideon Ochanda)*

Proposed amendment dropped.

Proposed amendment to Section 2 - agreed to.

Proposed amendment to Section 59

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 59.

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived.

Proposed amendment to Section 59 - agreed to.

Proposed amendment to Section 72A

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 72A.

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived.

Proposed amendment to Section 72A - agreed to.

Proposed amendment to Section 72B

Further amendment proposed-

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 72B.

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived.

Further amendment proposed-

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 72B and substituting therefor the following—

s.72B. “Delete the proposed amendment to section 72B and substitute therefor the following—

“(72B) The Cabinet Secretary shall require the Area Advisory Committee provided for under section 67 of this Act.”

*(Hon. Gideon Ochanda)*

Proposed amendment dropped.

Proposed amendment to Section 72B - agreed to.

Proposed amendment to Section 147

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 147.

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived.

Further amendment proposed -

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Children Act No. 8 of 2001 by deleting the proposed amendment to section 147.

*(Hon. James Nyikal)*

Proposed amendment dropped.

Proposed amendment to Section 147 - agreed to.

### **Progress Report**

Motion made and Question proposed –

THAT, the Committee of the whole House do report progress and seek leave to sit again today.

*(The Leader of the Majority Party)*

Question put and agreed to.

7. **HOUSE RESUMED** - the Third Chairperson in the Chair

**Consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018)**

**Progress reported -**

THAT, the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018) up to section 147 on the provisions relating to the Children Act (No. 8 of 2001) and seeks leave to sit again today.

*(The Leader of the Majority Party)*

Question put and agreed to.

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

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

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**M E M O R A N D U M**

The Speaker will take the Chair today,  
Thursday, November 15, 2018 at 2.30 p.m.

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