



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 Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications –

(i) **Visiting delegation from Parliament of Malawi**

“Honourable Members,

I wish to introduce to you a delegation from the Republic of Malawi. The delegation, seated at the Speaker’s Row, comprises of a Commissioner of the Parliamentary Service Commission of Malawi, Members and Staff of Parliament, representatives of the Executive of the Republic of Malawi and Development Partners. They are: -

- (i) Hon Ralph Jooma - MP, Commissioner, Parliamentary Service Commission of Malawi and Leader of Delegation;
- (ii) Hon. Lingison Belekanyama - MP, Chairperson, Public Appointments Committee and Member, Legal Affairs Committee;
- (iii) Hon. Patricia Mkanda -MP, Chairperson of Privileges Committee;
- (iv) Hon. Maxwell Thyolera -MP, Chairperson, Legal Affairs Committee;
- (v) Hon. Dr. Allan Chiyembekeza - MP, Member of Legal Affairs Committee;
- (vi) Hon. Martha Lunji - MP, Member of Legal Affairs Committee; and
- (vii) Hon. Bonface Kadzamira -MP, Member of Legal Affairs Committee.
- (viii) Mr. Lucius Chipendo - Ministry of Finance;

- (ix) Mr. Richard Santhe - Ministry of Justice;
- (x) Mr. Chikondi Kachinjika - Financial Controller;
- (xi) Mr. Lovemore Nyongo - Controller of Planning;
- (xii) Mr. Martin Phiri - Programme Manager for African Institute for Development Policy (AFIDEP);
- (xiii) Dr. Ronald Manani – Consultant;
- (xiv) Mr. Jefferey Mwenyeheli - Assistant Clerk of Parliament, Table Office and Clerk to Legal Affairs Committee;
- (xv) Mr. Fredrick Kamwani, Clerk to Privileges Committee; and
- (xvi) Mrs. Tilly Likommwa - Assistant Clerk of Parliament, Legal Services Division.

Honourable Members, the delegation is in the country on a benchmarking visit in the National Assembly and other Government Offices to learn the best practices in attaining Parliamentary operational autonomy.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country. Thank you”.

(ii) **National Government Investments Report**

Honourable Members,

I wish to make the following Communication regarding the Consolidated National Government Investment Report.

Section 89 of the Public Finance Management Act of 2012 provides that and I quote-

“The Cabinet Secretary responsible for matters relating to public investments shall prepare and submit to the National Assembly, not later than four months after the end of each financial year, a consolidated report summarizing the extent of national government involvement or investment in, or funding of, all state corporations and government-linked corporations for that financial year.”

Honourable Members, In this regard, by a letter dated 31st October, 2018, the Cabinet Secretary for the National Treasury submitted the Consolidated National Government Investment Report for the Financial Year 2017/2018. The information that ought to be contained in such a Report is stipulated in the Act and includes, *inter alia*, National Government loans and guarantees to State Corporations, Grants and Subsidies as well as Revenues that State Corporations made during the financial year. I urge the House to pay particular attention to the Report because it also relates to the percentage of Government shareholding and equity in State Corporations.

Honourable Members, I will therefore allow the Leader of the Majority Party to Table the said Report under Order No. 5 after which it shall stand committed to the Departmental Committee on Finance and National Planning for consideration.

Whereas I do not expect the Public Investments Committee to make any report to the House on this matter, it is important for the Committee to note the contents of the Report. This will guide them as they prioritize examination of audited accounts of State Corporations.

Honourable Members, I have taken the liberty to give this Communication so as to emphasize the importance of this particular Report to the House and its Committees.

Thank you”.

(iii) **Speaker’s Kamukunji**

“Honourable Members,

I wish to invite you to a Speaker’s Kamukunji to be held on Tuesday, this coming week, that is on 20th, November, 2018, at the National Assembly Chamber at 9.30 am. The Agenda of the said *Kamukunji* will be circulated during the Meeting but the meeting is generally intended to provide opportunity for briefing on Members’ Services and Facilities by the Parliamentary Service Commission.

All Honourable Members are requested to attend and be on time”.

5. PETITIONS

The following Petitions were conveyed:

- (i) Petition regarding demolition notice issued by the National Environmental Management Authority (NEMA) and Water Resources Management Authority (WARMA) for demolition of Seefar Apartments conveyed by the Member for Langata (Hon. Nixon Korir) on behalf of Seefar Apartments home owners, and
- (ii) Petition regarding cases of insecurity in Lamu County conveyed by the Member for Lamu County (Hon. Hon. Capt. Ruweida Mohamed Obo) on behalf of residents of Lamu County.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227.

6. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Consolidated National Government Investment Report for the FY 2017/2018.
- (ii) Quarterly Economic and Budgetary Review Report for the period ending 30th September, 2018 from the National Treasury.
- (iii) Annual Report and Financial Statements of the Capital Markets Authority for the Financial Year 2017/2018.
- (iv) The Report of the Auditor-General and Financial Statements of the Ethics and Anti-Corruption Commission - Staff House Mortgage and Car Loan Scheme for the year ended 30th June, 2018 and the certificate therein.

- (v) The Report of the Auditor-General and Financial Statements of Kibwezi East Constituency for the year ended 30th June, 2017 and the certificate therein.

(The Leader of the Majority Party)

- (vi) The Report on 73rd Session of the United Nations General Assembly held in New York, USA from 20th – 30th September, 2018; and

- (vii) The Report on petition regarding fraudulent medical bill issued by MP Shah Hospital on Account of Treatment of the Late Matilda Anyango.

(Chairperson, Departmental Committee on Health)

- (viii) The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)

(Chairperson, Departmental Committee on Justice & Legal Affairs)

7. QUESTIONS

The following Questions were made to various Ministries–

- (i) Question No.167/2018 by the Member for Muhoroni (Hon. Onyango K'Oyoo) regarding status of disbursement of the Sugar Development Levy to millers. *Question referred to the Departmental Committee on Agriculture and Livestock.*
- (ii) Question No.168/2018 by the Member for Konoin (Hon. Brighton Yegon) regarding status reported on imported contaminated sugar. *Question referred to the Departmental Committee on Trade, Industry and Cooperatives.*
- (iii) Question No.169/2018 by the Member for Lamu County (Hon. Ruweida Mohamed) regarding construction of Mtangawanda-Kizingitini road. *Question referred to the Departmental Committee on Transport, Public Works and Housing.*
- (iv) Question 173/2018 by the Member for Mumias East (Hon. Benjamin Washiali) regarding plans to pay beneficiaries of the Cash Transfer for Older Persons through electronic transfer. *Question referred to the Departmental Committee on Labour and Social Welfare.*
- (v) Question No.174/2018 by the Member for Kanduyi (Hon. Wafula Wamunyinyi) regarding status of implementation of resolutions made during the 2014 Special Summit of the Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on Regional Youth Forum Secretariat. *Question referred to the Departmental Committee on Defence and Foreign Relations.*
- (vi) Question 177/2018 by the Nominated Member (Hon. Halima Mucheke) regarding progress made in payment of village elders in the country. *Question referred to the Departmental Committee on Administration and National Security.*

- (vii) Question 180/2018 by the Member for Butere (Hon. Tindi Mwale) regarding insecurity in Butere Sub-county;
Question referred to the Departmental Committee on Administration and National Security.

8. STATEMENT PURSUANT TO STANDING ORDER 44(2)

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, November 20, 2018.

9. PROCEDURAL MOTION – RESOLUTION TO EXTEND THE SITTING OF THE HOUSE

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend its afternoon sitting today, until conclusion of business appearing as Order No. 9, being Committee of the whole House on the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018).

(The Leader of the Majority Party)

Question put and agreed to.

10. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

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

(i) **PROVISIONS RELATING TO THE CHILDREN ACT NO. 8 OF 2001**

Proposed amendment to Section 155

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 155.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

(No.109)

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(1090)

Question of the further amendment put and negatived.

Proposed amendment to Section 155 - agreed to.

Proposed amendment to Section 156(1)

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 156(1).

(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 156.

(Hon. James Nyikal)

Proposed amendment dropped.

Proposed amendment to Section 156(1) - agreed to.

Proposed amendment to Section 157(1)

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 157(1).

(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 proviso in section 157.

(Hon. James Nyikal)

Proposed amendment dropped.

Proposed amendment to Section 157(1) - agreed to.

Proposed amendment to Section 163(1)(f)

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 163(1)(f).

(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 163(1)(f).

(Hon. James Nyikal)

Proposed amendment dropped.

Proposed amendment to Section 163(1)(f) - agreed to.

Proposed amendment to Section 177(1)

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 177(1).

(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 177.

(Hon. James Nyikal)

Proposed amendment dropped.

Proposed amendment to Section 177(1) - agreed to.

Proposed amendment to Section 179(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 179(2).

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn.

Proposed amendment to Section 179(2) - agreed to.

Proposed amendment to Section 183A

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 new section 183A.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn.

Proposed amendment to Section 183A - agreed to.

Proposed amendment to Section 197A

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 new section 197A.

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn.

Proposed amendment to Section 197A - agreed to.

Proposed New Section 20A

THAT, the Schedule to the Bill be amended in the proposed amendments to the Children Act, No. 8 of 2001 by inserting the following new section immediately after section 20—

20A (1) The provisions of section 4 of the Counter- Trafficking in Persons Act, 2010, shall apply with regard to offences involving trafficking in children.

(2) Any person convicted of an offence of trafficking in children shall be liable for punishment in accordance with the penalties imposed under section 4 of the Counter-Trafficking in Persons Act, 2010.

(Hon. Gladys Wanga)

Motion made and Question proposed –

THAT, the new section 20A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new section 20A be part of the Bill

Question put and agreed to.

Proposed New Section 20A - agreed to.

Proposed New Section 156(4A)

THAT, the Schedule to the Bill be amended in the proposed amendments to the Children Act, No. 8 of 2001 by inserting the following new subsection immediately after subsection 4-

“(4A) Notwithstanding any other provision of this Part, the moratorium issued before the enactment of subsection (4) shall be deemed to have been issued under this section.”

(Hon. Gladys Wanga)

Motion made and Question proposed –

THAT, the new section 156(4A) be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new section 156(4A) be part of the Bill

Question put and agreed to.

Proposed New Section 156(4A) - agreed to.

Proposed New Section 177A

THAT, the Schedule to the Bill be amended in the proposed amendments to the Children Act, No. 8 of 2001 by inserting the following new section immediately after section 176–

177A. (1) Notwithstanding any other provision of this Act, the Child Welfare Society of Kenya established under Legal Notice No. 58 of 2014 shall be –

- (a) the national adoption society whose function shall be to provide adoption services on behalf of the Government of Kenya;
- (b) the approved society for purpose of care, protection and control of children;
- (c) exempted from the provisions of section 177 of this Act with regard to registration.

(2) The exemption granted to the Child Welfare Society of Kenya under the Societies Act immediately before the commencement of this section shall upon such commencement, be deemed to have been granted under this Act.

(Hon. Gladys Wanga)

Motion made and Question proposed –

THAT, the New Section 177A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Section 177A be part of the Bill

Question put and negatived.

Proposed New Section 179(1)(b)

THAT, the Schedule to the Bill be amended in the proposed amendments to the Children Act, No. 8 of 2001 by deleting the “proviso “and substitute therefore the following new proviso–

“commits an offence and is liable on conviction to imprisonment for a term not exceeding twenty years or to a fine not exceeding twenty million shillings or to both.”

(Hon. Gladys Wanga)

Motion made and Question proposed –

THAT, the new section 179(1)(b) be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new section 179(1)(b) be part of the Bill

Question put and agreed to.

Proposed New section 179(1)(b) - agreed to.

Provisions relating to the Children Act, No. 8 of 2001 - as amended agreed to.

(ii) **PROVISIONS RELATING TO THE COPYRIGHT ACT NO.12 OF 2001**

Proposed amendment to Section 6

Further amendment proposed-

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 6 of the Copyright Act No. 12 of 2001.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendment to Section 6 - agreed to

Proposed amendment to Section 6(1)(c)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, 2001 (No. 12 of 2001) by inserting the following new paragraph immediately after the proposed new paragraph 6(1)(c)-

“(ca) the principal Secretary in the Ministry responsible for matters relating to information and communications technology or a designated representative”

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

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 6(1)(c) - as amended agreed to

Proposed amendment to Section 6(1)(f)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, 2001 (No. 12 of 2001) by deleting the proposed new paragraph (6)(1)(f).

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

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 6(1)(f) - deleted

Proposed amendment to Section 6(2)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, 2001 (No. 12 of 2001) by deleting the expression “paragraphs (1)(e) and (f)” appearing in the proposed new section 6(2) and substituting therefor the expression “paragraph (1)(e)”.

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

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 6(2) - as amended agreed to

Proposed New Section 6(1A)

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, 2001 (No.12 of 2001) by inserting the following new subsection immediately after the proposed new section 6(1) –

(1A) Any person who, immediately before the commencement of this section was a member of the Board shall be deemed to be a member of the reconstituted Board for the unexpired period of his or her term of service.

(Leader of the Majority Party)

Proposed amendment withdrawn;

Provisions relating to the Copyright Act, 2001 (No. 12 of 2001) - as amended agreed to

(iii)

PROVISIONS RELATING THE PRIVATIZATION ACT (NO.2 OF 2005)

Proposed amendment to Section 23(3)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Privatization Act, 2005 by deleting the proposed amendment to section 23 (3).

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 23(3) - deleted.

Proposed amendment to Section 23(4)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Privatization Act, 2005 by deleting the proposed amendment to subsection (4) and substituting therefor the following new subsection-

(5) The Cabinet Secretary shall compile and submit to the National Assembly, not later than four months after the end of each financial year, a consolidated report summarizing the status of implementation of each proposal approved under subsection (2) in that year.

(6) Upon laying before the National Assembly, the report under subsection (5) shall be referred to the relevant committee.

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 23(4) - as amended agreed to.

Provisions relating to the Privatization Act (No.2 of 2005) - as amended agreed to.

(iv) **PROVISIONS RELATING THE WITNESS PROTECTION ACT (NO.16 OF 2006)**

Proposed amendment to Sections 2 & 3E - agreed to

Proposed amendment to Section 3E(12)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Witness Protection Act, 2006 by inserting the following new provision in proper numerical order-

The Witness Protection Act, 2006 (No. 16 of s.3E (12) Delete.
2006).

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 3E(12) - as amended agreed to.

Proposed amendment to Section 3F(1)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Witness Protection Act, 2006 in section 3F(1), by deleting the words “Cabinet Secretary responsible for Finance” and substituting therefor the expression “the Attorney-General”
(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 3F(1) - as amended agreed to.

Proposed amendment to Section 3F(6)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Witness Protection Act by deleting the words “responsible for finance.”
(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 3F(6) - as amended agreed to.

Proposed amendment to Section 3F(7)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Witness Protection Act, 2006 by deleting the proposed amendment to section 3F(7).
(Leader of the Majority Party)

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 Witness Protection Act, 2006 by deleting the proposed amendment to section 3F(7).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Proposed amendment dropped.

Proposed amendment to Section 3F(7) - deleted.

Sections 3G(2), 3I(2)(c), 3I(6), 3J(5), 3K, 3L(2), 3L(3), 3P, 5(4) & 30D - agreed to.

Provisions relating to the Witness Protection Act (No.16 of 2006) - as amended agreed to.

(v)

PROVISIONS RELATING THE EMPLOYMENT ACT (NO.11 OF 2007)

Proposed amendment to Section 10 (3)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Employment Act, 2007 (No. 11 of 2007) by deleting the proposed amendment to section 10(3).

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to.

Proposed amendment to Section 10(3) - deleted.

Provisions relating to the Employment Act (No. 11 of 2007) - deleted.

(vi)

PROVISIONS RELATING THE LABOUR INSTITUTIONS ACT, 2007 (NO.12 OF 2007)

Proposed amendment to Section 43(1)

Further amendment proposed-

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 43(1) of the Labour Institutions Act, No. 12 of 2007.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendment to Section 43(1) - agreed to.

Provisions relating to the Labour Institutions Act (No. 12 of 2007) -as amended agreed to.

(vii)

PROVISIONS RELATING TO THE LABOUR RELATIONS ACT, 2007 (No.14 of 2007)

Proposed amendment to Section 2

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 2.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 2 - deleted.

Proposed amendment to Section 48

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 48.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 48.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 48(2).

(Hon. Ronald Tonui)

Proposed further amendment dropped;

Proposed amendment to section 48 - deleted

Proposed amendment to Section 49

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 49.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 49.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 49.

(Hon. Ronald Tonui)

Proposed further amendment dropped;

Proposed amendment to section 49 - deleted

Proposed amendment to Section 50

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting all the proposed amendments to section 50.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 50(2).

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 50(2) - deleted

Proposed amendment to Section 50(2)(b)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 50(2)(b).

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 50(2)(b) - deleted

Proposed amendment to Section 50(5)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 50(5).

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 50(5) - deleted

Proposed amendment to Section 50(8) - agreed to

Proposed amendment to Section 50(9)(i)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 50(9).

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 50(9)(i) - deleted

Proposed amendment to Section 76

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 76.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 76 - deleted

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed proviso in section 76.

(Hon. Ronald Tonui)

Proposed further amendment dropped;

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 76.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Proposed amendment to section 76 - deleted

Proposed amendment to section 78(1)(f)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 78(1)(f).

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 78(1).

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Proposed amendment to section 78(1)(f) - deleted

Proposed amendment to Section 81

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Proposed amendment to Section 81 - deleted

Proposed amendment to Part XA

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new Part XA.

(Hon. Millie Odhiambo)

Proposed further amendment withdrawn;

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81 under Part XA.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed further amendment to section 81 under Part XA - deleted

Proposed amendment to Section 81A

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new section 81A.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81A(2).

(Hon. Ronald Tonui)

Proposed further amendment dropped.

Proposed amendment to section 81A - deleted

Proposed amendment to Section 81B

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new section 81B.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81B.

(Hon. Ronald Tonui)

Proposed further amendment dropped;

Proposed amendment to section 81B - deleted

Proposed amendment to Section 81C

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new section 81C.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 81C - deleted

Proposed amendment to Section 81D

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new section 81D.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 81D - deleted

Proposed amendment to Section 81E

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed new section 81E.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to section 81E.

(Hon. Ronald Tonui)

Proposed further amendment dropped;

Proposed amendment to section 81E - deleted

Proposed amendment to the Fourth Schedule

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to the Fourth Schedule.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

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 Labour Relations Act, 2007 (No. 14 of 2007) by deleting the proposed amendment to the Fourth Schedule.

(Hon. Millie Odhiambo)

Proposed further amendment dropped;

Proposed amendment to the Fourth Schedule - deleted

Provisions relating to the Labour Relations Act, 2007 (No.14 of 2007) - deleted

(viii) **PROVISIONS RELATING TO THE ANTI-COUNTERFEIT AGENCY ACT, 2008 (NO. 13 OF 2008)**

Proposed amendment to the Long Title

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Anti-Counterfeit Agency Act, 2008 (No. 13 of 2008) by deleting the proposed amendment to the Long Title.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Proposed amendment to the Long Title - agreed to

Proposed amendment to Section 2

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Anti-Counterfeit Agency Act, 2008 (No. 13 of 2008) by deleting the proposed amendment to section 2.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended by inserting the following new proposed amendment to section 2 of the Anti-Counterfeit Agency Act, 2008, No. 13 of 2008 –

- s. 2 Insert the words “or outside Kenya” immediately after the words “subsisting in Kenya” appearing in the definition of the word “counterfeiting”.

(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 2 - as amended agreed to

Part II - agreed to

Proposed amendment to Section 3

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Anti-Counterfeit Agency Act, 2008 (No. 13 of 2008) by deleting all the proposed amendments to section 3.

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

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

Proposed amendment to Section 4 - agreed to

Proposed amendments to Sections 5, 6, 7, 10(1), 10(2)(c), 11, 12(1), 12(2), 12(3), 14(1), 14(2), 15, 16(2) & 17

Further amendments proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Anti-Counterfeit Agency Act, 2008 (No. 13 of 2008) by deleting all the proposed amendments to sections 5, 6, 7, 10, 11, 12, 14, 15, 16 & 17.

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Proposed amendments to Sections 5, 6, 7, 10(1), 10(2)(c), 11, 12(1), 12(2), 12(3), 14(1), 14(2), 15, 16(2) & 17 - agreed to

Proposed amendments to Section 18 - agreed to

Proposed amendments to Sections 19(1), 19(2),(a),(b),(c),(d) & (e), 19(4), 20(1), 20(2)(a) & (b), 20(3), 21(1), 21(2), 23, 26, 32, 33(4), 34(1),(2),(3),(4),(5),(6)(a)&(b),(7) & (9), 34B, 35 and 36

Further amendments proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Anti-Counterfeit Agency Act, 2008 (No. 13 of 2008) by deleting all the proposed amendments to Sections 19, 20, 21, 23, 26, 32, 33, 34, 34B, 35 and 36.

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Proposed amendments to Sections 19(1), 19(2),(a),(b),(c),(d) & (e), 19(4), 20(1), 20(2)(a) & (b), 20(3), 21(1), 21(2), 23, 26, 32, 33(4), 34(1),(2),(3),(4),(5),(6)(a)&(b),(7) & (9), 34B, 35 and 36
- agreed to

Provisions relating to the Anti-Counterfeit Agency Act, 2008 (No.13 of 2008) – as amended
agreed to

(ix) **THE BIOSAFETY ACT, 2009 (No.2 of 2009)**

Proposed amendment to Section 6(1)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Biosafety Act No. 2 of 2009 by deleting the proposed amendment to section 6(1).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendment to the Biosafety Act (No 2 of 2009) by inserting the following new paragraph immediately after the proposed new paragraph 6(1)(d) —

s.6(1) Delete and substitute therefor the following subsection -

(1) The Authority shall be managed by a Board comprising of nine members as follows -

- (a) a Chairperson who shall be an eminent scientist, appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry for the time being responsible for Science and Technology or a representative;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance or a representative;
- (d) the Principal Secretary in the Ministry for the time being responsible for agriculture or a representative;
- (e) the Principal Secretary in the Ministry for the time being responsible for health or a representative;
- (f) two experts in the biological, environmental and social sciences respectively, appointed by the Cabinet Secretary;
- (g) one member with financial expertise, appointed by the Cabinet Secretary; and
- (h) the Chief Executive Officer who shall be an ex-officio member.

(Chairperson, Departmental Committee on Agriculture and Livestock)

Question of the further amendment proposed;

Debate arising;

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(1113)

Question of the further amendment put and agreed to;

Proposed amendment to section 6(1) - as amended agreed to

Proposed amendment to Sections 12(2) and 14

Further amendments proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Biosafety Act, 2009 (No. 2 of 2009) by deleting the proposed amendments to sections 12(2) and 14.

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Proposed amendments to Sections 12(2) and 14 - agreed to

Proposed New Section 6(1A)

THAT, the Schedule to the Bill be amended in the proposed amendments to the Biosafety Act, 2009 (No. 2 of 2009) by inserting the following new amendment immediately after the proposed amendment to section 6(1) –

(1A) Any person who, immediately before the commencement of this section was a member of the Board shall be deemed to be a member of the reconstituted Board for the unexpired period of his or her term of service.

(The Leader of the Majority Party)

Motion made and Question proposed –

THAT, the New Section 6(1A) be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Section 6(1A) be part of the Bill

Question put and agreed to.

Proposed New section 6(1A) - agreed to.

Provisions relating to the Biosafety Act, 2009 (No.2 of 2009) – as amended agreed to

(x) THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT, 2009 (No. 9 of 2009)

Proposed amendment to Section 2(e)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009 by deleting all the proposed amendments to section 2.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Proposed amendment to Section 2(e) - agreed to

Proposed amendment to Section 2(fa)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act by deleting the proposed new paragraph (fa) in section 2.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 2(fa) - deleted

Proposed amendment to Section 2(fb)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009 by deleting all the proposed amendments to section 2.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Proposed amendment to Section 2(fb) - agreed to

Proposed amendment to Section 48

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009 by deleting the proposed amendment to section 48.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act by deleting the words “advocates, notaries, other independent legal professionals and” appearing in the proposed new subsection 8 (a) in section 48.

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

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 48 - as amended agreed to

Provisions relating to the Proceeds of Crime and Anti-Money Laundering Act, 2009 (No.9 of 2009) - as amended agreed to

(xi) **PROVISIONS RELATING TO THE NATIONAL YOUTH COUNCIL ACT, 2009 (No.10 of 2009)**

Proposed amendments to Sections 2, 4, 5(1), 5(3), 9, 10(2), 23 and First Schedule

Further amendment proposed –

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to Sections 2, 4, 5(1), 5(3), 9, 10(2), 23 and First Schedule of the National Youth Council Act, 2009.

(The Leader of the Majority Party)

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 by deleting all the proposed amendments to Sections 2, 4, 5(1), 5(3), 9, 10(2), 23 and First Schedule of the National Youth Council Act, 2009.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Proposed amendment dropped;

Further amendment proposed –

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to Sections 2, 4, 5, 9, 10, 23 and First Schedule of the National Youth Council Act, 2009.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Proposed amendments to sections 2, 4, 5(1), 5(3), 9, 10(2), 23 and First Schedule deleted -

Proposed New Section 5(1C)

THAT, the Bill be amended in the proposed amendments to the National Youth Council Act, 2009, (No. 10 of 2009) by inserting the following new subsection immediately after the proposed new section 5(1B) –

(1C) Any person who, immediately before the commencement of this section was a member of the Council shall be deemed to be a member of the reconstituted Council for the unexpired period of his or her term of service.

(Leader of the Majority Party)

Motion made and Question proposed –

THAT, the New Section 5(1C) be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Section 5(1C) be part of the Bill

Question put and agreed to.

Proposed New section 5(1C)- agreed to

Provisions relating the National Youth Council Act, 2009 (No.10 Of 2009) - as amended agreed to

(xii) **PROVISIONS RELATING TO THE ALCOHOLIC DRINKS CONTROL ACT, 2010 (NO. 4 OF 2010)**

Proposed amendment to Section 2- agreed to

Provisions relating to the Alcoholic Drinks Control Act 2010 (No. 4 of 2010) – agreed to

(xiii) **PROVISIONS RELATING TO THE COMPETITION ACT 2010 (NO. 12 OF 2010)**

Proposed amendment to Section 10(1)(a) - agreed to

Provisions relating to the Competition Act 2010 (No. 12 of 2010) - agreed to

(xiv) **PROVISIONS RELATING TO THE JUDICIAL SERVICE ACT, 2011 (NO.1 OF 2011)**

Proposed amendments to Sections 15(1)(b) and 15(2)

Further amendment proposed –

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to the Judicial Service Act, 2011.

(The Leader of Majority Party)

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 Judicial Service Act No. 1 of 2011 by deleting the proposed amendments to—

- (a) section 15(1)(b); and
- (b) section 15(2).

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Proposed amendments to Sections 15(1)(b) and 15(2) - deleted

Proposed New Section 15(1)(a)

THAT, the Schedule to the Bill be amended in the proposed amendments to the Judicial Service Act by inserting the following new amendment to section 15 –

- s. Delete the words “until after the first elections under the
- 15(1)(a) Constitution, the President shall, subject to the National Accord and Reconciliation Act, and after consultation with the Prime Minister, within seven days after the commencement of this Act” and substitute therefor the words “the President shall”

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

Proposed amendment withdrawn;

Provisions relating to the Judicial Service Act, 2011 (No. 1 of 2011) - deleted

(xv) **PROVISIONS RELATING TO THE TOURISM ACT, 2011 (NO. 28 of 2011)**

Proposed amendment to Section 7(1)(a)

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Tourism Act No. 28 of 2011 by deleting all the proposed amendments to section 7.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Tourism Act, (No. 28 of 2011) by deleting the proposed amendment to section 7(1)(a) and substituting therefor the following new amendment —

- s.7(1) Delete paragraph (a) and substitute therefor the following new
- (a) paragraph—

“formulate guidelines and prescribe measures for sustainable establishments and operations to realize sustainable tourism development throughout the country”

(Chairperson, Departmental Committee on Sports, Tourism and Culture)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to section 7(1)(a) - as amended agreed to

Proposed amendment to Section 7(1)(b)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Tourism Act (No. 28 of 2011) by deleting the proposed amendments to section 7(1)(b).

(Chairperson, Departmental Committee on Sports, Tourism and Culture)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendment to Section 7(1)(b) - deleted

Proposed amendments to Sections 7(1)(g) & 7(1)(h) - agreed to

Proposed amendments to Sections 31(a) and 42(b)

Further amendment proposed-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Tourism Act No. 28 of 2011 by deleting all the proposed amendments to sections 31(a) and 42(b).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Proposed amendments to Sections 31(a) and 42(b) - agreed to

Provisions relating to the Tourism Act, 2007 (No.28 of 2011) – as amended agreed to

(xvi) **THE INDEPENDENT POLICING OVERSIGHT AUTHORITY ACT, 2011 (NO. 35 OF 2011)**

Proposed amendments to Sections 11(1) and 12

Further amendment proposed-

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to the Independent Policing Oversight Authority Act, 2011.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Proposed amendments to Sections 11(1) and 12 - deleted

Provisions relating to the Independent Policing Oversight Authority Act, 2011 - deleted

(xvii) **PROVISIONS RELATING TO THE NATIONAL CONSTRUCTION AUTHORITY ACT 2011 (NO. 41 OF 2011)**

Proposed amendments to Sections 18(5), 27(3), 30, 30(c), & 42(2) -agreed to

(xviii) **PROVISIONS RELATING TO THE ENGINEERS ACT 2011 (NO. 43 OF 2011)**

Proposed amendment to Section 23(6) -agreed to

(xix) **PROVISIONS RELATING TO THE LAND ACT 2012 (NO. 6 OF 2012)**

Proposed amendment to Section 2 (Definition of ‘Court’) -

further amendment proposed;

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the Land Act, 2012 *(including Section 2)*.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 2 (Definition of ‘Court’) - deleted

Proposed amendment to Section 2 (Definition of ‘Alienation of Public Land’) -

Further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

The Land Act, s. 2
2012 (No. 6
of 2012)

Insert the following new definition in its proper alphabetical sequence—

“Alienation of public land” means alienation of land by either the National Government or the County Government as the case may be, by way of issuance of a letter of allotment by the National Land Commission to any person to hold the land either under leasehold or freehold tenure.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 2 (Definition of ‘Alienation of Public Land’) - as further amended agreed to

Part II (Heading of Part II) - amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

Head ing of Part II	Delete the heading of Part II and substitute therefor the words “General Conditions Relating to Leases, Licenses and Agreements for Leasehold Land.”
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(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Part II (Heading of Part II) - agreed to

Proposed amendment to Section 23 - proposed deletion by Hon. Millie Odhiambo

Withdrawn

Proposed amendment to Section 23 - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

s. 23 Delete sub-section (2) and substitute therefor the following new sub-section—

(2) A lease or licence for private land within the meaning of Article 64(b) of the Constitution shall be issued by the Cabinet Secretary and registered by the Chief Land Registrar.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 23 - as further amended agreed to

Proposed amendment to Section 25 - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

s. 25 Delete the word “leased” appearing in the marginal note.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 25 - as further amended agreed to

Proposed amendment to Section 28 - proposed deletion by Hon. Millie Odhiambo
Withdrawn

Proposed amendment to Section 28 - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

s. 28 (1) Delete and substitute therefor the following new subsection—

(1) The rent, royalties and payments reserved under any lease or licence shall be a debt owed to the national or county government, as the case may be, and shall be paid by the lessee or licensee at the office of the respective government or at such place as such government may prescribe.

s. 28(3) Delete and substitute therefor the following new subsection—

(3) The records of the payments made under subsection (2) shall be submitted to the Commission by the respective government.

(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 28 - as further amended agreed to

Proposed amendment to Section 29 - proposed deletion by Hon. Millie Odhiambo
Withdrawn

Proposed amendment to Section 29 - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 29 Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

- s.29(4) Delete the word “Commission” wherever it occurs and substitute therefor the words “respective governments”.

- s.29(5) Delete the word “Commission” wherever it occurs and substitute therefor the words “respective governments”.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 29 - as further amended agreed to

Proposed amendment to Section 30 - proposed deletion by Hon. Millie Odhiambo
Withdrawn

Proposed amendment to Section 30 - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 30 Delete the words “Commission’s right to recover a debt in any other way, the Commission may sue” and substitute therefor the words “the right of the respective government to recover a debt in any other way, such government may sue”.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 30 - as further amended agreed to

New Section 31 - New Section 31 proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 31 Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 31 - agreed to and introduced

New Section 32 - New Section 32 proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 32 Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 32 - agreed to and introduced

New Section 33 - New Section 33 proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 33 Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 33 - agreed to and introduced

New Section 34 - New Section 34 proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 34 Delete the words “Public Land” appearing in the marginal note and substitute therefor the words “leasehold land”.

Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

Delete the words “leasehold public land” wherever they appear and substitute therefor the words “land held under leasehold tenure”.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 34 - agreed to and introduced

New Section 35 - New Section 35 proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Land Act, 2012 and substituting thereof the following:-

- s. 35 Delete the word “Commission” wherever it appears and substitute therefor the words “national government or county government, as the case may be”.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 35 - agreed to and introduced

New Section 36 - **Withdrawn by Mover, Not Considered. Not introduced.**

(xx) **PROVISIONS RELATING TO THE LAND REGISTRATION ACT 2012 (NO. 3 OF 2012)**

Proposed amendment to Section 2 - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** the proposed amendment to section 2 of the Land Registration Act, 2012.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 2 - deleted

(xxi) **PROVISIONS RELATING TO THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE ACT 2012 (NO. 14 OF 2012)**

Proposed amendment to Section 6(1)(a) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**

Proposed amendment to Section 6(1)(a) - agreed to **(unamended)**

(xxii) **PROVISIONS RELATING TO THE KENYA DEFENCE FORCES ACT 2012 (NO. 25 OF 2012)**

Proposed amendment to Section 61(2) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**

- Proposed amendment to Section 61(2) - agreed to
- Proposed amendment to Section 133(1) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 133(1) - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Kenya Defence Forces Act (No. 25 of 2012) by deleting the word “on” and substituting therefor the word “or” in the proposed amendment to Section 133 (1).

(Chairperson of the Defence & Foreign Relations Committee)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

- Proposed amendment to Section 133(1) - as further amended agreed to
- Proposed amendment to Section 245(11) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 245(11) - agreed to
- Proposed amendment to Section 249(5)(a) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 249(5)(a) - agreed to
- Proposed amendment to Section 252 - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 252 - agreed to
- Proposed amendment to Section 304(1) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 304(1) - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Kenya Defence Forces Act (No. 25 of 2012) by deleting the word “board” wherever it appears and substituting therefor the word “committee” in the proposed amendment to Section 304 (1).

(Chairperson of the Defence & Foreign Relations Committee)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 304(1) - as further amended agreed to

Proposed amendment to Fourth Schedule - agreed to

(xxiii) **PROVISIONS RELATING TO THE KENYA SCHOOL OF LAW ACT 2012 (NO. 26 OF 2012)**

Proposed amendment to Section 4(2) - **to be Recommended**

Proposed amendment to Section 16 - **to be Recommended**

Proposed amendment to Second Schedule - **to be Recommended**

(xxiv) **PROVISIONS RELATING TO THE LEGAL EDUCATION ACT 2012 (NO. 27 OF 2012)**

Proposed amendment to Section 8(1) - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the Legal Education Act, 2012 [*including Section 8(1)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 8(1) - deleted

Proposed amendment to Section 8(2) - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the Legal Education Act, 2012 [*including Section 8(2)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 8(2) - deleted

Proposed amendment to Section 8(3) - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the Legal Education Act, 2012 [*including Section 8(3)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 8(3) - deleted

(xxv) **PROVISIONS RELATING TO THE NATIONAL TRANSPORT AND SAFETY AUTHORITY ACT 2012 (NO. 33 OF 2012)**

Proposed amendment to Section 2 - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the National Transport and Safety Authority Act, 2012 [*including Section 2*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 2 - deleted

Proposed amendment to Section 3(2) - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the National Transport and Safety Authority Act, 2012 [*including Section 3(2)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 3(2) - deleted

Proposed amendment to Section 5 - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the National Transport and Safety Authority Act, 2012 [*including Section 5*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 5 - deleted

Proposed amendment to Section 15(1) - further amendment proposed

THAT, the Schedule to the Bill be amended by **deleting** all the proposed amendments to the National Transport and Safety Authority Act, 2012 [*including Section 15(1)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 15(1) - deleted

Proposed amendment to Section 15(3) - further amendment proposed

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the National Transport and Safety Authority Act, 2012 [*including Section 15(3)*].

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 15(3) - deleted

PROVISIONS RELATING TO THE UNIVERSITIES ACT 2012 (NO. 42 OF 2012)

Proposed amendment to Section 35(1)(a)(v) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**

Proposed amendment to Section 35(1)(a)(v) - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Universities Act, 2012 by - deleting the words “in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission” appearing immediately after the word “Colleges” in the proposed amendments to section 35 (1) (a)(v) and substituting therefor the words “in the manner provided in the Fourth Schedule”;

(Chairperson of the Education & Research Committee)

Question of the further amendment proposed;

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and **negatived**;

Proposed amendment to Section 35(1)(a)(v) - agreed to (unamended)

Proposed amendment to Section 39(1)(a) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**

Question that Section 39(1)(a) be Part of the Bill put and **negatived**.

Proposed amendment to Section 39(3) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**

Proposed amendment to Section 39(3) - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Universities Act, 2012 by -deleting the proposed amendment to section 39 (3) and substituting therefor the following proposed new subsections –

“(3) The Vice-Chancellor of a public university shall hold office for a term of three years and shall be eligible for reappointment for one more term, upon satisfactory performance, as evaluated by the Council.

(3A) A person who immediately before the commencement of this Act, is a Vice-Chancellor of a public university, shall remain in office for the remaining period of his or her five year term, in accordance with the terms and conditions of their appointment”.

(Chairperson of the Education & Research Committee)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and **negatived**;

Question that Section 39(3) be Part of the Bill put and **negatived**.

New Section 2 - New Section 2 proposed

THAT, the Bill be amended in the Schedule by inserting the following new item in its proper alphabetical sequence-

The
Universities
Act, 2012.

s.2

Delete the words “to which a Charter has been granted under this Act” appearing in the definition of “University” and substitute therefor the words “established in accordance with section 13 of this Act”;

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Delete the words “established” appearing in the definition of “foreign university” and substitute therefor the words “legally established in a country”.

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 2 - agreed to and introduced.

New Section 6(1) - New Section 6(1) proposed

THAT, the Bill be amended in the Schedule by inserting the following new item in its proper alphabetical sequence-

s.6 (1) Insert a new paragraph (i) as follows-

- the Attorney-General or his representative who shall be an ex-officio member.

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and **negatived**;

New Section 6(1) - **Not introduced.**

New Section 6(2) - New Section 6(2) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(2).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(2) - agreed to and introduced.

New Section 6(3) - New Section 6(3) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(3).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(3) - agreed to and introduced.

New Section 6(4) - New Section 6(4) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(4).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(4) - agreed to and introduced.

New Section 6(5) - New Section 6(5) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(5).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(5) - agreed to and introduced.

New Section 6(6) - New Section 6(6) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(6).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question New Section put and agreed to;

New Section 6(6) - agreed to and introduced.

New Section 6(7) - New Section 6(7) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(7).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(7) - agreed to and introduced.

New Section 6(8) - New Section 6(8) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(8).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(8) - agreed to and introduced.

New Section 6(9) - New Section 6(9) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(9).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(9) - agreed to and introduced.

New Section 6(10) - New Section 6(10) proposed

THAT, the Bill be amended in the Schedule by –deleting Section 6(10).

(Hon. Kimani Ichung'wah)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 6(10) - agreed to and introduced.

New Section 15(2) - **To be Recommended**

Proposed amendment to Second Schedule - proposed deletion by Hon. Millie Odhiambo
Withdrawn;

Proposed amendment to Second Schedule - proposed amendment by Education
Chairperson **Withdrawn;**

Proposed amendment to Second Schedule - agreed to

New Fourth Schedule - proposed New Fourth Schedule by Education Chairperson
Withdrawn;

New Fourth Schedule - **Not Introduced.**

(xxvi) **PROVISIONS RELATING TO THE TREATY MAKING AND RATIFICATION ACT 2012 (NO. 45 OF 2012)**

Proposed amendment to Section 3(3) - proposed amendment by Hon. Millie
Odhiambo **Withdrawn;**

Proposed amendment to Section 3(3) - agreed to

Proposed amendment to Section 8A - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Treaty Making and Ratification Act, (No. 45 of 2012) by **deleting** the proposed new Section 8A.

(Chairperson of Defence & Foreign Relations Committee)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and agreed to;

Proposed amendment to Section 8A - **deleted.**

(xxvii) **PROVISIONS RELATING TO THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS ACT 2013 (NO. 2 OF 2013)**

All Amendments to the Office of the Director of Public Prosecutions Act 2013 (No. 2 of 2013)
Withdrawn from the Bill by the Mover (The Leader of the Majority Party).

(xxviii) **PROVISIONS RELATING TO THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT ACT 2013 (NO. 4 OF 2013)**

- Proposed amendment to Section 5(2) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**
- Proposed amendment to Section 5(2) - further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to section 5(2) of the Kenya Institute of Curriculum Development Act, 2013 by deleting the proposed amendments to paragraph (f)(ii) and substituting the following new paragraph –

“(f)(ii) one person to represent the Kenya Private Schools Association;”

(Chairperson of Education & Research Committee)

Question of the further amendment proposed;

Debate arising;

Question on the further amendment put and **negatived**;

- Proposed amendment to Section 5(2)- agreed to **(unamended)**.
- Proposed amendment to Section 5(3) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**;
- Proposed amendment to Section 5(3) - agreed to
- Proposed amendment to Section 7(1) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**;
- Proposed amendment to Section 7(1) - agreed to
- Proposed amendment to Section 7(2) - proposed deletion by Hon. Millie Odhiambo **Withdrawn**;
- Proposed amendment to Section 7(2) - agreed to
- Proposed amendment to Section 8 - proposed deletion by Hon. Millie Odhiambo **Withdrawn**;
- Proposed amendment to Section 8 - agreed to
- New Section 2A - further amendment proposed

THAT, amendments be made in the proposed amendments to the Kenya Institute of Curriculum Development Act, 2013, (No.4 of 2013) by inserting the following new subsection immediately after the proposed new section 5(2) –

(2A) Any person who, immediately before the commencement of this section was a member of the Council shall be deemed to be a member of the reconstituted Council for the unexpired period of his or her term of service.

(Leader of the Majority Party)

Question of the New Section proposed;

Debate arising;

Question on the New Section put and agreed to;

New Section 2A - agreed to and introduced.

Proposed amendment to the First Schedule - proposed deletion by Hon. Millie Odhiambo **Withdrawn;**

Proposed amendment to the First Schedule - agreed to

(xxix) **PROVISIONS RELATING TO THE KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ACT 2013 (NO. 17 OF 2013)**

Proposed amendment to the Second Schedule - agreed to

Proposed amendment to the Third Schedule - agreed to

Proposed amendment to the Fourth Schedule - agreed to

(xxx) **Provision relating to the Kenya Law Reform Commission Act (No. 19 of 2013)**

Proposed amendment to Section 6(1)(a) - agreed to.

Proposed amendment to Section 8(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 8(4)—
(a) by deleting the proposed new subsection 8(4) and substituting therefor the following new subsection—
(4) The members referred to in paragraphs (1) (c), (d) and (e) shall be officers of the Office of the Attorney-General, the Office of the Director of Public Prosecutions and **a representative of the Judiciary**, as the case may be, and a representative from the Law Society of Kenya.

(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Proposed amendment to section 8(4) - agreed to.

Proposed amendment to sections 11(5), 11(8) & 12(3) - agreed to.

Proposed amendment to Second Schedule - agreed to.

New Section 8(1)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Kenya Law Reform Commission Act, 2013—

(a) by inserting the following new amendment—

s.8 (1) Delete paragraph (c) and substitute therefor the following new paragraph—

“(c) two person appointed by the Attorney General, of whom one shall be an advocate of the High Court of Kenya nominated by the Law Society of Kenya, and the other an officer in the Office of the Attorney General.”

Insert the following new paragraphs immediately after paragraph (e)—

“(f) a person of the rank professor and who teaches law in a public university, appointed by the Attorney General;

(g) a person nominated by the Council of Governors and appointed by the Attorney General.”

(Leader of the Majority Party)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 8(1) be part of the Bill;

Question put and agreed to.

New section 8(1) - agreed to.

New Section 8(2) - **proposed**

Motion made and question proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Kenya Law Reform Commission Act, 2013—

(a) by inserting the following new amendment—

s.8 (2) Insert the words “specified under paragraph (1) (b)” immediately after the word “Commission”

(Leader of the Majority Party)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 8(2) be part of the Bill;

Question put and agreed to.

New section 8(2) - agreed to.

New Section 8(3) - **proposed**

Motion made and question proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to the Kenya Law Reform Commission Act, 2013—

(a) by inserting the following new amendment—

s.8 (3) Delete and substitute therefor the following new subsection—
(3) The representatives of the Attorney-General, the Judiciary and the Office of the Director of Public Prosecutions shall be ex officio members of the Commission.

(Leader of the Majority Party)

Proposed amendment withdrawn.

Provision relating to the Kenya Law Reform Commission Act (No. 19 of 2013) as amended agreed to.

(xxx) **PROVISIONS RELATING TO THE NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION ACT (NO. 26 OF 2013)**

Proposed amendment to Section 6(1) - amendment proposed

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 6(1) by deleting all the proposed amendments to section 6(1);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to section 6(1) by -

- (a) deleting the proposed amendments to section 6(1) and substituting therefor the following—

S.6(1) Delete the word “justice” appearing in paragraph (c) and substitute therefor the word “finance”.

Insert the words “Kenya Branch” immediately after the word “Arbitrators” appearing in subparagraph (iv) of paragraph (f).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Proposed amendment to Section 6(1) as further amended agreed to.

Proposed amendment to section 9(1) & (3)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 9(1) & (3) by deleting all the proposed amendments to section 9(1)&(3).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendment to section 9(1) & (3) - agreed to.

Proposed amendment to section 21(2)(b) & (c)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 21(2)(b) & (c) by deleting all the proposed amendments to section 21(2)(b) & (c);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendment to section 21(2)(b) & (c) - agreed to.

Proposed amendment to section 21(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 21(4) by deleting all the proposed amendments to section 21(4).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to section 21(4) –
- in the proposed amendments to section 21 by deleting the proposed amendments to sub-section (4) and substituting therefor the following—

- (4) Delete subsection (4) and substitute therefor the following—
- (4) The President and his deputy shall be appointed by the Board and shall —
- (a) hold office for a term of five years;
 - (b) be eligible for re-appointment for one further term of five years;
 - (c) serve on a part-time basis.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Proposed amendment to Section 21(4) as further amended agreed to.

Proposed amendment to section 21(5)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 21(5) by deleting all the proposed amendments to section 21(5);

(Hon. Millie Odbiambo)

Proposed amendment withdrawn.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendments to section 21 by deleting the proposed amendments to sub-section (5)—

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Proposed amendment to section 21(5) deleted.

Proposed amendments to sections 21(6) - agreed to.

Proposed amendment to sections 22(1), 23, 24 & 25

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments sections 22(1), 23, 24 & 25 by deleting all the proposed amendments to sections 22(1), 23, 24 & 25;

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendments to sections 22(1), 23, 24 & 25 - agreed to.

Proposed amendment to the Schedule

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Nairobi Center For International Arbitration Act, No. 26 of 2013 by deleting all the proposed amendments to the schedule.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed amendment to the Schedule - agreed to.

Proposed amendment to the Proposed Second Schedule

THAT, the Schedule to the Bill be amended by deleting the proposed second schedule.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Proposed Second Schedule - agreed to.

Provisions relating to the Nairobi Centre for International Arbitration Act (No. 26 of 2013) as amended agreed to.

(xxxii) **PROVISIONS RELATING TO THE SCIENCE, TECHNOLOGY AND INNOVATIONS ACT (NO. 28 OF 2013)**

Proposed amendment to Section 5(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Science, Technology and Innovation Act, 2013 by deleting the proposed amendments to section 5(1);

(Chairperson, Departmental Committee on Education & Research)

Question of the 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 Science, Technology and Innovation Act, 2013, (No. 28 of 2013) by inserting the following new subsection immediately after the proposed new section 5(1) –

(1A) Any person who, immediately before the commencement of this section was a member of the Council shall be deemed to be a member of the reconstituted Council for the unexpired period of his or her term of service.

(Leader of the Majority Party)

Amendment fell on account of the deletion of section 5(1)

Amendment to section 5(1) - deleted.

Proposed amendment to sections 8(1), 8(4) & 8(5)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Science, Technology and Innovation Act, 2013 by deleting the proposed amendments to sections 8(1), 8(4) & 8(5);

(Chairperson, Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Proposed amendment to sections 8(1), 8(4) & 8(5) - deleted

(xxxiii) **PROVISIONS RELATING TO THE NATIONAL SOCIAL SECURITY FUND ACT (NO.45 OF 2013)**

Proposed amendment to Section 6(a)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 6(a);

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment –

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 6(a).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 6(a) - deleted.

Proposed amendment to section 6(d)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 6(d).

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment for deletion by Hon. Millie Odhiambo and Hon. Ronald Tonui dropped.

Amendment to section 6(d) - deleted.

Proposed section 6(2)

Further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed section 6(2).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Proposed section 6(2) - agreed to.

Proposed amendment to section 9

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 9.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment –

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 9;

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 9 - deleted.

Proposed amendment to section 11(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 11(2).

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Further amendment –

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Social Security Fund Act, 2013 (No. 45 of 2013) by deleting the proposed amendment to section 11(2).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 11(2) - deleted.

(xxxiv) **PROVISIONS RELATING TO THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) ACT (NO. 8 OF 2015)**

Proposed amendment to the First Schedule - agreed to.

Provisions relating to the Retirement Benefits (Deputy President and designated State Officers) Act (No. 8 of 2015) as amended agreed to.

(xxxv) **PROVISIONS RELATING TO THE WILDLIFE CONSERVATION AND MANAGEMENT ACT (NO.47 OF 2013)**

Proposed amendment to section 3

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by -

- (a) in the proposed amendments to section 3 in the definition of the term “subsistence hunting” by deleting the words “and/or his” appearing immediately after the words “consumption by individual” and substituting therefor the words “or their”;
- (b) in the proposed amendments to section 3 by inserting the following new definition in proper alphabetical sequence—
“Community Wildlife Compensation Committee” means the committee established under section 18;”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 3 as further amended - agreed to.

Proposed amendment to Section 6(1)

Further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 6(1).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 6(1) - agreed to.

Proposed amendment to section 7(e)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 7(e).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 7(e) - agreed to.

Proposed amendment to section 8(2)(f)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 8(2)(f).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013)in the proposed amendment to section 8(2)(f) by—

- (i) deleting the word “four” and substituting therefor the word “five”;
- (ii) inserting the words “one of whom shall be from local community wildlife areas” at the end of the paragraph.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 8(2)(f) as further amended - agreed to.

Proposed amendment to section 11(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 11(4);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 11(4) - agreed to.

Proposed amendment to section 18

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 18.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in the proposed amendment to section 18 by deleting the proposed new section 18 and substituting therefor the following new section—

Community
Wildlife
Conservation
Committees.

18. (1) Each county shall have a Community Wildlife Conservation Committee, consisting of—

- (a) a Chairperson appointed by the Cabinet Secretary being the County Commissioner;
- (a) an officer of the Service for the county who shall be the Secretary;
- (b) an agricultural officer based in the respective administrative Conservation Area established by the Service;
- (c) a medical officer based in the respective administrative Conservation Area established by the Service;
- (d) a livestock officer based in the respective administrative Conservation Area established by the Service and nominated by the Director;
- (e) four persons not being public officers knowledgeable in wildlife matters nominated by the community wildlife associations within the administrative Conservation Area established by the Service and appointed by the Cabinet Secretary.

(2) The Community Wildlife Conservation Committees may hold a maximum of four meetings every financial year.

(3) Despite subsection (2), additional meetings may be held with the prior consent of the Cabinet Secretary.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;
Debate arising;
Question of the amendment put and agreed to.

Amendment to section 18 as further amended - agreed to.

Proposed amendment to section 19

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 19;

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in the proposed amendment to section 19 by deleting the proposed new section 19 and substituting therefor the following new section—

Functions of
Community
Wildlife
Conservatio
n
Committees
.

19. (1) The functions of the Community Wildlife Conservation Committees shall be to—

(a) review and recommend payment of compensation on claims resulting from loss or damage caused by wildlife;

(b) develop and implement, in collaboration with the Service and Community Wildlife Associations, mechanisms for mitigation of human wildlife conflict;

(c) bring together relevant stakeholders to harness participation in conservation and management programmes of wildlife; and

(d) perform such other functions as the Service may require or delegate to it.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 19 as further amended - agreed to.

Proposed amendment to section 23

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 23.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 23 - agreed to.

Proposed amendment to section 92

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 92.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in the proposed amendments to section 92—

- (i) in subsection (1), by deleting the word “three” appearing immediately after the words “not less than” and substituting therefor the word “five”;
- (ii) in subsection (2), by deleting the word “five” appearing immediately after the words “not less than” and substituting therefor word “seven”;
- (iii) in subsection (3) by—
 - (a) deleting the word “sin” appearing immediately after the words “endangered species as specified” and substituting therefor the word “in”;
 - (b) deleting the word “three” appearing immediately after the words “not less than” and substituting therefor the words “five”;
- (iv) in subsection (4) by deleting the word “three” appearing immediately after the words “a term of imprisonment of not less than” and substituting therefor the words “five”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 92 as further amended - agreed to.

Proposed amendment to section 95

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 95.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 95 - agreed to.

Proposed section 95A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 95A.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 95A - agreed to.

Proposed amendment to section 97

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 97.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 97 - agreed to.

Proposed amendment to section 98

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 98.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in in the proposed amendments to section 98 in subsection (3) by deleting the words “subsection (1)” appearing immediately after the words “contravenes the” and substituting therefor the words “subsection (2)”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 98 as further amended - agreed to.

Proposed amendments to section 99(1), (3) & (4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 99(1), (3) & (4).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 99(1), (3) & (4) - agreed to.

Proposed amendment to section 102(1) & 102(1)(a)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 102(1) & 102(1)(a).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 102(1) & 102(1)(a) - agreed to.

Proposed amendment to section 102(1)(g)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 102(1)(g).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in the proposed amendments to section 102(1)(g) by deleting the proposed amendments appearing after the proposed new paragraph (g) and substituting therefor the following—

s. 102(2) Delete subsection (2) and substitute with the following—

“(2A) A person shall not enter any protected area with livestock without a permit or written permission from the authority responsible as the case may be.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 102(1)(g) as further amended - agreed to.

Proposed amendment to section 103

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 103.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 103 - agreed to.

Proposed amendment to section 116A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to section 116A.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the 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 Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed new section 116A.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 116A - deleted.

Proposed amendment to the Third Schedule Part A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to Third Schedule Part A.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn.

Amendment to Third Schedule Part A - agreed to.

Proposed amendment to Third Schedule Part B (Heading)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to Third Schedule Part B (Heading).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the 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 Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to Third Schedule B (Heading).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to the Third Schedule Part B (Heading)- deleted.

Proposed amendment to the Third Schedule Part B

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) by deleting the proposed amendment to Third Schedule Part B.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to the Third Schedule Part B - agreed to.

Proposed New Section 102(1)(da) -

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Wildlife Conservation and Management Act (No.47 of 2013) in the proposed amendments to section 102(1)(a) by inserting the following new item immediately after the proposed new paragraph (a)—

s. 102(1) (d) Insert the following new paragraph immediately paragraph (d)—

“(da) burns charcoal in any protected area;”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Motion made and question proposed –

THAT, the New Section 102(1)(da) be read a Second time;

(Chairperson, Departmental Committee on Environment and Natural Resources)

Debate arising;

Question put and agreed to.

Question of the amendment put and agreed to.

Amendment to New Section 102(1)(da) - agreed to

Provisions relating to the Wildlife Conservation and Management Act (No.47 of 2013) as amended agreed to.

(xxxvi) **PROVISIONS RELATING TO THE COMPANIES ACT (NO. 17 OF 2015)**

Proposed amendment to section 151(3) & 258

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act (No. 17 of 2015) by deleting the proposed amendment to sections 151(3) & 258.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to sections 151(3) & 258 - agreed to.

Proposed amendment to section 275A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act by deleting the proposed new section 275A.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the 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 Companies Act by deleting the proposed new section 275A.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 275A - deleted.

Proposed amendment to section 281(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act (No. 17 of 2015) by deleting the proposed amendment to section 281(2);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 281(2)- agreed to.

Proposed amendment to section 329(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act (No. 17 of 2015) by deleting the proposed amendment to sections 329(1).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the 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 Companies Act (No. 17 of 2015) by deleting the proposed amendment to sections 329(1).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 329(1)- deleted.

Proposed amendment to section 329(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act (No. 17 of 2015) by deleting the proposed amendment to sections 329(2).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the 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 Companies Act (No. 17 of 2015) by deleting the proposed amendment to sections 329(2);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 329(2)- deleted.

Proposed amendment to section 721(3)&(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Companies Act (No. 17 of 2015) by deleting the proposed amendment to section 721(3)&(4);

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 721(3)&(4) - agreed to.

Provisions relating to the Companies Act (No. 17 of 2015) as amended agreed to.

(xxxvii) **PROVISIONS RELATING TO THE NATIONAL DROUGHT MANAGEMENT AUTHORITY ACT (NO. 4 OF 2016)**

Proposed amendment to sections 8(1)(a) & 8(1)(d) -

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Drought Management Authority Act (No. 4 of 2016) by deleting the proposed amendments to sections 8(1)(a) & 8(1)(d).

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to sections 8(1)(a) & 8(1)(d) - agreed to.

Proposed amendment to section 13

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Drought Management Authority Act (No. 4 of 2016) by deleting the proposed amendments to section 13.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to section 13 of the National Drought Management Authority Act (No. 4 of 2016) by inserting the following new subsection immediately after the proposed new subsection (2)—

“(3) The Board shall ensure that in the appointment of its staff—

- (a) not more than two-thirds of the staff shall be of the same gender;
- (b) the regional and other diversity of the people of Kenya is taken into account; and
- (c) persons with disabilities are afforded adequate and equal opportunities.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 13 as further amended - agreed to.

Provisions relating to the National Drought Management Authority Act (No. 4 of 2016) as amended agreed to.

(xxxviii) **PROVISIONS RELATING TO THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS ACT (NO. 33 OF 2016)**

Proposed amendment to section 2

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting proposed amendments to section 2 of the Protection of Traditional Knowledge and Cultural Expressions Act, No. 33 of 2016.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Amendment to section 2 - agreed to.

Provisions relating to the Protection of Traditional Knowledge and Cultural Expressions Act, No. 33 of 2016 as amended agreed to.

(xxxix) **PROVISIONS RELATING TO THE FOREST CONSERVATION AND MANAGEMENT ACT (NO. 34 OF 2016)**

Proposed amendment to section 9(3) & (5)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Forest Conservation and Management Authority Act No. 34 of 2016 by deleting the proposed amendments to section 9(3) & (5).

Proposed amendment withdrawn;

Amendment to section 9(3) & (5) - agreed to.

Proposed amendment to section 34

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Forest Conservation and Management Authority Act No. 34 of 2016 by deleting the proposed amendments to section 34.

(Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed -

THAT, the Schedule to the Bill be amended in the proposed amendments to the Forest Conservation and Management Act by deleting the proposed amendment to section 34 and substituting therefor the following—

- s. 34(1) delete the words “or the Senate,” appearing immediately after the words “National Assembly”.
- s. 34(3) delete the words “relevant House” appearing immediately after the words “Standing Orders of” and substituting therefor the words “National Assembly”.
- s.34(5)(b) delete the words “or the Senate” appearing immediately after the words “National Assembly”.
- s. 34(6) delete the words “or the Senate” appearing immediately after the words “National Assembly”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Amendment to section 34 as further amended - agreed to.

Proposed amendment to sections 35(2), 40, 50(1), 57(1), 63A, 64(3), 73(2) & 74

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Forest Conservation and Management Authority Act No. 34 of 2016 by deleting the proposed amendments to sections 35(2), 40, 50(1), 57(1), 63A, 64(3), 73(2) & 74.

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Amendments to sections 35(2), 40, 50(1), 57(1), 63A, 64(3), 73(2) & 74 - agreed to.

Provisions relating to the Forest Conservation and Management Authority Act No. 34 of 2016 as amended agreed to.

(xl) **PROVISIONS RELATING TO THE BRIBERY ACT (NO. 47 OF 2016)**

Proposed amendments to sections 13(1)(c) & 16

Further amendment proposed

THAT, the Schedule to the Bill be amended in the proposed amendments to the Bribery Act No. 47 of 2016 by deleting the proposed amendment to sections 13(1)(c) & 16;

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Amendment to sections 13(1)(c) & 16 - agreed to.

Proposed amendment to section 27(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Bribery Act No. 47 of 2016 by deleting the proposed amendment to sections 27(2).

(Hon. Millie Odhiambo)

Proposed amendments withdrawn;

Further amendment proposed –

THAT the Schedule to the Bill be amended in the proposed amendments in the proposed amendments to the Bribery Act (No. 47 of 2016) by deleting the proposed amendment to section 27 and substituting therefor the following—

s. 27(2) Delete and substitute therefor the following new subsection—

“(2) Any investigation or prosecution or court proceedings instituted before the commencement of this Act based on an offence under the Anti-Corruption and Economic Crimes Act, 2003 shall, be continued under the Anti-Corruption and Economic Crimes Act, 2003 Act.

(Leader of the Majority Party)

Question of the 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 Bribery Act (No. 47 of 2016) by deleting the proposed amendment to section 27(2) and substituting therefor the following—

s. 27(2) Delete and substitute therefor the following new subsection—

(1) Any investigation, prosecution or court proceedings instituted before the commencement of this Act based on an offence committed under the Anti-Corruption and Economic Crimes Act shall be continued under the Anti-Corruption and Economic Crimes Act.

No.3 of 2003

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Amendment dropped;

Amendment to section 27(2) as further amended - agreed to.

Provisions relating to the Bribery Act (No. 47 of 2016) as amended agreed to.

NEW PROVISIONS

(xli) **PROVISIONS RELATING TO THE PUBLIC FINANCE MANAGEMENT ACT (NO 18 OF 2012)**

Proposed amendment to section 23

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new provisions relating to the Public Finance Management Act (No. 18 of 2012) in the proper alphabetical sequence--

s.23 Insert a new subsection as follows-

(2A) Notwithstanding the provisions of section (1), the Parliamentary Service Commission may, with the approval of the National Assembly, establish any other fund for the purpose of Parliament or a House of Parliament.

s.23(3) Insert the words “this Act or” immediately after the word “under”.

(Leader of the Majority Party)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT, the new provisions relating to the Public Finance Management Act (No. 18 of 2012) (sections 23 & 23(3)) be part of the Bill;

Question put and agreed to.

New Sections 23 & 23(3) - agreed to.

Provisions relating to the Public Finance Management Act (No 18 of 2012) as amended agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

11. HOUSE RESUMED - the Third Chairperson in the Chair

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

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Amendment proposed;

THAT, the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words “**subject to re-committal of the Bill with regards to –**

- (i) All provisions relating to the Registration of Persons Act (Cap107);**
- (ii) The provisions relating to the Higher Education Loans Board Act (No. 3 of 1995) in respect of section 4;**
- (iii) The provisions relating to the Copyright Act (No. 12 of 2001) in respect of New Section 6(1A);**
- (iv) All the provisions relating to the Kenya School of Law Act (No. 26 of 2012); and**
- (v) The provisions relating to the Universities Act in respect of section 15(2).”**

(Hon. Paul Koinange – Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

And the time being one minute to mid-night, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at one minute to mid-night

M E M O R A N D U M

The Speaker will take the Chair today,
Tuesday, November 20, 2018 at 2.30 p.m.