



(No. 09)

(026)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, FEBRUARY 26, 2019 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(Question to be put)*

**9\*. MOTION - RESOLUTION TO PUBLISH SPECIFIED INDIVIDUAL MEMBERS' BILLS**

(The Leader of the Majority Party, *on behalf of the House Business Committee*)

**AWARE** that, Standing Order 114 (*Introduction of Bills*) provides for the procedure for introduction of Bills by Members or Committees;

**ACKNOWLEDGING** that, the said Standing Order also provides that, where a legislative proposal is submitted to the Speaker, and where the Speaker is of the opinion that the legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution, the Speaker shall-

- (i) direct that the proposal be referred to the relevant Departmental Committee for pre-publication scrutiny in case of a legislative proposal not sponsored by a Committee; or
- (ii) direct that the proposal be published into a Bill, in case of a legislative proposal sponsored by a Committee.

.....9\*(Cont'd)

**COGNIZANT** of the provisions of Standing Order 114(3)(b) which require the Speaker to refer a legislative proposal with money-bill aspects to the Budget and Appropriations Committee for consideration;

**RECOGNIZING** that, following the recommendation of the Budget and Appropriations Committee, the Speaker ordinarily refers legislative proposals originating from individual Members to the relevant Departmental Committees for pre-publication scrutiny, and that the Departmental Committees should consider the proposals within twenty-one (21) days and recommend whether or not the proposals should be proceeded with;

**NOTING** that, since the commencement of the Twelfth Parliament, more than eighty (80) legislative proposals have been drafted and submitted to the Speaker upon which, thirty (30) have been cleared with respect to money-bill aspects and their progress has been stifled by the inordinate delay in the relevant Departmental Committees;

**NOW THEREFORE**, this **House orders** that the thirty (30) legislative proposals contained in the Schedule, whose money-bill aspects have since been cleared, and were pending before the relevant Departmental Committees by the end of the Second Session **be published into Bills** in accordance with the provisions of Standing Order 120 (*Publication of Bills*), and thereafter be referred to the relevant Departmental Committees in accordance with the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) upon being read a First time.

*(Question to be put)*

**10\*. MOTION - REPORT ON BILLS FROM THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

(The Chairperson, Committee on Regional Integration)

**THAT**, pursuant to the provisions of Standing Order 212A(4), this House **notes** the Report of the Committee on Regional Integration on the East African Community Customs Management (Amendment)(No. 2) Bill, 2018 & the Administration of the East African Legislative Assembly (Amendment) Bill, 2018, laid on the Table of the House on Tuesday, November 27, 2018.

*(Question to be put)*

**11\*. COMMITTEE OF THE WHOLE HOUSE**

The Kenya Accreditation Service Bill (National Assembly Bill No. 17 of 2018)  
(The Leader of the Majority Party)

**12\*. MOTION - REPORT ON AUDITED FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KISUMU COUNTY**

(The Chairperson, Special Funds Accounts Committee)

**THAT**, this House **adopts** the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Kisumu County for the Financial Years 2013/14, 2014/15 and 2015/16, laid on the Table of the House on Wednesday, November 28, 2018.

**13\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(Resumption of debate interrupted on Tuesday, November 13, 2018)*

**14\*. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 3 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

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**\* Denotes Orders of the Day**

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**SCHEDULE****LEGISLATIVE PROPOSALS FOR PUBLICATION***(Under Order No. 8)*

<b>NO.</b>	<b>LEGISLATIVE PROPOSAL</b>	<b>SPONSORING MEMBER</b>	<b>DEPARTMENTAL COMMITTEE</b>	<b>DATE FORWARDED</b>
1.	The National Disaster Management Authority Bill, 2017	The Hon. Kimani Ichungwah, M.P.	Administration and National Security	18/6/2018
2.	The Public Order (Amendment) Bill, 2018	The Hon. Simon King'ara, M.P.		13/11/2018
3.	The Births and Deaths Registration (Amendment) Bill, 2018	The Hon. Gathoni Wamuchomba, M.P.		13/11/2018
4.	The Public Service Commission (Amendment) Bill, 2018	The Hon. Benjamin G. Mwangi, M.P.		20/7/2018
5.	The Narcotic Drugs and Psychotropic Substances Control (Amendment) Bill, 2018	The Hon. Mohamed Ali, M.P.		6/6/2018
6.	The Public Services (Values and Principles) Amendment Bill, 2018	The Hon. Andrew Mwadime, M.P.		15/10/2018
7.	The Public Service Commission (Amendment) Bill, 2017	The Hon. Benjamin Gathiru, M.P.		20/7/2018
8.	The National Government Constituencies Development Fund (Amendment) Bill, 2018	The Hon. Benson Makali Mulu, M.P.		24/9/2018
9.	The Livestock and Livestock Products Marketing Promotion Board Bill, 2018	The Hon. (Maj. Rtd) Bashir Abdullahi, M.P.	Agriculture and Livestock	14/8/2018
10.	The Crops (Amendment) Bill, 2018	The Hon. Kassim Tandaza, M.P.		4/12/2018
11.	The Crops (Amendment) Bill, 2018	The Hon. Moses Kuria, M.P.		16/08/2018
12.	The Kenya Information and Communication (Amendment) Bill, 2018	The Hon. Moses Malulu Injendi, M.P.	Communication, Information and Innovation	11/7/2018
13.	The Kenya Information and Communication (Amendment) Bill, 2018	The Hon. Elisha Odhiambo, M.P.		28/11/2018
14.	The Higher Education Loans Board (Amendment) Bill, 2018.	The Hon. (Capt.) Ruweida Obo, M.P.	Education and Research	10/7/2018
15.	The Kenya Institute of Curriculum Development (Amendment) Bill, 2018.	The Hon. Joyce Emanikor, M.P.		29/8/2018
16.	The Industrial Training (Amendment) Bill, 2018.	The Hon. Jude Njomo, M.P.		26/9/2018
17.	The Public Finance Management (Amendment) Bill, 2017	The Hon. Kimani Ichungwah, M.P.	Finance and National Planning	26/4/2018
18.	The Kenya Uwezo Fund Bill, 2018	The Hon. David Bowen, M.P.		11/9/2018
19.	The County Governments	The Hon. Francis Ganya,		11/4/2018

	Retirement Scheme Bill, 2018	M.P.		
20.	The Kenya Food and Drugs Authority Bill, 2018	The Hon. Robert Pukose, M.P.	Health	24/10/2018
21.	The National Hospital Insurance Fund (Amendment) Bill, 2018	The Hon. Emmanuel Wangwe, M.P.		6/6/2018
22.	The Assisted Reproductive Technology Bill, 2018	The Hon. Millie Odhiambo, M.P.		22/11/2018
23.	The Constitution of Kenya (Amendment) Bill, 2018	The Hon. Florence Mutua, M.P.	Justice and Legal Affairs	21/11/2018
24.	The Independent Electoral Boundaries (Amendment) Bill, 2017	The Hon Jude Njomo, M.P.		28/3/2018
25.	The Statutory Instruments (Amendment) Bill, 2018	The Hon. Muturi Kigano, M.P.		8/11/2018
26.	The Labour Relations (Amendment) Bill, 2018	The Hon Kimani Ichungwah, M.P.		Labour
27.	The Employment (Amendment), Bill, 2018	The Hon. Martha Wangari M.P.	24/9/2018	
28.	The Children (Amendment) Bill, 2018	The Hon. Gathoni Wamuchomba, M.P.	13/11/2018	
29.	The National Youth Council (Amendment) Bill, 2018	The Hon. Gideon Keter, M.P.	27/9/2018	
30.	The Traffic (Amendment) Bill, 2017	The Hon. Jude Njomo, M.P.	Transport, Public Works and Housing	12/6/2018

# **N O T I C E S**

## **I. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)**

Notice is given that the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives intends to move the following amendments to the Kenya Accreditation Service Bill, 2018 at the Committee Stage—

### **CLAUSE 2**

**THAT**, that clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence—

“Accreditation Advisory Committee” means an advisory committee established under section 15;

“accreditation scheme” means the rules, processes and other requirements established by the Service relating to specific conformity assessment activities to which the same accreditation standard is applied;

“accreditation symbol” means the symbol issued by the Service to be used by a conformity assessment body to indicate their accredited status;

“conformity assessment body” means an organisation or a facility that carries out conformity assessment services including but not limited to testing, calibration, inspection, verification, certification of management systems, certification of persons, certification of products or processes or services, proficiency testing and production of reference materials;

“Corporation Secretary” means a person appointed under section 10; and

“Tribunal” means the Accreditation Appeals Tribunal set up under section 22.

### **CLAUSE 3**

**THAT**, the Bill be amended by deleting clause 3 and substituting therefor the following—

Objects of the  
Act.

3. The objects of this Act shall be to—
- (a) establish the Service;
  - (b) recognise the Service as the sole national body responsible for carrying out the accreditation of conformity assessment bodies;
  - (c) establish an internationally recognized and nationally unified accreditation system;
  - (d) promote accreditation for the facilitation of trade and the enhancement of health, safety, environmental protection, economic performance and transformation of Kenya; and
  - (e) promote mutual recognition of the competence and equivalence of accreditation and uphold the cross-frontier accreditation cooperation principles.

#### **CLAUSE 4**

**THAT**, clause 4 of the Bill be amended in sub-clause (3) by deleting paragraph (d) and renumbering the remaining provisions.

#### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended by deleting the word “Nairobi” and substituting therefor the words “Kenya, at a place gazetted by the Cabinet Secretary.”

#### **CLAUSE 6**

**THAT**, the Bill be amended by deleting clause 6 and substituting therefor the following—

Functions  
of the  
Service.

6. The functions of the Service shall be—
- (a) to assess and accredit conformity assessment bodies;
  - (b) to promote accreditation in Kenya;
  - (c) to promote mutual recognition of the competence of accredited bodies, and equivalence of accreditation schemes;
  - (d) to establish and nurture relations and cooperation with regional and international accreditation bodies, persons, associations and organizations that the Service may consider desirable or appropriate in furtherance of the objectives of this Act;
  - (e) to participate in the formulation and monitoring of national, regional and international guidelines and standards to facilitate the accreditation process;

- (f) to raise public awareness, collect and disseminate information on accreditation and conformity assessment matters through advocacy programmes, publication of reports, pamphlets, books, journals, and other publications;
- (g) to provide training, other related services and promote research in respect of accreditation and conformity assessment matters;
- (h) to initiate, negotiate, conclude and maintain international mutual recognition agreements relating to its accreditation schemes;
- (i) to support Government in activities on mutual recognition agreements relating to accreditation;
- (j) to co-ordinate in liaison with regulators in respect of any matter related to accreditation;
- (k) to obtain and maintain membership to national, regional or international organizations that may assist the Service to achieve its objectives and actively participate in such organizations;
- (l) to promote recognition and protect the use of the logo and symbols of the Service;
- (m) to promote and protect regional and international mutual recognition arrangement symbols;
- (n) to establish appropriate accreditation advisory committees;
- (o) to establish, review, and maintain accreditation schemes for conformity assessment bodies that is consistent with international practice, facilitates trade and addresses needs of industry, consumers, or regulators;
- (p) to formulate and implement national guidelines and standards to facilitate the accreditation process;
- (q) to advise Government and regulatory authorities on designation of conformity assessment bodies;
- (r) to require accredited bodies to take appropriate actions related to their conformity assessment activities;
- (s) to establish and maintain a register on the status of accredited bodies in the prescribed manner;
- (t) to design and issue accreditation certificates and symbols to accredited bodies in the prescribed manner;
- (u) to publish quarterly in the Gazette, and on its website all accredited bodies in the prescribed manner;
- (v) to promote use of accreditation symbols on certificates or reports issued by conformity assessment bodies; and
- (w) to perform any other functions necessary for the achievement of the objectives of this Act.



**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended—

(a) in sub clause (1) by deleting paragraph (d), (i), (ii), (iii), (iv), (v) and (vi) and substituting therefor the following—

(d) five other members appointed by the Cabinet Secretary as follows —

- (i) two persons who have knowledge, experience or qualifications relating to the functions of Service, and who have distinguished themselves in the fields of science, technology, education, trade, business and industry relating to accreditation, conformity assessment, standardization and regulations;
- (ii) two persons, one who shall have knowledge and experience on matters relating to finance, and another who shall have knowledge and experience in law or human resource management; and
- (iii) one person who shall have knowledge and experience on matters relating to consumer and public interest.

(b) by inserting the following new sub clause immediately after sub clause (1) and renumbering the existing provisions—

“(2) In appointing the members of the Board under subsection (1) (d) the Cabinet Secretary shall take into account the recommendations of relevant professional bodies in Kenya, gender and regional balance.”

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended—

(a) by deleting sub clause (1) and substituting therefor the following—

“(1) The Board may, establish such committees as it may deem appropriate for the effective discharge of its functions under this Act.”

(b) in sub clause (2) by inserting the words “whose knowledge and skills are necessary for performance of the functions of the Service” immediately after the words “established by the Board.”

(c) by inserting the following new sub clause immediately after sub clause (3)—

“(4) A person co-opted under this sub section (2) shall have no right to vote at a meeting of the Committee.”

**CLAUSE 9**

**THAT**, the Bill be amended by deleting clause 9 and substituting therefor the following—

The Chief  
Executive  
Officer.

9. (1) There shall be a Chief Executive Officer of the Service appointed by the Cabinet Secretary on the recommendation of the Board.

(2) A person qualifies to be appointed as the Chief Executive Officer if that person—

(a) has a post-graduate degree in—

(i) science;

(ii) information technology; or

(iii) business administration;

(b) has at least ten years' relevant professional experience of which five shall have been in a senior management position;

(c) satisfies the requirements of Chapter Six of the Constitution;

(d) does not hold a public office; and

(e) is otherwise not disqualified by any other written law.

(3) The Chief Executive Officer shall hold office for a term of three years and may be eligible for re-appointment to one other term of three years.

(4) The Chief Executive Officer shall, subject to the general directions of the Board, be responsible for the day to day management of the Service, the exercise of its powers and the discharge and performance of its functions.

(5) The Cabinet Secretary, on the written recommendation of the Board and for reasonable cause, may revoke the appointment of the Chief Executive Officer at any time.

(6) Where the Board recommends the revocation of the appointment of the Chief Executive Officer, the recommendation shall be valid if it is supported by at least two-thirds of the members of the Board.

#### **CLAUSE 10**

**THAT**, the Bill be amended by deleting clause 10 and substituting therefor the following—

The  
Corporation  
Secretary

10. (1) There shall be a Corporation Secretary who shall be appointed competitively on such terms and conditions as the Board may determine.

(2) A person shall be qualified for appointment as a Corporation Secretary if such person holds a university degree in law recognized in Kenya and is a registered Certified Public Secretary with at least seven years relevant experience.

- (3) The Corporation Secretary shall—
- (a) be the Secretary to the Board;
  - (b) record and keep minutes and other records of the Board;
  - (c) keep custody of the seal of the Board; and
  - (d) carry out such other functions as the Service or the Chief Executive Officer may, from time to time, assign.
- (4) In the performance of duties under this Act, the Corporation Secretary shall be responsible to the Chief Executive Officer

**CLAUSE 11**

**THAT**, the Bill be amended by deleting clause 11 and substituting therefor the following—

Staff of  
the  
Service.

- 11.** (1) The Service may appoint such other staff as it considers necessary for the exercise of its powers and discharge of its functions.
- (2) The Staff of the Service shall be appointed on such terms and conditions as shall be determined by the Board on the recommendations of the Salaries and Remuneration Commission.

**CLAUSE 12**

**THAT**, the Bill be amended by deleting clause 12 and substituting therefor the following—

Confidentiality.

- 12.** (1) Any person who is or who has been involved in the performance of any function of the Service, shall not disclose any information in the performance of that function except—
- (a) to a person authorised to have that information for the performance of a function under this Act;
  - (b) where that person is authorised under this Act to disclose that information;
  - (c) where that person discloses that information in accordance with a provision of any written law or an order of a court of competent jurisdiction; or
  - (d) where the information is disclosed by or on the authority of the Cabinet Secretary, the Board or the Chief Executive Officer.
- (2) A member of the Board, or an officer or agent of the Service shall, in the performance of any function or exercise of any power under this Act, preserve the confidentiality of any matter coming to the knowledge of that member, officer or agent.
- (3) A member of the Board, or an officer or agent of the Service shall not, without any reasonable cause—

- (a) disclose any confidential information to any person; or
- (b) permit an unauthorized person to gain access to any information in the possession, custody or control of the Service.

(4) Any person who contravenes the provisions of this section commits an offence.

### **CLAUSE 13**

**THAT**, the Bill be amended by deleting clause 13 and substituting therefor the following—

Protection  
from personal  
liability.

**13.** No matter or thing done or omitted to be done by a member of the Board, or an officer or agent of the Service, if the matter or thing is done or omitted in good faith in the execution of the powers and the performance of the functions of the Service, shall render the member, officer or agent, or any other person's action on the member's, officer's, staff or agent's direction, personally liable to any action, claim or demand whatsoever.

### **CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and substituting therefor the following—

Common seal of the  
service and execution  
of documents.

**14.** (1) The common seal of the Service shall be kept in the custody of the Corporation Secretary and shall not be affixed to any instrument or document except as the Board may authorise.

(2) The common seal of the Service shall be authenticated by the signature of the Chief Executive Officer.

### **INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new part immediately before Clause 15—

#### **“PART IV – ACCREDITATION”**

### **CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15 and substituting therefor the following—

Accreditation  
Advisory  
Committees.

**15.** (1) The Service may, subject to the directions of the Board, establish Accreditation Advisory Committees to—

- (a) advise on technical and scientific matters for the operation of the accreditation schemes established by the Service under Section 16.

- (b) guide on interpretation of technical requirements of international standards and regulatory requirements of specific accreditation schemes;
- (c) formulate or review the technical criteria or other sector application requirements related to accreditation schemes;
- (d) develop or review technical criteria adopted or adapted by the Service for specific accreditation activities;
- (e) advise on the competence criteria for accreditation assessors and technical experts including identifying relevant proficiency testing programmes applicable to specific accreditation schemes; and
- (f) offer advisory support activities including accreditation assessment reviews, research and other matters as may be required by Service.

(2) An Accreditation Advisory Committee shall consist of not less than three members, and not more than nine members.

(3) The members of the Accreditation Advisory Committee shall possess academic, scientific or technical expertise and relevant experience in the specific areas of interest required by Service.

(4) The Chairperson and members of an Accreditation Advisory Committee shall be appointed competitively by the Service.

(5) A member of an Accreditation Advisory Committee shall be appointed by the Service in writing, on such terms and conditions as may be prescribed by the Board.

## **CLAUSE 16**

**THAT**, the Bill be amended by deleting clause 16 and substituting therefor the following—

Accreditation  
Schemes.

**16.** (1) The Service may, establish and maintain such accreditation schemes consistent with international, and regional practices taking into account national needs of industry, consumers and regulators.

(2) the Service shall maintain on its website, relevant information on each accreditation scheme including applicable requirements or conditions of accreditation.

(3) The Service may in accordance with the provisions of this Act publish regulations specifying standards and other guidelines necessary for the proper administration of this Act including—

- (a) accreditation scheme requirements;
- (b) fees applicable to each accreditation scheme;

- (c) fees applicable to accreditation related training, and any other activities undertaken by the Service; and
- (d) conditions on the use of the logo and accreditation symbols of the Service, including symbols of regional or international accreditation bodies.

**CLAUSE 17**

**THAT**, the Bill be amended by deleting clause 17 and substituting therefor the following—

Application  
for  
accreditation.

**17.** (1) A conformity assessment body that seeks to be accredited shall apply to the Service for accreditation in the prescribed manner.

(2) The Service shall evaluate an application submitted under subsection (1) within sixty days from the date of receipt.

(3) Where the Service approves the application for accreditation, the Service shall inform the applicant in writing, and undertake an accreditation assessment in accordance with the relevant accreditation scheme requirements.

(4) Where Service declines an application submitted under subsection (1) the Service shall notify the applicant in writing upon conclusion of the evaluation exercise.

**DELETION OF PART IV ON ACCREDITATION**

**THAT**, the Bill be amended by deleting the expression “PART IV – ACCREDITATION” appearing immediately before Clause 18.

**CLAUSE 18**

**THAT**, the Bill be amended by deleting clause 18 and substituting therefor the following—

Accreditation  
Decisions of  
the Service

**18.** (1)The Service may, subject to the general directions of the Board, set rules and guidelines for granting, renewing, maintaining, reducing, extending, suspending or withdrawing accreditation.

(2) Where the Service is satisfied with the outcome of an accreditation assessment and upon payment of prescribed fees, the Service may grant, renew, maintain, reduce or extend accreditation to a conformity assessment body.

(3) Where the Service grants, renews, maintains, reduces or extends accreditation of a conformity assessment body, the Service shall notify the conformity assessment body and issue an accreditation certificate within fourteen days.

(4) A certificate issued under subsection (3) shall be accompanied by—

- (a) a schedule specifying the scope of accreditation;
- (b) Prescribed conditions on the use of accreditation symbols and claims thereof; and
- (c) other terms as may be necessary set by the Service.

(5) Where the Service declines, suspends or withdraws accreditation to a conformity assessment body, the Service shall notify the conformity assessment body in writing within fourteen days outlining the reasons for its decision.

(6) The Service may withdraw an accreditation from a conformity assessment body without having first suspended the accreditation, if—

- (a) the accreditation was obtained by fraud; or
- (b) the conformity assessment body becomes insolvent, goes into liquidation or is ordered to be wound up by a court of competent jurisdiction; or
- (c) there has been a complete breakdown of the management system of the conformity assessment body.

(7) The Service may also suspend or withdraw the accreditation of a conformity assessment body in case of a breach of administrative procedures of the Service.

### **CLAUSE 19**

**THAT**, the Bill be amended by deleting clause 19 and substituting therefor the following—

Accreditation  
status,  
certificates,  
symbols and  
claims

**19.** (1) The accreditation status of a conformity assessment body, and claims made and representational statements thereof, for which accreditation has been granted under this Act shall be confirmed only through—

- (a) the Accreditation Certificate and accompanying schedule issued by the Service;
- (b) the register of accredited bodies published in the Gazette and maintained on the website of the Service; and
- (c) the accreditation symbol issued by the Service as displayed on certificates or reports issued by an accredited body.

(2) An accreditation certificate issued under this Act shall be valid for the period prescribed in the certificate.

(3) An accreditation certificate shall be sealed with the common seal of the Service and shall be authenticated by the signature of the Chief Executive Officer.

(4) The accreditation certificate and rights to use an accreditation symbol shall remain the property of the Service and shall be surrendered to the Service whenever required to do so by the Service.

(5) The Service may impose such conditions as it deems necessary, on the use of the accreditation certificate, accreditation symbols, and claims of accreditation status thereof on an accredited body.

(6) The accredited body may use the accreditation symbol in relation to the scope of accreditation specified in the relevant schedule, for so long as the accreditation granted under section 18 is in force.

(7) An accredited body commits an offence under this Act if, it—

- (a) misuses its accreditation status; or
- (b) misrepresents the entry or expiry date of accreditation; or
- (c) makes claims outside the accredited scope; or
- (d) gives false information on the location of the accredited facility; or
- (e) other misrepresentation on its accredited status.

## **CLAUSE 20**

**THAT**, the Bill be amended by deleting clause 20 and substituting therefor the following—

Maintenance of  
accreditation.

**20.** (1) An accredited body shall comply at all times with the provisions of this Act, and other conditions prescribed by the Service.

(2) It shall be the duty of an accredited body to promptly inform the Service, of any changes that may affect its accreditation status or the operations of the accredited body.

## **CLAUSE 21**

**THAT**, the Bill be amended by deleting clause 21 and substituting therefor the following—

Suspension or  
withdrawal of  
accreditation

**21.** (1) The Service may suspend an accredited body from offering accreditation services for the period specified in the notice of suspension or until such earlier time as the Service may determine:

Provided that a suspension shall not last for a period exceeding six months.

(2) The Service may suspend an accreditation where the accredited body —



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- (a) has contravened or failed to comply with the conditions imposed by the Service;
- (b) has failed to comply with the directions of the Service;
- (c) has provided false or misleading information to the Service;
- (d) is no longer a fit or proper to hold an accreditation;
- (e) has contravened any of the provisions of this Act; or
- (f) has failed to pay any prescribed fee under this Act.

(3) Where an accreditation is suspended on account of non-payment of prescribed fee, the suspension shall be lifted if the fee is paid within thirty days from the date of the notice of suspension issued by the Service.

(4) An accreditation shall be withdrawn by the Service where the accredited body has been suspended for non-payment of the prescribed fee and fails to pay the fee within the period specified in subsection (3).

(5) The Service may suspend or withdraw an accreditation upon the request of an accredited body.

(6) Where the Service has suspended or withdrawn an accreditation, it shall, within fourteen days of the suspension or withdrawal, publish on its website the changed accreditation status.

**INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new Part immediately before Clause 22—

“PART V – ACCREDITATION APPEALS TRIBUNAL”

**CLAUSE 22**

**THAT**, the Bill be amended by deleting clause 22 and substituting therefor the following—

Accreditation  
Appeals Tribunal.

**22.** (1) There is established a Tribunal to be known as the Accreditation Appeals Tribunal which shall hear and determine appeals emanating from the accreditation decisions made by the Service.

(2) The Accreditation Appeals Tribunal shall be comprised of five members as follows—

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- (a) A Chairperson appointed by the Cabinet Secretary, in consultation with the Judicial Service Commission from among persons qualified to be judges of the High Court; and
- (b) four other persons possessing expert knowledge on accreditation, conformity assessment, standardization or regulatory activities.

(3) The Cabinet Secretary in consultation with the Attorney-General shall appoint member under paragraph (b) and who shall hold a university degree in law, science or information technology and not less than seven years relevant experience.

(4) The conduct of the business and affairs of the Accreditation Appeals Tribunal shall be as set out in the Second Schedule to this Act.

(5) Except as provided in the Second Schedule, the Accreditation Appeals Tribunal shall regulate its own procedure.

**CLAUSE 23**

**THAT**, the Bill be amended by deleting clause 23 and substituting therefor the following—

Appeals to the  
Accreditation  
Appeal  
Tribunal

**23.** (1) An accredited body that is aggrieved by a decision of the Service may, by notice in writing to the Chief Executive Officer, upon payment of the prescribe fee, appeal against the decision within twenty-one days of being notified of the decision.

(2) A notice of appeal under this section shall set out the grounds of the appeal.

(3) The Chief Executive Officer shall forward the notice of appeal to the Accreditation Appeal Tribunal within seven days of receipt of the notice.

**CLAUSE 24**

**THAT**, the Bill be amended by deleting clause 24 and substituting therefor the following—

Award by the  
Accreditation Appeal  
Tribunal

**24.** (1) The Accreditation Appeal Tribunal shall consider the notice of appeal and the response of the Service before making an award.

(2) An award of the Accreditation Appeal Tribunal may—

- (a) confirm the decision of the Service;

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(b) direct the Service to carry out a fresh evaluation of the application or undertake a fresh assessment of the conformity assessment body; or

(c) issue other orders including an order as to costs.

(3) Where an appeal has been filed against a decision of the Service, the decision of the Service shall stand until the appeal has been heard and determined by the Accreditation Appeals Tribunal.

(4) The Appeal Tribunal may direct the taxing of costs as maybe prescribed under this Act.

**CLAUSE 25**

**THAT**, the Bill be amended by deleting clause 25 and substituting therefor the following—

Appeals against  
awards by the  
Accreditation  
Appeals Tribunal

**25.** (1) A party who is aggrieved by an award of the Accreditation Appeal Tribunal may, within thirty days of being notified of the award, appeal against the award to the High Court.

(2) An award of the Accreditation Appeal Tribunal shall not be enforced where an appeal against the award has been made to the High Court.

**INSERTION OF A NEW CLAUSE**

**THAT**, the bill be amended by inserting the following new clause immediately after clause 25 and renumbering the existing provisions.

**CLAUSE 26**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 25—

Remuneration of  
members the Board,  
Committees, and the  
Tribunal

**26.** The Service shall pay out of its funds such remuneration and allowances to the Chairperson and members of the Board, Committees, and the Chairperson and members of Accreditation Appeals Tribunal as may be approved by the Cabinet Secretary and recommended by the Salaries and Remuneration Commission.

**CLAUSE 29**

**THAT**, the Bill be amended by deleting clause 29 and substituting therefor the following—

Accounts and audit.

**30.**(1) The Chief Executive Officer shall under the directions of the Board keep proper books and records of account of the income, expenditure, assets and liabilities of the Service in accordance with the Public Financial Management Act, 2012.

No. 18 of 2012.

(2) Within a period of three months from the end of the financial year, the Board shall submit to the Auditor-General, the accounts of the Service to be audited and reported on.

No. 34 of 2015.

(3) The accounts of the Service shall be audited and reported on in accordance with the provision of Article 226 and 229 of the Constitution and the Public Audit Act, 2015.

### **CLAUSE 31**

**THAT**, the Bill be amended by deleting clause 31 and substituting therefor the following—

General offence and penalty.

**31.** (1) A conformity assessment body that is not accredited by the Service that makes any claim or uses any accreditation symbol in relation to any goods, processes, services, or facilities that gives or is likely to give an impression of accreditation when it is not accredited, commits an offence under this Act, and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings.

(2) A person commits an offence if that person contravenes any provision of this Act and, where convicted of an offence under this Act, shall be liable upon conviction to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred thousand shillings or to both.

### **CLAUSE 33**

**THAT**, the Bill be amended in sub clause (1) by—

- (a) inserting the words “who qualify under this Act” immediately after the expression “former Service”; and
- (b) deleting the words “under this Act” appearing immediately after the words “Board under this”.

### **DELETION OF THE SECOND SCHEDULE**

**THAT**, the Bill be amended by deleting the Second Schedule and renumbering the existing schedule.

**DELETION OF THE THIRD SCHEDULE AND INSERTION OF A NEW SCHEDULE**

**THAT**, the Bill be amended by deleting the Third Schedule and substituting therefor the following—

**SECOND SCHEDULE**

**PROCEEDINGS BEFORE THE ACCREDITATION APPEALS TRIBUNAL.**

1. The Accreditation Appeals Tribunal may, to avoid delay or unnecessary expense or for any other justifiable reason, receive evidence by affidavit and may specify the period within which it may hear evidence in person from witnesses.

2. The Accreditation Appeals Tribunal, when making an award under the Act, may consider any evidence which it considers relevant to the matter before it:

Provided that the evidence shall not otherwise be inadmissible under the Evidence Act.

3. A party to an appeal before the Accreditation Appeals Tribunal may be represented by an Advocate or any other suitable person as permitted by the Tribunal.

4. All summonses, notices or other documents issued under the hand of the chairperson of the Accreditation Appeals Tribunal shall be deemed to have been issued by the Tribunal.

5. The Accreditation Appeals Tribunal shall sit at a place and at a time that it may appoint.

6. The proceedings of the Accreditation Appeals Tribunal shall be open to the public except where the Tribunal, for good cause, otherwise directs.

7. The quorum of an Accreditation Appeals Tribunal shall be the chairperson and two other members.

8. (1) Where a member is directly or indirectly interested in any appeal before the Accreditation Appeals Tribunal and is present at a meeting of the Tribunal at which the appeal shall be determined, that member shall, at that meeting as soon as is practicable after the meeting has commenced, but before any deliberations have occurred, disclose that interest and shall not take part in the determination of the appeal and shall not be counted in the quorum of the meeting during the determination of that appeal.

(2) A disclosure of interest under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

9. Where the Accreditation Appeals Tribunal has made an award, it shall notify the parties in writing within seven days the making of the award.

The House resolved on Wednesday, February 13, 2019 as follows:-

- II.** **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- III.** **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows: - A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV.** **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

# **NOTICE PAPER I**

## **Tentative business for**

**Wednesday (Morning), February 27, 2019**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Wednesday (Morning), February 27, 2019:-

A. **PROCEDURAL MOTION- EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

(The Leader of the Majority Party)

B. **HOJA - KUFUTILIA MBALI KWA ADA ZA MATIBABU KATIKA HOSPITALI ZA UMMA ZA RUFAA PINDI MTU ANAPOFARIKI**

(Mhe. Mohamed Ali Mohamed)

*(Hoja kuhitimishwa)*

C. **MOTION - REPORT ON AUDITED FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KISUMU COUNTY**

(The Chairperson, Special Funds Accounts Committee)

*(If not concluded on Tuesday, February 26, 2019)*

D. **MOTION - REPORT ON ALLEGED IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI BY THE KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD**

(The Chairperson, Departmental Committee on Health)

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...../Notice Paper II

# **NOTICE PAPER II**

## **Tentative business for**

### **Wednesday (Afternoon), February 27, 2019**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon), February 27, 2019:-

**A. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(Mover to Reply)*

*(Question to be put)*

**B. COMMITTEE OF THE WHOLE HOUSE**

The Insurance (Amendment) Bill (National Assembly Bill No. 21 of 2018)  
(The Chairperson, Departmental Committee on Finance and National Planning)

**C. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, February 26, 2019)*

**D. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 3 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

*(If not concluded on Tuesday, February 26, 2019)*

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*.....Appendix*



# **APPENDIX**

## **ORDER NO.7 - QUESTIONS**

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Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

**Question**  
**No.**

### **ORDINARY QUESTIONS**

037/2019

**The Member for Bomachoge Borabu Constituency (Hon. Prof Zadoc Abel Ogutu) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Is the Cabinet Secretary aware that, following the reinforcement of transport regulations popularly known as the *Michuki rules* in December 2018, Public Service Vehicles (PSVs) operating along the Kisii - Mogonga - Magena route increased commuter fares by 100 percent?
- (ii) Are there plans to develop regulations to ensure that the amount of fare charged by PSVs across the Country is prescribed, enforced and regulated so as to protect customers from exploitation by PSV operators?

*(To be replied before the Departmental Committee on Transport, Public Works and Housing)*

038/2019

**The Member for Isiolo County (Hon. Rehema Dida Jaldesa, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Is that Cabinet Secretary aware that one Ibrahim Mohamed Huka of National Identification card No. 32754016 was killed on 20<sup>th</sup> May, 2017 during a political rally in Isiolo Town?
- (ii) What is the status and findings of inquest No. 2/2017 and occurrence book report No. 34/20/5/2017 on the matter?
- (iii) When will the Cabinet Secretary make public the findings of the investigations or inquiry conducted by the Independent Police Oversight Authority on the matter?

*(To be replied before the Departmental Committee on Administration and Security)*

039/2019

**The Nominated Member (Hon. Halima Mucheke, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- a) Could the Cabinet Secretary give the status of tax collection in the country from 2014 to date, indicating the various categories of tax payers, that is, individuals, corporates and businesses, stating the amounts collected vis-à-vis what was projected?
- b) What steps are in place to ensure improved tax revenue collection?

*(To be replied before the Departmental Committee on Finance and National Planning)*

040/2019

**The Member for Matuga Constituency (Hon. Kassim Sawa Tandaza, MP) to ask the Cabinet Secretary for Education: -**

- a. Is the Cabinet Secretary aware that since July 2018, Kwale County Education Board is yet to be reconstituted, which has negatively affected service delivery in the County?
- b. When will the said board be reconstituted?

*(To be replied before the Departmental Committee on Education and Research)*

041/2019

**The Member for Kibwezi East Constituency (Hon. Jessica Mbalu, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- a) What measures has the Ministry taken to mitigate against hazardous effects of the oil spill which occurred in May, 2015 at Thange area of Kibwezi East Constituency?
- b) When will the residents affected by the poisoning as well as those who lost livestock, crops and other properties as a result of the said oil spill, be compensated?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*

042/2019

**The Member for Teso South Constituency (Hon. Geoffrey Omuse, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Public Works & Urban Development: -**

- (i) Could the Cabinet Secretary give the status of the construction of Busia-Malaba road?
- (ii) When is the construction of the said road expected to be completed?

*(To be replied before the Departmental Committee on Transport, Public Works and Housing)*

043/2019

**The Member for Rarieda Constituency (Hon. Dr. Otiende Amollo, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government:-**

- (i) Could the Cabinet Secretary explain why the whereabouts of one Jorim Odhiambo Abang' of Forces Number 82367, a former Constable and General Service Unit (GSU) officer and a resident of Rarieda Constituency who was attached to State House Mombasa, remain unknown, nine years after he went missing on the 7<sup>th</sup> August, 2010?
- (ii) Could the Cabinet Secretary give the status of investigations into his whereabouts?

*(To be replied before Departmental Committee on Administration and Security)*

044/2019

**The Member for Teso North Constituency (Hon. Oku Kaunya, MP) to ask the Cabinet Secretary for Education: -**

- (i) Is the Cabinet Secretary aware that many Kenyan students who studied and graduated from education institutions in foreign countries, especially Uganda, have been experiencing challenges in having the academic qualifications attained converted into Kenyan equivalents?
- (ii) Could the Cabinet Secretary explain the procedures required to equate academic qualifications obtained in foreign countries to those under the Kenyan system?

*(To be replied before the Departmental Committee on Education and Research)*

045/2019

**The Member for Endebess Constituency (Hon. Dr. Robert Pukose, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government:-**

- (i) Is the Cabinet Secretary aware that Traffic Police Officers stationed at Endebess Police Station have been soliciting for bribes from motorists and other road users along the Matisi Suam Road in Endebess Constituency?
- (ii) Could the Cabinet Secretary give an undertaking that the said vice will be put to a stop?

*(To be replied before Departmental Committee on Administration and Security)*

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