

(No. 36)

(553)

REPUBLIC OF KENYATWELFTH PARLIAMENT – (THIRD SESSION)THE NATIONAL ASSEMBLYORDERS OF THE DAY**SUPPLEMENTARY**TUESDAY, APRIL 30, 2019 AT 2.30 P.M.ORDER OF BUSINESSPRAYERS

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

**8\*. MOTION-     DEBATE ON THE PRESIDENT’S ADDRESS (DAY 4)**  
 (The Leader of the Majority Party)

**THAT**, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, April 4, 2019 and further that the House **notes** the following Reports submitted by the President in fulfillment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution, laid on the Table of the House on Tuesday, April 23, 2019-

- (a) 6<sup>th</sup> Annual Report on the Progress made in fulfillment of the International Obligations of the Republic;
- (b) 6<sup>th</sup> Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and
- (c) Annual Report to Parliament on the State of National Security.

*(Question to be put)*

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

- (i) The Kenya Accreditation Service Bill (National Assembly Bill No. 17 of 2018)  
 (The Leader of the Majority Party)
- (ii) The Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 13 of 2018)  
 (The Leader of the Majority Party)

**10\*. MOTION– REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

(ACP-EU Leader of Delegation)

**THAT**, this House **notes** the Reports of the Kenya Delegation to the Sessions of the African Caribbean and Pacific Parliamentary Assembly and the African Caribbean, Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday 27<sup>th</sup> February 2019* as follows:

- (i) Report of the 50<sup>th</sup> Session of the ACP Parliamentary Assembly and the 35<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 13<sup>th</sup> to 20<sup>th</sup> June 2018;
- (ii) Report of the 51<sup>st</sup> Session of the ACP Parliamentary Assembly and the Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 9<sup>th</sup> to 11<sup>th</sup> October, 2018; and
- (iii) Report of the 52<sup>nd</sup> Session of the ACP Parliamentary Assembly and the 36<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin from 25<sup>th</sup> November 2018 to 5<sup>th</sup> December 2018.

*(Resumption of debate interrupted on Tuesday, April 23, 2019)*

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

(The Leader of the Majority Party)

Second Reading

**12\*. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2015/2016**

(The Chairperson, Public Accounts Committee)

**THAT**, this House **adopts** the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2015/2016, *laid on the Table of House on Tuesday, April 23, 2019.*

13\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILL NO. 21 OF 2019)  
(The Leader of the Majority Party)

Second Reading

14\*. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL  
NO. 27 OF 2018)  
(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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# NOTICES

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

- 1) 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**, clause 2 of the Bill be amended by—

- (a) inserting the following new definitions in their proper alphabetical sequence—  
“Accreditation Advisory Committee” means an advisory committee established under section 9;

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

“accreditation symbol” means the symbol issued by the Service for use by a conformity assessment body to demonstrate its status of accreditation;

- (b) deleting the definition of “accreditation committee”;

- (c) deleting the definition of “conformity assessment body” and substituting therefor the following new definition—

“conformity assessment body” means a body that carries out compliance assessment services including testing, calibration, inspection, verification, certification of management systems, certification of persons, certification of products, processes or services, proficiency testing and production of reference materials;

- (d) Inserting the following definition in proper alphabetical sequence—

“Tribunal” means the Accreditation Appeals Tribunal established under section 11;

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended in paragraph (b) by inserting the words “in Kenya” immediately after the words “assessment bodies”.

**CLAUSE 5**

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

**CLAUSE 6**

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

Functions of  
the Service.

6. The functions of the Service shall be to—
- (a) assess and accredit conformity assessment bodies;
  - (b) promote accreditation in Kenya;
  - (c) promote mutual recognition of the competence of accredited bodies, and equivalence of accreditation schemes;
  - (d) 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) participate in the formulation and monitoring of national, regional and international guidelines and standards to facilitate accreditation;
  - (f) raise public awareness, collect and disseminate information on accreditation and conformity assessment matters through advocacy programmes, publication of reports, pamphlets, books, journals, and any other publications;
  - (g) provide training, and other related services and promote research in respect of accreditation and conformity assessment matters;
  - (h) initiate, negotiate, conclude and maintain international mutual recognition agreements relating to its accreditation schemes;
  - (i) support Government in activities on mutual recognition agreements relating to accreditation;
  - (j) co-ordinate and liaise with regulators in respect of any matter relating to accreditation;

- (k) 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) promote recognition and protect the use of the logo and symbols of the Service;
- (m) promote and protect regional and international mutual recognition arrangement and symbols;
- (n) establish appropriate accreditation advisory committees;
- (o) establish, review, and maintain accreditation schemes for conformity assessment bodies that are consistent with international practice, facilitates trade and address needs of industry, consumers, or regulators;
- (p) formulate and implement national guidelines and standards to facilitate the accreditation process;
- (q) advise Government and regulatory authorities on designation of conformity assessment bodies;
- (r) require accredited bodies to implement appropriate actions related to their conformity assessment activities;
- (s) establish and maintain a register on the status of accredited bodies in the prescribed manner;
- (t) design and issue accreditation certificates and symbols to accredited bodies in the prescribed manner;
- (u) publish quarterly in the Gazette, and on its website a list of all accredited bodies in the prescribed manner;
- (v) promote the use of accreditation symbols on certificates or reports issued by conformity assessment bodies; and
- (w) perform any other functions necessary for the achievement of the objectives of this Act, as the Board may consider necessary.

**CLAUSE 7**

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

- (a) in sub clause (1) by deleting paragraph (d), and substituting therefor the following new paragraph—

- (d) five other members, appointed by the Cabinet Secretary being—
- (i) two persons, with knowledge, experience and qualifications relating to the functions of Service, and who have distinguished themselves in the fields of science, technology, law, education, trade, business and industry in matters relating to accreditation, conformity assessment, standardization and regulations;
  - (ii) two persons, one of whom shall have knowledge and experience in matters relating to finance, and another person who shall have knowledge and experience in law or human resource management; and
  - (iii) one person with knowledge and experience in matters relating to consumer protection and public interest.

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

“(1A) The persons appointed under subsection (1) shall be subjected to a competitive recruitment process taking into account the recommendations of the relevant professional bodies, 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 new sub clause—

“(1) The Board may, from time to time, establish such committees as it may consider appropriate for the better carrying out of its functions.”

(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 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 new clause—

Accreditation  
Advisory  
Committees.

9. (1) The Service may, subject to the directions of the Board, constitute Accreditation Advisory Committees to—

- (a) advise the Board on technical and scientific matters relating to the operation of accreditation schemes established by the Service;
- (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 specific application requirements related to accreditation schemes;
- (d) develop or review technical criteria adopted 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 from time to time.

(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) A member of an Accreditation Advisory Committee shall be appointed in writing on such terms and conditions as the Board may determine in consultation with the Salaries and Remuneration Commission.

(5) The Accreditation Advisory Committee shall be objective, independent and impartial in the performance of its functions.

(6) The conduct of the business and affairs of the Accreditation Advisory Committee shall be as set out in the Second Schedule to this Act.



**CLAUSE 10**

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

Accreditation  
Schemes.

**10.** (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 make regulations specifying standards and other guidelines necessary for the proper administration of this Act in accordance with the provisions of this Act, including the—

- (a) requirements of an accreditation scheme;
- (b) fees applicable to each accreditation scheme;
- (c) fees applicable to accreditation related training, and any other activities undertaken by the Service;
- (d) conditions on the use of the logo and accreditation symbols of the Service, including symbols of regional or international accreditation bodies; and
- (e) any other matter which the Service may consider necessary.

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 10—

Application for  
accreditation.

**10A.** (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 process an application submitted under subsection (1) within sixty days from the date of receipt of the application.

(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 requirements of the relevant accreditation scheme

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

Accreditation  
decisions of the  
Service

**10B.** (1) The Service may, subject to the 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 the 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 the 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) an outline of prescribed conditions on the use of accreditation symbols and related claims; and
- (c) any other terms as may be determined by the Service.

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

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

- (a) accreditation was obtained by fraud;
- (b) conformity assessment body—
  - (i) becomes insolvent;
  - (ii) goes into liquidation; or
  - (iii) is ordered to be wound up by a court of competent jurisdiction;
- (c) the management systems of the conformity assessment body have failed.

(7) The Service may suspend or withdraw the accreditation of a conformity assessment body where there is a breach of the administrative procedures or guidelines of the Service.

Accreditation status, certificates, symbols and claims.

**10C.** (1) The accreditation status of a conformity assessment body, or claims made or representational statements made, 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 and displayed on certificates or reports issued by an accredited body.

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

(3) The seal of the Service shall be affixed on an accreditation certificate and shall be authenticated by the signature of the Chief Executive Officer or a person authorized in that behalf by a resolution of the Board.

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

(5) The Service may impose such conditions, as it considers necessary, on the use of an accreditation certificate, accreditation symbol, and a claim of accreditation status by an accredited body.

(6) The accredited body may use the accreditation symbol in relation to the scope of accreditation specified in the relevant schedule, provided the accreditation granted under this Act is in force.

(7) An accredited body commits an offence under this Act, where the accredited body—

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

Maintenance of accreditation.

**10D.** (1) An accredited body shall comply with the provisions of this Act, and other conditions prescribed by the Service from time to time.

(2) An accredited body shall inform the Service promptly of any changes that may affect its accreditation status or the operations of the accredited body.

Suspension or withdrawal of accreditation

**10E.** (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 body where the accredited body—

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

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

(4) The Service may withdraw the accreditation of a conformity assessment body where the accredited body is suspended for non-payment of the prescribed fee and it fails to pay the fees within the period specified under sub-section (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, publish the fact of the changed accreditation status on its website within fourteen days of the suspension or withdrawal.

### **CLAUSE 11**

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

Accreditation  
Appeals Tribunal.

**11.** (1) There is established a Tribunal to be known as the Accreditation Appeals Tribunal, which shall hear and determine appeals emanating from the decisions of the Service.

(2) The Accreditation Appeals Tribunal shall consist of five members being—

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

(3) The members under subsection (2) (b) shall be appointed competitively by the Cabinet Secretary in consultation with the Attorney-General from amongst persons who—

- (a) hold a university degree in law, science or information technology; and

(b) possess at least seven years relevant experience in their areas of expertise.

(4) Except as set out in the Third Schedule, the Accreditation Appeals Tribunal may regulate the conduct of the business and affairs and proceedings of the Tribunal.

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

### **NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 11—

Appeals to the  
Accreditation  
Appeals  
Tribunal.

**11A.** (1) An accredited body that is aggrieved by a decision of the Service may, by notice in writing to the Chief Executive Officer and upon payment of the prescribe fees, 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 within seven days of receipt of the notice under sub clause (2), forward the notice to the Accreditation Appeals Tribunal

Awards of the  
Accreditation  
Appeals  
Tribunal.

**11B.** (1) The Accreditation Appeals Tribunal shall consider the notice of appeal and the response of the Service before making an award.

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

(a) confirm the decision of the Service;

(b) vary the decision of the Service;

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

(d) issue other orders it may consider necessary 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 suspended until the appeal has been heard and determined by the Accreditation Appeals Tribunal.

(4) The Accreditation Appeals Tribunal may direct the taxing of costs as may be prescribed under this Act.

Appeals against  
the awards of the  
Accreditation  
Appeals Tribunal

**11C.** (1) A party who is aggrieved by an award of the Accreditation Appeals Tribunal may appeal against the award to the High Court.

(2) An award of the Accreditation Appeals Tribunal shall stand suspended where an appeal against the award has been made to the High Court.

(3) After hearing an appeal under this section, the High Court may—

- (a) confirm the award of the Accreditation Appeals Tribunal;
- (b) review the award of the Accreditation Appeals Tribunal;
- (c) remit the proceedings of the appeal to the Accreditation Appeals Tribunal and direct the Tribunal to review the award; or
- (d) make any other order as it may consider necessary, including an order as to costs.

## **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “an Appeals Committee” and substituting therefore the words “the Accreditation Appeals Tribunal”; and
- (b) in sub clause (2) by deleting the words “an Accreditation Committee” and substituting therefore the words “the Accreditation Appeals Tribunal”.

## **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 13—

The Corporation  
Secretary.

**13A.** (1) There shall be a Corporation Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) A person shall be qualified for appointment as a Corporation Secretary if the person holds a degree in law from a university 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) have custody of the seal of the Board; and
- (d) carry out such other functions as may be assigned by the Board or the Chief Executive Officer, from time to time.

(4) The Corporation Secretary shall be responsible to the Chief Executive Officer.

**CLAUSE 14**

**THAT**, clause 14 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2)—

“(3) The Service shall ensure that the appointment of its staff reflects the ethnic, gender and regional diversity of the people of Kenya.”

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended —

- (a) in sub clause (1) by deleting the words “Chief Executive Officer” and substituting therefor the words “Corporation Secretary”; and
- (b) in sub clause (2) by inserting the words “or any other person authorized in that behalf by a resolution of the Board”.

**CLAUSE 18**

**THAT**, the Bill be amended by deleting clause 18.

**CLAUSE 19**

**THAT**, the Bill be amended by deleting clause 19.

**CLAUSE 20**

**THAT**, the Bill be amended by deleting clause 20.

**CLAUSE 21**

**THAT**, the Bill be amended by deleting clause 21.

**CLAUSE 22**

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



Remuneration of  
members of the  
Board,  
Committees, and  
the Accreditation  
Appeals Tribunal

**22.** The Service shall pay such remuneration and allowances to the members of the Board, Committees, and the members of the Accreditation Appeals Tribunal as approved by the Cabinet Secretary upon the recommendation of the Salaries and Remuneration Commission.

**CLAUSE 23**

**THAT**, the Bill be amended by deleting clause 23.

**CLAUSE 24**

**THAT**, the Bill be amended by deleting clause 24.

**CLAUSE 25**

**THAT**, the Bill be amended by deleting clause 25.

**CLAUSE 29**

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

Accounts and  
audit.

**29.** (1) The Board of the Service shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Service in accordance with the Public Finance Management Act.

No. 18 of 2012.

No. 34 of 2015.

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

**CLAUSE 31**

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

Offence and  
general  
penalty.

**31.** (1) A conformity assessment body not being accredited by the Service which makes any claim or uses any accreditation symbol in relation to any goods, processes, services, or facilities which gives or is likely to imply that the conformity assessment body is accredited when not being so 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 who is convicted of an offence under this Act for which no other penalty is prescribed shall be liable, upon conviction, to imprisonment for a term not exceeding six months or a fine not exceeding five hundred thousand shillings or both.

**CLAUSE 33**

**THAT**, clause 33 of 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 “members of the Board”.

**DELETION AND SUBSTITUTION OF THE SECOND SCHEDULE**

**THAT**, the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule—

**SECOND SCHEDULE  
PROCEEDINGS BEFORE THE ACCREDITATION ADVISORY  
COMMITTEE.**

**[S.9 (7)]**

1. The Accreditation Advisory Committee shall meet at least four times in every year.

2. The Service shall, at the commencement of each year, publish a calendar of events setting out the dates and times of the meetings and related activities of the Accreditation Advisory Committee.

Provided that the Secretary shall give all members a five days’ notice incorporating the agenda of the Accreditation Advisory Committee meeting.

3. A special meeting of the Accreditation Advisory Committee may be held on a date and at a time determined by the Accreditation Advisory Committee or as the Secretary in consultation with the members of the Accreditation Advisory Committee may determine.

4. The members of the Accreditation Advisory Committee shall at their first meeting elect a Chairperson and Vice Chairperson from amongst their number.

5. A decision on any matter before the Accreditation Advisory Committee shall be by consensus

Provided where there is no consensus, the members present shall decide the matter by a majority vote, in the case of a tie, the chairperson shall have a casting vote.

6. Each Accreditation Advisory Committee shall maintain written minutes of its meetings and the minutes shall be kept in the custody of the Secretary.

7. The Secretary of the Accreditation Advisory Committee may, through written consultation with the members of the Accreditation Committee, take action on any urgent matter, which cannot wait to be considered at a meeting of the Accreditation Committee and report at the next meeting of the Accreditation Advisory Committee.

### **DELETION AND SUBSTITUTION OF THE THIRD SCHEDULE**

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

#### **THIRD SCHEDULE PROCEEDINGS BEFORE THE ACCREDITATION APPEALS TRIBUNAL.**

##### **[S.11 (4)]**

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 may when making an award under the Act, consider any evidence that it considers relevant to the matter before it:

Provided that the evidence shall not be inadmissible under the Evidence Act Cap. 80.

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

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

5. The Accreditation Appeals Tribunal shall appoint the place and time for its sitting.

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

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 or other matter before the Accreditation Appeals Tribunal, and is present at a meeting of the Tribunal at which the appeal shall be determined, the member shall, as soon as is practicable after the meeting has commenced, but before any deliberations have occurred, disclose that fact and shall be excluded from that meeting.

(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, within seven days, notify the parties of the making of the award.

**2) Notice is given that the Member for Gichugu(Hon. Robert Gichimu) intends to move the following amendments to the Kenya Accreditation Service Bill, 2018 at the Committee Stage—**

**CLAUSE 2**

**THAT**, clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “accredited body” and substituting therefor the following new definition in proper alphabetical sequence—

“accredited body” means an organisation or a facility that carries out conformity assessment services and that has been accredited by the Service or by a signatory member of the recognition arrangements of the International Laboratory Accreditation Co-operation (ILAC) or the International Accreditation Forum (IAF) or the Africa Accreditation Cooperation;

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

“Council” means the Accreditation Policy Council established under this Act;

**CLAUSE 3**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 8—

Accreditation  
Policy Council.

**8A.** (1) The Board shall establish an Accreditation Policy Council comprised of representatives of entities with interest in accreditation and conformity assessment, and representatives of accredited bodies.

(2) The functions of the Council shall be to —

- (a) advise the Board on general policy matters relating to accreditation, development and operation of the accreditation programmes and activities of the Service;
- (b) collect and collate general policy issues and stakeholders views for consideration by the Board ; and
- (c) any other general or specific policy matters as may be required by the Board

- (3) The Council shall consist of—
- (a) the Chairperson of the Board and who shall be the Chair of the Council;
  - (b) the Principal Secretary responsible for matters related to accreditation or a representative designated in writing;
  - (c) two members of the Board appointed under subsection 7(1)(d) who shall be nominated by a resolution of the Board;
  - (d) the Chief Executive Officer of the Service who shall be the Secretary to the Council; and
  - (e) not more than twenty members being stakeholder representatives, of regulatory authorities, security and investigative agencies, judiciary, consumers and public interest bodies, persons with disabilities, business and industry, manufacturers, suppliers, purchasers, professional bodies, and users of accreditation and conformity assessment services.

(4) The members of the Council shall be appointed in writing by the Board to serve for a defined term, and on such terms as may be prescribed by the Board.

(5) In appointing the members of the Council under subsection (3) (e), the Board shall ensure that the—

- (a) interests of the different stakeholder are adequately represented;
- (b) views of the most representative association in the respective sector are taken into account; and
- (c) appointment reflects the ethnic, gender and regional diversity of the people of Kenya.

(6) The quorum for the meetings of the Council shall be fifteen members.

(7) The Council shall hold not less two meetings in every year and not more than six months shall lapse between the date of one meeting of the Council and the date of the next meeting.

(8) The Board shall establish procedures and rules for the conduct of the business and affairs of the Council.

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended by inserting the words “the Council,” immediately after the words “Members of the Board,”.

**INSERTION OF NEW CLAUSES****CLAUSE 30**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 30—

Restrictions on the use  
of the words  
“Accreditation” and  
‘Kenya Accreditation  
Service’

**30A.** (1) A person shall not perform the functions of the Service under a name which contains the word “accreditation” or any abbreviation of the word “Accreditation”.

(2) Where any entity applies for registration under any law, the registering authority may decline the registration if in its opinion, the use of the name by which the entity seeks to be registered is prohibited under subsection (1).

(3) Any person not accredited under this Act, who knowingly sells any commodity or product or offers any service or facility under a symbol or mark which contains the word "Accreditation" or under a description in which that word is used in a manner that may imply that the person has been granted accreditation under this Act, commits an offence.

(4) A person who on the date of commencement of this Act carried on any activity, business, trade or occupation, or is registered under a name referred to under this section may, notwithstanding the provisions of subsection (1), continue to carry on such activity, business, trade or occupation or amend the details of the registered name, as the case may be.

Mandatory reference  
and use of accreditation

**30B.** (1) The Cabinet Secretary may upon the advise of the Board, and by notice in the Gazette declare mandatory an accreditation scheme, or require every conformity assessment body operating in Kenya to be accredited for the specific conformity assessment services, subject to conditions, specified in the Gazette notice.

(2) Where the Cabinet Secretary Gazettes a requirement for mandatory accreditation under subsection (1), the Cabinet Secretary shall prescribe a date after which no conformity assessment body may offer any service in the specified scope without first being accredited.

(3) A person who contravenes the provisions of subsection (1) commits an offence, unless, the person is exempted through a exemption notice issued under this Act.

(4) Notwithstanding the provisions of subsection (1), the Cabinet Secretary, may, upon the advise of the Board, and by notice in the Gazette exempt a conformity assessment body generally or for a specific purpose from compliance with the requirements of this section subject to such conditions, as may be specified in the notice.

(5) Notwithstanding the provisions of subsection (1), a government agency may by gazette notice, declare mandatory a specific accreditation scheme, or require every conformity assessment body operating in Kenya to be accredited for a specific conformity assessment service, subject to the conditions, specified in the Gazette notice.

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

*(Amendments appear in the order in which the Statutes appear in the Bill)*

### **A. THE BETTING, LOTTERIES AND GAMING ACT (CAP. 131)**

1. Notice is given that the Chairperson of the Departmental Committee on Sports, Tourism and Culture intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

#### **SCHEDULE**

**THAT** the Bill be amended in the Schedule in the proposed amendments to the Betting and Lotteries and Gaming Act Cap. 131—

- (a) in the proposed amendments to section 2 by deleting the proposed definition of “Minister” and substituting therefor the following amendment—

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

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Betting, Gaming and Lotteries.

- (b) by deleting the proposed amendment to section 3(2A);
- (c) by deleting the proposed amendments to section 3(10);
- (d) by deleting the proposed amendment to section 5(3);
- (e) by deleting the proposed amendment to section 5(4);
- (f) by deleting the proposed amendment to section 6(1);
- (g) by deleting the proposed amendment to section 8(3);
- (h) by deleting the proposed amendment to section 10(2);
- (i) by deleting the proposed amendment to section 11(4);
- (j) by deleting the proposed amendment to section 29A(1);
- (k) deleting the proposed amendment to section 36(1)(a) and (b) and 36(2);
- (l) by deleting the proposed amendment to section 44A(1);
- (m) by deleting the proposed amendment to section 53(1);
- (n) by deleting the proposed amendment to section 54(2)(b);
- (o) by deleting the proposed amendment to section 55(1);
- (p) deleting the proposed amendment to section 55A(1);
- (q) by deleting the proposed amendment to section 59B(1);
- (r) by deleting the proposed amendment to section 59(2); and
- (s) by deleting the proposed amendment to section 61.

**2. Notice is given that the Member for Homa Bay County (Hon. Gladys Wanga) intends to move the following amendments to the Statute Law (Miscellaneous Amendments)(No. 2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule be amended, in the provisions relating to the Betting, Lotteries and Gaming Act (Cap. 131), by—

- (a) deleting the proposed amendments to section 29A(1);
- (b) deleting the proposed amendments to section 36(1) and (2);
- (c) deleting the proposed amendments to section 44A(1);
- (d) deleting the proposed amendments to section 55A(1);
- (e) deleting the proposed amendments to section 59B(1).

**3. Notice is given that the Member for Suba North, (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—**

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Betting and Lotteries Gaming Act, (Cap. 131), in the proposed amendments to section 2, by deleting the proposed new definition of “Minister” and substituting therefor the following definition—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to betting, lotteries and gaming;”



## **B. THE DAIRY INDUSTRY ACT, (CAP. 336)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

### **SCHEDULE**

**THAT**, the Schedule to the Bill be amended—

- (1) in the proposed amendment to the Dairy Industry Act, (*Cap 336*) by—
- (a) deleting the proposed amendment to section 3;
  - (b) deleting the proposed amendment to section 19(e)
  - (c) deleting the proposed amendment to section 19(v)
  - (d) deleting the proposed amendment to section 20
  - (e) deleting the proposed amendment to section 31;and
  - (f) deleting the proposed amendment to section 33
- 2) Notice is given that the Member for Kinangop (Hon. Zachary K. Thuku), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—

### **SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Dairy Industry Act, (*Cap. 336*)by deleting the words “one per centum” appearing in the proposed new section 23A(1) and substituting therefor the words “zero decimal two per centum (0.2%)”.

- 3) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

### **SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Dairy Industry Act, (*Cap 336*)—

- (a) in the proposed amendments to section 3—
- (i) by deleting the proposed amendment to the definition of “producer”;
  - (ii) by inserting the following new definition in proper alphabetical sequence—  
  
“importer “means a person who buys and brings any dairy produce into the country for commercial purposes;
- (b) by deleting the proposed amendment to section 19 and substituting therefor the following—
- s. 19(e) Delete the word “Minister” and substitute therefor the word “Cabinet Secretary”

**C. THE CO-OPERATIVES SOCIETIES ACT (CAP 490)**

*(Proposal to amend this Statute withdrawn from the Bill by the Mover)*

**D. THE NATIONAL HOSPITAL INSURANCE FUND ACT, 1998 (NO. 9 OF 1998)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the National Hospital Insurance Fund Act No. 9 of 1998—

- (a) in the proposed amendment to section 3(2)(a), by deleting the proposed new sub-paragraph (ii);
- (b) in the proposed amendment to section 4(1), by—
  - (i) deleting the proposed new paragraph (e) and substituting therefor the following new paragraph—

“(e) the Director General for Health or his or her representative;
  - (ii) deleting the proposed new paragraph (f);
  - (iii) deleting the proposed amendment to paragraph (g);
  - (iv) deleting the proposed amendment to paragraph (h);
  - (v) deleting the proposed amendment to paragraph (i);
  - (vi) deleting the proposed amendment to paragraph (j);
- (c) in the proposed amendment to section 5(1), by inserting the words “as provided under section 22(3) of this Act” immediately after the word “benefits” in the proposed new paragraph (fa);
- (d) in the proposed amendment to section 10, by deleting the proposed new subsection (1B) and substituting therefor the following new subsection—

“(1B) The Chief Executive Officer shall serve the Fund for a term of three years and shall be eligible for reappointment for one further term of three years, subject to satisfactory performance of assigned functions.”
- (e) in the proposed amendment to section 15(2), by—
  - (i) deleting the proposed new paragraph (c);
  - (ii) renumbering the proposed new paragraph (d) as (c);
- (f) by inserting the following new amendment immediately after the proposed amendment to section 16—

s.21(1) Delete the word “Hospital” and substitute therefor the word “Health”.
- (g) in the proposed amendment to section 22(3), by inserting the following new amendment—

“Delete the word “Minister” and substitute therefor the word “Cabinet Secretary”;

- (h) in the proposed amendment to section 23(1), by deleting the word “maintain” and substituting therefor the words “cause to be kept” in the proposed new subsection (1);
- (i) in the proposed amendment to section 25, by deleting the proposed amendment to subsection (3) and substituting therefor the following new amendment—

s.25(3) Delete subsection (3) and substitute therefor the following new subsection—

“(3) Any person who—

- (a) prints, manufactures or issues the National Health Insurance cards in circumstances other than as contemplated in this Act;
- (b) misuses the card for purposes not contemplated in this Act;
- (c) fraudulently obtains or uses a card to obtain benefits; or
- (d) misrepresents himself or herself in relation to the cards,

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

- (j) in the proposed amendment to section 26, by inserting the following new amendment—

s.26 Delete the word “Minister” appearing in the opening sentence and substitute therefor the words “Cabinet Secretary”.

- (k) by inserting the following new amendment immediately after the proposed amendment to section 26—

s.29(1) Insert the following new paragraph immediately after paragraph (c)—

“(d) prescribing the manner and procedure of entering into contracts between the Board and health service providers”

- (l) in the proposed amendment to section 30—

- (i) by deleting the proposed new subsection (1A);
- (ii) by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

“(3) The Board shall use the regulations prescribed under section 29(1)(d) of this Act to enter into contracts with health service providers.”

- (iii) in the proposed new subsection (9), by inserting the words “and shall be liable on conviction to a fine not exceeding five hundred thousand shillings” immediately after the word “offence”.
- (m) in the proposed amendment to section 34(1), by deleting the words “in quoted equities, fixed income, property, guaranteed funds, fixed deposits accounts and” appearing in paragraph (c);
- (n) by deleting the proposed amendment to section 43 and substituting therefor the following—

s.43 Delete the expression “Workmen’s Compensation Act (Cap. 236)” and substitute therefor the expression “Work Injury Benefits Act (No. 13 of 2007)”.

**2) Notice is given that the nominated Member (Hon. Wilson Sossion) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT** the Bill be amended in the Schedule in the proposed amendments to the National Hospital Insurance Fund Act (No. 9 of 1998) by—

- (a) inserting the following new amendment immediately after the proposed amendment to section 5(1)—

s.6 Insert the following new paragraph immediately after paragraph (e)—  
“(f) appoint an agent to perform any of its functions as it may deem fit.”

- (b) inserting the following new amendment immediately after the proposed amendment to section 21(5)(a)—

s. 22 Insert the following new sub-section immediately after sub-section (1)—  
“(1A) The benefits referred to in sub-section (1) shall be payable in respect of both in-patient and out-patient medical or health care expenses.

- (c) inserting the following new amendment immediately after the proposed amendment to section 22(3)—

s.22 Insert the following new sub-section immediately after sub-section (4)—  
“(5) The benefits payable under this section in respect of out-patient medical or health care expenses shall be financed through capitation.”

**E. THE STATISTICS ACT (NO. 4 OF 2006)**

*(Proposal to amend this Statute withdrawn from the Bill by the Mover)*

**F. THE ENERGY ACT 2006 (NO. 12 OF 2006)**

*(Repealed by No. 1 of 2019)*

**G. THE SACCO SOCIETIES ACT (NO. 14 OF 2008)**

*(Proposal to amend this Statute withdrawn from the Bill by the Mover)*

**H. THE URBAN AREAS AND CITIES ACT, 2011 (NO. 13 OF 2011)**

**I. THE MICRO AND SMALL ENTERPRISES ACT, 2012, (NO. 55 OF 2012)**

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Micro and Small Enterprises Act, 2012, (No. 55 of 2012) by deleting the proposed amendments to section 53 (1).

**J. THE PUBLIC PRIVATE PARTNERSHIP ACT 2013 (NO. 15 OF 2013)**

*(Sections 31, 37, 45, 54 And 57 are Subject to Provisions of Standing Order 133(6))*

**SCHEDULE**

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Public Private Partnership Act, 2013 (No.15 of 2013) by deleting the—

- (a) proposed amendment to section 4;
- (b) proposed amendment to section 5;
- (c) proposed amendment to section 6;
- (d) proposed amendments to section 14(1);
- (e) proposed amendments to section 14(2);
- (f) proposed amendment to section 17(1);
- (g) proposed amendment to section 27;

- (h) proposed amendment to section 28(3);
- (i) proposed amendment to section 30;
- (j) proposed amendment to section 31(3);
- (k) proposed amendment to section 33(1);
- (l) proposed amendment to section 37(1);
- (m) proposed amendment to section 45(1);
- (n) proposed amendment to section 52 (1);
- (o) proposed amendment to section 54;
- (p) proposed amendment to section 57;
- (q) proposed amendment to section 58;
- (r) proposed amendments to section 61(2);
- (s) proposed amendment to section 63(3);
- (t) proposed amendment to section 64;
- (u) proposed amendment to section 65(5);
- (v) proposed amendment to section 71(1);
- (w) proposed amendments to the First Schedule;

**K. THE CROPS ACT, 2013 (NO. 16 OF 2013)**

**Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—**

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Crops Act, No. 16 of 2013—

- (a) in the proposed amendments to section 9, by inserting the following new subsection immediately after the subsection (5)—
  - “(6) In appointing members under paragraphs (e) and (f), the appointing authority shall take into consideration gender representation, ethnic diversity, youth and representation of persons with disability.”
- (b) in the proposed new section 9A(1), by deleting the words “through a” and substituting therefor the words “ through an open, transparent.”

**L. THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, 2013 (NO. 29 OF 2013)**

- 1) **Notice is given that the Chairperson of the Departmental Committee on Education and Research intends to move the following amendment to Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Technical and Vocational Education and Training Act, 2013 -

- (1) by deleting the proposed amendments to section 2;
- (2) by inserting the expression “(1)” immediately after the expression “s. 46”;
- (3) by inserting the following new paragraph immediately after the proposed new paragraph (ba) in the proposed amendments to section 46 –  
“Delete the word “three” appearing in paragraph (d)(iv) and substitute therefor the word “two”;
- (4) by deleting the proposed amendments to section 52;
- (5) by deleting the proposed amendments to section 58.

- 2) **Notice is given that the Member for Kiambu Town (Hon. Jude Njomo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Technical and Vocational Education and Training Act, 2013—

- (a) by inserting the following new amendment immediately after the proposed amendment to section 2—

s.16

Delete and substitute therefor the following new section—

Vesting  
of  
property.

16.(1) All such movable property, shares, funds and securities shall vest in the Institution and shall be dealt with in such manner as the Board may determine.

- (2) All such immovable property shall vest in the person under whose name the property is registered and shall be dealt with in such manner as the owners of the property may determine.

**M.THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015,**  
**(NO. 33 OF 2015)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act —

- (a) in the proposed amendment to section 2 by inserting the following definition—

“publicize” has the meaning assigned to it under the Public Finance Management Act;

- (b) by deleting the proposed amendment to section 7(2) and substituting therefor the following new amendment-

s. 7(2) Insert the following new paragraphs immediately after paragraph (l)-

(la) to develop and promote the training and capacity development for procurement and supply chain management services cadre at the national level;

(lb) to support the training and capacity development for procurement and supply chain management services cadre at the county level;

(lc) develop and manage the state portal on procurement and asset disposal and ensure that it is available and easily accessible.

- (c) in the proposed amendments to section 9(1) by inserting the following new amendment-

Renumber the existing paragraph (s) as (t)

- (d) by deleting the proposed amendment to section 41 (1) (j) and substituting therefor the following new amendment—

s. 41 (1) Insert the following new paragraph immediately after paragraph (i)—



(j) is determined by the Review Board to have filed a request that is frivolous or vexatious or made solely for the purpose of delaying the procurement or procurement or performance of a contract.

(e) in the proposed amendment to section 46 (4) (c) by deleting the word “an” appearing before the word “officer” and substituting therefor the words “a qualified and experienced procurement”

(f) by inserting the following new amendment—

s. 55(1) Delete the expression “section 38” and substitute therefor the expression “section 41”

(g) in the proposed amendment to section 121(4) by inserting the word “entity” immediately after the word “procuring”;

(h) in the proposed amendment to section 124 by deleting the expression “alternative selection methods” and substituting therefor the expression “single source selection”;

(i) by deleting the proposed amendment to section 139 (4).

(j) by inserting the following new provisions in their proper numerical sequence—

s.142(1) Delete and substitute therefor the following new subsection—

“(1) Subject to the regulations, a successful tenderer shall submit a performance security equivalent to the contract amount before signing of the contract, and the performance security shall remain valid for a period of ten years from the close out date of a contract.”

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

“(3) The provisions of subsection (1) shall not apply to tenders related to consultant services, works and supplies where their estimated value does not exceed one hundred thousand shillings, or works and supplies reserved for persons with disabilities and other disadvantaged groups, and for these categories, the performance securities shall not be more than ten per cent of the contract price.”

- s.143 Delete and substitute therefor the following new section—  
Nature of performance security. 143. The performance security may not generate interest and it shall be determined in accordance with the form provided for in the tendering document, and may be paid in the form of—
- (a) a bank guarantee issued by an authorized financial institution;
  - (b) an insurance guarantee issued by an authorized insurance institution approved by the Insurance Regulatory Authority; or
  - (c) an irrevocable letter of credit.

- s.144(2) Delete and substitute therefor the following new subsection—
- “(2) The bank, authorized financial institution or insurance shall be obliged to give to the procuring entity all the amount of the performance security upon claim by the latter.”

- s.145(1) Insert the words “but the performance security shall remain valid for the period stipulated in section 142(1)” immediately after the words “procuring entity”.

**2) Notice is given that the Member for Busia County (Hon. Florence Mutua) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act by—

- (a) inserting the following in the amendments proposed to Section (2)—

Delete the definition of the term “goods” and substitute therefor the following new definition—

"goods" includes raw materials, plant and animal products, equipment, commodities in solid, liquid or gaseous form, electricity and services that are incidental to the supply of the goods, works and services;

- (b) inserting the following new amendment immediately after the proposed amendment to section 139(4)—

- s. 155            Insert the following new subsection immediately after subsection (5)—  
(6) An accounting officer of a procuring entity shall, when processing procurement, reserve a prescribed percentage of its annual procurement budget, which shall not be less than forty per cent, to the procurement of goods manufactured, mined, extracted, produced or grown in Kenya.

**3) Notice is given that the Member for Gatanga (Hon. Joseph Ngugi) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act No.33 of 2015 by inserting the following new proposed amendments in the proper chronological order —

- s.2            Delete the definition of the term “contract period” and substitute therefor the following new definition—

"contract period" means the period between commencement and the completion of works;

Delete the definition of the term “procurement professional” and substitute therefor the following new definition—

“procurement professional” means—

- (a) a person who has professional qualifications in procurement or supply chain management from a recognized institution and is a member of the Kenya Institute of Supplies Management or any other supply chain professional body; or
- (b) where procurement by a public entity relates to construction works, a procurement professional means a person who has professional qualifications in engineering, architecture or quantity surveying from a recognized institution, has at least five years post-qualification professional experience and is a registered member of the relevant professional board.

s.134(2) Insert the following new sub-sections immediately after sub-section (2) —

(2A) The accounting officer shall within three working days after being notified of the tender award, submit the draft contract to the Attorney-General for approval.

(2B) The Attorney-General shall within fourteen working days upon receiving the draft contract from the accounting officer, clear the draft contract or provide comments for review of the contract by the accounting officer.

(2C) The accounting shall within seven days upon receiving the comments on the draft contract from the Attorney-general, incorporate the comments in the draft contract.

s.139(2) Delete subsection (2) and substitute therefor the following new subsections—

(2) An accounting officer of a procuring entity on the recommendation of an evaluation committee, may approve —

(a) extension of contract period; and

(b) reimbursable costs.

(2A) A request under subsection (2), shall be accompanied by a recommendation from the contract administrator and application from the contractor making justification for such application.

New Insert the following new subsection immediately after subsection (2) —

(2A) The accounting officer of a procuring entity, on the recommendation of an evaluation committee and on the advice of the contract administrator, may approve the use of prime costs, provisional and contingency sums: Provided that the use of prime costs shall be subjected to procurement methods prescribed in section 92 of this Act and a successful bidder shall be a sub-contractor.

- s. 142 Insert the following proviso immediately after subsection (1) —  
 Provided that a citizen contractor shall submit a performance security equivalent to not more than five per cent of the contract amount before signing of the contract.
- s. 143 Insert the words “or an insurance guarantee issued by an insurance company” immediately after the words “irrevocable letter of credit”.
- s. 144 (2) Insert the words “or insurance company” immediately after the words “authorized financial institution”.
- (3) Insert the words “or insurance company” immediately after the words “authorized financial institution”.
- s. 157(8) Delete the words “above five hundred million shillings” appearing in subsection (8)(a)(iii) and substitute therefor the words “below one billion shillings”.
- s. 157(9) Insert the following new subsections immediately after sub-section (9) —  
 (9A) The percentage awarded to citizen contractors under subsection (9) shall be indicated in the contract.  
 (9B) A procuring entity shall pay directly for the supply of goods, services or works to the citizen contractors under subsection (9).
- s. 167(2) Delete the words “cost of the contract.” and substitute therefor the words “contract price”.

**4) Notice is given that Member for Gatundu South (Hon. Moses Kuria) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (No. 2) 2018 at the Committee Stage—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act by inserting the following new amendments immediately after the proposed amendments to section 80—

New Insert the following new sections immediately after section  
87—

Payment. **87A.**(1) The procuring entity shall pay a successful tenderer within ninety days from the date of receipt of invoices and certificates for works, goods or services executed or delivered.

(2) Despite subsection (1), the procuring entity shall pay a successful tenderer within thirty days from the date of receipt of invoices and certificates for works, goods or services executed or delivered by the following groups of tenderers—

- (a) women;
- (b) youth;
- (c) persons with disabilities; and
- (d) other disadvantaged groups.

Issuance of promissory note by the procuring entity. **87B.**(1) Where the procuring entity fails to make payment within the periods prescribed under section 87A, the procuring entity shall issue the tenderer a promissory note which shall be valid for a period not exceeding forty-eight months from the date of issue.

(2) The promissory note referred to in section (1) shall—  
(a) be eligible for use as a financial instrument by any licensed bank;  
(b) accrue interest payable by the procuring entity.

*(Proposed Amendments are Subject to Article 114 of the Constitution)*

5) Notice is given that the Member for Kikuyu (Hon. Kimani Ichung'wah) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—

**SCHEDULE**

**THAT**, the Bill be amended in the Schedule in the proposed amendments to the Public Procurement and Asset Disposal Act (No. 33 of 2015) by—

- (a) deleting the proposed amendment to section 167(1); and
- (b) deleting the proposed amendment to section 173(c).

6) Notice is given that the Member for Mathira (Hon. Rigathi Gachagua) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended —

(1) in the proposed amendments to the Public Procurement and Asset Disposal Act, 2015 by inserting the following new amendments in their proper numerical order by

(a)

s. 155(1) Inserting the following new subsections immediately after sub-section (1) —

(1A) All contracts for procurement of goods, services or works by a public entity whose value exceeds Kenya Shillings one billion may be awarded to foreign contractors and citizen contractors at the rate of seventy to thirty per centum respectively.

(1B) The percentage of contracts awarded to citizen contractors under section (1A) shall be indicated in the contract.

(1C) A public entity shall directly pay for the supply of goods, services or works to the citizen contractors under section (1A).

(4) by deleting the words “above fifty-one” and substituting therefor the words “one hundred”

s.157(8)(iii) by deleting the words “five hundred million” and substituting therefor the words “one billion”

s.177 Delete and substitute therefor the following section—

**General  
penalty  
and  
sanctions** 177. A person convicted of an offence under this Act for which no penalty is provided shall be liable upon conviction—

(a) if the person is a natural person, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years or to both;

(b) if the person is a body corporate, to a fine not exceeding twenty million shillings.

7) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act, (No.33 of 2015)—

- (a) in the proposed amendments to section 2, by deleting the proposed amendment to the definition of the term “procurement profession”;
- (b) in the proposed amendments to section 7 (2), by deleting the proposed new subsection (1) (b);
- (c) in the proposed amendments to section 9, by deleting the proposed amendment to paragraph (k);
- (d) in the proposed amendments to section 80 (1) (6), by deleting the word “seven” and substitute therefor the word “fourteen”;
- (e) in the proposed amendments to section 92, by deleting the proposed new paragraph (1a);
- (f) by deleting the proposed amendments to section 94(4);
- (g) by deleting the proposed amendments to section 135(3);

**N. THE NATIONAL EMPLOYMENT AUTHORITY ACT, 2016 (NO. 3 OF 2016)**

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the National Employment Authority Act, 2016, (No.3 of 2016)—

- (a) by inserting the following new paragraph immediately after the proposed new paragraph (g) in the proposed new section 8A—  
“(ga) develop and implement programs to ensure Kenyan migrant workers returning to Kenya and have been victims of trafficking in persons, are attached to rehabilitative programs provided in any other law.”
- (b) by deleting the proposed amendments to section 17 (2) (d).



**O. THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2016**  
**(No. 35 of 2016)**

- 1) **Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendment to the Fisheries Management and Development Act (*No.35 of 2016*) by—

- (a) deleting the proposed amendment to section 86(3);
- (b) inserting the words “including in” immediately before the word “Kenyan” in the proposed amendments to section 88(1).

- 2) **Notice is given that the Leader of the Majority Party intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Fisheries Management and Development Act—

- (a) in the proposed amendments to section 2 by—
  - (i) inserting the word “Council” immediately after the words “artisanal fishing vessel” appearing in the prefatory sentence; and
  - (ii) inserting the following new definition in proper alphabetical sequence—

“Council” means the Kenya Fisheries and Oceans Advisory Council established under section 6;

- (b) by inserting the following new amendments immediately after the amendments proposed to section 2—

PART II Delete the title “THE KENYA FISHERIES ADVISORY  
Title COUNCIL” and substitute therefor the title “THE  
KENYA FISHERIES AND OCEANS ADVISORY  
COUNCIL”

S.6(1) Delete the words “Kenya Fisheries Advisory Council” and  
substitute therefor the words “Kenya Fisheries and Oceans  
Advisory Council”

Delete paragraph (a) and substitute therefor the following  
new paragraph (a) —

- (a) the Cabinet Secretary responsible for fisheries,  
who shall be the chairperson;

- s.6(3) Delete
- s.11(1)(a) Delete the words “from among the members appointed under paragraph (c)
- s.47 Insert the words “and Oceans” immediately after the word “Fisheries” appearing in subsection (1)

(c) by inserting the following new amendments immediately after the amendments proposed to section 201(1)—

- s.201(2) Delete

(d) by inserting the following new amendments immediately after the amendments proposed to section 207(1)—

- Second Delete the expression “section 53(2)” and substitute Schedule therefor the expression “section 50(2)”
- Delete the title “DESIGNATED FISH LANDING STATIONS” and substitute therefor the title “DESIGNATED FISH PORTS”

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

**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**

## **Tentative business for Thursday, May 2, 2019**

*(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 Thursday, May 2, 2019:-

### **[WEDNESDAY, MAY 1, 2019 – LABOUR DAY PUBLIC HOLIDAY]**

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 30, 2019)*

B. **MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2015/2016**

(The Chairperson, Public Accounts Committee)

*(If not concluded on Tuesday, April 30, 2019)*

E. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 30, 2019)*

F. **THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 30, 2019)*

# 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**

**209/2019      The Member for Githunguri (Hon. Gabriel Kago, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Is the Cabinet Secretary aware that the 15km Nyega – Kiambururu – Kamuchege road in Githunguri Constituency is in deplorable state and impassable?
- (ii) Could the Cabinet Secretary explain why the construction of the said road to bitumen standards stalled, despite the project being awarded in June, 2016?

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

**210/2019      The Member for Kaloleni (Hon. Paul K. Katana, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation: -**

- (i) Is the Cabinet Secretary aware that the Agriculture and Food Authority is yet to formulate regulations and other policy measures for the development of scheduled crops, in particular coconuts, to facilitate marketing and distribution of the same through monitoring and dissemination of market information as specified by section 8 and the First Schedule of the Crops Act, No.10 of 2013?
- (ii) What measures has the Ministry put in place to enhance value addition to coconuts with the aim of promoting its market viability and competitiveness?
- (iii) When is the Ministry expected to roll out civic awareness programmes on value addition and marketing options for coconuts amongst the residents of the Coast region?

*(To be replied before the Departmental Committee on Agriculture and Livestock)*

**212/2019 The Member for Bumula (Hon. Mwambu Mabongah, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government-**

- (i) Is the Cabinet Secretary aware that the proposed two Sub Counties in Bumula Constituency are yet to be gazetted?
- (ii) Is the Cabinet Secretary further aware that Assistant County Commissioners are yet to be posted to West Bukusu and Siboti Divisions that fall within the new Sub-County?

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

**214/2019 The Member for Lugari (Hon. Ayub Savula, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) Could the Cabinet Secretary explain the circumstances under which Barclays and Standard Chartered Banks are issuing a fourteen (14) days' notice for closing clients' accounts?
- (ii) Could the Cabinet Secretary further explain what happens to the money held in those accounts once they are closed?

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

**215/2019 The Member for Bonchari (Hon. John Oroo Oyioka, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -**

- (i) Is the Cabinet Secretary aware that the Kisii Land Registry in Kisii County has only one land registrar serving nine (9) Constituencies?
- (ii) Is the Cabinet Secretary further aware that the Kisii Land Registry is yet to be upgraded to offer automated and digital services?
- (iii) What measures is the Ministry putting in place to ensure that more land registrars are posted to the Land Registry in Kisii and further the registry is upgraded to offer automated and digitized services to ease issuance of title deeds and other land transactions?

*(To be replied before the Departmental Committee on Lands)*

216/2019

**The Member for Moyale (Hon. Qalicha Gufu Wario, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary provide details of the Presidential Bursary meant for Secondary Schools with regard to how much funding was allocated and the criteria used to identify and distribute the said funds to the beneficiaries in the financial year 2017/2018?
- (ii) Could the Cabinet Secretary provide a detailed list of students from Moyale Constituency who benefited from the bursary for the last one year and the amount allocated to each student?

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

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