



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

TUESDAY, JUNE 25, 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*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL
(The Leader of the Majority Party)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Appropriation Bill (National Assembly Bill No. 46 of 2019) from 7 days to 1 day.

9*. MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2017)
(The Vice-Chairperson, Mediation Committee on the Physical Planning Bill, 2017)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House **adopts** the Report of the Mediation Committee on the Physical Planning Bill (National Assembly Bill No. 34 of 2017) *laid on the Table of the House on Wednesday, June 12, 2019*, and **approves** the Mediated Version of the Physical Planning Bill (National Assembly Bill No. 34 of 2017).
(Question to be put)

10*. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2019)**

(The Chairperson, Budget and Appropriations Committee)

First Reading

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

(i) Consideration of the President’s Reservations to the Insurance (Amendment) Bill (National Assembly Bill No. 21 of 2018)

(The Leader of the Majority Party)

(ii) The Kenya Accreditation Service Bill (National Assembly Bill No. 17 of 2018)

(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, June 20, 2019)

13*. **MOTION – REPORT ON THE STATUS OF NATIONAL REFERRAL HOSPITALS**

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Departmental Committee on Health on the Status of National Referral Hospitals, *laid on the Table of House on Thursday, May 09, 2019.*

14*. **MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

(The Leader of the Majority Party)

THAT, the Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) be now considered.

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE PRESIDENT'S RESERVATIONS TO THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)

(Recommended Text)

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments in respect of the reservations contained in the President's Memorandum to the Insurance (Amendment) Bill, 2018 at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting all the following proposed new definitions-

- (i) "independent agent";
- (ii) "tied agent";
- (iii) "broker"; and,
- (iv) "intermediary".

CLAUSE 3

THAT, clause 3 of the Bill be deleted and substituted therefor with the following -

Insertion of
new section
in Cap. 487

3. The Principal Act is amended by inserting the following new section immediately after section 5-

Powers of the
Commissioner
on groupwide
supervision

5A. (1) The Commissioner may direct any member of the group to provide any information necessary for effective group-wide supervision.

(2) In the event of any breach or failure to comply with the directives of the Commissioner or safeguard the interests of the policyholders, the Commissioner shall impose any of the sanctions provided in the Act on the holding company or any member of the group.

CLAUSE 11

THAT, clause 11 of the Bill be deleted and substituted therefor with the following -

Repeal and replacement of section 156 of Cap. 487.

11. The Principal Act is amended by repealing section 156 and replacing it with the following new section-

Advance payment of premiums

156. (1) No insurer shall assume a risk in Kenya in respect of insurance business unless and until the premium payable thereon is received by insurer.

(2) An intermediary shall not receive any premiums on behalf of an insurer.

(3) An intermediary who contravenes subsection (2) shall be liable to a penalty equivalent to twenty percent of the unremitted premium on each contravention, payable to the Policyholders Compensation Fund.

(4) Any officer or director of an intermediary who contravenes subsection (2) shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding one hundred thousand shillings or to an imprisonment term of three months, or to both.

(5) An insurer shall pay an intermediary insurance commission due within thirty days upon receipt of premium.

(6) An insurer who contravenes subsection (5) shall be liable to a penalty of five million shillings on each contravention, payable to the Policyholders Compensation Fund.

2) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendment to the recommendations contained in the President's Memorandum to the Insurance (Amendment) Bill, 2018 at the Committee Stage-

CLAUSE 11

THAT, the new clause 11 as proposed in the Reservations of the President be deleted.

(The Speaker has determined that this amendment has the effect of negating the President's reservations in terms of Article 115(4) of the Constitution)

II. 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 the Accreditation 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 the 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, 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;
- (o) formulate and implement national guidelines and standards to facilitate the accreditation process;
- (p) advise the Government and regulatory authorities on designation of conformity assessment bodies;
- (q) ensure that accredited bodies implement appropriate actions related to their conformity assessment activities;
- (r) establish and maintain a register on the status of accredited bodies in the prescribed manner;
- (s) design and issue accreditation certificates and symbols to accredited bodies in the prescribed manner;
- (t) publish quarterly in the Gazette, and on its website a list of all accredited bodies in the prescribed manner; and
- (u) promote the use of accreditation symbols on certificates or reports issued by conformity assessment bodies.

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 and experience in matters relating to the functions of Service, and who have distinguished themselves in the fields of science, technology, law, trade, business and industry in matters relating to accreditation, conformity assessment, standardization and regulation.
 - (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.

(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 the needs of manufacturers, consumers, regulators and any other relevant stakeholders.

(2) The Service shall maintain on its website, information relevant to 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.

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(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.

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(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

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- (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 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.

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(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.

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(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.

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(1012)

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.
No. 18 of 2012.

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. 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”.

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(1013)

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 (6)]

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 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.

(No.53)

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(1014)

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.

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(1015)

(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 Mumias East (Hon. Benjamin Washiali) 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 in the definition of the term “conformity assessment body” by inserting the words “proficiency testing providers” immediately after the word “calibration”.

CLAUSE 7

THAT, clause 7 of the Bill be amended in paragraph(d) by—

- (a) deleting the word “six” and substituting therefor the word “seven”;
- (b) deleting the words “expert in laboratory practice” appearing in subparagraph (iv) and substituting therefor the words “medical laboratory expert registered by the Kenya Medical Laboratory Technicians and Technologists Board.”
- (c) inserting the following new paragraph immediately after paragraph (vi)—
 - “(vii) the Registrar of the Kenya Medical Laboratory Technicians and Technologists Board or a designated representative.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in sub clause (1) by inserting the words “and appoint specialists registered by the relevant regulatory bodies to the technical committees” immediately after the words “specialist technical committees.”; and
 - (b) in sub clause (2) by inserting the words “with relevant expertise and qualifications and registered by the relevant regulatory body” immediately after the words “co-opt any person”.
- (c) 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.”

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CLAUSE 9

THAT, clause 9 of the Bill be amended in sub clause (2) by inserting the words “and be registered members of the relevant regulatory body” immediately after the words “specialist technical committees”.

CLAUSE 11

THAT, clause 11 of the Bill be amended by inserting the words “registered by the relevant regulatory body as” immediately after the words “Committee shall be” appearing in sub clause 3.

CLAUSE 13

THAT, clause 13 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (c)—

“(cc) is registered by the relevant regulatory body;”

CLAUSE 18

THAT, clause 18 of the Bill be amended in sub clause (2) by inserting the words “by persons who are qualified and registered by the relevant professional body” immediately after the words “approved application to assessment” appearing in paragraph (b).

3) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) Constituency intends to move the following amendment to the Kenya Accreditation Service Bill, 2018 at the Committee Stage—

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) seven other members appointed by the Cabinet Secretary being—

- (i) one representative of consumer organisations;
- (ii) one expert in health and safety;
- (iii) one registered engineer;
- (iv) one expert in laboratory practice;
- (v) one expert in environmental science;
- (vi) one who shall be an expert in trade or manufacturing;
- and
- (vii) one person who is be an expert in intellectual property law;

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(b) in sub-clause (3) by deleting the words “the members present shall appoint one from their number to preside at the meeting” and substituting therefor the words “the Vice chairperson shall preside”;

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

(3A) The vice-chairperson shall be elected by the members at the first sitting of the Board.

(3B) The Board shall ensure that the chairperson and vice-chairperson are of the opposite gender.

CLAUSE 8

THAT, clause 8 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause —

(2) The Board may hire experts or consultants to assist in its work.

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(a) by deleting sub-clause (3);

(b) by deleting sub-clause (4) and substituting therefor the following new sub-clause —

(4) The Accreditation Committee may suspend an accreditation from a conformity assessment body for a period not exceeding six months where there has been a breach of any of the provisions of this Act.

(c) by inserting the following new sub-clauses immediately after sub-clause (4)—

“(5) No suspension or withdrawal shall be effected before the notification in writing to the conformity assessment body, giving reasons for the suspension or withdrawal of the accreditation.

(6) A body whose accreditation or suspension has been effected shall be given a chance to respond to the allegations levied against it before an award is made”.

CLAUSE 13

THAT, clause 13 of the Bill be amended—

(a) in sub-clause (2) (a) by inserting the following new sub-paragraph immediately after sub-paragraph (iii)—

“(iv) law”.

(b) in sub-clause (5) by deleting the words “and for reasonable cause” and substituting therefor the words “and on the grounds stipulated under subsection (5A)”;

(c) by inserting the following new sub-clause immediately after sub-clause (5)—

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“(5A) The appointment of the Chief Executive Officer may be revoked on the grounds of—

(a) gross misconduct;

(b) insubordination;

(c) violation of any of the terms of the contract of employment;

(d) breach of Chapter 6 of the Constitution;

(e) failure to comply with the provisions of this Act; or

(f) conviction of an offence under any of the Laws of Kenya.

CLAUSE 18

THAT, clause 18 of the Bill be amended—

(a) in sub-clause (2) —

- (i) by deleting paragraph (b) and substituting therefor the following new paragraph—
“(b) after assessing the application, approve or deny the application”; and
- (ii) by deleting paragraph (c).

(b) by inserting the following new sub-clauses immediately after sub-clause (4)—

“(4A) A request for renewal or retention of a certificate may be made in a similar manner as an application for accreditation.

(4B) The committee may approve, deny, suspend or revoke a certificate of accreditation where an application is made under subsection (4A).

(4C) The committee may only deny, suspend, or revoke an accreditation certificate for failure to comply with the provisions of section 21 (2) of this Act and in such a case, shall give written reasons for the denial, suspension, or revocation of the accreditation certificate.

(4D) The applicant shall be notified of the decision made under subsection (4B) within fourteen days of the making of the decision.

(4E) Where an applicant is aggrieved with the decision of the Accreditation Committee, the applicant may appeal to the Appeals Committee within fourteen days of the notification.

CLAUSE 19

THAT, clause 19 of the Bill be amended in sub-clause (3) by deleting the words “whenever required to do so by the service” and substituting therefor the words “in accordance with the provisions of this Act.”

CLAUSE 21

THAT, clause 21 of the Bill be amended in sub clause (2) by deleting paragraph (d).

...../Notices (Cont'd)

(No.53)

TUESDAY, JUNE 25, 2019

(1019)

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

- III. **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.

IV. **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.

V. **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.

...../Notice Paper I

NOTICE PAPER I

Tentative business for

Wednesday (Morning), June 26, 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 Wednesday (Morning), June 26, 2019:-

A. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2019)

(The Hon. Tandaza Kassim Sawa, M.P.)

First Reading

B. THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2019)

(The Hon. Joyce Emanikor, M.P.)

First Reading

C. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)

(The Hon. Millie Odhiambo Mabona, M.P.)

First Reading

D. MOTION- DEVELOPMENT AND IMPLEMENTATION OF A CURRICULUM FOR TRAINING STUDENTS AND PUPILS IN SCHOOLS ON ROAD SAFETY

(The Hon. Silvanus Osoro, M.P.)

(Question to be put)

E. MOTION - MEASURES TO BRIDGE TRADE DEFICIT

(The Hon. Maj. (Rtd) John Waluke, M.P.)

(Resumption of debate interrupted on Wednesday, June 19, 2019 – Morning sitting)

F. THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019)

(The Hon. Francis Waititu, M.P.)

Second Reading

H. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

(The Hon. Charles Njagua Kanyi, M.P.)

I. MOTION - POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM SECONDARY EDUCATION TO TERTIARY EDUCATION

(The Hon. John Munene Wambugu, M.P.)

J. MOTION - CERVICAL CANCER SCREENING SERVICES TO ALL WOMEN AND ISSUANCE OF THE HPV VACCINE TO BOYS AND GIRLS BY THE NATIONAL GOVERNMENT

(The Hon. (Dr.) Tecla Tum, M.P.)

...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), June 26, 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 Wednesday (Afternoon), June 26, 2019:-

A. THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL 2019)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

B. COMMITTEE OF THE WHOLE HOUSE

The Appropriation Bill (National Assembly Bill 2019)

(The Chairperson, Budget and Appropriations Committee)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, June 25, 2019)

D. MOTION - REPORT ON THE STATUS OF NATIONAL REFERRAL HOSPITALS

(The Chairperson, Departmental Committee on Health)

(If not concluded on Tuesday, June 25, 2019)

E. MOTION - SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

(If not concluded on Tuesday, June 25, 2019)

F. MOTION - INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST

(The Chairperson, Departmental Committee on Lands)

.....Appendix

A P P E N D I X

ORDER NO.7 - QUESTIONS

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

Question No.

QUESTION BY PRIVATE NOTICE

**QPN
29/2019**

The Member for Kajiado North (Hon. Joseph W. Manje, MP) to ask the Cabinet Secretary for Lands and Physical Planning -

- (i) Is the Cabinet Secretary aware that on 13th June 2019 the Kenya Railways Corporation demolished several buildings, properties and other structures in *Nkoroi* Area of Kajiado North Constituency to pave way for the construction of the Standard Gauge Railway line?
- (ii) Is the Cabinet Secretary further aware that the people affected by the demolitions and destruction are yet to be compensated?
- (iii) Could the Cabinet Secretary confirm whether there was adequate advance notice of the demolitions and provide the specific timelines within which the affected persons and land owners will be compensated for the land?

(To be replied before the Departmental Committee on Lands)

Question No.

ORDINARY QUESTIONS

285/2019

The Member for Turkana North (Hon. Christopher Nakuleu, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government-

- (i) Is the Cabinet Secretary aware that one Mr. Peter Makale of ID No. 21334490, from *Makutanio* Town of *Nakalale* Ward in Turkana North Constituency crossed over to Ethiopia in September 2017, through *Kibish-Kangater* border point using motor vehicle registration number 23CG056A, belonging to the Sub-County Administrator of Turkana County?
- (ii) Could the Cabinet Secretary explain the whereabouts of Mr. Makale, considering that he was in touch with his family for the first six months before his disappearance and that his next of kin filed a missing person's report recorded at *Kakuma Police Station*, Turkana West Constituency vide Occurrence Book No. OB/16/21/03/19?
- (iii) Could the Cabinet Secretary also provide the number and details of persons who entered Kenya through both *Kibish* and *Todonyang* Border posts in the period between August 2017 and August 2018?

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

287/2019

The Member for Mwingi Central (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government-

- (i) Is the Cabinet Secretary aware that, in December 2018, a group of about one thousand herders illegally invaded and occupied private and community land at *Kalamba* and *Engamba* villages of *Wingemi* location in Mwingi East Sub-County, displacing local residents, and further creating conflict along the border of Tana River and Kitui County specifically at *Kathungu, Ukasi, Sosoma, Ngooni, Iviani, Kamuluyuni* and *Engamba* villages?
- (ii) Is the Cabinet Secretary further aware that the insecurity and conflict caused by the invasion has led to low enrolment of students in *Kamuluyuni* Primary School and a complete closure of *Engamba* Primary School?
- (iii) Could the Cabinet Secretary confirm when the herders will be evicted and what measures the Ministry is taking to ensure a lasting solution to the perennial conflict and insecurity in that area?

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

288/2019

The Member for Matuga (Hon. Kassim Sawa Tandaza, MP) to ask the Cabinet Secretary for Water and Sanitation: -

- (i) Could the Cabinet Secretary explain how many Kenyan construction firms and engineers are involved in the building of dams currently under construction and those awarded for construction, which number approximately 57?
- (ii) Could the Cabinet Secretary provide the list of those dams and the names of the international and local firms awarded the construction works?
- (iii) What measures is the Ministry putting in place to enhance the capacity of local engineering firms to undertake such works and also fast-track the completion of all dams currently under construction?

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

289/2019

The Member for Westlands (Hon. Timothy Wanyonyi, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -

- (i) Is the Cabinet Secretary aware of complaints that have been raised by a section of women in Kenya over the alleged health risks associated with the use of *Always* brand of sanitary towels?

- (ii) If so, what action has been taken to address these concerns?

(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)
