



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT - (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, JULY 02, 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\*. 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 the House on Thursday, May 09, 2019.*

*(Question to be put)*

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

- (i) Consideration of the President's Reservations to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 21 of 2019)  
(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)

10\*. **MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

(The Chairperson, Departmental Committee on Lands)

**THAT**, this House **adopts** the Report of the Departmental Committee on Lands on the Inquiry into a Complaint by *Kamiti Anmer Forest Squatters Association* regarding allocation of Land LR. No. 8390 in *Kamiti Anmer Forest*, *laid on the Table of the House on Tuesday, June 18, 2019.*

*(Resumption of debate interrupted on Thursday, June 27, 2019)*

11\*. **MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **notes** the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, *laid on the Table of the House on Wednesday, November 21, 2018.*

*(Resumption of debate interrupted on Tuesday, March 19, 2019)*

12\*. **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.

13\*. **MOTION - REPORT ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the inquiry into land acquisition by the Kenya Defence Forces for establishment of Forward Operating Base (FOB) in Narok County, *laid on the Table of the House on Tuesday, April 2, 2019.*

14\*. MOTION – ANNUAL REPORTS ON THE STATE OF THE JUDICIARY FOR THE FINANCIAL YEARS 2016/2017 AND 2017/2018

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

**THAT**, this House **notes** the Annual Reports on the **State of the Judiciary** for the financial years 2016/2017 and 2017/2018, submitted to the House pursuant to the provisions of Article 254(1) of the Constitution, and **adopts** the recommendations of the Departmental Committee on Justice and Legal Affairs as contained in the Reports of the Committee *laid on the table of the House on Thursday, May 9, 2019.*

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**\* Denotes Orders of the Day**

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# NOTICES

- I. THE PRESIDENT'S RESERVATIONS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)  
*(Recommended Text)*

**Notice is given that the Leader of the Majority Party intends to move the following amendment in respect of the reservations contained in the President's Memorandum to the Statute Law (Miscellaneous Amendments) Bill, 2019 at the Committee Stage-**

**THE MERCHANT SHIPPING ACT, 2009 (No. 4 of 2009)**

## **SCHEDULE**

**THAT**, the Schedule to the Bill be amended in the provisions relating to the Merchant Shipping Act, No.4 of 2009, by deleting the new subsection 16(1A) and substituting with the following new provision-

“(1A) The provisions of subsection (1) shall not apply to a shipping line owned or controlled by the Government.”

- 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 an Accreditation Advisory Committee established under section 9;

“accreditation scheme” means the rules, processes or any 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—

Function  
s 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 necessary for the furtherance of the objectives of this Act;

(e) participate in the formulation and monitoring of national, regional and international accreditation guidelines and standards;

(f) create public awareness on accreditation, collect and disseminate information on accreditation and conformity assessment matters through advocacy programmes, publication of reports, pamphlets, books, journals or any other publications;

- (g) provide training, and other related services and promote research on 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 matters relating to mutual recognition agreements on 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 which the Service considers necessary for purposes of achieving its objectives;
- (l) promote recognition and protect the use of the logo and symbols of the Service;
- (m) promote and protect regional and international mutual recognition arrangements and symbols;
- (n) establish, review, and maintain accreditation schemes for conformity assessment bodies that are consistent with international practices, facilitate trade and address needs of industry, consumers, regulators and other relevant entities;
- (o) formulate and implement national guidelines and standards to facilitate the accreditation;
- (p) advise the Government on designation of conformity assessment bodies;
- (q) ensure that accredited bodies implement appropriate actions related to their conformity assessment activities;
- (r) establish and maintain, in the prescribed manner, a register of the status of accredited bodies;
- (s) design and issue accreditation certificates and symbols to accredited bodies;
- (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 professional qualifications in the fields of science and technology, law, trade, business or industry;
- (ii) two persons, one with professional qualifications in finance, and another person with professional qualifications in law or human resource management; and
- (iii) one person with professional qualifications in consumer protection.

(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;
- (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 an 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 an 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—

Accredita  
tion  
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, 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 setting out 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) 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 issued by 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 the—

- (a) accreditation certificate and the accompanying schedule issued by the Service;
- (b) register of accredited bodies published in the *Gazette* and maintained on the website of the Service; and
- (c) 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 that the accreditation granted under this Act shall be in force.

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

- (a) misuses its accreditation status;
- (b) misrepresents its accreditation entry date or expiry date;
- (c) makes a claim that is outside the scope for which the body is accredited;
- (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 any 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) contravenes the conditions imposed by the Service;
- (b) provides false or misleading information to the Service;
- (c) is no longer fit to hold an accreditation;
- (d) fails to comply with the directions of the Service;
- (e) contravenes any provisions of this Act; or
- (f) fails 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, within fourteen days of the suspension or withdrawal publish the fact of the changed accreditation status on its website.

### **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 from amongst persons qualified to be judges of the High Court; and

(b) four other persons who possess expertise and 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 from amongst persons who—

(a) hold a university degree in law or science and 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.

(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 Appeals 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 may 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 (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 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 that 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 this 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 may be 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 has a direct or indirect interest 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 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 sub clause (1) in paragraph (d) by—

- (v) deleting the word “six” appearing in the opening statement and substituting therefor the word “seven”;
- (w) deleting the words “expert in laboratory practice” appearing in sub paragraph (iv) and substituting therefor the words “medical laboratory expert registered by the Kenya Medical Laboratory Technicians and Technologists Board.”
- (x) 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—

- (c) 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
- (d) in sub clause (2) by inserting the words “with relevant expertise and qualifications and who is registered by the relevant regulatory body” immediately after the words “co-opt any person”.
- (e) 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 9**

**THAT**, the Bill be amended in clause 9 by inserting the following new clause immediately after sub clause (2)—

- “(2A) The members appointed under sub section (2) shall be registered members of the relevant regulatory body.”

**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 (b)—

“(bb) 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 regulatory 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 Mabona) intends to move the following amendments 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;

(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)—

“(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).



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.
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...../Notice Paper I

# NOTICE PAPER I

Tentative business for

Wednesday (Morning), July 03, 2019

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

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Morning), July 03, 2019:-

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

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

Second Reading

*(Question to be put)*

**B. THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2019)**

(The Hon. D.K. Bowen, M.P.)

First Reading

**C. THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)**

(The Hon. Kassait Kamket, M.P.)

First Reading

**D. 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)*

*(Balance of time on motion – 2 hours 53 minutes)*

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

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

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

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

**G. 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), July 03, 2019

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

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon), July 03, 2019:-

- A. **MOTION** - **REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS' PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**  
(The Chairperson, Committee on Transport, Public Works & Housing)
- B. **MOTION** - **REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**  
(The Chairperson, Departmental Committee on Defence and Foreign Relations)  
*(If not concluded on Tuesday, July 2, 2019)*
- C. **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, July 2, 2019)*
- D. **MOTION** - **REPORT ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY**  
(The Chairperson, Departmental Committee on Defence and Foreign Relations)  
*(If not concluded on Tuesday, July 2, 2019)*
- E. **MOTION** - **ANNUAL REPORTS ON THE STATE OF THE JUDICIARY FOR THE FINANCIAL YEARS 2016/2017 AND 2017/2018**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)  
*(If not concluded on Tuesday, July 2, 2019)*

...../Appendix

# APPENDIX

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

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

### Question No.                      ORDINARY QUESTIONS

**274/2019                      The Member for Trans Nzoia County (Hon. Janet W. Nangabo, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation: -**

- (i) Is the Cabinet Secretary aware that staff of the Agricultural Development Corporation are being harassed, working without pay and dues, forced to take compulsory leave and face unprocedural dismissal by the management?
  
- (ii) Is the Cabinet Secretary further aware that these activities have had severe negative impact on ADC's operations thus affecting the economy which relies greatly on agriculture?
  
- (iii) What measures is the Ministry putting in place to ensure staffs' rights and welfare is safeguarded so as to improve on the productivity of the Corporation and the economy at large?

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

**286/2019                      The Member for Voi (Hon. Jones Mlolwa, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -**

- (i) Is the Cabinet Secretary aware that Voi Railway Station is the third largest Standard Gauge Railway (SGR) station in the country serving thousands of local and international passengers visiting several tourist attractions in the area such as the Tsavo East and West National Parks, and is the gateway to Tanzania?
  
- (ii) Could the Cabinet Secretary consider establishing a Stop-Over of the afternoon Passenger Express Train at Voi Railway Station so as to offer services to the many passengers who are in need?

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

**293/2019                      The Member for North Imenti (Hon. Abdul Rahim Dawood, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) Could the Cabinet Secretary state the total value of unclaimed assets that belong to Kenyan and Foreign citizens that are currently in the custody of both the Government and private sector entities?

- (ii) What measures is the Ministry putting in place to guarantee efficient and prudent management of the said unclaimed assets?

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

**294/2019**

**The Member for Kwanza (Hon. Ferdinand Wanyonyi, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary state how many Technical Training Institutes have been established so far in the country under the Technical and Vocation Education and Training Act (TVET) 2013, per constituency?
- (ii) In view of the fact that the Government has earmarked funds for establishing these institutes in every constituency, what is the scheduled road-map for completion of the remaining institutes to cover all the 290 constituencies?

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

**306/2019**

**The Member for Lunga Lunga (Hon. Khatib Mwashetani, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Is the Cabinet Secretary aware that the *Ramisi - Lungalunga* Road in Lunga Lunga Constituency, which serves as a gateway to Tanzania via *Horohoro Border* point has for many years remained in a dilapidated state as evidenced by the many potholes?
- (ii) Is the Cabinet Secretary further aware that the contractor awarded the contract to re-carpet the road has since deserted the site despite continuing to receive payments for the project?
- (iii) When will the Government reconstruct the *Mwachande* Bridge, which connects *Kikoneni-Pongwe and Dzombo* Wards as part of the *Ramisi-Lungalunga* Road and which was washed away by heavy rains in 2014?
- (iv) What measures has the Ministry put in place to ensure that the project is completed and what is the amount allocated for the said road since 2013?

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

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