



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 28, 2019

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **PAPERS LAID**

The following Paper was laid on the Table –

- Report on consideration of the Kenya Information and Communication (Amendment) Bill (National Assembly Bill No. 61 of 2019).

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

5. **QUESTIONS**

a) The following Questions were asked –

- (i) **Question No.520/2019** by the Member for Kisumu Central (Hon. Fred Ouda) regarding non-payment of suppliers of goods to *Kibos and Kodiaga* Prisons in Kisumu County;

(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (ii) **Question No.521/2019** by the Nominated Member (Hon. Gideon Keter) regarding the safety of *Human Papilloma Virus* (HPV) vaccine being administered by the Ministry of Health.

(To be replied by the Cabinet Secretary for Health before the Departmental Committee on Health)

b) The following Question was dropped –

- **Question No.522/2019** by the Member for Kaiti (Hon. Joshua Kimilu) regarding schools not connected with electricity in Kaiti constituency.

6. **STATEMENTS**

(i) pursuant to the provisions of Standing Order 44(2)(c), the Member for North Imenti (Hon. Abdul Rahim Dawood) requested for statement from the Chairperson of the Departmental Committee on Education and Research regarding irregular appointment of Council Members for Meru National Polytechnic.

(ii) pursuant to the provisions of Standing Order 43, the Member for Kigumo (Hon. Ruth Mwaniki) made a statement regarding the passing away of the former Member for Kigumo (the late Hon. Onesmus Kihara Mwangi).

7. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, December 3, 2019.

8. **MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF A SPECIFIED PUBLIC PETITION**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committal of petitions*), this House **resolves** to extend the period for consideration of the public petition before the Departmental Committee on Transport, Public Works and Housing regarding the *Approval, Application and use of New Builds Low Cost Construction Technology by the Hon. David Ouma Ochieng, MP* by a **further period of fourteen (14) days** with effect from **the day when the House resumes for the Fourth Session in 2020.**

(The Chairperson, Departmental Committee on Transport, Public Works & Housing – 27.11.2019)

Debate arising;

Question put and agreed to

House resolved accordingly

9. **MOTION - REPORT ON THE SUPPLEMENTARY ESTIMATES I FOR FINANCIAL YEAR 2019/2020**

Motion made and question proposed-

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2019/2020, *laid on the Table of the House on Tuesday, November 26, 2019*, and pursuant to the provisions of Article 223 of the Constitution of Kenya, section 44 of the Public Finance Management Act, 2012, Public Finance Management Regulation 40 and Standing Order 243-

- (i) approves a **reduction** of the **total recurrent expenditure** for Financial Year 2019/2020 by **Kshs.329,017,004** in respect of the Votes as contained in the First Schedule;
- (ii) approves an **increase** of the **total development expenditure** for Financial Year 2019/2020 by **Kshs.74,875,403,054** in respect of the Votes as contained in the First Schedule;
- (iii) approves an overall **increase** in the total budget for Financial Year 2019/2020 by **Kshs.74,546,386,050** in respect of the Votes as contained in the First Schedule; and,
- (iv) further makes the policy resolutions contained in the Second Schedule to the Order Paper.

(Chairperson, Budget & Appropriation Committee- 27.11.2019)

Debate interrupted on Wednesday, November 27, 2019 – Afternoon sitting resumed

Amendment proposed –

THAT, the following amendments be instituted to the First Schedule of the Order Paper –

VOTE 1081: MINISTRY OF HEALTH

Programme 0405000 Health Policy, Standards and Regulations

- (i) **THAT**, the proposed allocation in respect of **PROGRAMME CAPITAL Estimates** Kshs. 14,228,338,186 be deleted and substituted thereof with the figure **Kshs. 17,275,813,948**
- (ii) **THAT**, the **proposed** total allocation, in respect of the **VOTE CAPITAL Estimates**, Kshs. 15,036,976,787 be deleted and substituted thereof with the figure **Kshs. 18,084,452,549**
- (iii) **THAT**, the proposed total allocation in respect of **VOTE 1081 GROSS TOTAL Estimates**, Kshs. 19,856,958,091, be deleted and substituted thereof with the figure **Kshs. 22,904,433,853**

VOTE 2043: PARLIAMENTARY JOINT SERVICES

Programme 0723000 General Administration, Planning & Support Services

- (i) **THAT**, the proposed allocation in respect of **PROGRAMME CAPITAL Estimates** Kshs. (780,000,000) be deleted and substituted thereof with the figure **Kshs. (230,000,000)**
- (ii) **THAT**, the proposed total allocation, in respect of **VOTE CAPITAL Estimates**, Kshs. (780,000,000) be deleted and substituted thereof with the figure **Kshs. (230,000,000)**
- (iii) **THAT**, the proposed total allocation in respect of **VOTE 2043 GROSS TOTAL Estimates**, Kshs. (795,000,000) be deleted and substituted thereof with the figure **Kshs. (245,000,000)**

(Chairperson, Budget & Appropriation Committee)

Motion made and Question proposed –

THAT, the following amendments be instituted to the First Schedule of the Order Paper –

VOTE 1081: MINISTRY OF HEALTH

Programme 0405000 Health Policy, Standards and Regulations

- (i) **THAT**, the proposed allocation in respect of **PROGRAMME CAPITAL Estimates** Kshs. 14,228,338,186 be deleted and substituted thereof with the figure **Kshs. 17,275,813,948**
- (ii) **THAT**, the **proposed** total allocation, in respect of the **VOTE CAPITAL Estimates**, Kshs. 15,036,976,787 be deleted and substituted thereof with the figure **Kshs. 18,084,452,549**
- (iii) **THAT**, the proposed total allocation in respect of **VOTE 1081 GROSS TOTAL Estimates**, Kshs. 19,856,958,091, be deleted and substituted thereof with the figure **Kshs. 22,904,433,853**

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- (i) **THAT**, the proposed allocation in respect of **PROGRAMME CAPITAL Estimates** Kshs. (780,000,000) be deleted and substituted thereof with the figure **Kshs. (230,000,000)**
- (ii) **THAT**, the proposed total allocation, in respect of **VOTE CAPITAL Estimates**, Kshs. (780,000,000) be deleted and substituted thereof with the figure **Kshs. (230,000,000)**
- (iii) **THAT**, the proposed total allocation in respect of **VOTE 2043 GROSS TOTAL Estimates**, Kshs. (795,000,000) be deleted and substituted thereof with the figure **Kshs. (245,000,000)**

Question on the amendment put and agreed to

Further Amendment proposed –

THAT, the Motion be amended by inserting the following immediately after the words “Order Paper”–

“subject to:

(i) Insertion of the following new paragraph (XV) under the Policy Recommendations on the Second Schedule of the Order Paper:

“That, prior to the disbursement of Kshs. 10,544,456,947 for county primary health care facilities (within the conditional grant framework under the roll out of the Universal Health Coverage) the National Treasury submits a report on the expected disbursement of these resources per county to the National Assembly.”

(Chairperson, Budget & Appropriation Committee)

Motion made and Question proposed_–

THAT, the Motion be amended by inserting the following immediately after the words “Order Paper”–

“subject to:

(ii) Insertion of the following new paragraph (XV) under the Policy Recommendations on the Second Schedule of the Order Paper:

“**That**, prior to the disbursement of Kshs. 10,544,456,947 for county primary health care facilities (within the conditional grant framework under the roll out of the Universal Health Coverage) the National Treasury submits a report on the expected disbursement of these resources per county to the National Assembly.”

Question on the further amendment put and agreed to
 Debate on the Motion as amended resumed-
 Motion made and question proposed-

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2019/2020, *laid on the Table of the House on Tuesday, November 26, 2019*, and pursuant to the provisions of Article 223 of the Constitution of Kenya, section 44 of the Public Finance Management Act, 2012, Public Finance Management Regulation 40 and Standing Order 243-

- (i) approves a **reduction** of the **total Recurrent Expenditure** for Financial Year 2019/2020 by **Kshs.329,017,004** in respect of the Votes as contained in the First Schedule;
- (ii) approves an **increase** of the **total Development Expenditure** for Financial Year 2019/2020 by **Kshs.78,472,878,816** in respect of the Votes as contained in the First Schedule;
- (iii) approves an overall **increase** in the total budget for Financial Year 2019/2020 by **Kshs.78,143,861,812** in respect of the Votes as contained in the First Schedule; and,
- (iv) further makes the policy resolutions contained in the Second Schedule to the Order Paper.

Subject to-

Insertion of the following new paragraph (XV) under the Policy Recommendations on the Second Schedule of the Order Paper:

Mover replied;
 Question put and agreed to

House resolved accordingly

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

- (i) **The Competition (Amendment) Bill (National Assembly Bill No. 49 of 2019)**

Clause 3 - agreed to

Clause 4 - amendment proposed -

THAT, the Bill be amended in clause 4 in the proposed new section 24A by –

- (a) deleting subsection (2);

(b) deleting the words “this section” appearing in sub-section (10) and substituting therefor the words “subsection (1)”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed –

THAT, the Bill be amended by deleting clause 5 and substituting therefore the following new clause—

Amendment of section 29 of No. 12 of 2010.

5. The principal Act is amended in section 29 by inserting the following new subsection immediately after subsection(7)—

(8) Any professional association—

(a) whose rules contain a restriction that has the effect of preventing, distorting or lessening competition in a market in Kenya and which fails to apply for an exemption as required by subsection (1) and (2); or

(b) which having applied for exemption under subsection (1) fails to comply with the Authority’s decision rejecting its application,

commits an offence, and any official thereof or any person who issues guidelines or rules in contravention of that provision shall be liable, upon conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings, or both.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 4 - amendment proposed -

THAT, the Bill be amended by deleting clause 7.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

New Clause 1A proposed -

THAT, the Bill be amended by inserting the following new clause immediately after lause 1—

Amendment of
s.2 of No. 12 of
2010

1A. Section 2 of the principal Act is amended by inserting the following new definition in the proper alphabetical sequence—

“buyer power” means the influence exerted by an undertaking or group of undertakings in the position of purchaser of a product or service to—

- (a) obtain from a supplier more favourable terms; or
- (b) impose a long term opportunity cost including harm or withheld benefit, which, if carried out, would be significantly disproportionate to any resulting long term cost to the undertaking or group of undertakings.

(Chairperson, Departmental Committee on Finance & National Planning)

Motion made and Question proposed -

THAT, the proposed New Clause 1A be part of the Bill

Question put and agreed to;

Motion made and Question proposed -

THAT, the proposed New Clause 1A be read a Second Time

Question put and agreed to;

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

(ii) **The Insurance (Amendment) Bill (National Assembly Bill No. 50 Of 2019)**

Clauses 2 & 3 - agreed to

Clause 1 - agreed to

Clause 4 - amendment proposed –

THAT, clause 7 of the Bill be amended in the proposed new subsection (4A) by deleting the word “shall” and substituting therefor the word “may”

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clauses 5- - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

(i) **The Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2018)**

Clause 3 - amendment proposed –

THAT, clause 3(a) of the Bill be amended by deleting the word “ionizing” appearing immediately after the word “generating”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “iodizing” appearing immediately after the word “generating”;

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 5 be further amended by—

- (a) deleting the expression “and lending money” appearing in sub-clause (2)(c);
- (b) deleting sub-clause (3).

(Hon. Gichimu Githinji)

Question of the further amendment proposed;

Debate arising;

Proposed amendment in paragraph (a) dropped;

Question for proposed amendment in paragraph (b) put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended—

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) in paragraph (c)(i) by deleting the word “sitting” appearing immediately before the word “design” and substituting therefor the word “siting”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 6 of the Bill be amended-

(a) in paragraph (c) by deleting the words “any other activities” appearing in sub paragraph (iii) and substituting therefor the words “such other activities as may, with the prior approval of the National Assembly, be prescribed”;

(b) in paragraph (h) by deleting the words “in the furtherance of the provisions of” and substituting therefor the words “as may be provided for in”

(Chairperson, Departmental Committee on Health)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Clause 8 - amendment proposed –

THAT, clause 8 of the Bill be amended—

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

“(1) The management of the Authority shall be vested in a Board comprising—

- (a) a non-executive Chairperson who shall be appointed by the President;
- (b) the Principal Secretary of the Ministry responsible for internal security or his or her representative;
- (c) the Principal Secretary of the National Treasury or his or her representative;
- (d) the Principal Secretary of the Ministry responsible for energy or his or her representative;
- (e) the Principal Secretary of the Ministry responsible for education or his or her representative;

- (f) the Principal Secretary of the Ministry responsible for health or his or her representative;
- (g) the Principal Secretary of the Ministry responsible for defence or his or her representative;
- (h) the Attorney General or his or her representative;
- (i) three members appointed by the Cabinet Secretary by virtue of their knowledge and experience of not less than ten years in matters relating to engineering, law, radiation or nuclear related science, environmental or public safety, or finance; and
- (j) the Director General, who shall be an *ex-officio* member.”

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Board”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 8 be amended—

(a) in sub-clause (1), by—

- (i) deleting the word “Education” in paragraph (f) and substituting therefor the word “Environment”;
- (ii) deleting paragraphs (h) and (j);
- (iii) deleting the word “seven” in paragraph (k) and substituting therefor the word “three”;

(b) by deleting sub-clause (2)

(Hon. Gichimu Githinji)

Question of the amendment proposed;

Proposed amendment withdrawn;

Clause 8 - as amended agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended—

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

“(1) There shall be a Director General who shall be the chief executive officer of the Authority appointed by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.”

(b) in sub-clause (2)(a) by inserting the words “nuclear science” immediately after the words “physical science”;

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) The Director General shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Authority.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 9 be amended by inserting the expression “and the secretary” immediately after the expression “chief executive officer”.

(Hon. Gichimu Githinji)

Question of the amendment proposed;

Proposed amendment withdrawn;

Clause 9 - as amended agreed to.

Clause 10 - amendment proposed –

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

Staff of the
Authority.

10. The Board may appoint such professional and technical staff for the proper discharge of the functions of the Authority under this Act, on such terms and conditions of service as the Board may determine on the advice of the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed –

THAT, clause 11 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Board”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to

Clause 12 - amendment proposed –

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

Remuneration of
the Board.

12. The members of the Board shall be paid such remuneration, fees or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to.

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - amendment proposed –

THAT, clause 14 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “relieve the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to.

Clause 15 - amendment proposed -

THAT, clause 15 of the Bill be amended—

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

“(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be affixed to any instrument or document except as authorized by the Board.”

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The common seal of the Authority, when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed -

THAT, clause 16 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1)(a) by deleting the word “Parliament” appearing immediately after the words “allocated by” and substituting therefor the words “the National Assembly”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clause 17 - amendment proposed -

THAT, clause 17 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to.

Clause 18 - amendment proposed –

THAT, clause 18 of the Bill be amended—

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

“(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.”

(b) in sub-clause (2) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(c) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

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

“(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3).”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - amendment proposed –

THAT, Clause 19 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Board”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor- General the accounts of the Authority for that year together with—

(a) a statement of income and expenditure during the year; and

(b) a statement of the assets and liabilities of the Authority as on the last day of that year.”

(c) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to.

Clause 20 - amendment proposed –

THAT, Clause 20 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

Clause 21 - amendment proposed –

THAT, clause 21 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to.

Clause 22 - amendment proposed –

THAT, clause 22 of the Bill be amended—

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) in sub-clause (2)(b) by deleting the words “of individuals” appearing immediately after the word “measures”;
- (c) in sub-clause (4) by deleting the expression “(5)” wherever it appears;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to.

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to.

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to.

Clause 25 - agreed to.

Clause 26 - amendment proposed –

THAT, clause 26 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to.

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to

Clause 28 - amendment proposed –

THAT, clause 28 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to.

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended in paragraph (b) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to.

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to.

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1) by deleting the expression “28’ and substituting therefor the expression “30”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to.

Clause 32 - amendment proposed –

THAT, clause 32 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “licensee” and substituting therefor the words “authorised person”;

(b) in sub-clause (2)(a) by inserting the word “no” immediately after the words “be of”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32 - as amended agreed to.

Clause 33 - amendment proposed –

THAT, clause 33 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to.

Clause 34 - amendment proposed –

THAT, clause 34 of the Bill be amended

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (4) by deleting the expression “(5)” appearing immediately after the word “five”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to.

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be amended—

(a) in sub-clause (1)(a) by deleting the words “a referring medical practitioner” appearing immediately after the words “requested by” and substituting therefor the words “an appropriately qualified and registered clinician or medical practitioner within their respective care level”;

(b) in sub-clause (3) by deleting the word “Commission” Appearing immediately after the words “to the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to.

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to.

Clause 37 - amendment proposed –

THAT, clause 37 be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to.

Clause 38 - as amended agreed to.

Clause 39 - amendment proposed –

THAT, clause 39 be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - as amended agreed to.

Clause 40 - amendment proposed –

THAT, Clause 40 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “to the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - as amended agreed to.

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to.

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Authority shall develop requirements and guidelines to be met before the issuance of a mining or milling license in relation to uranium, thorium or other radioactive elements.”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to.

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - amendment proposed –

Further amendment proposed –

THAT, clause 43 be amended by deleting sub-clause (7) and substituting therefor the following new sub-clause—

“(7) Any person who contravenes this section commits an offence and is liable on conviction to a fine not less than one million shillings, or to imprisonment for a term not less than one year, or to both”.

(Hon. Gichimu Githinji)

Question of the further amendment proposed;

Proposed amendment withdrawn;

Clause 43 - as amended agreed to.

Clause 44 - agreed to.

Clause 45 - amendment proposed –

THAT, clause 45(2) of the Bill be amended in paragraph (d) by deleting the words “additional matters” and substituting therefor the words “particulars”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 45 - as amended agreed to.

Clause 46 - amendment proposed –

THAT, clause 46 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to.

Clause 47 - amendment proposed –

THAT. Clause 47 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The Authority shall ensure the safe management of a reactor that is in extended shutdown.”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to.

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following paragraph—

“(b) require the applicant for an authorization to construct and operate a nuclear facility to—

- (i) perform a baseline survey of the site, including radiological conditions, prior to construction; and
- (ii) develop information prior to construction for comparison with the end state after decommissioning;”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 48 - as amended agreed to.

Clause 49 - amendment proposed –

THAT, clause 49 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 - as amended agreed to.

Clause 50 - amendment proposed –

THAT, clause 50 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 50 - as amended agreed to

Clauses 51 & 52 - agreed to.

Clause 53 - amendment proposed –

THAT, clause 53(a) of the Bill be amended by deleting the word “Parliament” appearing immediately after the words “appropriated by” and substituting therefor the words “the National Assembly”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 53 - as amended agreed to.

Clause 54 - amendment proposed –

THAT, clause 54 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to.

Clauses 55 & 56 - agreed to

Clause 57 - amendment proposed –

THAT, clause 57 of the Bill be amended—

(a) by deleting the word “Commission” appearing immediately after the words “The” and substituting therefor the word “Authority”;

(b) in paragraph (b) by deleting the words “the licensee” appearing immediately after the words “developed by” and substituting therefor the words “an authorised person”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 57 - as amended agreed to.

Clause 58 - amendment proposed –

THAT, clause 58 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 58 - as amended agreed to.

Clause 59 - amendment proposed –

THAT, clause 59 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “that could give rise to a need for emergency intervention” appearing immediately after the word “source”;

(b) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 - as amended agreed to.

Clause 60 - amendment proposed –

THAT, clause 60 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - as amended agreed to

Clause 61 - amendment proposed –

THAT, clause 61 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 61 - as amended agreed to.

Clause 62 - amendment proposed –

THAT, clause 62 of the Bill be amended by inserting the words “and the Authority” immediately after the word “public”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 62 - as amended agreed to

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to.

Clause 64 - amendment proposed –

THAT, clause 64 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not less than one million shillings, or to imprisonment for a term not less than one year, or to both”.

(Hon. Gichimu Githinji)

Question of the amendment proposed;

Proposed amendment withdrawn;

Clause 64 - agreed to.

Clauses 65 & 66 - agreed to.

Clause 67 - amendment proposed –

THAT, clause 67 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 67 - as amended agreed to.

Clause 68 - agreed to.

Clause 69 - amendment proposed –

THAT, Clause 69 of the Bill be amended in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 69 - as amended agreed to

Clause 70 - amendment proposed –

THAT, clause 70 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 70 - as amended agreed to.

Clause 71 - amendment proposed –

THAT, clause 71 of the Bill be amended paragraph (b) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 71 - as amended agreed to.

Clause 72 - agreed to.

Clause 73 - amendment proposed –

THAT, clause 73 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 73 - as amended agreed to.

Clause 74 - amendment proposed –

THAT, clause 74(2) of the Bill be amended in paragraph (d) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 74 - as amended agreed to.

Clause 75 - amendment proposed –

THAT, clause 75 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 75 - as amended agreed to.

Clause 76 - amendment proposed –

THAT, clause 76 of the Bill be amended in by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) Every authorized person shall submit a waste management plan to the Authority for approval prior to the grant of an authorization.”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 76 - as amended agreed to.

Clause 77 - amendment proposed –

THAT, clause 77 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “from the” and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 77 - as amended agreed to.

Clause 78 - amendment proposed –

THAT, clause 78 of the Bill be amended in sub-clause (2) by deleting the words “conditioning process” appearing immediately after the words “selecting a” and substituting therefor the words “method of processing radioactive waste”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 78 - as amended agreed to.

Clause 79 - amendment proposed –

THAT, clause 79 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following paragraph—

“(b) the discharge is confirmed to be below the radioactivity clearance level prescribed by the Authority;”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 79 - as amended agreed to.

Clauses 80 & 81 - agreed to.

Clause 82 - amendment proposed –

THAT, clause 82 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 82 - as amended agreed to.

Clause 83 - agreed to.

Clause 84 - amendment proposed –

THAT, clause 84 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 84 - as amended agreed to.

Progress on the Bill to be reported.

11. **PROGRESS REPORT**

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2018) upto Clause 84 and seeks leave to sit again.

(Leader of the Majority Party)

Question put and agreed to.

12. **HOUSE RESUMED** - the Second Chairperson in the Chair.

(a) **The Competition (Amendment) Bill (National Assembly Bill No. 49 of 2019)**

Bill reported with amendments;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Question deferred to another day.

(b) **The Insurance (Amendment) Bill (National Assembly Bill No. 50 of 2019)**

Bill reported with amendments;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Question deferred to another day.

(c) **The Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2018)**

Progress reported;

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2018) upto Clause 84 and seeks leave to sit again.

(The Leader of the Majority Party)

Question deferred to another day.

And the time being Seven o'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at Seven o'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, December 03, 2019 at 2.30 p.m.

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