



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
TUESDAY, MARCH 17, 2020 AT 2:30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as indicated in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION – ADJOURNMENT OF THE SENATE IN REGARD TO COVID-19**
(The Senate Majority Leader)

THAT, AWARE THAT, Coronavirus Disease (COVID-19), a new strain of Coronaviruses that was discovered in December 2019, is an infectious disease known to cause respiratory infections ranging from common cold, fever, tiredness, aches and pains to more severe health complications;

COGNIZANT THAT this epidemic has no known cure and has spread and killed many people over several countries and continents with the potential of affecting a large percentage of the world population, as the impact of the virus is still unfolding;

FURTHER COGNIZANT THAT the World Health Organization (WHO) has declared the Coronavirus disease (COVID-19) as a pandemic;

AWARE THAT the Government, upon confirmation of Coronavirus cases in the country, has taken various measures aimed at containing the spread of the disease, including suspension of learning in all educational institutions and the need to minimize attendance to various gatherings;

...../Motion

ACKNOWLEDGING THAT Parliament Buildings has high human traffic on any given working day, including Members of Parliament, staff, visitors, school children, visiting delegations and witnesses appearing before House Committees;

GIVEN the need for Parliament to institutionalize measures to mitigate the crisis posed by the Virus-

FURTHER RECOGNIZING the mechanism set out in Standing Order 30 to convene a Special Sitting of the Senate;

NOW THEREFORE, notwithstanding the Resolution of the Senate made on 27th February, 2020, pursuant to Standing Order 29 approving the Senate Calendar and owing to the need to complement the efforts of the Government in containing the spread of the disease, the Senate resolves to -

- (a) adjourn its Plenary sittings today, 17th March, 2020 to reconvene on Tuesday, 14th April, 2020 at 2.30pm; and
- (b) alter its Calendar accordingly.

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

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 4th December, 2019)
(Division)***

10. *****THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 18th February, 2020)
(Division)***

11. ***THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)**

(Sen. Moses Kajwang², MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 19th February, 2020)
(Division)***

12. *****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 20th February, 2020)
(Division)***

- 13. ***THE LIFESTYLE AUDIT (NO. 2) BILL (SENATE BILLS NO. 21 OF 2019)**
(Sen. (CPA) Farhiya Ali Haji, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 11th March, 2020)

(Division)

- 14. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

- 15. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

- 16. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)
(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)

(Division)

- 17. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**
(Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

...../Motion

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

(Resumption of debate interrupted on Thursday, 12th March, 2020)

(Division)

18. **COMMITTEE OF THE WHOLE**

***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

19. **COMMITTEE OF THE WHOLE**

***THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

(Sen. (Dr.) Abdullahi Ali, MP)

20. **MOTION - REPORT OF THE 141ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS, HELD IN BELGRADE, SERBIA, ON 13TH -17TH OCTOBER, 2019.**

(Sen. Susan Kihika, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia from 13th -17th October, 2019, and laid on the Table of the Senate on Wednesday, 4th March, 2020.

21. **MOTION - REPORT OF THE THIRD ORDINARY SESSION OF THE 5TH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT HELD FROM 7TH TO 18TH OCTOBER, 2019 IN MIDRAND, SOUTH AFRICA.**

(Sen. (Dr.) Abdullahi Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa and laid on the Table of the Senate on Tuesday, 10th March 2020.

22. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

...../Motion

CONCERNED HOWEVER THAT the programme’s credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance

NOTICE

The Senate resolved on 18th February, 2020 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

-----XX-----

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

NOTICE OF AMENDMENTS

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

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
(Consideration of National Assembly Amendments)

Schedule of amendments, to the Bill, as passed by the National Assembly on Thursday, November 21, 2019

CLAUSE 2

THAT Clause 2 of the Bill is amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition- “Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

CLAUSE 5

THAT Clause 5 of the Bill is amended in sub-clause (2) by deleting paragraph (b).

CLAUSE 6

THAT Clause 6 of the Bill is amended-

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)-

(2) The County Attorney shall have the status and rank of a member of the county executive committee.

CLAUSE 20

THAT Clause 20 of the Bill is amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Attorney-General may, from time to time by notice in the *Gazette*, amend the Second Schedule.

CLAUSE 29

THAT Clause 29 of the Bill is amended by deleting the expression “Cabinet Secretary” and substituting therefor the expression “Attorney-General”

B. *THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)

(Sen. Judith Pareno, MP)

(Consideration of National Assembly Amendments)

Schedule of amendments, to the Bill, as passed by the National Assembly on Thursday, November 21, 2019

CLAUSE 5

THAT, Clause 5 of the Bill be amended-

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

(3) The relevant county assembly committee may, when considering the petition-

(a) invite the petitioner to clarify or submit such further information as the committee may consider necessary, and;

(b) make a site visit if it is deemed necessary to do so.

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

(4) The relevant county assembly committee shall respond to the petitioner by way of a report addressed to the petitioner and tabled in the county assembly and no debate on or in relation to the report shall be allowed except on the recommendation of the chairperson of the committee and with the approval of the speaker.

(c) in sub-clause (5) by inserting the words “relevant committee or the” immediately after the words “decision of the” when they first appear.

C. **THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)

(Chairperson, Standing Committee on Education)

(Consideration of National Assembly Amendments)

Schedule of amendments, to the Bill, as passed by the National Assembly on Thursday, November 21, 2019

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

(a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “section 92 and substituting therefor the expression “section 93”;

...../Amendments

- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetical sequence—
 - “children with special needs” means children in need of special needs education;
 - “learner” has the meaning assigned to it in the Teachers Service Commission Act;
 - “special needs education” has the meaning assigned to it in the Basic Education Act;
 - “village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

CLAUSE 8

THAT, clause 8 of the Bill be deleted and substituted with the following new clause—

Duty of head teacher. **8.** (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration with the village administrator, cause an investigation of the circumstances of the learner’s absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner’s failure to attend school, the head teacher shall—

(a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and

(b) submit a report on the learner to the County Education Board.

(3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

CLAUSE 9

THAT, clause 9 of the Bill be deleted and substituted with the following new clause—

Children with special needs. **9.** (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided with early childhood education.

(2) In performing the functions under subsection (1), the county executive committee member shall—

- (a) ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use;
- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;
- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to children with special needs and disabilities;
- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with special needs and disabilities are provided with any other necessary support.

CLAUSE 15

THAT, clause 15 of the Bill be amended–

- (a) in sub-clause (1), by deleting the expression “or is likely to meet”; and
- (b) in sub-clause (3), by deleting paragraph (b).

CLAUSE 16

THAT, clause 16 of the Bill be deleted and substituted with the following new clause–

Review of registration. of **16.** (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County Executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either—

- (a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or
- (b) a period earlier than that specified in paragraph (a) if in the opinion of the County Executive Committee member, a shorter time is necessary.

(3) The County Executive Committee member shall cause a further review of an education centre to be conducted upon the request of the County Education Board.

(4) The County Executive Committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

(5) The findings submitted under subsection (4) shall include—

- (a) information on whether the education centre meets the criteria for registration as an education centre; and
- (b) information on the areas where improvement is required, if it does not meet the criteria.

CLAUSE 20

THAT, clause 20 of the Bill be amended—

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

“(1) The board of management shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless it has applied to, and obtained the approval, of the County Education Board.”

(b) in sub-clause (3) by deleting the words “head teacher” and substituting therefor the expression “board of management”

CLAUSE 23

THAT, clause 23 of the Bill be amended—

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

“(c) the head teacher of the education centre has breached or is breaching his or her statutory duties in relation to the education centre under this Act or any other written law;”

(b) in sub-clause (2) by deleting the word “pupil” appearing in paragraph (b) and substituting therefor the word “learner”.

CLAUSE 24

THAT, clause 24 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “pupils” appearing in the opening sentence and substituting therefor the word “learners”; and

(b) in sub-clause (3) by deleting the word “pupils” appearing in paragraph (a) and substituting therefor the word “learners”.

CLAUSE 25

THAT, clause 25 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “are” appearing in paragraph (b) after the word “centre” and substituting therefor the word “is”;

(b) in sub-clause (2)—

(i) by deleting the words “head teacher” appearing in paragraph (b) and substituting therefor the expression “board of management”; and

(ii) by deleting the words “head teacher” appearing in paragraph (c) and substituting therefor the expression “board of management”;

CLAUSE 27

THAT, clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A public education centre shall not be converted to a private education centre or to any other private status without consultation with the County Education Board and approval by the County Executive Committee member.”

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be to—

(a) participate and make proposals for the review of syllabus, curriculum, books and other teaching aids; and

(b) offer financial, infrastructural and spiritual support to the education centre.”

THAT, clause 29 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) In the performance of its functions under subsection (2)(b) and (c), the board of management shall first seek the approval of the County Education Board.”

CLAUSE 29

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) one person elected by the parents from each level within the education centre to represent parents of learners in the education centre;”

CLAUSE 33

THAT, clause 33 of the Bill be deleted.

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting the word “pupil” wherever it appears and substituting therefor the word “learner”.

CLAUSE 36

THAT, clause 36 of the Bill be amended in sub-clause (1) by—

- (a) deleting paragraph (a); and
- (b) deleting paragraph (c).

CLAUSE 37

THAT, clause 37 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) -

“(3) In the performance of the functions under this section, the County Education Board shall establish a County Early Childhood Education Committee, as a committee of the County Education Board, to oversee the implementation of early childhood education in each county.”

CLAUSE 41

THAT, clause 41 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) -

“(4) A child shall not be denied admission in an early childhood education centre for lack of proof of age.”

CLAUSE 43

THAT, clause 43 of the Bill be deleted and substituted with the following new clause—

Prohibition from holding back and expulsion.	43. A learner admitted in an education centre shall not be held back in any class or expelled from the centre without the approval of the County Education Board.
--	--

CLAUSE 44

THAT, clause 44 of the Bill be deleted and substituted with the following new clause—

Standards of education in a private education centre. **44.** A private education centre shall comply with and follow the curriculum approved by the Kenya Institute of Curriculum Development.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupil” and substituting therefor the word “learner”; and
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A head teacher or a member of the board of management of a public education centre who imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.”

CLAUSE 47

THAT, clause 47 of the Bill be amended in paragraph (c) by deleting the expression “need for the”.

CLAUSE 56

THAT, clause 56 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) reject the application and give written reasons for the rejection.”

CLAUSE 63

THAT, clause 63 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “fifteen” appearing in paragraph (a) and substituting therefor the word “ten”; and
 - (ii) deleting the expression “Education Standards and Quality Assurance Council” appearing in paragraph (d) and substituting therefor the words “quality assurance body established under the Basic Education Act”; and
 - (iii) inserting the following new paragraph immediately after paragraph (e)—
 - “(f) one person representing persons with disabilities nominated by the National Council for Persons with Disabilities.”
- (b) in sub-clause (5) by—
 - (i) inserting the expression “make proposals for” immediately after the expression “and where appropriate” appearing in paragraph (c); and
 - (ii) deleting paragraph (d).

CLAUSE 64

THAT, clause 64 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in paragraph (b) and substituting therefor the word “learners”; and
- (b) in sub-clause (4) by deleting the word “pupils” and substituting therefor the word “learners”.

CLAUSE 66

THAT, clause 66 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) if the service provider makes an application within the required period, the centre continues to be registered under subsection (1) until that application is determined.”

CLAUSE 68

THAT, clause 68 of the Bill be amended in sub-clause (3)—

- (a) in paragraph (c) by inserting the word “one” immediately after the expression “registration certificates of”; and
- (b) by deleting paragraph (h).

CLAUSE 69

THAT, clause 69 of the Bill be deleted and substituted therefor the following new clause—

General penalty. **69.** A person who contravenes any provision of this Act for which no penalty is specifically provided commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended in paragraph 1 by—

- (a) deleting the word “two” appearing in sub-paragraph (1) and substituting therefor the word “three”; and
- (b) deleting the word “vice-chairman” appearing in sub-paragraph (4) and substituting therefor the word “vice-chairperson”.

D. *THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)

(Sen. Mary Seneta, MP)

NOTICE is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbiti intends to move the following amendments to the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38 of 2018) at the Committee Stage –

CLAUSE 4

THAT the Bill be amended by deleting clause 4 of the Bill and substituting therefor the following new clause—

Amendment of section 4 of No. 20 of 2013. **4.** Section 4 of the Principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The Cabinet Secretary may assist the Authority to determine the requirement of drugs and medical supplies in National Referral hospitals.

(2A) The County Government may assist the Authority to determine the requirement of drugs and medical supplies in the respective county health facilities.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clauses immediately after clause 5 –

Insertion of section 6A in No. 20 of 2013 **5A.** The principal Act is amended by inserting the following new section immediately after section 6—

Headquarters **6A.** The headquarters of the Authority shall be in the capital city, but the Authority may establish such branches as it may consider necessary.

Amendment of section 8 of No. 20 of 2013 **5B.** Section 8 of the principal Act is amended—

(a) in subsection (2) by deleting the words “or medicine” appearing at the end of paragraph (a) and substituting therefor the words “medicine, business management, finance, supply chain management, or any other related field from a recognized university”;

(b) in subsection (3) by deleting paragraph (b);

...../Amendments

(c) in subsection (4) by inserting the words “upon satisfactory performance” immediately after the words “four years and”

Insertion of section 9A in No. 20 of 2013

5C. The principal Act is amended by inserting the following new section immediately after section 9—

Corporation Secretary

9A. (1) There shall be a corporation secretary of the Authority who shall be competitively recruited and appointed by the Board.

(2) The terms and conditions of service of the corporation secretary shall be determined in the instrument of appointment by the Board upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a degree from a recognised university;
- (b) is registered as a Certified Public Secretary under the Certified Public Secretaries of Kenya Act;
- (c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;
- (d) has at least seven years’ experience in a senior management administration; and
- (e) satisfies the requirements of chapter six of the Constitution.

Cap 534

(4) The Corporation Secretary shall be the secretary to the Board and shall

—

- (a) provide guidance to the Board on their duties and responsibilities and on matters of governance;
- (b) be the custodian of the seal of the organisation and account to the Board for its use;
- (c) ensure timely preparation and circulation of Board and Committee papers and minutes;
- (d) maintain and update the register of conflicts of interest;
- (e) facilitate effective communication between the organisation and the shareholders; and
- (f) ensure that the annual returns and statutory documents required to be filed under any other law are promptly filed with the relevant authorities.

Amendment of section 13 of No. 20 of 2013

5D. Section 13 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of both the chief executive officer and the corporation secretary.

E. * THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)

(Sen. (Dr.) Abdullahi Ali, MP)

NOTICE is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbiti intends to move the following amendments to the Cancer Prevention and Control (Amendment) Bill (Senate Bills No. 9 of 2019) at the Committee Stage –

CLAUSE 3

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

Amendment
of section 5 of
No. 20 of
2013.

3. Section 5 of the principal Act is amended —

(a) by deleting paragraph (a) and inserting therefor the following new paragraphs—

(a) advise the Cabinet Secretary and county governments on matters relating to the prevention of disease, promotion of healthy living, control, treatment, referral and care of persons with cancer and to advise on the relative priorities to be given to the implementation of specific measures including detection, diagnosis and referral of children suspected to have cancer, genetic and hormonal therapies for cancer;

(aa) advice the Cabinet Secretary and Parliament on the resources required to finance and conduct cancer research;

(b) in paragraph (c) by inserting the word “screening” immediately after the words “secure provision of”;

(c) in paragraph (d) by deleting the words “in Kenya” appearing immediately after the words “services provided” and substituting therefor the words “by the national government”;

(d) by inserting the following new paragraph immediately after paragraph (d) –

(da) collaborate with counties for the purpose of establishing facilities, delivery of services, collection and analysis of data;

(db) collaborate with counties in all matters related to the promotion of healthy living, prevention, diagnostic, treatment and control of cancer.

- (e) in paragraph (e) by deleting the words “of cancer” and substituting therefor the words “referral of cancer patients and promotion of health”;
- (f) in paragraph (f) by inserting the words “other government agencies” immediately after the words “collaborate with”;
- (g) by inserting the following new paragraph immediately after paragraph (f)—
 - (fa) collaborate with other national government agencies, universities, research institutions and international research institutions for cancer research;
- (h) by inserting the following new paragraph immediately after paragraph (k)—
 - (ka) develop programmes for early detection, diagnosis and referral of children suspected to have cancer;
 - (kb) provide the policy framework necessary to ensure public private partnership in childhood cancer care;

CLAUSE 4

THAT clause 4 of the Bill be amended—

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) deleting paragraph (j); and
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) inserting the following new paragraphs immediately after (i)—
 - (ja) two County Directors of Health nominated by the Council of County Governors;
 - (jb) one person representing the umbrella body of clinical pathologists in Kenya nominated by the Cabinet Secretary;

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in the proposed new section 22A subsection (1) —
 - (i) by inserting the word “diagnosis” immediately after the words “equipment for the prevention” appearing in paragraph (b);

- (ii) by inserting the following new paragraph immediately after paragraph (d)—
 - (da) put in place measures to improve the training and skills of health workers working in the community health unit, to ensure prompt detection and referral of persons suspected to have cancer;
- (iii) by deleting paragraph (g) (ii) and substituting therefor the following new sub-paragraph—
 - (ii) palliative care facilities and facilities for the accommodation for persons receiving cancer treatment;
- (iv) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) ensure that issues concerning cancer prevention, diagnosis and treatment are incorporated into the county development programmes and strategies and allocate the resources required for treatment and control of cancer;
- (b) in the proposed new section 22C—
 - (i) by inserting the word “diagnosis” immediately after the words “responsible for the prevention” appearing in subsection (1);
 - (ii) by deleting subsection (2) (b) and substituting therefor the following new paragraph—
 - (b) provide cancer screening and diagnostic services supervised by a pathologist;

APPENDIX

1. NOTICE OF MOTION

(The Senate Majority Leader)

THAT, AWARE THAT, Coronavirus Disease (COVID-19), a new strain of Coronaviruses that was discovered in December 2019, is an infectious disease known to cause respiratory infections ranging from common cold, fever, tiredness, aches and pains to more severe health complications;

COGNIZANT THAT this epidemic has no known cure and has spread and killed many people over several countries and continents with the potential of affecting a large percentage of the world population, as the impact of the virus is still unfolding;

FURTHER COGNIZANT THAT the World Health Organization (WHO) has declared the Coronavirus disease (COVID-19) as a pandemic;

AWARE THAT the Government, upon confirmation of Coronavirus cases in the country, has taken various measures aimed at containing the spread of the disease, including suspension of learning in all educational institutions and the need to minimize attendance to various gatherings;

ACKNOWLEDGING THAT Parliament Buildings has high human traffic on any given working day, including Members of Parliament, staff, visitors, school children, visiting delegations and witnesses appearing before House Committees;

GIVEN the need for Parliament to institutionalize measures to mitigate the crisis posed by the Virus-

FURTHER RECOGNIZING the mechanism set out in Standing Order 30 to convene a Special Sitting of the Senate;

NOW THEREFORE, notwithstanding the Resolution of the Senate made on 27th February, 2020, pursuant to Standing Order 29 approving the Senate Calendar and owing to the need to complement the efforts of the Government in containing the spread of the disease, the Senate resolves to -

- (a) adjourn its Plenary sittings today, 17th March, 2020 to reconvene on Tuesday, 14th April, 2020 at 2.30pm; and
- (b) alter its Calendar accordingly.

2. STATEMENTS

Pursuant to Standing Order 47(1)

- a) The Senator for Trans Nzoia County (Sen. Michael Mbito, MP) to make a statement on the habit by hospitals of detaining deceased persons over nonpayment of outstanding bills; and

- b) Nominated Senator (Sen. Abshiro Halake, MP) to make a statement on the marginalization of the Muslim population with regards to access to finances given to Micro, Small and Medium Enterprises (MSMEs), Women, Youth and Persons with disability by government institutions.

Pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on Education regarding the security of students at the University of Nairobi;
- b) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on waste management in Bomet County;
- c) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Education on the alleged irregular recruitment by the Teachers Service Commission (TSC);
