



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

**SUPPLEMENTARY**

TUESDAY, JUNE 23, 2020 AT 2.30 P.M.

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE STANDING ORDERS**

(The Leader of the Majority Party)

**THAT**, noting the recent changes in the composition of several Committees of the House, particularly those occasioned by the changes originating from the Majority Party, appreciating the need for further **consultations** and pursuant to the provisions of Standing Order 256 (*Exemption of Business from The Standing Orders*), this House –

- (a) **resolves to exempt** the filling of the vacancies and the election of Chairpersons and Vice-Chairpersons to the various Committees from the provisions of Standing Order 173(3) (*Filling of a vacancy in a Select Committee within 14 days*) and Standing Order 179(2) (*Filling of a vacancy of a Chairperson or Vice Chairperson of a Select Committee within seven (7) days*); and,
- (b) **orders** that the filling of the said vacancies in Committees and the election of Chairpersons and Vice Chairpersons be concluded within thirty (30) days from the date of this resolution.

...../9\*

**9\*. PROCEDURAL MOTION- REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL**  
(The Vice-Chairperson, Budget and Appropriations Committee)

**THAT**, notwithstanding the provisions of Standing Order 120, this House **resolves** to reduce the publication period of the Appropriation Bill (National Assembly Bill No. 19 of 2020) from **7 days to 4 days**.

**10.\* THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2020)**  
(The Vice Chairperson, Budget & Appropriations Committee)

First Reading

**11\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2020)**  
(The Chairperson, Departmental Committee on Finance & National Planning)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Finance Bill (National Assembly Bill No. 10 of 2020), **subject to recommittal of New Clause 28A**.

**Notice of Further Amendment proposed-**

**THAT**, the motion for agreement with the Report of the Committee of the whole House be further amended by inserting the words “**subject to recommittal of Clause 12.**”

*(The Chairperson, Departmental Committee on Finance & National Planning)*

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

The Finance Bill (National Assembly Bill No. 10 of 2020)  
(The Chairperson, Departmental Committee on Finance & National Planning)

**13\*. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)**  
(The Leader of the Majority Party)

Second Reading

...../14\*

14\*. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)**  
(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

*(Resumption of debate interrupted on Tuesday, March 17, 2020)*

15\*. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)**  
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

16\*. **THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO.25 OF 2018)**  
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

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\* Denotes Orders of the Day

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...../Notices

**I. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2020)**

- 1) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Finance Bill, 2020 at the Committee Stage-

**CLAUSE 1**

**THAT**, the Bill be amended in clause 1 —

- (a) by inserting the expression “13A,” immediately after the expression “9,” in paragraph (a);
- (b) by inserting the following new paragraph immediately after paragraph (a) —  
(ab) section, 8 (b), 11 (a) (i) and (iv), 11(d), 19 (a) (i) and 12 (a) on 1<sup>st</sup> July, 2021;

**CLAUSE 2**

**THAT**, the Bill be amended by deleting the proposed clause 2 and substituting therefor the following new clause —

- “2. Section 6A of the Income Tax Act is amended in subsection (1) by deleting—
- (a) the words “one hundred and forty-four thousand shillings” and substituting therefor the words “two hundred and eighty-eight thousand shillings”; and
  - (b) the word “ten” and substituting therefor the word “fifteen”.

**CLAUSE 5**

**THAT**, the Bill be amended in clause 5 by deleting paragraph (f).

**CLAUSE 8**

**THAT**, the Bill be amended in clause 8—

- (a) by deleting paragraph (b);
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—  
“(c) by deleting the both paragraphs 53;”

(c) by inserting the following new paragraph immediately after paragraph (c)

—  
“(d) by inserting the following new paragraph immediately after paragraph 52—

53. Monthly pension granted to a person who is sixty-five years of age or more.”

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 9-

Amendment of  
Eighth  
Schedule to  
Cap. 470.

**9A.** The Eight Schedule to the Income Tax Act is amended in paragraph 3 by deleting sub-paragraph (2) and substituting therefor the following sub-paragraph-

(2) The gain accruing to a company on any transfer of machinery classified in paragraph 1 (b) of the Second Schedule is not chargeable to tax under section 3(2) (f).

**NEW CLAUSE**

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

Amendment of  
section 68 of No. 35  
of 2013.

**10A.**Section 68 of the Value Added Tax Act, 2013, is amended by inserting the following new sub-section immediately after subsection (2)—

(2A) Notwithstanding the repeal of paragraph 102 of the First Schedule, the exemption of goods imported or purchased locally for direct and exclusive use in the implementation of projects under a special operating framework arrangement with the Government, shall continue for existing projects for the remaining period of the agreement.

**CLAUSE 11**

**THAT**, the Bill be amended in clause 11 (a) by –

(a) inserting the following sub-paragraph immediately after sub-paragraph (i)–

“(ia) deleting tariff numbers 8309.90.90 and its corresponding description appearing in paragraph 39 (3)”;

(b) deleting paragraph (viii).

(c) inserting the following new paragraph immediately after paragraph (viii)–

(ix) deleting paragraph 108;

**CLAUSE 12**

**THAT**, the Bill be amended in clause 12 by inserting the following paragraph immediately after paragraph (b) –

(c) inserting the following new paragraph immediately after paragraph 19–

20. The supply of maize (corn) flour, cassava flour, wheat or meslin flour and maize flour containing cassava flour by more than ten percent in weight.

**Provided that this paragraph shall be in operation for a period of six months from the date of assent.**

*(Subject to recommital)*

**NEW CLAUSE**

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

Amendment of  
section 10 of  
No. 23 of 2015

13A. The Excise Duty Act, 2015 is amended by deleting section 10 and substituting therefor the following new section-

Adjustment  
for  
inflation

10. (1) Despite section 8, the Commissioner shall, with the approval of the Cabinet Secretary, by notice in the *Gazette*, adjust the specific rate of excise duty once every year to take into account inflation in accordance with the formula specified in Part 1 of the First Schedule.

(2) The notice under subsection (1) shall be laid before the National Assembly within seven days from the date of publication.

(3) The National Assembly shall, within twenty-eight sitting days of the receipt of the notice under sub-section (2), consider the notice and make a resolution either to approve or reject the notice.

(4) The notice shall cease to have effect, if a resolution disapproving the notice is passed by the National Assembly.

**CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and substituting therefor the following new clause-

14. The First Schedule to the Excise Duty Act, 2015 is amended -

(a) in paragraph 1 of Part 1 by-

(i) deleting the expression “10%” appearing in the description “Beer, Cider, Perry, Mead, Opaque beer and mixtures of fermented beverages with non-alcoholic and spirituous beverages of alcoholic strength not exceeding 10%” and substituting therefor the expression “6%”;

(ii) by deleting the expression “10%” appearing in the second column against the description “Spirits of undenatured ethyl alcohol; spirits beverages of alcoholic strength exceeding 10%” and substituting therefor the expression “8%”;

(b) by deleting paragraph 5 in Part 1.

**CLAUSE 19**

**THAT**, the Bill be amended in clause 19 –

(a) in paragraph (a) (iv) by deleting the words, “all goods, including materials supplies” appearing in the proposed new paragraph (xxv);

(b) in paragraph (b) (ii) by deleting the words, “all goods, including materials supplies” appearing in the proposed new paragraph (ix).

**CLAUSE 22**

**THAT**, the Bill be amended in clause 22 by –

(a) inserting the following paragraph immediately before paragraph (a)-

“(a) by inserting the following sub-section immediately after sub-section (1)-

(1A) Notwithstanding subsection (1), a private toll collector shall only levy toll and collect monies payable on a public toll road constructed under an agreement entered into under section 4A.

(b) by renumbering the existing paragraphs as (b) and (c).”

## NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 28—

Amendment of  
section 156 of Cap.  
487.

**28A.** The Insurance Act is amended by deleting section 156 and substituting therefor the following new section —

Cash and  
carry payment  
of premiums.

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

(2) An insurer who contravenes subsection (1), shall be liable for a penalty equivalent to fifty percent of the premium payable to the Policyholders Compensation Fund or upon conviction shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years or both.

(3) An intermediary shall upon receipt of any premiums on behalf of an insurer immediately remit the same to the insurer.

(4) An intermediary who contravenes subsection (3) shall be liable to refund the premium and pay a penalty equivalent to twenty percent of the unremitted premium to the client.

(5) Any officer or director of an intermediary who contravenes subsection (3) shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term of three months or both.

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

(7) An insurer who contravene subsection (6) shall be liable to a penalty five million shillings on each contravention, payable to the policyholders Compensation Fund.



**CLAUSE 30**

**THAT**, the Bill be amended by deleting clause 30.

**CLAUSE 33**

**THAT**, the Bill be amended by deleting the proposed amendment in clause 33 and substituting therefor the following new clause-

“Section 16 of the Kenya Revenue Authority Act, 1995 is amended—

(a) in subsection (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) at least two percent of the revenue actually collected by the Authority in the previous financial year;”

(b) in subsection (1) by inserting the following new paragraph immediately after paragraph (b)-

“(ba) any commission received by the Authority for collecting any revenue on behalf of a county government or government agency;”

(c) by inserting the following subsection immediately after subsection (1)-

(1A) Subject to subsection (1) (ba), the commission received by the Authority shall not exceed two percent of the total revenue collected on behalf of the county government or government agency.

**CLAUSE 34**

**THAT**, the Bill be amended in clause 34 in the proposed new section 20A (a) by deleting the words “twelve months” and substituting therefor the words “three years”.

2) **Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Finance Bill, 2020 at the Committee Stage-**

**CLAUSE 37**

**THAT**, clause 37 of the Bill be amended by deleting the word “registered” appearing in the proposed new item (h) and substituting therefor the word “licensed”.

3) Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Finance Bill, 2020 at the Committee Stage—

**CLAUSE 21**

**THAT**, the Bill be amended in clause 21 by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) by deleting the definition of the term “toll collector” and substituting therefor the following new definition—

“toll collector” means a public toll collector appointed under section 4 and includes a private toll collector appointed under section 4B;

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended in the proposed new section 6A by—

- (a) inserting the words “except transit tolls” immediately after the word “tolls” appearing in subsection (2); and

- (b) inserting the following new subsection immediately after subsection (2)-

(2A) The purpose of the Fund shall be to provide funds for the —

- (a) proper functioning of toll roads and toll stations; and  
(b) development, repair or maintenance of roads as the Minister may direct.

**CLAUSE 26**

**THAT**, clause 26 of the Bill be amended in the proposed amendment to section 8 by—

- (a) inserting the following new paragraph immediately before the renumbered paragraph (b) —

(a) by deleting the words “shall be guilty of an offence and liable to a fine not exceeding five thousand” appearing in the proviso to subsection (1) and substituting therefor the words “commits an offence and shall upon conviction, be liable to a fine not exceeding fifty thousand”.

- (b) renumbering the existing provision as paragraph (b).

**CLAUSE 31**

**THAT**, the Bill be amended by deleting clause 31.

4) Notice is given that the Member for Kikuyu (Hon. Kimani Ichung'wah) intends to move the following amendments to the Finance Bill, 2020 at the Committee Stage at the Committee Stage-

**NEW CLAUSE**

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

Amendment  
of section 10  
of No. 23 of  
2015.

**13A.** Section 10 of the Excise Duty Act is amended —

- (a) by deleting the words “shall, by notice in the *Gazette*, adjust the specific rate of excise duty once every year” and substituting therefor the words “may, with the approval of the Cabinet Secretary, by notice in the *Gazette*, adjust the specific rate of excise duty once every two years;”
- (b) by renumbering the existing section as sub-section (1);
- (c) by inserting the following new subsections immediately after the renumbered sub-section (1)—
  - (2) The Cabinet Secretary shall submit to the National Assembly the notice issued under sub-section (1), within seven days from the date of the publication of the notice in the *Gazette*.
  - (3) The National Assembly shall, within twenty-eight sitting days of receipt of the notice under subsection (2), consider the notice and make a resolution thereon to either approve or reject the notice.
  - (4) Where the National Assembly approves a notice, the notice shall take effect within seven days of such approval.
  - (5) Where the National Assembly fails to approve or rejects a notice, the notice shall not take effect.

# **NOTICES**

**The House further resolved on Tuesday, June 2, 2020as follows-**

**THAT**, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, during the Sittings of the House from June 4, 2020to July 2, 2020,each speech in **debate** on **Bills, Motions** (*including Special Motions*), **Sessional Papers** and **Committee Reports**, shall be limited as follows:- a maximum of **two hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order, and that the resolution **shall not** apply to the Second Reading of the Finance Bill, 2020, debate on the Budget Estimates and the Committee of Supply for the Financial Year 2020/2021.

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...../Notice Paper

**NOTICE PAPER**

**Tentative business for**  
**Thursday, June 25, 2020**

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

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday, June 25, 2020-

**A. THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2020)**

(The Vice-Chairperson, Budget & Appropriations Committee)

Second Reading

**B. COMMITTEE OF THE WHOLE HOUSE**

(i) The Appropriation Bill (National Assembly Bill No. 19 of 2020)

(The Vice-Chairperson, Budget & Appropriations Committee)

(ii) The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018)

(The Chairperson, Departmental Committee on Communication, Information & Innovation)

(iii) The Tea Bill (Senate Bill No. 36 of 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

(iv) The Gaming Bill (National Assembly Bill No. 38 of 2019)

(The Chairperson, Departmental Committee on Sports, Culture & Tourism)

**C. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, June 23, 2020 – Afternoon Sitting)*

**D. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

(The Vice-Chairperson, Mediation Committee)

**E. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 7 OF 2017)**

(The Vice-Chairperson, Mediation Committee)

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...../Appendix

**A P P E N D I X**  
**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. QUESTION BY PRIVATE NOTICE**

008/2020

**The Nominated Member (Hon. Gideon Keter, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government:-**

- (a) Could the Cabinet Secretary provide an update on the level of compliance with provisions of section 49 of the National Police Service Act and the Prevention of Torture Act by the Police, given the recent surge in cases of Police brutality and violence incidences in the country, taking into account the recent case of one Mercy Cheronu which took place in Nakuru County?
- (b) Given that Kenya is a signatory of the UN Human rights charter, what measures has the Ministry put in place to implement the recommendations of the UN Human Rights Council, Human Rights Watch (HRW) and Missing Voices Kenya in their Report on the death and disappearances of 77 people in Kenya this year alone due to Police actions?
- (c) What steps are the National Police Service and the National Policing Oversight Authority taking to ensure reparation and compensation to the victims of Police brutality and violence?

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

**ORDINARY QUESTIONS**

074/2020

**The Member for Runyenjes (Hon. Eric Muchangi, MP) to ask the Cabinet for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (a) Could the Cabinet Secretary explain why the improvement to bitumen standards of *Kyeni - Karurumo* road in Runyenjes Constituency has stalled since 2014?
- (b) Could the Cabinet Secretary also explain why the contractor of the said road has since left the site without paying workers?
- (c) What measures are in place to ensure that construction of the said road is completed without further delays?

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

075/2020

**The Member for Mumias East (Hon. Benjamin Washiali, MP) to ask the Cabinet Secretary for Ministry of Labour and Social Protection: -**

- (a) What is the criteria used in identification of elderly persons to benefit from the *Cash Transfer Programme* in the country?
- (b) Could the Ministry consider ensuring that all the elderly persons aged 70 years and above are fully enrolled into the *Pesa Kwa Wazee Cash Transfer* programme including the more than 500 persons aged over 70 years in Mumias East Constituency who are currently not beneficiaries of the said programme.

*(to be replied before the Departmental Labour and Social Welfare)*

076/2020

**The Member for Mwingi West (Hon. Charles Ngusya, MP) to ask the Cabinet for Defence:-**

- (a) Could the Cabinet Secretary explain why one Maj. (Rtd) Manzi Musyona S.No 17679 has not been paid his terminal benefits since his retirement from service in 2001.
- (b) Could the Cabinet Secretary also explain why his compensation for the unlawful termination from service and the cost of the Petition *Vide Court Order No.51 of 2012, (formerly MISC App. No. HCC 586 of 2006 -Major Manzi Luu-Vs- Attorney General)* are yet to be paid?
- (c) Could the Cabinet Secretary give an undertaking regarding when Maj. (Rtd) Manzi Musyona will be paid his dues?

*(to be replied before the Departmental Committee on Defence and Foreign Relations)*

077/2020

**The Member for Loima (Hon. Jeremiah Ekamais Lomorukai, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -**

- (a) Could the Cabinet Secretary confirm whether Turkana County has been demarcated, surveyed and divided for purposes of settling residents of the County?
- (b) Could the Cabinet Secretary also explain the progress, if any of the process of ascertaining trust land and changing of land ownership from customary tenure to individuals, groups or enterprise ownership so as to ease the registration process?
- (c) Could the Cabinet Secretary provide a list of all individuals and entities in Turkana County who currently have title deeds, and indicate when residents and other pastoralist communities will be issued with title deeds?
- (d) What measures are in place to ensure that residents of Turkana County adequately access the services of the Ministry particularly regarding safeguarding the interests of the community as provided for in Article 63 of the Constitution?

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

078/2020

**The Member for Marsabit County (Hon. Safia Sheik Adan, MP) to ask the Cabinet for Health –**

Could the Cabinet Secretary detail the plans, if any, for ensuring that the cost of DNA tests in the Country is made available and affordable, considering that various health facilities charge exorbitant fees for such tests making it difficult especially for neglected mothers to undertake paternity tests and seek child support from fathers?

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

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