



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, MAY 11, 2021 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\*. THE CENTRAL BANK OF KENYA (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 10 OF 2021)**

(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

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

The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)  
(The Chairperson, Constitutional Implementation Oversight Committee)

**10\*. THE NARCOTICS, DRUGS AND PSYCHOTROPIC SUBSTANCES  
(CONTROL) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL  
NO. 27 OF 2020)**

(The Chairperson, Departmental Committee on Administration & National Security)

Second Reading

*(Resumption of debate interrupted on Thursday, March 25, 2021)*

**11\*. THE NATIONAL COHESION AND PEACE BUILDING BILL  
(SENATE BILL NO. 35 OF 2018)**

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

**12\*. THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL  
(NATIONAL ASSEMBLY BILL NO. 6 OF 2020)**

(The Chairperson, Departmental Committee on Health)

Second Reading

**13\*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE  
BILL NO. 13 OF 2018)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

**14\*. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)**

(The Leader of the Majority Party)

Second Reading

**15\*. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL  
ASSEMBLY BILL NO. 16 OF 2020)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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# **N O T I C E S**

## **I. THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)**

- 1) Notice is given that the Chairperson of the Constitutional Implementation Oversight Committee intends to move the following amendments to the Public Fundraising Appeals Bill, 2019 at the Committee Stage—

### **LONG TITLE**

**THAT**, the Bill be amended by deleting the Long title and substituting therefor the following new Long title—

“AN ACT of Parliament to establish a regulatory mechanism at the national and county levels for the collection of money and property from the public; and for connected purposes”

### **CLAUSE 1**

**THAT**, clause 1 of the Bill be amended by deleting the words “Fundraising Appeals” and substituting therefor the word “Collections”.

### **CLAUSE 2**

**THAT**, the Bill be amended by deleting clause 2 and inserting the following new clause—

Interpretation.

2. In this Act, unless the context otherwise provides—

No. 11A of 2011.

“Authority” means the County Policing Authority established under section 41 of the National Police Service Act;

“beneficiary”, in relation to a public collection, means —

(a) any person, class of persons or cause listed as beneficiary by the person conducting the public collection when applying for registration; or

(b) any person who is acting on behalf of such a person, cause or class of persons referred to under paragraph (a);

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to social protection;

“Ministry” means the Ministry responsible for matters relating to social protection;

“National Committee” means the Public Collection Committee established under section 4;

“person” includes a company, association or other body of persons whether incorporated or unincorporated;

“public collections” means an appeal to the public or any section of the public, made by means of visits from premises to premises or of soliciting in a public place or at a public meeting, or by any or all such means, to give, whether for consideration or not, money or other property, not being—

- (a) money or property due or about to fall due from the donors under or by virtue of any written law, contract or other legal obligation; or
- (b) money or property collected by or under the authority of a recognized representative of a religion or religious community for—
  - (i) the upkeep of any recognized place of religious worship or house of prayer; or
  - (ii) any purely religious or charitable purpose;

and “public collections manager” means, in relation to a public collection, a person who makes such an appeal by any of the said means;

“public collections manager” means a person who is licensed under section 26 to conduct a public collection and who has the managerial or financial responsibility in relation to the public collection;

“register” means the register of public collections kept by the National Committee and the County Policing Authority under section 35;

**CLAUSE 3**

**THAT**, clause 3 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (b) in paragraph (b) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (c) in paragraph (d) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (d) in paragraph (f) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (e) in paragraph (g) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;

**PART II**

**THAT**, the Bill be amended by deleting the title to Part II of the bill and inserting therefor the following new title—

“PART II- ESTABLISHMENT OF PUBLIC COLLECTIONS COMMITTEE”

**CLAUSE 4**

**THAT**, clause 4 of the Bill be amended—

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

Establishment of the Public Collections Committee.

4. (1) There is established the Public Collections Committee which shall consist of—

- (a) the Principal Secretary for the time being responsible for social protection or a person deputed by him or her in writing;

No. 2 of 2012.  
No. 18 of 2013.

- (b) two persons not being public officers, who have knowledge and experience in social protection, appointed by the Cabinet Secretary by notice in the Gazette;
- (c) one person nominated by the Council of County Governors established under section 19 of the Inter-Governmental Relations Act;
- (d) one person nominated by the Public Benefits Organisations Regulatory Authority established under section 34 of the Public Benefits Organisation Act; and
- (e) the Director appointed under section 11, who shall be the secretary to the National Committee.

(b) by inserting the following new sub-clause immediately after sub-clause (4)—  
“(5) The members of the National Committee shall appoint the chairperson and vice-chairperson from among themselves at the first meeting.”

**CLAUSE 5**

**THAT**, the Bill be amended by deleting clause 5 and inserting the following new clause—

Functions of the  
National Committee.

5. The functions of the National Committee shall be to—

- (a) collaborate with the Authority in the performance of their functions under this Act;
- (b) oversee the conduct of public collections;
- (c) receive, vet and process applications for the issuance of a licence to conduct a public collection where such collection is a national collection or is publicly made to members of the public in more than one county;
- (d) investigate any complaints, misuse of funds raised through a public collection or any issue relating to the conduct of a public collection under this Act;
- (e) conduct inspections of records and audits relating to public collections conducted under this Act;
- (f) maintain a national register of persons licensed by it to conduct a public collection under paragraph (c);
- (g) establish mechanisms for the promotion of transparency and accountability in the conduct of public collections under this Act;
- (h) carry out sensitization and education awareness regarding the conduct of public collections and the promotion of transparency and accountability in the conduct of public collections;
- (i) review applications submitted to it under section 34;
- (j) promote the establishment of endowment funds and such other funds and investments that may provide sustained incomes for the benefit of the public;
- (k) monitor the implementation of, and enforce the provisions of, this Act; and

- (l) perform such other functions as may be necessary for the implementation of the provisions of this Act.

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in paragraph (a) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”.

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended in sub-clause (3) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) a public officer serving in the Ministry, nominated by the Cabinet Secretary;”

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “First” immediately after the words “in accordance with the”; and
- (b) in sub-clause (2), by inserting the word “First” immediately after the words “Except as provided in the”

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended in sub-clause (2) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”

**CLAUSE 11**

**THAT**, clause 11 of the Bill be amended in sub-clause (1) by deleting the words “planning and social development” and substituting therefor the words “social protection”

**PART III**

**THAT**, the Bill be amended by deleting the title to Part III and substituting therefor the following new title—

“PART III- REGULATION OF PUBLIC COLLECTIONS AT THE COUNTY LEVEL”

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended—

- (a) by deleting sub-clause (2) and inserting the following new sub-clause—

“(2) Notwithstanding the generality of subsection (1), the County Policing Authority shall –

- (a) receive, vet and process applications for the issuance of a licence to conduct a public collection within the county;
- (b) regulate the conduct of public collections within the county;

- (c) investigate any complaints, misuse of funds raised through a public collection or any issue relating to the conduct of a public collection under this Act within the county;
- (d) carry out inspections of records and audits relating to a public collection within the county conducted under this Act;
- (e) maintain a register of all licenses issued to a person conducting a public collection within the county under this Act;
- (f) monitor and evaluate the conduct of public collections within the county; and
- (g) perform such other functions as may be necessary for the implementation of this Act.”

(b) by deleting sub-clause (3) and inserting the following new sub-clause—

“(3) The County Policing Authority shall have all the powers necessary for the proper discharge of the functions under this Act and without prejudice to the generality of the foregoing, shall have the power to —

- (a) oversee the conduct of public collections carried out under this Act within the county;
- (b) require any information from any person conducting or intending to conduct a public collection within the county under this Act;
- (c) require at any time, before the issuance of a licence and at any time after being issued with a licence such information as it may consider necessary; and
- (d) monitor the compliance by persons licensed under this Act, of the provisions of this Act.”

**PART IV**

**THAT**, the Bill be amended by deleting the title to Part IV and substituting therefor the following new title—

“PART IV- CONDUCT OF PUBLIC COLLECTIONS”

**CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15 and inserting the following new clause—

Classification of public collections.

15. Public collections shall be classified as—

- (a) public collections which shall consist of solicitations made by a public collections manager to members of the public or a section of the public for a public benefit and which shall be licensed as such under this Act;

- (b) public collections which shall consist of solicitations made by a public collections manager to members of the public or a section of the public for a private benefit and which shall be licensed as such under this Act; and
- (c) private collections which shall consist of solicitations made by a person or class of persons on behalf of a person or class of persons to the members of the family of, or relatives of such person for the benefit of such person, subject to section 16(1).

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended—

- (a) in sub-clause (1)—
  - (i) in the opening sentence by deleting the words “fundraising appeal” and substituting therefor the words “public collections”;
  - (ii) in paragraph (a) by deleting the word “or” appearing at the end of the sentence and substituting therefor the word “and”;
  - (iii) in paragraph (b) by deleting the word “good” and substituting therefor the word “purpose”.
- (b) in sub-clause (2) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended—

- (a) by deleting the words “fundraising appeal” appearing in the opening sentence and substituting therefor the words “public collection”;
- (b) by inserting the following new paragraph immediately after paragraph (b)—

“(ba) soliciting or receiving subscriptions, donations, bequests, endowment funds, gifts and grants that are authorized under the Universities Act or any other written law”

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended by deleting the words “fundraising appeal” and substituting therefor the word “collection”

**CLAUSE 19**

**THAT**, clause 19 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”;
- (b) in sub-clause (2) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (c) in sub-clause (5) by deleting the words “fundraising appeals” and substituting therefor the words “public collections”;
- (d) in sub-clause (6) by deleting the words “fundraising manager” and substituting therefor the words “public collections manager”;
- (e) in sub-clause (7) by deleting the word “section” and substituting therefor the word “Act”.



**CLAUSE 20**

**THAT**, the Bill be amended by deleting clause 20 and inserting the following new clause—

Prohibition on state officers.

20. A state officer who takes part in a public collection shall not—

- (a) use the office or place of work as a venue for soliciting or making public collections; or
- (b) obtain money from a person by using his or her official position in any way to exert pressure.

**CLAUSE 21**

**THAT**, the Bill be amended by deleting clause 21 and inserting the following new clause—

Application for a licence.

**21.** (1) A person shall not conduct a public collection unless the person has applied for, and obtained, a licence in accordance with the provisions of this Act.

(2) A person who intends to conduct a public collection shall submit to the National Committee or the relevant County Policing Authority, an application for a licence at least twenty one days before the date for the conduct of the public collection.

(3) An application under subsection (2) shall be in such form as the National Committee or the relevant County Policing Authority shall determine and shall be submitted together with the following information—

- (a) the full names and address of the person intending to conduct the public collection;
- (b) the purpose of the public collection;
- (c) the necessity of conducting the public collection;
- (d) the date on which the public collection is to be conducted;
- (e) the names and contact details of the persons assisting in conducting the public collection;
- (f) the amount intended to be raised through the public collection;
- (g) the estimated expenses to be incurred in conducting the public collection;
- (h) a statement regarding whether any monies have been received with respect to the matter pertaining to the public collection from any person prior to the date of the proposed public collection;
- (i) the place at which the public collection is intended to be made;

- (j) the expected timeframe for the public collection; and
- (k) such other information as may be necessary.

(4) Where an applicant for a licence under subsection (2) is not the intended beneficiary of the public collection, the application shall be submitted together with—

- (a) the name of every person on whose behalf the person intends to conduct a public collection;
- (b) the common features shared by the class of persons for whose benefit the person intends to conduct a public collection, and the means by which the money or benefit is to be transmitted to that class or is to be distributed among the individual members of that class;
- (c) if any intended public collection is not to be conducted for the immediate direct benefit of one or more people, a description of the cause for which the public collection is to be conducted, and the means by which the money or benefit will be applied to the cause;
- (d) in the case of —
  - (i) an adult who is the intended beneficiary, the consent of such adult;
  - (ii) an adult who is the intended beneficiary but who lacks legal capacity to consent, the consent of a legally appointment guardian; or
  - (iii) a child who is the intended beneficiary, the consent of the parents or guardian of the child;
- (e) a declaration that the intended public collection does not violate the provisions of the Public Officer Ethics Act, the Elections Act or the provisions of any other written law.

No. 4 of 2003.  
No. 24 of 2011.

(5) Where the intended beneficiary of a public collection is an organisation or the members of such organisation, an application for a licence under subsection (2) shall be submitted together with the consent of a duly authorised representative of the organisation.

## **CLAUSE 22**

**THAT**, the Bill be amended by deleting clause 22 and substituting therefor the following new clause—

Urgent applications.

**22.(1)** The National Committee or the relevant County Policing Authority may dispense with the period specified under section 21(2) where the National Committee or the relevant County Policing Authority is satisfied that special circumstances exist to warrant the exemption.

(2) An application submitted under subsection (1) shall contain a statement specifying the special circumstances warranting the application.

(3) The National Committee or the relevant County Policing Authority shall consider the application and may, in granting a licence, impose such conditions as it considers appropriate.

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended in sub-clause (1) by inserting the words “National Committee or the” immediately after the word “The”.

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended in sub-clause (1) by inserting the words “National Committee or the” immediately after the word “The”.

**CLAUSE 26**

**THAT**, clause 26 of the Bill be amended—

- (a) in the opening sentence by deleting the words “relevant committee” and substituting therefor the words “National Committee or the relevant County Policing Authority”;
- (b) in paragraph (b) by deleting the words “fundraising appeal” wherever they appear and substituting therefor the words “public collection”.

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended—

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

“(1) The National Committee or the relevant County Policing Authority shall issue to an applicant one licence in relation to the conduct of each public collection under this Act.”
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A licence issued under subsection (1) shall, unless otherwise specified by the National Committee or the relevant County Policing Authority, automatically expire upon the conduct of the public collection to which the licence issued relates.”

**CLAUSE 28**

**THAT**, the Bill be amended by deleting clause 28 and inserting the following new clause—

- Refusal to issue licence.
- 28.** (1) The National Committee or the relevant County Policing Authority may refuse to issue to an applicant, a licence to conduct a public collection where—
- (a) the application for a licence does not comply with this Act;
  - (b) the applicant —
    - (i) is an undischarged bankrupt; or
    - (ii) has been found guilty of an offence under this Act;

- (c) the application for a licence contains false or misleading information;
- (d) there are significant omissions in the application for a licence or the application is incomplete in a significant way;
- (e) the consent of a beneficiary of an intended public collection has not been supplied;
- (f) in the case of an intended public collection on behalf of a class of beneficiaries, the description of the class is too vague, or the class is insufficiently identified; or
- (g) the purpose for which the public collection is to be conducted is unlawful or incompatible with public interest.

(2) The National Committee or the relevant County Policing Authority may refuse to license a person as a public collection manager if the person is not, in the opinion of the National Committee or the relevant County Policing Authority, a fit and proper person to be licensed as a public collections manager.

(3) In the case of a refusal, the National Committee or the relevant County Policing Authority shall notify the applicant in writing of the refusal within three days of the decision and by giving reasons for the refusal.

**CLAUSE 29**

**THAT**, the Bill be amended by deleting clause 29 and inserting the following new clause—

Conditions for issuance of a licence.

**29.** (1) The National Committee or the relevant County Policing Authority may, in issuing a licence to an applicant under section 26, impose such conditions on the applicant in relation to the conduct of the public collection.

(2) The National Committee or the relevant County Policing Authority may, from time to time, issue guidelines relating to the imposition of conditions under subsection (1).

**CLAUSE 30**

**THAT**, the Bill be amended by deleting clause 30 and inserting the following new clause—

Grounds for cancellation of a licence.

**30.**The National Committee or the relevant County Policing Authority may, subject to the provisions of section 31, cancel a licence issued under this Act where—

- (a) there are reasonable grounds to believe that the public collections manager is likely to be pursuing an unlawful cause or purpose prejudicial to the peace, welfare or good order of the public;

- (b) the person conducting the public collection fails to comply with the provisions of this Act;
- (c) a person fails to submit any additional information that the National Committee or the relevant County Policing Authority may require to ensure compliance with this Act;
- (d) the National Committee or the relevant County Policing Authority determines that the person submitted false information or statements at the time of application for a licence; or
- (e) the National Committee or the relevant County Policing Authority determines that the licence was obtained fraudulently or through a misrepresentation of facts.

**CLAUSE 31**

**THAT**, the Bill be amended by deleting clause 31 and inserting the following new clause—

Notice of non-compliance.

31. (1) The National Committee or relevant County Policing Authority shall, before cancelling the licence under section 30, issue to the applicant a compliance notice in the prescribed form.

(2) A compliance notice specified under subsection (1) shall—

(a) be in writing;

(b) notify the applicant of the non-compliance and the steps required to be taken in order to comply; and

(c) inform the applicant of the period within which the applicant is required to comply with the notice.

(3) The National Committee or the relevant County Policing Authority may, upon request by an applicant and where there are sufficient grounds, extend the period of compliance for such period as it may consider necessary to ensure compliance.

**CLAUSE 32**

**THAT**, the Bill be amended by deleting clause 32 and inserting the following new clause—

Revocation of licence.

32.(1) Where an applicant receives a notice under section 31 and fails to comply with such notice, the National Committee or the relevant County Policing Authority shall—

(a) revoke the licence;

(b) notify the applicant in writing of —

(i) the revocation of the licence and the reasons for the revocation; and

(ii) the date on which the licence was cancelled; and

(c) amend the register accordingly.

(2) For purposes of this Act, a cancellation of a licence shall take effect on the date on which the licence is cancelled by the National Committee or the relevant County Policing Authority.

**CLAUSE 33**

**THAT**, the Bill be amended by deleting clause 33 and inserting the following new clause—

Duties of a public collections manager on revocation.

**33.** Where the National Committee or the relevant County Policing Authority revokes a licence under section 32, the public collections manager—

- (a) shall stop any public collection activities that the public collections manager was undertaking immediately before the revocation took effect;
- (b) shall not, without the written consent of the National Committee or the relevant County Policing Authority, pay out or otherwise distribute or deal with any asset obtained as a result of the public collection;
- (c) shall submit to the National Committee or the relevant County Policing Authority, an inventory of the assets of any public collection conducted by the public collections manager within seven days of the revocation; and
- (d) subject to paragraph (c), shall ensure that any assets obtained as a result of the public collection are distributed as soon as is practicable to the intended beneficiaries of the public collection.

**CLAUSE 34**

**THAT**, clause 34 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “the Authority” and substituting therefor the words “a County Policing Authority”;

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

“(4) A person aggrieved by the decision of the National Committee may, within thirty days of the notification of the decision, appeal to the High Court.”

**CLAUSE 35**

**THAT**, the Bill be amended by deleting clause 35 and inserting the following new clause—

Register of public  
collections.

35. (1) The National Committee, and the County Policing Authority in each county, shall keep and maintain a register of —

- (a) all licensed public collections within their respective jurisdiction;
- (b) all licensed public collections managers within their respective jurisdiction;
- (c) all cancelled licences within their respective jurisdiction; and
- (d) such other particulars as the National Committee or the relevant County Policing Authority may from time to time determine.

(2) A person may inspect any of the registers under subsection (1) and may obtain a copy of, or an extract from the register upon payment of such fee as the National Committee or the relevant County Policing Authority shall determine.

**CLAUSE 36**

**THAT**, clause 36 of the Bill be amended in sub-clause (1) by deleting the words “Each Authority” and substituting therefor the words “The National Committee and each County Policing Authority”.

**CLAUSE 37**

**THAT**, the Bill be amended by deleting clause 37 and inserting the following new clause—

False statements.

**37.** A person who makes an application under this Act containing any matter which is false in any material fact known to that person, commits an offence.

**CLAUSE 38**

**THAT**, clause 38 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “fundraising” and substituting therefor the word “collection”;
- (b) in sub-clause (2) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”;
- (c) in sub-clause (3) by deleting the expression “(1) and substituting therefor the expression “(2)”;

**CLAUSE 39**

**THAT**, clause 39 of the Bill be amended by deleting the words “fundraising appeal” and substituting therefor the words “public collection”.

**PART V**

**THAT**, the Bill be amended by deleting the title to Part V and substituting therefor the following new title—

“PART V- RECORDS AND ACCOUNTS OF A PUBLIC COLLECTION”

**CLAUSE 40**

**THAT**, the Bill be amended by deleting clause 40 and inserting the following new clause—

Financial records  
of a public  
collection.

**40.**(1) A public collections manager shall keep a record reflecting the income and expenditure relating to the public collection including —

- (a) details of the persons who make contributions in relation to the public collection and the amounts contributed by each person;
- (b) the name, number and address of the bank into which the monies raised in relation to the public collection were deposited;
- (c) full details of all funds and assets received as a result of the public collection;
- (d) full details of the use to which the funds and assets received were put to;
- (e) full details of—
  - (i) the amount applied to the purposes or objects of the public collection and how it was distributed;
  - (ii) any expenditure on assets;
  - (iii) any expenditure on wages, salaries, commissions and other remuneration in relation to the public collection;
  - (iv) any other administrative expenses and other expenditure related to the public collection; and
  - (v) such other information as the National Committee or the relevant County Policing Authority may determine.

(2) A public collections manager shall ensure that the records are kept in a way that enables them to be conveniently and properly audited.

(3) A public collections manager shall ensure that accounts containing a summary of the records required by subsection (1) are finalised within three months of—

- (a) the date on which the public collection ends, if the public collection runs for six months or less; or
- (b) after every six months if the public collection runs for more than six months.

(4) For the purposes of this section, a public collection ends on the occurrence of the first of these events—



- (a) if the public collection is being conducted by a person whose licence has been cancelled, on the date of the cancellation of the licence;
- (b) in any other case, one month after the last significant solicitation for money or a benefit is made in relation to the public collection.

(5) Records relating to any proceeds received after the date a public collection ends but before the accounts for the last period of the appeal are finalised shall be included in those accounts.

(6) If the public collections manager continues to administer any funds or assets received as a result of a public collection after the public collection ends, the person shall ensure that accounts containing a summary of the records required under subsections (1) and (2) are finalised within one month of the receipt of the funds.

(7) A person to whom subsection (6) applies shall ensure that accounts containing a summary of the records required by subsections (1) and (2) are finalised within two months of the date the last of the funds or assets ceased to be administered by the person.

(8) A person who fails to comply with the provisions of this section commits an offence.

**CLAUSE 41**

**THAT**, the Bill be amended by deleting clause 41 and inserting the following new clause—

Other records relating to a public collection.

**41.** A public collections manager shall keep the following records—

- (a) the name and address of each person who participates in the public collection as an assistant to the public collections manager;
- (b) the name and address of each person who gained a financial advantage from the public collection, other than as a person for whose benefit the public collection was held or other than as a supplier of goods or services, and details of the reason for, and nature and amount of, that financial advantage;
- (c) the—
  - (i) name and address of every person; or
  - (ii) name or description of every class of people on whose behalf the public collection was made;
- (d) copies of the consents required under this Act, where applicable;
- (e) the dates on which the public collection started and concluded;
- (f) any other records that may be specified by the National Committee or the relevant County Policing Authority.

**CLAUSE 42**

**THAT**, the Bill be amended by deleting clause 42 and inserting the following new clause—

Storage of records.

42. (1) A public collections manager shall ensure that any records or accounts that the he or she is required to keep under this Part are stored at all times at the address or the registered office or principal place of business of the public collections manager.

(2) A public collections manager shall keep and maintain the records or accounts of a public collection for a period of at least three years after the date on which the public collection ends.

(3) A public collections manager who fails to keep proper records in accordance with this section commits an offence.

**CLAUSE 43**

**THAT**, the Bill be amended by deleting clause 43 and inserting the following new clause—

Duty to provide reports and information.

43.(1) Every public collections manager shall submit to the National Committee or the relevant County Policing Authority a summary of the records relating to the public collection conducted by him or her and prepared in terms of this Act within thirty days from the date of the conduct of the public collection.

(2) Notwithstanding subsection (1), the National Committee or the relevant County Policing Authority may require a public collections manager to submit to it, such other information, record or document that it may require in order to enable the National Committee or the relevant County Policing Authority to determine whether the public collections manager has complied with the provisions of this Act.

(3) A public collections manager shall submit the information or document required under subsection (2) within a period of seven days of such request.

(4) A public collections manager who fails to comply with the provisions of this section commits an offence.

**CLAUSE 44**

**THAT**, clause 44 of the Bill be amended—

- (a) by deleting the words “fundraising appeal” appearing in the opening sentence and substituting therefor the words “public collection”;
- (b) by deleting paragraph (b).

**CLAUSE 45**

**THAT**, clause 45 of the Bill be amended—

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

“(1) The National Committee and the County Policing Authority in each county may appoint such number of inspectors as they may consider necessary for purposes of carrying out inspections in relation to public collections.”

(b) by deleting sub-clause (2);

(c) in sub-clause (3) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”

**CLAUSE 46**

**THAT**, the Bill be amended by deleting clause 46 and inserting the following new clause—

Conduct of  
inspection.

**46.**(1) An inspector appointed under section 45 may, at any reasonable time, enter and inspect the premises of a public collections manager to ensure compliance with this Act.

(2) An inspection under subsection (1) shall be conducted—

(a) with the prior written approval of the National Committee or the relevant County Policing Authority; and

(b) after giving the public collections manager a seven days’ notice of the intended inspection.

(3) An inspector may, in conducting an inspection under subsection (1) —

(a) enter any premises and inspect any books, records or documents required to be kept under this Act or relating to a public collection, expenditure or distribution of contributions;

(b) inspect, photocopy, print out, or copy onto disk any documents, whether held in electronic or paper form; or

(c) remove any document, whether in its original form or as an electronic or paper copy.

(4) Where any original documents are removed from the premises of a public collections manager under subsection (2)(c), the inspector who removes the documents shall—

(a) leave at the premises of the public collections manager, a list of the documents removed; and

(b) return the documents to the premises as soon as practicable unless doing so would prejudice any investigation being or to be carried out by the National Committee or the relevant County Policing Authority.

(5) An inspector exercising any power under this section shall, at the time of inspection, possess the appropriate written authorisation, and evidence of identification, and shall produce them to the public collections manager or, as the case may be, the person having possession or control of the books, records, or accounts concerned—

(a) before first entering the premises; and

(b) whenever subsequently reasonably required to do so by the person in charge.

(6) A person who obstructs an inspector in the conduct of an inspection under this section commits an offence.

**CLAUSE 47**

**THAT**, clause 47 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “fundraising appeal” and substituting therefor the words “public collection”; and

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

“(3) Despite subsection (2), a person who makes a false representation in terms of this section shall surrender to the National Committee or the relevant County Policing Authority, any collections or donations received in the course of the public collection activity.”

**CLAUSE 48**

**THAT**, the Bill be amended by deleting clause 48 and inserting the following new clause—

Misappropriation of funds.

**48.** A person who applies the funds received pursuant to a public collection for a purpose other than for which the public collection was held commits an offence.

**CLAUSE 50**

**THAT**, the Bill be amended by deleting clause 50.

**CLAUSE 51**

**THAT**, clause 51 of the Bill be amended in sub-clause (1) by deleting the words “The Authority” and substituting therefor the words “The County Policing Authority in each county”.

**CLAUSE 52**

**THAT**, the Bill be amended by deleting clause 52 and inserting the following new clause—

Social development funds.

**52.** (1) The National Committee and each County Policing Authority shall, in compliance with the provisions on the establishment of public funds as set out in the Public Finance Management Act, set up a Social Development Fund which shall contain—

No. 18 of 2012.

- (a) funds or proceeds from sale of assets surrendered to the Authority;
- (b) licence fees received by the Authority; and
- (c) any other donations made to the Authority.

(2) The funds specified in subsection (1) shall be utilized in promoting social development in the area of operation of the National Committee or the relevant County Policing Authority.

(3) The National Committee or any County Policing Authority which utilizes the funds under subsection (1) for any other purpose without the approval of the Cabinet Secretary commits an offence and its members shall be held jointly and severally liable for the offence.

(4) The Cabinet Secretary shall issue guidelines for the utilization of the monies contained in the funds established under this section.

**CLAUSE 54**

**THAT**, clause 54 of the Bill be amended in sub-clause (2)—

- (a) by deleting the word “fundraisers” appearing in paragraph (a) and substituting therefor the words “public collections”; and
- (b) by deleting the words “relevant Authority” appearing in paragraph (f) and substituting therefor the words “National Committee or the relevant County Policing Authority”.

**CLAUSE 55**

**THAT**, clause 55 of the Bill be amended by deleting the words “relevant Authority” and substituting therefor the words “National Committee or the relevant County Policing Authority”.

**CLAUSE 56**

**THAT**, the Bill be amended by deleting clause 56.

**SECOND SCHEDULE**

**THAT**, the Bill be amended by deleting the Second Schedule and inserting the following new Schedule—

**SECOND SCHEDULE (s. 59)**

**CONSEQUENTIAL AMENDMENTS**

The National Police Service Act.  
No. 11A of 2011.

s. 41 (9) Insert the following new paragraphs immediately after paragraph (k) —

- (l) receive, vet and process applications for the issuance of a licence to conduct a public collection within the county;

(m) regulate the conduct of public collections within the county;

(n) investigate any complaints, misuse of funds raised through a public collection or any issue relating to the conduct of a public collection under this Act within the county;

(o) carry out inspections of records and audits relating to a public collection conducted under the Public Collections Act;

(p) maintain a register of all licenses issued to a public collections manager under the Public Collections Act; and

(q) monitor and evaluate the conduct of public collections within the county.

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2) Notice is given that the Member for Funyula (Hon. Ojiambo Oundo) intends to move the following amendments to the Public Fundraising Appeals Bill, 2019 at the Committee Stage—

CLAUSE 28

**THAT**, Clause 28 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (g) –

“(h) in the opinion of the National Committee or the relevant County Policing Authority, the purpose for which the public collection is to be conducted can be funded through existing national and devolved funds.”

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Bills sponsored by Parties or Committees

- II.** **THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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# **NOTICE PAPER**

## **Tentative business for**

**Tuesday (Evening), May 11, 2021**

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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 Tuesday (Evening), May 11, 2021-

A. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL**  
(The Chairperson, Departmental Committee on Finance and National Planning)

B. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2021)**  
(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

C. **MOTION- REPORT ON FORMULATION OF PARLIAMENTARY BROADCASTING CHANNELS**  
(The Chairperson, Select Committee on Parliamentary Broadcasting and Library)

D. **MOTION - REPORT ON THE EXAMINATION OF THE REPORT OF THE AUDITOR - GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2017/2018**  
(The Chairperson, Public Accounts Committee)

E. **MOTION - REPORT ON INSPECTION VISITS TO THE KENYA REVENUE AUTHORITY OFFICES TO ASCERTAIN THE IMPACT OF REVENUE ENHANCEMENT INITIATIVES ON REVENUE COLLECTION**  
(The Chairperson, Departmental Committee on Finance and National Planning)

F. **MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON A PETITION REGARDING DEPLORABLE WORKING CONDITIONS OF WORKERS AT THE KWALE INTERNATIONAL SUGAR COMPANY LIMITED**  
(The Chairperson, Committee on Implementation)



# **APPENDIX**

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

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

### **QUE. NO**

### **ORDINARY QUESTIONS**

116/2021

**The Member for Mwingi North (Hon. Paul Musyimi Nzengu, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: –**

- (i) Could the Cabinet Secretary explain the progress made in implementing the President's directive regarding the establishment of *Thagicu Sub-County* in Mwingi North Constituency made during his visit to the Constituency in July 2017?
- (ii) Could the Cabinet Secretary also explain the progress made with regard to allocation of a *Sub-County Code Number* to operationalize the functionality of the Sub-County?
- (iii) What measures has the Ministry undertaken to ensure that the residents of *Thagicu Sub-County* of Mwingi North Constituency who are a minority in the area benefit from the government resources and services provided by the Sub-County Office?

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

131/2021

**The Member for Mumias East (Hon. Benjamin Washiali, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- (i) Could the Cabinet Secretary explain the cause of the constant increase in the price of petroleum products in the Country?
- (ii) Could the Cabinet Secretary provide the justification for the said increase given that petroleum products in other neighbouring countries including the landlocked ones are cheaper compared to the retail prices in Kenya?
- (iii) Could the Cabinet Secretary provide details of the actions being put in place by the Government, if any, to cushion citizens from the continued price increases of petroleum products, particularly during the Covid-19 pandemic period?

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

132/2021

**The Nominated Member (Hon. Godfrey Osotsi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary indicate whether there have been any investigations by the Ministry to establish whether firms, directly or indirectly associated with employees of Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA) have been engaging in financial and procurement malpractices contrary to the provisions of the Public Procurement and Assets Disposal Act, 2015, the Proceeds of Crime and Anti-Money Laundering Act, 2009 and the Leadership and Integrity Act, 2012?
- (ii) What is the status of investigations, if any, into the said malpractices by the Financial Reporting Centre and other investigative agencies?
- (iii) Are there plans by the Ministry to undertake lifestyle audits on the employees of the two authorities for the period 2015 to date?

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

150/2021

**The Member for Mathioya (Hon. Peter Kihara, MP) to ask the Cabinet Secretary for Education: –**

- (i) Could the Cabinet Secretary confirm whether the right and lawful procedure was followed and adhered to during the recruitment and subsequent appointment of the current Deputy Vice Chancellor (Planning, Administration and Finance) of Jaramogi Oginga Odinga University of Science and Technology?
- (ii) Could the Cabinet Secretary explain why the Candidate who ranked third during the interviews for the position of the Deputy Vice Chancellor (Planning, Administration and Finance) was appointed, contrary to the recommendations of the University Council?
- (iii) What measures is the Ministry putting in place to ensure that merit, performance and regional balance are considered in the recruitment and appointments of senior university management staff particularly at the Jaramogi Oginga Odinga University of Science and Technology?

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

151/2021

**The Member for Tharaka Nithi County (Hon Beatrice Nkatha Nyaga, MP), to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) What urgent and long-term steps is the Ministry undertaking to ensure that mandatory government services such as National Transport and Safety Authority (NTSA), Kenya Revenue Authority (KRA) and National Council for Persons Living with Disabilities (PWD) assessment offices are closer and within reach of people living in *Tharaka Nithi County* considering the long distances they have to travel to seek such services which are not available in the County?
- (ii) Could the Cabinet Secretary consider providing necessary facilities such office space and personnel to offer such services alongside other government services within *Tharaka Nithi County* and by when?

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

159/2021

**The Member for Nyeri Town (Hon. Ngunjiri Wambugu, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary explain the criteria used to determine the teachers who receive enhanced house allowance in Nyeri Town Constituency?
- (ii) What are the reasons and/or circumstances that led to teachers from some schools such as *Kirimara and Chania primary schools*, receiving the said allowance, which was then later withdrawn?

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

160/2021

**The Member for Embakasi Central (Hon. Benjamin Mwangi, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -**

- (i) Could the Cabinet Secretary confirm the status of ownership of a parcel of land *L.R. No. 23917* in Nairobi City County and what is the progress of the intended sub division, if any?
- (ii) Could the Cabinet Secretary provide details on the progress made in availing or setting aside land for public utilities?

- (iii) What steps has the Ministry taken to ensure that land is set aside for public utilities in Nairobi City County whenever a sub division is carried?

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

161/2021

**The Member for Kabuchai (Hon. Majimbo Kalasinga, MP) to ask the Cabinet Secretary for Energy: -**

- (i) Could the Cabinet Secretary provide details on the electricity connectivity to all public schools and to all health facilities and coffee factories in Kabuchai Constituency, particularly connectivity to *Sango, Lubembe, Sirwa, Buyanji, Namikelo, Nagubo and Lwanda* Primary schools?
- (ii) What measures has Ministry put in place to ensure that schools and other institutions using the *Solar PV Systems* and Generators are phased out and that all schools are connected to the National Grid?

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

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