



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MAY 11, 2021**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication –

**On Inaccurate Report on Division with Respect to the Constitution of Kenya Amendment Bill, 2020**

**Honourable Members,**

As you may recall on Thursday, 6<sup>th</sup> May 2021, the House upon a Question for Second Reading of the Constitution of Kenya (Amendment) Bill, 2020 promoted by the Building Bridges Initiative the Houses proceeded to a Roll-Call Vote. At the end of the Vote, I did declare the results as follows –

Ayes:	235
Nays:	83
Abstention:	2

**Total Members Voting: 320**

**Honourable Members,** You may also recall that, for the first time, and in furtherance of the provisions of **Part XXVIII A of Standing Orders** (*Conduct of Proceedings in Exceptional Circumstances*), I permitted Members who could not attend the Sitting physically to Vote virtually. As you all observed, it was evident that our staff faced some challenges with regard to recording of some Votes that were cast virtually, especially where the voice of the Members present virtually was not clearly audible. This slight challenge was likely to affect the correctness of the results as declared then.

In this regard, **Honourable Members,** pursuant to the provisions of Standing Order 75 regarding *correction of errors following a Vote*, I wish to report to the House that

upon further verification of the actual video recording of Members who voted virtually, it was determined that-

1. **The Member for Trans-Nzoia County, the Hon. Janet Nangabo who was initially counted as having voted “YES” did not actually participate in the Virtual Vote;**
2. **There were further errors in tallying the total votes for the “NOES” which resulted in a variation of two Votes.**

**Honourable Members**, the errors, which affected the results declared with respect to the “Ayes” and “Nays” vote, have since been brought to my attention by the Clerk of the National Assembly. I hasten to affirm that, as your Speaker, it is my duty to ensure that the records of the House are correctly and accurately captured and reported at all times. In this regard, I wish to announce that the correct tally after confirmation of the Vote in question is as follows –

The “Ayes”	–	234 (and <b>not</b> 235)
The “Noes”	–	81 (and <b>not</b> 83)
Abstentions	–	2
<b>Total Votes</b>	–	<b><u>317</u></b>

**Honourable Members**, Allow me to take this opportunity to also speak to the conduct of Members taking part in the Virtual Sitzings of the House. When the House amended the Standing Orders to provide for virtual participation, the intention of the House was to ensure that no Member desirous of partaking proceedings of the House on any matter is excluded on account of not being physically present in the House.

Indeed, **Part XXVIII A of the Standing Orders** (*Conduct of Proceedings in Exceptional Circumstances*) is explicitly clear on virtual proceedings. I wish to remind Hon. Members that the August House is a House of Rules and that every Member has a duty to observe the rules of procedure and decorum. Suffice to say that the role of a legislator is hallowed and therefore, it ought not be exercised in multiplicity with third parties at one time.

In this regard, I wish to caution the Member for South Mugirango, the Hon. Silvanus Osoro, MP, who abused the privilege of participating virtually by Voting in the company of a crowd. This conduct was not in keeping with the decorum of the House. While I permitted the Clerk to record his vote, let it be clear to the House that, neither such manner of voting nor the conduct by the Hon. Osoro shall be permitted in subsequent virtual proceedings.

In view of the foregoing **Honourable Members**, and pursuant to the provisions of Standing Order 75, I have directed the Clerk to make the necessary corrections to the records of the House to reflect the corrections I have made. The House is accordingly thus informed. **I thank you!”**

## **5. PETITIONS**

The Member for Igembe Central (Hon. Kubai Iringo) presented a petition regarding the encroachment and grabbing of public land and water catchments in Igembe Central Constituency.

- *Petition referred to the Departmental Committee on Environment & Natural pursuant to Standing Order 227(1)*

## **6. PAPERS LAID**

The following Papers were laid on the Table of the House –

- a) Legal Notice No. 54 of 2021 relating to the Public Finance Management (Equalization Fund Administration) Regulations, 2021 and the Explanatory Memorandum from the National Treasury and Planning;
- b) Winding up of National Government Public Funds;
- c) Bank Supervision Annual Report 2020 from the Central Bank of Kenya;
- d) Reports and Bills adopted by the East African Legislative Assembly during its special sitting held from 25<sup>th</sup> September – 15<sup>th</sup> October, 2020, Arusha, Tanzania: -
  - (i) Report of the Committee on Agriculture, Tourism and Natural Resource with Stakeholders on budgetary enhancement in the Agricultural Sector.
  - (ii) Report of the Committee on Regional Affairs and Conflict Resolution on the Report of the Council on the progress made by the East African Community on the Development of its Common Foreign and Security Policies.
  - (iii) The Budget of the East African Community for the Financial Year 2020/2021.
  - (iv) Bills Passed
    - The East African Community Supplementary Appropriation (No.2) Bill, 2020.
    - The East African Community Appropriation Bill, 2020.
- e) Reports, Bills and Resolutions adopted by African Legislative Assembly during its special sitting held from 6<sup>th</sup> – 26<sup>th</sup> November, 2020, Arusha, Tanzania: -
  - (i) Reports Adopted/tabled –
    - Report of the Committee on Agriculture, Tourism and Natural Resource on the On- Spot Assessment of the activities of the Lake Victoria Basin Commission.
    - Report of the Committee on General Purpose on re-consideration of the East African Community Appropriation Bill, 2020.
  - (ii) Bills Passed – The Lake Victoria Basin Commission Bill, 2019.
  - (iii) Bills introduced – The East African Community Livestock Bill, 2019.
- f) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2020 and the certificates therein –
  - (i) Political Parties Fund – Office of the Registrar of Political Parties;
  - (ii) Petroleum Development Levy Fund – State Department for Petroleum;
  - (iii) Kenya Energy – Sector Environment and Social Responsibility Programme Fund – State Department for Energy;
  - (iv) Government Press Fund;

- (v) Independent Electoral and Boundaries Commission Staff – Mortgage and Car Loan Scheme;
- (vi) Roads Annuity Fund – State Department for Infrastructure;
- (vii) Civil Servants Housing Scheme – State Department of Housing and Urban Development;
- g) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein –
  - (i) Egerton University;
  - (ii) Egerton University Investment Company;
  - (iii) Privatization Commission; and
  - (iv) Laikipia University.

*(The Leader of the Majority Party)*

- h) Reports of the Departmental Committee on Finance & National Planning on its consideration of –
  - (i) The Insurance Professionals Registration Bill (National Assembly Bill No. 25 of 2020); and
  - (ii) The Public Private Partnerships Bill (National Assembly Bill No. 6 of 2021).

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

## **7. QUESTIONS**

- (a) The following Questions were asked –

- (i) Ordinary Question No.116/2021 by the Member for Mwingi North (Hon. Paul M. Nzengu) regarding the progress made in implementing the President's directive of July 2017 on the establishment of *Thagicu* Sub-County in Mwingi North Constituency.

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

- (ii) Ordinary Question No.150/2021 by the Member for Mathioya (Hon. Peter Kihara) regarding the procedure followed during the recruitment and subsequent appointment of the current Deputy Vice Chancellor (Planning, Administration & Finance) of Jaramogi Oginga Odinga University of Science & Technology.

*(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education & Research)*

- (iii) Ordinary Question No.160/2021 by the Member for Embakasi Central (Hon. Benjamin Mwangi) regarding 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.

*(To be replied by the Cabinet Secretary for Lands & Physical Planning before the Departmental Committee on Lands)*

- (iv) Ordinary Question No.160/2021 by the Member for Kabuchai (Hon. Majimbo Kalasinga) regarding details of the electricity connectivity to public schools, health facilities and coffee factories in Kabuchai Constituency, particularly in *Sango, Lubembe, Sirwa, Buyanji, Namikelo, Nagubo* and *Lwanda* Primary schools.

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

- (b) The following Questions were deferred –

- (i) Ordinary Question No.131/2021 by the Member for Mumias East (Hon. Benjamin Washiali) regarding the cause of the constant increases in the price of petroleum products in the country.
- (ii) Ordinary Question No.132/2021 by Nominated Member (Hon. Godfrey Osotsi) regarding any investigations by the Ministry Transport, Infrastructure, Housing, Urban Development & Public on alleged financial and procurement malpractices by employees of Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA) contrary to the law.
- (iii) Ordinary Question No.151/2021 by Member for Tharaka Nithi County (Hon. Beatrice Nkatha) regarding steps the Ministry Interior & Coordination of National Government is 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 (NCPWD) assessment offices within reach of people living in Tharaka Nithi County.

- (c) The following Question was dropped –

- (i) Ordinary Question No.159/2021 by the Member for Nyeri Town (Hon. Ngunjiri Wambugu) regarding the the criteria used to determine the teachers who receive enhanced house allowance in Nyeri Town Constituency.

## **8. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

### **(i) REQUESTS –**

- a) The Member for Ndhiwa (Hon. Martin Peters) requested for a Statement from the Chairperson of the Departmental Committee on Finance & National Planning regarding the debt ceiling in the country;
- b) The Member for Kajiado East (Hon. Peris Tobiko) requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works & Housing regarding heavy traffic in *Kitengela* Town on the *Namanga-Nairobi* Highway.
- c) The Member for Dagoretti South (Hon. John Kiarie) requested for a Statement from the Chairperson of the Departmental Committee on Trade, Industry &

Cooperatives regarding seizure of certain products by the Multi-Agency Team during the period 2017/2018.

(ii) **RESPONSES** –

- The Chairperson of the Departmental Committee on **Administration & National Security** issued a response to a Statement by the **Hon. Dr. Mohamed Duale** (Dadaab) on closure of refugee camps in the country.

(iii) **REQUEST FOR EXTENSION OF TIME** –

- The Vice Chairperson of the Departmental Committee on **Energy** sought extension of time for the joint consideration of a request for Statement by the **Hon. Abdulswamad Nassir** (Mvita) regarding petroleum pricing parameters used by the Energy & Petroleum Regulatory Authority. *(Statement is under joint consideration by the Departmental Committee on Energy & the Committee on Delegated Legislation)*
  - *Leave of the House granted for a further sixty (60) days.*

**9. STATEMENTS PURSUANT TO STANDING ORDER 43**

- a) The Member for Ainabkoi (Hon. William Chepkut) made a general Statement regarding the passing on of the former State House Comptroller, Mr. Abraham Kipsang Kiptanui, on 4<sup>th</sup> April 2021.
- b) The Member for Samburu East (Hon. Jackson Lekumontare) made a general Statement regarding the passing on of Hon. Job Kasaine Lalampaa, former Member of Parliament for Samburu East.

**10. POINT OF ORDER PURSUANT TO STANDING ORDER 108(1)**

Rising in his place on a Point of Order, the Member for Kitui Central (Hon. Dr. Makali Mulu) claimed to invite the Speaker to **name** the Member for Gatundu South (Hon. Moses Kuria) for grossly disorderly conduct by *acting in ways to the serious detriment of the dignity and orderly procedure of the House* by accusing Members of the House of unethical conduct in relation to the Afternoon Sitting of the House of Thursday, May 06, 2021. Other Members rising on Points of Order also invited the Speaker to name the Member for Kiharu (Hon. Ndindi Nyoro) and the Member for Nyali (Hon. Mohamed Ali) on the same alleged acts of dishonor to the House.

The Speaker deferred the decision and directed that the Member for Gatundu South (Hon. Moses Kuria), the Member for Kiharu (Hon. Ndindi Nyoro) and the Member for Nyali (Hon. Mohamed Ali) attend the Afternoon Sitting of the House on Thursday, May 13, 2021 to be afforded an opportunity to be heard prior a decision being made as contemplated in Standing Order 108(1).

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

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

Order for First Reading read;

Bill read a First Time and referred to the Departmental Committee on Finance & National Planning pursuant to Standing Order 127(1).

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

Order for Committee Read

### **IN THE COMMITTEE**

The Fourth Chairperson in the Chair

### **The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)**

Clause 3 - amendment proposed-

**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”;

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

PART III Title - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

PART III Title - as amended agreed to

Clause 4 - amendment proposed-

**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;
- (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.

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

(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.”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed-

**THAT**, the Bill be amended by deleting clause 5 and 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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to:

Clause 5 - as amended agreed to

Clause 6 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to:

Clause 6 - as amended agreed to

Clause 7 - amendment proposed-

**THAT**, clause 7 of the Bill be amended 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;”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - agreed to.

Clause 9 - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to.

PART III Title - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

PART III Title - as amended agreed to.

Clause 12 - agreed to

Clause 13 - amendment proposed-

**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 –

- (i) receive, vet and process applications for the issuance of a licence to conduct a public collection within the county;
- (ii) regulate the conduct of public collections within the county;
- (iii) 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;
- (iv) carry out inspections of records and audits relating to a public collection within the county conducted under this Act;
- (v) maintain a register of all licenses issued to a person conducting a public collection within the county under this Act;
- (vi) monitor and evaluate the conduct of public collections within the county; and
- (vii) 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.”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

PART IV Title - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

PART IV Title - as amended agreed to

Clause 15 - amendment proposed-

**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).

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed-

(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”

*Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clause 17 - amendment proposed-

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

- (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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to.

Clause 18 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - amendment proposed-

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

- (a) in sub-clause (1) by deleting the 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”.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to.

Clause 20 - amendment proposed-

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

Prohibition on 20. A state officer who takes part in a public state officers.

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to

Clause 21 - amendment proposed-

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

- Application for a licence
- a **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;

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

- (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.

(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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed-

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

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to.

Clause 23 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - agreed to

Clause 25 - amendment proposed-

**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”.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to-

Clause 26 - amendment proposed-

**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”.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to.

Clause 27 - amendment proposed-

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

- (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.”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to.

Clause 28 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

**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.”

*(Hon. Ojiambo Oundo)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to.

Clause 29 - amendment proposed-

**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).

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to.

Clause 30 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to.

Clause 31 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to.

Clause 32 - amendment proposed-

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

Revocation of licence. of **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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32 - as amended agreed to.

Clause 33 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to-

Clause 34 - amendment proposed-

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

(a) 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.”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to.

Clause 35 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to.

Clause 36 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to.

Clause 37 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to.

Clause 38 - amendment proposed-

**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)”;

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to.

Clause 39 - amendment proposed-



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

*Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - as amended agreed to.

**PART V Title** - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**PART V** - as amended agreed to .

Clause 40 - amendment proposed-

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.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - as amended agreed to.

Clause 41 - amendment proposed-

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to

Clause 42 - amendment proposed-

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to.

Clause 43 - amendment proposed-

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

Clause 43 - as amended agreed to

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to.

Clause 44 - amendment proposed-

**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).

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - amendment proposed-

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 45 - as amended agreed to.

Clause 46 - amendment proposed-

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to.

Clause 47 - amendment proposed-

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

- (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.”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to.

Clause 48 - amendment proposed-

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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 48 - as amended agreed to.

Clause 49 - agreed to.

Clause 50 - amendment proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 50 - agreed to.

Clause 51 - amendment proposed-

**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".

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - as amended agreed to.

Clause 52 - amendment proposed-

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 52 - as amended agreed to.

Clause 53 - agreed to.

Clause 54 - amendment proposed

**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”.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;



Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to.

Clause 55 - amendment proposed

**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”.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 55 - as amended agreed to

Clause 56 - amendment proposed

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56 - deleted.

Clauses 57, 58 and 59 - agreed to.

First Schedule - agreed to.

Second Schedule - amendment proposed -

**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.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule - as amended agreed to.

Clause 2 - amendment proposed

**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 “Authority” means the County Policing Authority established under section 41 of the National Police Service Act; 2011.

“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;

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Title - amendment proposed

**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”

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - as amended agreed to.

Clause 1 - amendment proposed

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

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to.

Bill to be reported with amendments

**13. HOUSE RESUMED** - First Chairperson in the Chair

**The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)**

Bill reported with amendments

Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report, subject to recommital of Clause 50.

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question put and agreed to.

Thereupon, the House dissolved into Committee.

**14. COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

The Fourth Chairperson in the Chair

**The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)**

Clause 50 - amendment proposed-

**THAT**, clause 50 of the Bill be amended in paragraph 1 by deleting the words “fundraising appeal” appearing immediately after the words “pursuant to a” and substituting therefor the words “public collection”;

*(Chairperson, Constitutional Implementation Oversight Committee)*

Question of the amendment proposed;

Question put and agreed to.

**15. HOUSE RESUMED** - First Chairperson in the Chair

**The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)**

Bill reported with amendments

Motion made and Question proposed –

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

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Public Collections Bill (National Assembly Bill No. 66 of 2019) be now read a Third Time;

Debate arising;

Question put and agreed to;

Bill read a Third Time and **passed**.

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

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

Order for Second Reading read;

Motion having been made and Question proposed –

**THAT**, the Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill No. 27 of 2020) be now read a Second Time

Debate interrupted on Thursday, March 25, 2021 resumed;

And the time being thirty one minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**17. HOUSE ROSE** - at thirty one minutes past Six O'clock.

**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, May 11, 2021 at 7.00 p.m.