

(No. 083)



(1009)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, AUGUST 18, 2021 AT 9.30 A.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 ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 70 OF 2019)

(The Hon. Silvanus Osoro, M.P.)

Second Reading

(Question to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

The Sugar Bill (National Assembly Bill No. 68 of 2019)

(The Hon. Wafula Wamunyinyi, M.P.)

10*. THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2019)

(The Hon. Florence Mutua, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, August 11, 2021 – Morning Sitting)
(Balance of time – 1 hour 22 minutes)

11*.THE LABOUR RELATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2019)

(The Hon. Kimani Ichung’wah, M.P.)

Second Reading

12*.THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2019)

(The Hon. Elisha Odhiambo, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, March 04, 2021 – Morning Sitting)
(Balance of time – 1 hour 39 minutes)*

13*.THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2019)

(The Hon. (Dr.) Robert Pukose, M.P.)

Second Reading

14*.THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2019)

(The Hon. Gideon Keter, M.P.)

Second Reading

15*.THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2020)

(The Hon. Abdul Rahim Dawood, M.P.)

Second Reading

16*.THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2020)

(The Hon. Didmus Barasa, M.P.)

Second Reading

17*.THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Peters Owino, M.P.)

Second Reading

18*.THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

19*.THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

20*.THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

21*.THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

*** Denotes Orders of the Day**

...../Notices*

NOTICES

I. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage—

CLAUSE 2

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

Interpretation.

2. In this Act unless the context otherwise requires—

“agreements” means the agreements specifying the standard provisions governing the rights and obligations of growers, millers and out-grower institutions in the sugar industry;

“Board” means the Kenya Sugar Board established under section 3;

“by-product” means any substance, other than sugar, produced incidentally during the process of manufacturing sugar;

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

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective County;

“farm gate” means prices received by farmers for their sugarcane at the location of farm;

“Fund” means the Sugar Development Fund established under section 19;

“guidelines” means the guidelines for agreements between parties in the sugar industry set out in the Second Schedule;

“grower” means a person who produces sugar-cane or any crop in Kenya for the manufacture of sugar;

“industry” means the sugar industry in Kenya and includes the growing of sugar-cane and any other sugar producing crop, the manufacturing, refining, marketing and disposal of sugar and its by-products;

“Institute” means the Kenya Sugar Research Institute established under section 16A;

“licence” means a licence issued by the Board to a miller;

“member” means a member of the Board appointed under section 5;

“mill gate” means a site where sugarcane varieties are grown under strictly controlled agronomic conditions for eventual establishment of the sugarcane crop;

“miller” means a person licensed to operate a sugar mill or a jiggery mill in Kenya for the production of sugar including refined sugar and other by-products;

“outgrower” means a person who has a sugarcane farm in a catchment area and who has in force a cane supply contract in respect of the sugar-cane grown on such farm and registered by the Board;

“refined sugar” means sugar, which complies with the specifications set by the body for the time responsible for setting standards;

“sugar” means crystalline or liquid sucrose in any of its recognized commercial forms, intended for human consumption or other uses and includes raw sugar and industrial sugar;

“sugar-cane” means any plant or part of a plant of the genus saccharum or any of its hybrid;

“sugar catchment area” means a specific geographical area where farmers are clustered within a suitable sugar catchment area for purposes of election to the Board under the First Schedule;

“sugarcane growers apex body” means a national sugarcane farmer and out grower organisation under a cane supply contract and in catchment areas under the Fourth Schedule gazetted as such by the Cabinet Secretary for the time being responsible for agriculture;

“stakeholder” means a person with significant interest in the sugar industry and includes government, millers, growers and out-grower institutions;

“Tribunal” means the Sugar Arbitration Tribunal established under section 24A;

CLAUSE 4

THAT, Clause 4 of the Bill be amended in in subclause (2) by inserting the following new paragraphs immediately after paragraph (m)—

(ma) enforce and monitor compliance with standards along the sugar value chain;

(mb) facilitate value addition and product diversification in the sugar sub-sector;

(mc) formulate and implement a strategic plan for the sugar sub-sector at least once every five years;

(md) formulate guidelines on an efficient and economical transportation of sugar;

(me) conduct local and international sugar market intelligence and advise stakeholders accordingly;

(mf) establish linkages with various government agencies and research institutions to enhance quality assurance and research;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Functions of
county
governments.

4A. The County Government shall—

- (a) issue sugar cane nursery certificates;
- (b) offer and coordinate extension services on sugar production and milling in the respective county;
- (c) in collaboration with the Board and law enforcement agencies, enforce regulations within the county;
- (d) monitor and report incidences of pests and disease outbreaks and take appropriate action in collaboration with the Board and other relevant government agencies; and
- (e) establish an efficient road network for the movement of sugarcane, delivery of other services and general development of the sugar industry.

CLAUSE 5

THAT, clause 5 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) five representatives elected by growers from each sugar catchment area as per the First Schedule in the following manner—

- (i) one person from the coastal catchment area;
- (ii) two persons from the upper catchment area; and
- (iii) two persons from the lower catchment area,

and who shall not be from the same county or ethnicity.”

- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) one representative elected by sugar millers who is knowledgeable in sugar technology and value addition;”

- (iii) deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) the Principal Secretary in the Ministry for the time being responsible for matters relating to agriculture or a representative nominated by the Principal Secretary in writing;”

- (iv) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) one person nominated by the Council of County Governors who is knowledgeable in extension services and management of farmer institutions;”

- (v) deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) the Principal Secretary for the time being responsible for National Treasury or a representative nominated by the Principal Secretary in writing;”

(b) by deleting subclause (2);

(c) by inserting the following new subclauses immediately after subclause (3)—

“(4) The members under subsection (1) (b), (c) and (e) shall be appointed by the Cabinet by notice in the *Gazette*.

(5) A person shall not be appointed as a chairperson of the Board of Directors unless the person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has relevant experience in the sugar sector.”

(d) by deleting subclause (3);

NEW CLAUSES

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

Term of
appointment

5A. (1) A person appointed as chairperson or a member of the Board under section 5(1) (b), (c) and (e) shall serve for a term of three years renewable for one further term.

(2) Members of the Board under section 5(1)(b), (c) and (e) shall be appointed at different times so that their respective expiry of terms of office shall fall at different times.

Vacation of office.

5B. A person shall cease to be a member of the Board if the person—

- (a) is absent from three consecutive meetings of the Board without notifying the chairperson in writing;
- (b) becomes an officer, agent or member of staff of the Board;
- (c) resigns in writing addressed to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of exceeding six months without the option of a fine;
- (e) is declared bankrupt;
- (f) is unable to perform the functions of his or her office by reason of mental or physical infirmity; or
- (g) dies.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 7—

Committees
of the Board.

7A. (1) The Board may establish such committees as it may consider necessary for the

efficient performance of its functions and the exercise of its powers under this Act.

(2) The Board may co-opt to sit in the committees established under subsection (1), such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

CLAUSE 10

THAT, clause 10 be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person shall be qualified for appointment under this section if the person—

- (a) holds a relevant degree from a university recognized in Kenya;
- (b) has at least ten years knowledge and experience from a relevant field;
- (c) has at least five years’ experience in a position of senior management;
and
- (d) meets the provision of chapter six of the Constitution.”

CLAUSE 14

THAT, clause 14 be amended—

- (a) in subclause (1) by inserting the words “upon recommendation by the relevant County Government” immediately after the word “Board”;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person who contravenes the provisions of subsection (1) or acts in contravention of the conditions of a licence granted under this Act commits an offence and shall be liable on conviction, to a fine not exceeding three times the domestic value of the sugar in respect of which the offence is committed, or to a fine not exceeding ten million shillings, whichever is the higher, or to imprisonment for a term not exceeding five years, or to both.”

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) by renumbering the subclauses appearing after subclause (2) as (3), (4), (5), (6), and (7);
- (b) by inserting a new subclause immediately after the renumbered subclause (7) as follows:

“(8) A person shall not import or export sugar without a valid licence issued by the Board.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

- Sugar Import. **15A.** (1) A person who imports sugar into Kenya shall, prior to importation —
- (a) provide evidence that the sugar they intend to import is not available in the local market;
 - (b) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and
 - (c) obtain pre-import approval from the Board.
- (2) A person who contravenes this section commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

NEW PART IIIA AND IIIB

THAT, the Bill be amended by inserting the following new Parts immediately after Part III—

PART IIIA- ESTABLISHMENT OF THE KENYA
SUGAR RESEARCH INSTITUTE

Establishment
of the Kenya
Sugar Research
Institute.

16A. (1) There is hereby established a body to be known as the Kenya Sugar Research Institute.

(2) The Institute is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;

(c) borrowing and lending money;

(d) entering into contracts; and

(e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Functions of the
Institute.

16B. (1) The Institute shall—

(a) promote, co-ordinate and regulate research in sugar and sugar diseases; and

(b) expedite equitable access to research information, resources and technology and promote the application of research findings and technology in the development of sugar.

(2) For the purpose of carrying out its functions, the Institute shall—

(a) formulate policy and make policy recommendations to the Cabinet Secretary on sugar research;

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- (b) prioritise areas for, and co-ordinate, sugar research in Kenya in line with the national policy on sugar;
- (c) determine and advise the Government on the resource requirements for sugar research in Kenya both at the national and county level;
- (d) regulate, monitor and ensure that all sugar research undertaken by other institutions or persons undertaking sugar research is consistent with the national priorities specified in the relevant policy documents;
- (e) formulate or approve medium and long term research plans, strategies and budgets of the Institute;
- (f) provide grants to institutions or persons desirous of carrying out research and training programs which are consistent with the national research priorities and plans of the Institute;
- (g) support and promote the training and capacity building in relation to agricultural research;
- (h) liaise with and ensure the co-ordination of institutions, agencies and persons involved in sugar research;
- (i) establish platforms for the purposes sharing of research information, advancing research and transfer of technology and dissemination of information relating to advancements made in sugar research;
- (j) conduct training in industry best practice and value-addition;
- (k) ensure continuance of performance improvement in the field of sugar research;
- (l) breed sugarcane varieties suited for various agro-ecological areas of Kenya;

- (m) conduct research on nutritional requirements of sugarcane in order to provide recommendations on the appropriate fertilizers;
- (n) appraise technologies on land preparation, drainage and water management for economical cane production;
- (o) study and monitor of pests and diseases that affect sugarcane and recommending appropriate control strategies;
- (p) develop agronomic packages for sugarcane maintenance and management;
- (q) institute socio-economic investigations to improve human resource management and enhance development of the sugar industry as an agribusiness;
- (r) test, design and evaluate farm machinery and factory equipment for efficient sugar production;
- (s) promote the transfer of sugar technology based on applied research through relevant extension mechanisms;
- (t) foster research on sustainable productivity, environmental issues, human safety at field and factory levels;
- (u) collaborate with the Government, the industry, universities and other national and international organizations for the purpose of furthering the Institute's mission;
- (v) analyse soil and plant samples for advisory purposes;
- (w) offer modular courses on various aspects of cane management and practices; and

(x) perform such other function as may be conferred on it by this Act or any other written law.

Management of the Institute.

16C. The Management of the Institute shall vest in a Board which shall consist of—

- (a) a chairperson appointed by the Cabinet Secretary who shall have a background in agricultural research or related field;
- (b) three persons nominated by the farmers from each of the sugar catchment regions under the Second Schedule;
- (c) two persons nominated by the farmers from each of the sugar catchment regions under the Second Schedule;
- (d) the Principal Secretary for the time being responsible for the National Treasury or a representative appointed in writing;
- (e) the chief executive officer of the Board;
- (f) the chief executive officer of the Kenya Agricultural Livestock and Research Organization; and
- (g) the Director General who shall be an *ex officio* member.

Application.

16D. The provisions of section 5A, 5B, 7, 8 and 9 shall apply to the Board of the Institute with necessary modification.

Funds of the Institute.

16E. The funds of the Institute shall consist of-

- (a) monies remitted by the Board from the sugar development levy;
- (b) any monies received by the Institute from grants and donations; and
- (c) monies from any other source as approved by the responsible Ministry.

Director General of the Institute.

16F. (1) There shall be a Director General of the Institute who shall be appointed by the Board of the Institute whose terms and conditions of service shall be

determined by the Board of the Institute in the instruments of appointment or otherwise in writing from time to time.

(2) A person shall be qualified for appointment under this section if the person-

- (a) holds a degree from a university recognized in Kenya in agricultural research, soil and seed research, soil science or related field;
- (b) has at least five years' experience in managerial capacity; and
- (c) meets the provisions of Chapter six of the Constitution.

PART IIIB – APPOINTMENT OF CROP INSPECTORS

Appointment of
crop inspectors.

16G. (1) The Board may appoint qualified persons to be crop inspectors for the purposes of this Act.

(2) For purposes of subsection (1), the Board may, by regulations, prescribe the qualifications for appointment as a crop inspector.

Entry and
inspection.

16H. An inspector or a person duly authorized in writing in that behalf by the Board may, at all reasonable times and upon production of such authority to any person so requesting—

- (a) enter any land or buildings occupied by the holder of a licence issued under this Act, or a person registered under this Act;
- (b) make such inspection and enquiries as the person may deem necessary for ascertaining whether the

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provisions of this Act or the terms and conditions of the respective licence are being complied with; and

(c) may require any person found thereon to give such information as the person may require.

Powers of entry.

16I. (1) For the purposes of this Act, an inspector who has reasonable grounds may—

(a) at any reasonable time, enter upon any land, premises or vehicle;

(b) take such persons and things as the inspector considers necessary;

(c) perform the functions or exercise the powers conferred by this Act or any other written law;

(d) make enquiries or carry out a search to ascertain if this Act is being complied with;

(e) demand the production by a licence holder of the licence for examination;

(f) seize and remove any article or thing in respect of which the inspector has reasonable grounds for believing that an offence under this Act is being or has been committed; or

(g) do any other thing authorized under this Act.

(2) The owner or occupier of any land or a person in control of any premise or a vehicle which an inspector has entered under subsection (1) shall render such reasonable assistance as may be required by the inspector.

(3) A person who refuses, unreasonably delays or fails to comply with a requirement under subsection (2) commits an offence.

Obstruction of
inspectors.

16J. (1) A person shall not prevent, hinder or obstruct an inspector in performance of the functions, and duties or exercise of powers conferred by this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.

CLAUSE 18

THAT, clause 18 be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Cabinet Secretary may, in consultation with the Board, by order in the Gazette, impose a levy on domestic sugar and a ten per centum of CIF value on imported sugar to be known as the Sugar Development Levy.”

(b) by inserting the following new subclause immediately after subclause (6)—

“(7) The Sugar Development Levy collected under subsection (2) shall be apportioned as follows—

- (a) fifty per centum shall be applied by the Board for income or price stabilization for sugar growers;
- (b) fifteen per centum shall be applied by the Board in the furtherance or exercise of any function or power of the Board;
- (c) twenty per centum shall be remitted directly to the Institute;
- (d) fifteen per centum shall be applied for infrastructure development in the sugar subsector on a pro rata basis.

CLAUSE 22

THAT, the Bill be amended by deleting clause 22.

NEW PART IV A

THAT, the Bill be amended by inserting the following new Part immediately after Part IV—

**PART IVA- ESTABLISHMENT OF THE SUGAR
ARBITRATION TRIBUNAL**

Establishment of
the Sugar
Arbitration
Tribunal.

24A. (1) There is hereby established Tribunal to be known as the Sugar Arbitration Tribunal.

(2) The Tribunal shall consist of—

(a) a chairperson appointed by the Chief Justice who shall be a person qualified to be appointed as a judge of the High Court; and

(b) four other members, being persons with expert knowledge of the matters likely to come before the Tribunal and who are not persons with a direct material interest in the sugar industry, all of who shall be appointed by the Chief Justice in consultation with the Attorney-General and the Council of County Governors.

(3) The Chairperson and members of the Tribunal shall serve on a part-time basis.

(4) The members of the Tribunal appointed under subsection (2) shall hold office for such period, not exceeding three years, on such terms and conditions as shall be specified in the instrument of appointment but shall be eligible for re- appointment for one further term of a period not exceeding three years.

(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a public servant or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.

(7) The provisions set out in the Third Schedule shall have effect with respect to the meetings and procedure of the Tribunal.

(8) Except as provided in the Third Schedule, the Tribunal shall regulate its own procedure as to the conduct of meetings.

Jurisdiction of the Tribunal.

24B. (1) The Tribunal shall determine—

- (a) disputes between sugarcane farmers;
- (b) disputes between sugarcane farmers and the following-
 - (i) out grower institutions;
 - (ii) millers;
 - (iii) growers; or
 - (iv) other interested party;
- (c) disputes relating to cane pricing;
- (d) disputes relating to contract farming,

Determination of disputes.

24C. (1) The Tribunal shall determine any dispute before it expeditiously, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An Appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law to the Court of Appeal.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act (Cap. 80) and the Civil Procedure Act (Cap. 21), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Powers of the
Tribunal.

24D. The Tribunal shall have the powers of the High Court—

- (a) to administer oaths to the parties and witnesses to the proceedings;
- (b) to summon witnesses and to require the production of documents;
- (c) to order the payment of costs; and the provisions of the law relating to Commissions of Inquiry in Kenya with respect to—
 - (i) the protection of the members of the Tribunal from suit;
 - (ii) the form of summonses to witnesses;
 - (iii) to giving or fabricating of false evidence;
 - (iv) the duty and indemnity of witnesses, and the penalty for contumacy, insult or interruption of proceedings; and
 - (v) the appearance of advocates; shall with any necessary adaptations or modifications, apply to the members of, the witnesses before, and the proceedings before, the Tribunal in like manner as they apply to Commissions of Inquiry.

Removal of
members of the
Tribunal.

24E. A member of the Tribunal may be removed if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (c) is incapacitated by reason of prolonged physical or mental illness from performing the duties of the office;
- (d) violates the Constitution; or
- (e) is otherwise unable or unfit to discharge the functions of the office.

Vacancy.

24F. Where the office of any member becomes vacant,

whether by death or otherwise, the Chief Justice may appoint another person to be a member of the Tribunal for the remainder of the term of the member whose vacancy cause the appointment.

Secretary of the Tribunal.

24G. The Chief Justice shall appoint a Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

Remuneration of members and staff of the Tribunal.

24H. (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

(2) The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission on the recommendation of the Salaries and Remuneration Commission.

CLAUSE 26

THAT, the Bill be amended by deleting clause 26 and substituting therefor the following new clause—

Quality, safety and health control measures.

26. (1) All sugar millers and importers shall ensure that all sugar produced locally or imported into the country meets—

(a) safety and quality standards as set by the body for the time being responsible for setting standards;

(b) safety and health standards for food handlers as set by the body for the time being responsible for public health; and

(c) environmental issues as set by the body for the time being responsible for environment.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable, upon conviction—

(a) to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding seven years, or to both; and

(b) the court may where a person is convicted for an offence make a further order that the persons licence be withdrawn.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 26—

Inspection for quality and safety.

26A. (1) The Board shall carry out physical inspection of premises licenced under section 15

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quarterly to ensure that safety and health standards are followed.

- (2) Every person licenced under this Act shall—
- (a) not discharge any, affluent dangerous materials, substances, oil, oil mixtures into land, water, air, or aquatic environment;
 - (b) not release smoke or any air pollutant to the air that pollutes the environment;
 - (c) manage any hazardous waste and materials;
 - (d) not import any hazardous waste;
 - (e) not mislabel any sugar or jaggery; and
 - (f) not aid or abet illegal trafficking of sugar or related substances.

(2) When an offence under this section, is committed by a body corporate, the body corporate and every director or officer of the body corporate who ought to have had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to an imprisonment for a term not exceeding five years.

(3) In addition to the sentence under subsection (2), the Court may order for the revocation of a licence.

CLAUSE 27

THAT, the Bill be amended by deleting clause 27 and substituting therefor the following new clause—

Safeguard
measures.

27. (1) The Board shall ensure, subject to such regional and international trade agreements to which Kenya is a party, that all sugar imports into the country are subject to all the prevailing import duties, taxes and other tariffs.

(2) Despite subsection (1), the Board shall ensure that—

(a) sugar shall be imported in the country only when there is sugar deficit on a quarterly basis and for a specific tonnage; and

(b) importers report to the Board on their imports, sales and stock on daily basis.

(3) The Government shall introduce other safeguard measures as may be necessary to protect the industry from unfair trade practices.

(4) A person who contravenes the provision of this section commits an offence and shall be liable, on conviction, to a fine not exceeding three times the domestic value of the sugar in respect of which the offence is committed, or two million shillings, whichever is the higher, or to imprisonment for a term not exceeding ten years, or to both

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (3)—

- (a) in paragraph (c) by inserting the words “, in consultation with stakeholders,” immediately after the words “agricultural produce”;
- (b) in paragraph (e) by deleting the word “impose” appearing after the words “to the Board to” and substituting therefor the word “enforce”; and
- (c) in paragraph (f) by deleting the word “imposition” appearing at the beginning of the paragraph and substituting therefor the word “enforcement”.

CLAUSE 31

THAT, the Bill be amended by deleting Clause 31.

CLAUSE 33

THAT, Clause 33 of the Bill be amended—

- (a) in subclause (1) by inserting the words “shall in consultation with the Board” immediately after the word “Secretary”;
- (b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (a) —
 - “(ca) the establishment of weigh bridges;
 - (cb) standards on grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of sugar and sugar by-products to ensure safety and proper trading;
 - (cc) production and import of sugar to ensure adequate sugar availability in the country;
 - (cd) guidelines on general industry agreements between growers and millers and between parties in the sugar industry;
 - (ce) minimum period within which farmers are to be paid for sugar crop delivered and penalties for delayed payments; and
 - (cf) cane harvesting and transportation;”

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) by inserting the following heading:

“PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD”

(b) in paragraph 2 by—

(i) deleting the words “seven members” appearing in sub-paragraph (4) and substituting therefor the words “two thirds of the members of the Board provided that in the case of a tie, the chairperson shall have a casting vote.”

(ii) deleting subparagraph (5) and substituting therefor the following new subparagraph—

“(5) The chairperson shall preside at every meeting at which he or she is present but, in his or her absence, the members shall elect one of their members to preside who shall with respect to that meeting and the business transacted thereat have all the powers of the chairperson.”

(iii) by deleting subparagraph (6);

(iv) deleting the words “or the vice chairperson” appearing in sub-paragraph (7) immediately after the words “the Chairperson”

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended—

(a) in paragraph 1 by deleting the word “agreements” appearing before the word “define” and substituting therefor the word “guidelines”;

(b) in paragraph 2 —

(i) by deleting the word “agreements” appearing at the opening paragraph and substituting therefor the word “guidelines”;

(ii) by deleting the definition of the “Kenya Sugar Research Foundation”;

(iii) by deleting the definition “Kenya Sugarcane Growers Association”

(iv) by deleting the definition “Kenya Sugar Research Foundation” and substituting therefor the following new definition—

“Kenya Sugar Research Institute” means the Kenya Sugar Research Institute established under Part IIIA of this Act;

(v) by inserting the following new definition—

“sugar lobby group” means a registered group of people comprising of farmers and growers from the sugar catchment areas championing the rights of sugar stakeholders;

(c) in paragraph 3 by deleting sub paragraph (f);

(d) by deleting paragraph 4;

(e) in paragraph 5—

(i) by deleting subparagraph (g) and substituting therefor the following new subparagraph—

“(g) make representations to the Sugar Cane Pricing Committee;”

(ii) by deleting the words “Kenya Sugar-cane Growers Association” appearing in subparagraph (h) and substituting therefor the words “registered sugar lobby groups”

(f) in paragraph 6—

(i) by deleting the expression “30 days” appearing in subparagraph (d) and substituting therefor the expression “15 days”;

(ii) by inserting the following subparagraph immediately after paragraph (f)—

“(fa) ensure that mobile weighbridges are closer to growers;”

(iii) by deleting paragraph (h)

(g) in paragraph 7 in subparagraph 2(b) by deleting the word “zones” appearing at the end of the subparagraph and substituting therefor the words “sugar catchment region”;

(h) by deleting paragraph 8 and substituting therefor the following new paragraph—

Sugar Cane
Pricing
Committee.

8. (1) There shall be a Sugar Cane Pricing Committee (hereinafter referred to as “the Committee”).

(2) The Committee shall comprise of —

(a) the Chief Executive Officer of the Board;

(b) two persons nominated by the Kenya Sugar Manufacturers Association;

- (c) three persons nominated by the sugar cane growers from the sugar catchment region;
 - (d) one representative from the sugar lobby groups;
 - (e) the Principal Secretary responsible for matter related to agriculture or a representative appointed in writing;
 - (f) one representative from county government nominated by the Council of Governors; and
- (2) The main objectives of the Committee shall be to—
- (a) review sugar cane prices;
 - (b) provide a mechanism that remunerates farmers for other products delivered from the processing of cane;
 - (c) ensure adherence to negotiated cane pricing formula;
 - (d) transition to payment based on quality; and
 - (e) enforcement of contracts between farmers and millers.
- (4) The Committee shall come up with the pricing formula and in doing so shall take into account the—
- (a) pricing mechanisms for all other cane related charges paid by the farmer; and
 - (b) an index that takes into consideration delayed harvesting;
 - (c) transportation cost per tonne per kilometre of sugarcane.
- (5) The Board shall offer Secretariat services to the Committee

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended by —

- (a) deleting paragraph 4 and 5;
- (b) inserting the following new paragraph immediately after paragraph 6—
“(6A) The quorum of the Tribunal shall be three members”; and
- (c) deleting paragraph 8.

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately as the First Schedule—

FIRST SCHEDULE**[S. 5]****DELINEATION OF SUGAR CATCHMENT AREAS**

SUGAR CATCHMENT AREAS	COUNTIES
UPPER REGION	Nandi, Kericho, Uasin Gishu Kisumu, Migori, Homa Bay and Narok counties
LOWER REGION	Bungoma, Trans Nzoia, Kakamega, Siaya and Busia counties
COASTAL REGION	Kwale, Tana River and Lamu counties

FIRST, SECOND AND THIRD SCHEDULE

THAT, the Bill be amended renaming the First, Second and Third Schedule as Second, Third and Fourth Schedule respectively.

- 2) **Notice is given that the Member for Funyula (Hon. (Dr.) Ojiambo Oundo, MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage-**

CLAUSE 2

THAT, the Bill be amended in Clause 2 deleting the definition of the word “industry” and substituting therefor the following new definition-

“industry” means the sugar industry in Kenya and includes the growing of sugar-cane and any other sugar producing crop, the manufacturing, refining, warehousing, marketing, transportation of sugar and disposal of sugar and its by-products;

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

(a) in sub clause (1) by—

(i) deleting paragraph (b) and substituting therefor the following new paragraph-

“(b) five representatives elected by growers from the sugar-cane growing areas in a democratic process, and appointed by the Cabinet Secretary”

(ii) by deleting paragraph (f) and substituting therefor the following new paragraph-

“(f) the Principal Secretary for the time being responsible for matters relating to trade and marketing”

(b) by inserting the following new subclauses immediately after sub clause (2)—

“(2A) Members of the Board appointed under subsection (1) (b), (c) and (e) shall possess a minimum of post-secondary school qualifications.”

“(2B) For the purposes of subsection (1)(b), the Cabinet Secretary shall designate a geographical area as a sugar-cane growing area upon receipt of such application by the Kenya Sugar-cane Growers Association supported by a resolution of the relevant county Assembly and upon such advice by the Agricultural Food Authority.”

“(2C) The Cabinet Secretary shall make regulations for conducting the election of members of the Board under subsection (1)(b).”

CLAUSE 16

THAT, Clause 16 of the Bill be amended by inserting the following new sub clause immediately after sub clause (3) —

“(3B) In issuing certificates of registration under subsection(3), the Board shall satisfy itself that the premises upon which milling may be carried out meets the environmental standards set by the National Environmental Management Authority and the miller has been issued with a certificate of safety by the relevant county government.”

CLAUSE 30

THAT, the Bill is amended by deleting Clause 30 and substituting therefor the following new Clause—

Representative
of a grower in
a milling
company.

“**30.** (1) Notwithstanding the provisions of any other Act, each sugar milling company shall have a representative of the growers in its board of directors.

(2) In appointing a director representing the growers under subsection (1), the milling company shall consider in the first instance, the leaders of the out-grower institutions within the sugar-cane growing area in which the sugar mill is located.

(3) A person appointed as a director under subsection (1), shall serve for a term not exceeding two years.”

CLAUSE 31

THAT, Clause 31 of the Bill be amended—

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

“(2) The Tribunal shall consist of four members being persons with expert knowledge in economics, trade, law, contracts administration, agriculture and engineering and with at least five years’ experience in matters related to arbitration.”

(b) by inserting a new sub clause immediately after sub clause (2)—

“(2A) The Chairperson and members of the Tribunal shall be appointed by the Chief Justice through a competitive process”

(c) in sub clause (3) by deleting the word “five” appearing immediately after the word “exceeding” and substituting therefor the word “three”.

CLAUSE 36

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Transfer of
staff.

No. 13 of 2013

“**36.** (1) Upon the commencement of this of this Act, a person who was a member of the staff of the former Sugar Board of Kenya before the commencement of the Agriculture and Food Authority Act, not being under any notice of dismissal or resignation shall upon commencement of this Act and subject to subsection (2) become a staff of the Board on their current improved terms and conditions of service.

(2) The Board shall prescribe the procedures for transition of the members of staff referred to under subsection (1).

(3) The pensions of staff under the provident fund of Agriculture and Food Authority- Sugar Directorate shall on the commencement of the Act vest in the Board.

SECOND SCHEDULE

THAT the Second Schedule be amended—

(a) in Paragraph 8 —

(i) by deleting sub paragraph (2) and substituting therefor the following new sub paragraph-

“(2) Within six months of its formation, the Committee shall set the sugar-cane prices based on the pricing formula.

- (ii) by inserting the following new sub paragraph immediately after sub paragraph (5)-

“(6) The sugar-cane prices set by the committee under sub paragraph (2) shall be reviewed after every thirty six months provided that the Committee may, with the prior approval of the Board, undertake an early review of the sugar-cane pricing.

- (b) by deleting Part 6 of the Schedule.

3) Notice is given that the Member for Kanduyi (Hon. Wafula Wamunyinyi, MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage-

CLAUSE 2

THAT, the Bill be amended in Clause 2 by—

- (a) deleting the definition of the word “zone”
- (b) inserting the following new definitions in their proper alphabetical sequence—
- “sugar catchment area” means a specific geographical area where farmers are clustered within a suitable ecological sugar growing area;

“sugar export licence” means a licence issued to a person by the Board allowing the person to export out of Kenya such quantity of sugar as is specified therein;

“sugar import licence” means a licence issued to a person by the Board allowing the person to import into Kenya such quantity of sugar as is specified therein;

CLAUSE 5

THAT, Clause 5 of the Bill be amended by in sub clause (1) by inserting the following new paragraphs immediately after paragraph (f)—

- “(fa) three representatives elected by growers and appointed by the Cabinet Secretary;
- (fb) two representatives elected by millers and appointed by the Cabinet Secretary”

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 9—

Headquarters of
the Board.

9A.(1) The headquarters of the Board shall be in Kisumu County.

(2) The Board may establish offices in other parts of the country as the Board may determine.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 15—

Sugar imports.

15A.(1) A person who intends to import sugar into Kenya shall, prior to importation —

- (a) provide evidence that the sugar he or she intends to import is not available within the local market in the country;
- (b) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and
- (c) obtain a pre-import approval from the Board.

(2) A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

CLAUSE 18

THAT, Clause 18 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause —

“(1) The Cabinet Secretary shall in consultation with the Board, by order in the *Gazette*, impose a Sugar Development Levy of one per centum on domestic sugar and ten per centum CIF value on imported sugar.”

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately as the First Schedule—

FIRST SCHEDULE

[S. 2]

DELINEATION OF SUGAR CATCHMENT AREAS

SUGAR CATCHMENT AREAS	COUNTIES
Central Region	Kericho, Kisumu and Nandi,
Upper Western	Bungoma, Kakamega, Trans Nzoia and Uasingishu
Lower Western Region	Busia, Mumias, Siaya
Southern Region	Homa Bay, Kisii, Migori and Narok
Coastal Region	Kwale, Lamu and Tana River,

FIRST, SECOND AND THIRD SCHEDULE

THAT, the Bill be amended renaming the First, Second and Third Schedule as Second, Third and Fourth Schedule respectively.

- 4) **Notice is given that the Member for Kisumu East (Hon. Shakeel A. Shabbir, MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage-**

CLAUSE 2

THAT, the Bill be amended in Clause 2 deleting the definition of the word “zone”

CLAUSE 5

THAT, Clause 5 of the Bill be deleted and replaced with the following new Clause —

Composition
of the Board.

“ 5.(1) The management of the Board shall vest in a Board of Directors which shall consist of—

- (a) a chairperson appointed by the President on the recommendation of the Public Service Commission;
- (b) the Principal Secretary for the time being responsible for matters relating to agriculture or his or her representative appointed in writing;
- (c) two persons of either gender who shall have knowledge and experience in the sugar sector nominated by the Council of County Governors;
- (d) seven persons who shall not be public officers competitively recruited by the Public Service Commission and appointed by the Cabinet Secretary with knowledge in the following—
 - (i) agriculture;
 - (ii) law;
 - (iii) business science including economics, accounting and commerce;
 - (iv) public management including procurement and human resource;
 - (v) trade investment; or
 - (vi) engineering.
- (e) a chief executive officer appointed by the Cabinet Secretary who shall be an *ex-officio* member;

(2) The Cabinet Secretary shall appoint the members of the Board under subsection (1) (c) and (d) by notice in the *Gazette*.

(3) The appointment of the Chairperson or members of the Board under subsection (1) shall take into account the gender, regional and other diversities of the people of Kenya.

(4) A person shall not be appointed to be a chairperson of the Board of Directors unless the person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has experience in the sugar sector.

CLAUSE 16

THAT, Clause 16 of the Bill be amended by inserting the following new sub clause (7) immediately after subclause (6)—

“(7) The grant of a licence to a sugar miller confers the miller the right to access sugar cane across the country.”

CLAUSE 18

THAT, Clause 18 of the Bill be amended —

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

“(2) The levy shall be charged at such rate as may be prescribed provided that it shall not exceed two per centum of the sugar value.”

(b) by deleting sub clause (6) and substituting therefor the following new sub clause (6)—

“(6) The sugar levy provided for under this section shall be apportioned as follows-

(a) thirty per centum shall be applied by the Board for income or price stabilization for sugar growers;

(b) fifteen per centum shall be applied by the Board in the furtherance or exercise of any function or power of the Board;

(c) twenty per centum shall be remitted to the Sugar Research Foundation; and

(d) thirty five per centum shall be applied for infrastructure development in the sugar subsector or on pro rata basis.”

CLAUSE 19

THAT, Clause 19 of the Bill be amended —

(a) by deleting the words “which shall be administered by the Board” appearing in subclause (1).

(b) by inserting the following new subclause immediately after subclause (1) —

“(1A) the Fund shall be managed by a Board of Trustees to be appointed by the Cabinet Secretary upon the recommendation of the Board.”

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 19—

Application of
the Fund.

19A.(1) Subject to section 18, the Fund shall be used to provide for sustainable, affordable credit and advances to farmers for all or any of the following purposes—

(a) farm improvement;

(b) farm inputs;

(c) farming operations;

(d) price stabilization; and

(e) any other lawful purpose approved by the Cabinet Secretary.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 27—

Effective
participation
by farmers.

27A.(1) For purposes of ensuring effective participation of farmers in the governance of agricultural sector in Kenya, there shall be close consultation with all registered farmers organization in the development of policies or regulations and before the making of any major decisions that has effect on the growth and development of sugar industry.

CLAUSE 30

THAT, the Bill be amended by deleting Clause 5 and substituting therefor with the following new Clause —

Cane supply
contract.

“30. Pursuant to section 29 of this Act every registered sugar farmer shall enter into cane supply contract with a miller of his or her choice which shall provide—

- (a) penalties where the miller fails to pay within an agreed period;
- (b) termination of contract; and
- (c) any loan or facility to be offset from the farmers entitlement.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 30—

Rights of
farmers.

30A.(1) subject to regulations made under this Act in relation to registration of sugar-cane growers, any farmer shall have the freedom to grow sugar-cane on his or her land and to enter into any contract with any sugar miller or dealer for sale of his or her produce.

5) NOTICE is given that the Member for Kipkelion West (Hon. Hillary Kosgei, MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee stage-

CLAUSE 2

THAT, the Bill be amended in Clause 2 by—

- (c) deleting the definition of the word “zone”
- (d) inserting the following new definitions in their proper alphabetical sequence—
“sugar catchment area” means a specific geographical area where farmers are clustered within a suitable ecological sugar growing area under the First Schedule;

“sugar export licence” means a licence issued to a person by the Board allowing the person to export out of Kenya such quantity of sugar as is specified therein;
“sugar import licence” means a licence issued to a person by the Board allowing the person to import into Kenya such quantity of sugar as is specified therein;

CLAUSE 5

THAT, Clause 5 of the Bill be deleted and replaced with the following new Clause —

Composition of
the Board.

“ 5.(1) The management of the Board shall vest in a Board of Directors which shall consist of—

- (f) a chairperson appointed by the President on the recommendation of the Public Service Commission;
- (g) the Principal Secretary for the time being responsible for matters relating to agriculture or his or her representative appointed in writing;
- (h) the Principal Secretary for the National Treasury or his or her representative appointed in writing;
- (i) two persons with knowledge in agriculture nominated by the apex association of millers in Kenya;
- (j) two persons with knowledge in agriculture nominated by the register farmers apex body;
- (k) two persons nominated by the Council of County Government;
- (l) a chief executive officer appointed by the Cabinet Secretary who shall be an *ex-officio* member and a secretary to the Board.

(2) The Cabinet Secretary shall appoint the members of the Board under subsection (1)(d) and (f) by notice in the *Gazette*.

(3) The appointment of the Chairperson or members of the Board under subsection (1) shall take into

account the gender, regional and other diversities of the people of Kenya.

(4) The chairperson and members of the Board shall hold office for a period of three years but shall be eligible for re-appointments or re-election as the case may be for one further term.

(5) A person shall not be appointed to be a chairperson of the Board of Directors unless the person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has experience in the sugar sector.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 9—

Headquarters of
the Board.

9A.(1) The headquarters of the Board shall be in Kisumu County.

(2) The Board may establish offices in other parts of the country as the Board may determine.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 15—

Sugar
imports.

15A.(1) Sugar shall be imported into the country by a licenced sugar-cane miller—

(2) A sugar-cane miller who intends to import sugar into Kenya shall, prior to importation —

- (d) provide evidence that the sugar he or she intends to import is not available within the local market in the country;
- (e) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and
- (f) obtain a pre-import approval from the Board.

(2) A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after Clause 16—

Industrial sugar. **16A.** A licenced sugar miller shall carry out the business of processing industrial sugar.

(2) A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

CLAUSE 18

THAT, Clause 18 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause —

“(1) The Cabinet Secretary shall in consultation with the Board, by order in the *Gazette*, impose a Sugar Development Levy of one per centum on domestic sugar and ten per centum CIF value on imported sugar.”

CLAUSE 30

THAT, Bill be amended by deleting Clause 30.

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately before the First Schedule—

FIRST SCHEDULE

[S. 2]

DELINEATION OF SUGAR CATCHMENT AREAS

SUGAR CATCHMENT AREAS	COUNTIES
Rift Region	Kericho, Nandi and Uasingishu
Upper Western	Bungoma, Kakamega and Trans Nzoia
Lower Western Region	Busia and Vihiga
Southern Region	Kisumu, Migori and Narok
Coastal Region	Kwale, Tana River and Lamu

FIRST, SECOND AND THIRD SCHEDULE

THAT, the Bill be amended renaming the First, Second and Third Schedule as Second, Third and Fourth Schedule respectively.



LIMITATION OF DEBATE

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

Limitation of Debate on Individual Members' Bills

- II. THAT**, each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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

Wednesday (Afternoon), August 18, 2021

(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 Wednesday (Afternoon), August 18, 2021-

A. PROCEDURAL MOTION- CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD

(The Leader of the Majority Party)

B. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FOREIGN SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2021)

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

(Question to be put and Third Reading)

C. COMMITTEE OF THE WHOLE HOUSE

The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)

(The Leader of the Majority Party)

D. THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, August 17, 2021)

E. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Second Reading

F. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

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

Second Reading

G. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)

(The Leader of the Majority Party)

Second Reading

H. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(The Leader of the Majority Party)

Second Reading

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.4 - PETITIONS

It is **notified** that, pursuant to the provisions of Standing Order 225 the following Petition (s) will be presented -

No.	Subject	Petitioner(s)	Relevant Committee
033/2021	Abolition of police clearance certificates required of citizens seeking jobs <i>(to be presented pursuant to S.O.225(2)(b))</i>	<i>To be reported by the Speaker on behalf of several citizens led by one Ms. Susan W. Gachango</i>	D.C. on Justice and Legal Affairs
034/2021	Degazettement of 2,000 acres of Hola irrigation scheme land for expansion of Hola Town <i>(to be presented pursuant to S.O.225(2)(b))</i>	<i>To be presented by the Hon. Said Hiribae, MP (Galole) on behalf of residents of Galole Constituency</i>	D.C. on Lands

ORDER NO.7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE NO.

ORDINARY QUESTIONS

300/2021

The Member for Kuria East (Hon. Marwa Maisori, MP) to ask the Cabinet Secretary for Sports, Culture and Heritage: -

- (i) Could the Cabinet Secretary state measures put in place to ensure that all indigenous languages spoken by the over 79 minority indigenous communities spread over the 47 counties in Kenya are protected from extinction?
- (ii) Could the Cabinet Secretary also explain the criteria used to determine that only 19 majority communities in 30 counties would have their local languages preserved from extinction and taught in schools, leaving out other marginalized minority indigenous communities whose languages are on the verge of extinction?
- (iii) Does the Ministry have any plans to include all indigenous languages spoken in Kenya in the languages used in teaching programmes in the national curriculum?

(To be replied before the Departmental Committee on Sports, Culture and Tourism)

312/2021

The Member for Awendo (Hon. Walter Owino, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -

- (i) What measures has the Government put in place to assist the more than 1.5 million drought stricken persons who are on the verge of facing starvation in the Country?
- (ii) Given the massive crop failure being experienced across the country particularly the maize crop as a result of rain failure, could the Cabinet Secretary explain the measures in place to ensure the Country has adequate food for all going forward?
- (iii) Could the Cabinet Secretary provide the long-term strategy for attaining food security in the country and in particular, for the vulnerable persons and areas with adverse and unfavourable weather conditions?

(To be replied before the Departmental Committee on Agriculture and Livestock)

316/2021

The Member for Ainabkoi (Hon. William Chepkut, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (i) Could the Cabinet Secretary provide the implementation status of the *Tot-Kalowa* Irrigation Scheme at the border of Baringo and Elgeyo Marakwet Counties whose cost is estimated to be Kshs. 245 million?
- (ii) Could the Cabinet Secretary outline measures, if any, that the Ministry has put in place to ensure the project does not stall any further and ensure that completion of the project is fast-tracked?

(To be replied before the Departmental Committee on Environment and Natural Resources)

318/2021

The Member for Emuhaya (Hon. Omboko Milemba, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary provide the status of investigations into the recent shooting of the following three students by police officers - *Alfred Odaba Kutwa* of *Esabwa Primary School*, *Eric Munala Julius*, a form four student at *St. Peters Itumbu Secondary School*; and, *Goffrey Obwanga*, a class seven student at *Itumbu Primary School*, all in Emuhaya Constituency?
- (ii) Could the Cabinet Secretary explain the steps that Government is taking to deal with the responsible police officers assigned to *Luanda Police Station, Luanda Sub-County* who are alleged to have overstepped their mandate by operating outside their administrative jurisdiction as *Emuhaya* has its own Commanding Police Division?
- (iii) What measures has the Government put in place to compensate the said students for the injuries sustained to enable them to meet the high costs of hospitalization and resume school?

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

320/2021

The Member for Changamwe (Hon. Omar Mwinyi, MP) to ask the Cabinet Secretary for Tourism and Wildlife: -

- (i) What is the implementation status of the partnership agreement signed between *M/s. Lafarge- Bamburi Cement Company* and the Kenya Tourist Development Corporation to promote conference tourism at the Coast Region whereby the company agreed to among other things, donate a ten-acre piece of land for the construction of an international conference facility in *Bamburi* area of Mombasa County?

- (ii) Could the Cabinet Secretary explain why Mombasa County, despite being an international tourist hub, lacks a world-class international conference facility?
- (iii) Could the Cabinet Secretary indicate whether there are any plans to ensure that such facility is put up in the County?

(To be replied before the Departmental Committee on Environment and Natural Resources)

321/2021 The Member for Laikipia North (Hon. Sarah Korere, MP) to ask the Teachers Service Commission: -

- (i) Could the Chairperson provide the status of teachers' recruitment in marginalized areas across the Country?
- (ii) Could the Commission provide the number and details of teachers who were recruited in the just concluded recruitment exercise from Laikipia North Constituency?

(Question for Written Reply by the Teachers Service Commission)

323/2021 The Member for Kathiani (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) Could the Cabinet Secretary explain why *Nduwa Muthengi Nzyoka* of ID No. 1695524, *Munyiva Wambua Ndunda* of ID No. 1605314, *Muthue Mumo* of ID No. 32522845 and over 200 other beneficiaries of the *Elderly Cash Transfer Programme* in Kathiani Constituency no longer receive their monthly stipends despite having been successfully recruited in 2017 and receiving the monies for some time?
- (ii) Could the Cabinet Secretary explain the circumstances that led to the removal of beneficiaries from the system without formal communication to them?
- (iii) Could the Cabinet Secretary undertake to ensure that the said beneficiaries are re-instated into the system considering that they are all vulnerable and needy and ensure they receive their monthly stipend?

(To be replied before the Departmental Committee on Labour and Social Welfare)

328/2021 The Member for Teso South (Hon. Geoffrey Omuse, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain why the Ministry suspended the registration of new schools *vide* a letter, *Ref MOE.HQS/3/6/56 Vol. 2 (43)* dated 15th June 2021 addressed to all Regional and County Directors of Education?

- (ii) Could the Cabinet Secretary provide the steps that the Ministry is taking to ensure that *Machakusi Girls Secondary* and *Kodedema Girls Secondary Schools* in Teso South Constituency, which at the time were at 98% and 60% completion respectively, are registered considering the huge resources already invested towards their construction?
- iii) Could the Cabinet Secretary give an indication as to when the Ministry plans to lift the said suspension?

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

330/2021 The Member for Mogotio (Hon. (Dr.) Daniel Tuitoek, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain the policy regarding the use of School buses by communities around educational institutions particularly those acquired by with assistance from the National Government Constituency Development Funds (NG-CDF)?
- (ii) Could the Cabinet Secretary also explain the reasons for the recent ban on the use of school buses by communities living near learning institutions?

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

331/2021 The Member for Sigowet/Soin (Hon. Kipsengeret Koros, MP.) to ask the Cabinet Secretary for Labour and Social Protection: -

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- (i) Could the Cabinet Secretary provide the status of the recent Bilateral Agreement regarding Health Workforce Collaboration signed between the Republic of Kenya and the United Kingdom and Northern Ireland which was signed during the latest official visit by H. E. the President to the United Kingdom?
- (ii) Could the Cabinet Secretary also provide details of the exchange programme between the two countries as per the signed Agreement highlighting the specific cadres of Kenyan Healthcare Workers to be involved in the exchange programme, the selection criteria to be applied, the Ministry or Agency to be responsible for the recruitment, and whether it will be a one-off programme?

(To be replied before the Departmental Committee on Labour and Social Welfare)

337/2021

The Member for Sigor (Hon. Peter Lochakapong, MP) to ask the Cabinet Secretary for East African Community and Regional Development: -

- (i) Could the Cabinet Secretary provide the implementation status of *Sigor Weivei Integrated Development Water Project Phase III*, which was officially launched by the President on 2nd November 2016?
- (ii) Could the Cabinet Secretary explain why the said project has stalled despite assurances by the President that the project would be completed within a year?
- (iii) Could the Cabinet Secretary give the timeframe within which this project is expected to be completed?
- (iv) Could the Cabinet Secretary further explain how funds meant for conservation of *Korellach area* in Sigor Constituency, a catchment area for the *Sigor Weivei Integrated Development Water Project* were utilized, indicating the allocations made and payments made so far?

(To be replied before the Departmental Committee on Environment and Natural Resources)

348/2021

The Member for Saboti (Hon. Caleb Amisi, MP) to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs: -

- (i) Could the Cabinet Secretary provide a list all Youth Empowerment Centres that have been constructed across the country in the past four (4) years, indicating their locations and their completion status?
- (ii) Could the Cabinet Secretary indicate the number of the Centres projected for construction in the current financial year, and specify constituencies where they will be located?
- (iii) Could the Cabinet Secretary outline the measures that the Ministry has put in place to ensure that the said Centres are constructed to the required standards, well equipped and operationalized in all the 290 Constituencies?

(To be replied before the Departmental Committee on Communication, Information and Innovation)
