



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, AUGUST 24, 2023 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)**  
(The Hon. Emmanuel Wangwe, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, August 23, 2023 – Afternoon Sitting)*

*(Balance of time – 1 hour 53 minutes)*

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

The Sugar Bill (National Assembly Bill No. 34 of 2022)  
(The Hon. Emmanuel Wangwe, M.P.)

*(With leave of the House)*

**10\*. MOTION – REPORT OF THE KENYA DELEGATION TO THE 146<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN**

(Member of the Delegation)

**THAT**, this House **notes** the Report of the Kenya Delegation to the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related Meetings, held in Manama, Kingdom of Bahrain from 11<sup>th</sup> to 15<sup>th</sup> March 2023 *laid on the Table of the House on Wednesday, 14<sup>th</sup> June 2023.*

*(Resumption of debate interrupted on Tuesday, August 22, 2023)*

*(Balance of time – 2 hours 10 minutes)*

**11\*. MOTION – REPORT OF THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA**

(The Chairperson, EAPA-FSN Caucus)

**THAT**, this House **notes** the Report of the Kenya Delegation to the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7<sup>th</sup> to 9<sup>th</sup> December 2022, *laid on the Table of the House on Tuesday, 11<sup>th</sup> April 2023.*

**12\*. MOTION – REPORT ON THE INSPECTION OF VARIOUS ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION**

(The Chairperson, Select Committee on Regional Integration)

**THAT**, this House **adopts** the Report of the Select Committee on Regional Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community Region, *laid on the Table of the House on Wednesday, 5<sup>th</sup> July 2023.*

**13\*. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

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

**THAT**, this House **adopts** the First Report of the Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, *laid on the Table of the House on Thursday, 6<sup>th</sup> July, 2023.*

14\*. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWELVE CONSTITUENCIES IN KAKAMEGA COUNTY  
 (The Chairperson, Decentralized Funds Accounts Committee)

**THAT**, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for twelve constituencies in Kakamega County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 27<sup>th</sup> July 2023.*

15\*. MOTION – PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM  
 (The Chairperson, Public Petitions Committee)

**THAT**, this House **adopts** the Report of the Public Petitions Committee on its consideration of a Public Petition No. 07 of 2022 regarding Probable Loss of Investments in Cytonn High Yields Solutions Platform, *laid on the Table of the House on Thursday, 4<sup>th</sup> May, 2023.*

16\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)  
 (The Leader of the Majority Party)

Second Reading

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**\*Denotes Orders of the Day\***

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# **NOTICES**

## **I. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)**

- 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 (National Assembly Bill No. 34 of 2022) at the Committee Stage—

### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended—

(a) by inserting the following definitions in their proper alphabetical sequence—

- (i) “jaggery mill” means bare minimum technology equipment used to crush sugarcane to produce sugarcane juice which is processed through boiling to produce jaggery;
- (ii) “industrial sugar” means a white crystalline carbohydrate used as a sweetener and preservative sugar, which complies with the specifications set by the body for the time being responsible for setting standards;
- (iii) “sugar beet” means any plant or part of a plant of the genus Beta or any of its hybrid that is grown for sugar production;
- (iv) “sugar crop” means a crop grown for the purpose of sugar production including sugarcane and sugar beet;
- (v) “sugar manufacturers’ apex body” means a national body, composed of sugar and jaggery millers registered under the Societies Act, with the main objective being to lobby for the interests of the registered millers;

(b) by deleting definition of “agreements” and substituting therefor the following new definition —

“agreements” means agreements specifying the standard provisions governing the rights and obligations of growers, millers, out-growers, transporters and other value chain actors in the sugar industry;

- (c) by deleting definition of “farm gate.”
- (d) by deleting definition of “mill gate” and substituting therefor the following new definition—
  - “mill gate” means a site designed as such by the Board where sugar crops are received, weighed or tested;
- (e) in the definition of “Institute” by deleting the words “Kenya Sugar Research Institute” and substituting therefor the words “Kenya Sugar Research and Training Institute.”
- (f) by deleting definition “sugar” and substituting therefor the following new definition—
  - “sugar” means crystalline or liquid sucrose derived from sugar crop in any of its recognised commercial forms, intended for human consumption or other uses and includes jaggery, raw, brown, plantation (mill) white and industrial sugar;
- (g) by deleting definition of “sugarcane growers apex body” and substituting therefor the following new definition—
  - “sugarcane growers apex body” means a national organization registered under the Societies Act whose membership shall comprise of mill level registered and contracted farmers’ institutions and groups championing the rights under a cane supply agreement and in the catchment areas listed under the First Schedule and gazetted as such by the Cabinet Secretary for the time being responsible for agriculture;
- (h) by deleting definition of “stakeholder” and substituting therefore the following new definition—
  - “stakeholder” means “a person with significant interest in the sugar industry and includes growers, out-growers, millers, transporters and other value chain actors in the sugar industry.”

#### **CLAUSE 4**

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

- (a) in sub-clause (1), by deleting paragraph (b) and substituting therefor the following new paragraph—
  - “(b) co-ordinate the activities of value chain actors within the industry; and”
- (b) in sub-clause (2)—
  - (i) by deleting paragraph (c) and substituting therefor the following new paragraph—

- “(c) establish linkages with other government agencies and research institutions to enhance quality assurance and research and facilitate flow of research findings to the interested parties.”
- (ii) by deleting paragraph (d) and substituting therefor the following new paragraph—
- “(d) monitor and regulate the domestic market with a view to identifying any distortions in the sugar market and advise the Government and interested parties on any corrective measures to be taken.”
- (iii) by inserting the following new paragraph immediately after paragraph (d)—
- “(da) advise the national and county governments on agricultural levies for purposes of planning, enhancing harmony and promotion of equity in the sugar industry.”
- (iv) by deleting paragraph (e);
- (v) by deleting paragraph (f) and substituting therefor the following new paragraph—
- “(f) facilitate the sale, import and export of sugar and sugar products.”
- (vi) by deleting the paragraph (i) and substituting therefor the following new paragraph—
- “(i) in collaboration with county governments, implement an equitable mechanism for the pricing of sugar crop and appropriation of proceeds from the disposal of the by-products of sugar production between millers and growers as stipulated in the guidelines.”
- (vii) by deleting paragraph (j) and substituting therefor the following new paragraph—
- “(j) collaborate with national and international trade bodies on sugar related matters.”
- (viii) by deleting paragraph (m) and substituting therefor the following new paragraph—
- “(m) register and license sugar and jaggery mills, exporters, importers and dealers.”
- (ix) by deleting paragraph (o) and substituting therefor the following new paragraph—
- “(o) promote and advise on strategies for value addition and product diversification in the sugar industry.”

(x) by deleting paragraph (p) and substituting therefor the following new paragraph—

“(p) in consultation with the county governments and other stakeholders, formulate a strategic plan for the sugar sub-sector at least once every five years.”

(xi) by deleting paragraph (q) and substituting therefor the following new paragraph—

“(q) in consultation with the county governments, formulate guidelines on an efficient, safe and economical transportation of sugar, sugar crop and disposal of unutilized by-products.”

(xii) by deleting paragraph (r) and substituting therefor the following new paragraph—

“(r) gather and disseminate market information on regional and global supply chain dynamics for the benefit of stakeholders.”

(xiii) by deleting paragraph (u) and substituting therefor the following new paragraph—

“(u) perform such functions as may be conferred on it by this Act or any other written law”.

### **CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended—

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

“(a) issue certificates and inspect sugar crop nurseries in collaboration with the Kenya Sugar Research and Training Institute.”

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

“(b) offer and coordinate extension services on sugar crop production in the respective county.”

(c) by deleting the word “establish” and substituting therefor the word “maintain” in paragraph (e);

### **CLAUSE 6**

**THAT**, Clause 6 (1) of the Bill be amended—

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

“(a) a non-executive chairperson appointed by the President.”

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

“(c) two representatives each elected by private and public owned sugar mills who are knowledgeable in sugar technology and value addition.”

#### **CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended in sub-clause (2), by deleting the expression “*under section 6 (1) (b), (c) and (e)*” and substituting therefor the following new expression “*under section 6 (1) (a), (b), (c) and (e)*.”

#### **CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended by deleting the word “*of*” appearing immediately after the words “*of the Board*”

#### **CLAUSE 14**

**THAT**, Clause 14 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause (1) —

“(1) There shall be a Chief Executive Officer of the Board who shall be appointed through a competitive process by the Board and whose terms and conditions of service shall be determined by the Board in consultation with the Public Service Commission in the instrument of appointment or otherwise in writing from time to time.”

#### **NEW CLAUSE 17A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17—

Registration of  
millers.

**17A.** (1) A person shall not conduct the business of a miller unless he or she is registered by the Board and the premises in which the business is conducted is specified in the register in accordance with regulations made under this Act.

(2) The Board shall issue to every miller registered under this section, a certificate of registration specifying the premises at which milling may be carried on by the miller.



(3) No fee shall be charged in respect of any registration or certification of registration made or issued under this section.

(4) In issuing certificates of registration under sub-section (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.

(5) A miller may offer extension or other services to growers.

(6) Every miller registered under this section shall conduct business in accordance with this Act and any regulations made thereunder.

(7) 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 17B**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17—

Registration of a  
grower to a factory.

**17B.** (1) A miller shall not purchase sugar crop from, or accept sugar crop delivered by, a grower and a grower shall not sell or deliver sugar crop to a miller, unless that grower is registered in respect of the factory of the miller for the supply of sugar crop.

(2) No miller shall, without reasonable cause, refuse to accept or collect sugar crop for the manufacture of sugar delivered by a grower in accordance with a cane supply agreement.

(3) A miller or a grower who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not less than one million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than one year, or to both such fine and imprisonment.

### **CLAUSE 19**

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

(a) by deleting sub-clause (4);

(b) by deleting sub-clause (6);

(c) by deleting sub-clause (8).

### **NEW CLAUSE 19A**

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

Conditions of a license.

**19A.** (1) A license issued under this Act shall be subject to such conditions as the Board may determine and as prescribed in regulations.

(2) Every license shall, unless earlier revoked, expire on the 30th June next following the date of issue.

### **CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended—

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

“(1) A person shall not import or export sugar crop, sugar or sugar by-products without a valid licence issued by the Board in accordance with regulations made under this Act.”

(b) by inserting the following new sub-clauses immediately after sub-clause (1)—

“(2) A holder of a valid import or export licence shall not import or export sugar crop, sugar or sugar by-products unless they have obtained a pre-import or pre-export approval from the Board in accordance with regulations made under this Act.”

“(3) 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”.

### **NEW CLAUSE 20A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 20—

Safeguard  
measures.

**20A.** (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 sub-section (1), the Board shall ensure that—

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

(b) importers report to the Board on their imports, sales and stock as may be determined by the Board.

(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 22**

**THAT**, the Bill be amended by deleting clause 22.

### **PART IV**

**THAT**, the title under PART IV be amended by deleting the words “ESTABLISHMENT OF THE KENYA SUGAR RESEARCH INSTITUTE” and substituting therefor the words “ESTABLISHMENT OF THE KENYA SUGAR RESEARCH AND TRAINING INSTITUTE”.

### **CLAUSE 23**

**THAT**, Clause 23 be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause-

“(1) There is hereby established a body to be known as the Kenya Sugar Research and Training Institute.”

**MARGINAL NOTE**

**THAT**, the marginal note be amended to read as follows, “Establishment of the Kenya Sugar Research and Training Institute.”

**CLAUSE 24**

**THAT**, Clause 24 of the Bill be amended—

(a) in sub-clause (1)—

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

“(a) promote, co-ordinate and regulate research in sugar, sugar crop, sugar by-products, sugar technologies and management practices.”

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

“(b) expedite equitable access to research information, resources, sugar technologies and innovations and promote the application of research findings in the development of sugar industry.”

(b) in sub-clause (2)—

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

“(a) formulate policy and make policy recommendations in respect of sugar research, development and training to the Board in line with the national policy on sugar.”

(ii) delete paragraph (b);

(iii) by deleting the word “Government” and substituting therefor the word “Board” in paragraph (c).

(iv) by deleting the word “agricultural” and substituting therefor the words “sugar industry” in paragraph (g);

(v) by inserting the word “industry” immediately after the words “made in sugar” in paragraph (i);

(vi) by inserting the word “industry” immediately after the words “field of sugar” in paragraph (k);

(vii) by inserting the words “and promote” immediately after the word “breed” in paragraph (l);

- (viii) by deleting paragraph (m) and substituting therefor the following new paragraph—  
“(m) conduct research on nutritional requirements of sugar crop in order to provide recommendations on the appropriate inputs.”
- (ix) by inserting the word “sugar crop” immediately after the words “economical cane” in paragraph (n).
- (x) by deleting the word “sugarcane” and substituting therefor the words “sugar crop” in paragraph (o).
- (xi) by deleting the word “sugarcane” and substituting therefor the word “sugar crop” in paragraph (p).
- (xii) by inserting the word “transport” immediately after the words “farm machinery” in paragraph (r).
- (xiii) by deleting paragraph (s) and substituting therefor the following new paragraph —  
“(s) promote transfer of sugar industry technology based on applied research through relevant training and extension mechanisms.”
- (xiv) by deleting paragraph (v) and substituting therefor the following new paragraph—  
“(v) charge fees or levies for rendered services and products.”
- (xv) by deleting paragraph (w) and substituting therefor the following new paragraph —  
“(w) offer modular courses on various aspects of sugar industry technologies, innovations and management practices.”

**CLAUSE 25**

**THAT**, the Bill be amended by deleting clause 25 and substituting therefor the following new clause—

- Management of the **25.**The management of the Institute shall vest in the Board of Directors which shall consist of —
- (a) a chairperson appointed by the President who shall have a background in agricultural research or related field;
  - (b) one person nominated by sugarcane growers’ organization apex body;

- (c) one person nominated by sugarcane manufacturers apex body;
- (d) one person nominated by the input supply system;
- (e) one person nominated by universities;
- (f) the Principal Secretary for the time being responsible for the National Treasury or a representative appointed in writing;
- (g) the Principal Secretary for the time being responsible for Agriculture or a representative appointed in writing;
- (h) the Director General of the Kenya Agricultural Livestock and Research Organization; and
- (i) the Managing Director who shall be an ex-officio member.

**CLAUSE 27**

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

- (a) by deleting paragraph (b) and substituting therefor with the following paragraph—

“(b) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act.”
- (b) by deleting paragraph (c) and substituting therefor with the following paragraph—

“(c) monies from any other source as approved by the Board of Directors and Ministry responsible.”
- (c) by inserting the following new paragraph (d)—

“(d) levies and fees accrued from rendered services and products.”

**CLAUSE 28**

**THAT**, Clause 28 of the Bill be amended—

- (a) in sub-clause (1), by deleting the words “Director General” and substituting therefor the words “Managing Director.”
- (b) in the marginal note by deleting the words “Director General” and substituting therefor the words “Managing Director”;

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

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

- (a) holds a doctorate degree in agricultural studies, soil and seed research, soil science or a related field 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 33**

**THAT**, Clause 33 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

“(d) Sugar Development Levy.”

### **CLAUSE 34**

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

- (a) 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 levy on domestic Sugar not exceeding four per centum of the value and a four per centum of CIF value on imported sugar to be known as the Sugar Development Levy”.

- (b) by deleting sub clause (6);

- (c) by deleting sub clause (7) and substituting therefor the following new sub-clause —

“(7) The Sugar Development Levy collected under sub-section (2) shall be appropriated as follows—

- (a) fifteen per centum shall be applied for factory development and rehabilitation;
- (b) fifteen per centum shall be applied for research and training;
- (c) forty per centum shall be applied for cane development and maintenance;

- (d) ten per centum shall be applied for infrastructure development and management;
- (e) fifteen per centum shall be applied for the administration of the Board; and
- (f) five per centum shall be applied for the furtherance and exercise of the functions of sugarcane farmers organisations”.

(d) by deleting sub clause (8).

### **CLAUSE 35**

**THAT**, Clause 35 of the Bill be amended—

- (a) by deleting sub clause (1) and substituting therefor the following new sub clause—  
“(1) There is established a Fund to be known as the Sugar Development Fund”.
- (b) by inserting the following new sub clause immediately after sub clause (1)—  
“(1A) The Fund shall be managed by a Board of Trustees established under section 9 of the Crops Act, 2013 in consultation with the Board”.

### **CLAUSE 36**

**THAT**, Clause 36 of the Bill be amended by inserting the word “of” immediately after the word “thirtieth”.

### **CLAUSE 41**

**THAT**, Clause 41 of the Bill be amended—

- (a) in sub-clause (1)—
  - (i) by deleting the word “sugarcane” and substituting therefor the word “sugar crop” in paragraph (a);
  - (ii) by deleting paragraph (b) and substituting therefor the following new paragraph—  
“(b) disputes between sugar crop farmers and the following—
    - (i) out grower institutions;
    - (ii) millers;
    - (iii) other interested parties”
- (b) by inserting the following paragraphs immediately after paragraph (d)—
  - “(e) disputes between millers; and
  - (f) disputes between any other interested parties”.



**CLAUSE 42**

**THAT**, Clause 42 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

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

**CLAUSE 49**

**THAT**, Clause 49 of the Bill be amended—

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

“(c) environmental standards and issues as set by the body for the time being responsible for public health; and”

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

**CLAUSE 51**

**THAT**, the Bill be amended by deleting Clause 51

**CLAUSE 52**

**THAT**, Clause 52 of the Bill be amended—

(a) by deleting sub-clause (4); and

(b) by deleting sub-clause (5);

**CLAUSE 53**

**THAT**, Clause 53 of the Bill be amended —

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

(b) in sub-clause (3) by deleting the expression “sub section (2) and substituting therefor the expression “sub section (1);

**NEW CLAUSE 53A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 53—

General penalty.

53A(1) A person who contravenes any of the provisions of this Act commits an offence.

(2) A person convicted of an offence under this Act for which no other penalty is provided shall be liable—

- (a) in the case of a first conviction, to a fine not less than one million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than one year; and
- (b) in the case of a second or subsequent conviction, to a fine not less than three million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than two years.

#### CLAUSE 54

**THAT**, the Bill be amended by deleting clause 54.

#### CLAUSE 55

**THAT**, the Bill be amended by deleting clause 55.

#### CLAUSE 56

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

#### CLAUSE 57

**THAT**, Clause 57 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “county governments and” immediately after the words “in consultation with.”
- (b) in sub-clause (2)-
  - (i) by inserting the words “and collection centres” immediately after the words “weighbridges” in paragraph (d);
  - (ii) by inserting the following new paragraphs immediately after paragraph (i)-
    - “(j) the conditions with respect to the delivery, measurement, examination and testing of sugarcane;
    - (k) the seizure by an inspector of books, documents and sugar cane which, in the opinion of the inspector, may afford evidence of a contravention of this Act and the doing of such other things as may appear to the inspector to be necessary for ascertaining whether compliance has been made with this Act;

(l) penalties for non-adherence to sugar industry agreements”

(c) by deleting sub-clause (3).

(d) in sub-clause (4) by deleting the words “*twelve months*” and substituting therefor the words “*six months*”

## **SECOND SCHEDULE**

**THAT**, the Second Schedule be amended by deleting paragraph (1).

## **THIRD SCHEDULE**

**THAT**, the Bill be amended by deleting the Third Schedule.

- 2) **Notice is given that the Member for Tinderet (Hon. Julius Melly) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—**

### **CLAUSE 34**

**THAT**, Clause 34 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 levy on domestic Sugar not exceeding two per centum of the value and a four per centum of CIF value on imported sugar to be known as the Sugar Development Levy”.

- 3) **Notice is given that the Member for Suba South (Hon. Caroli Omondi) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—**

### **CLAUSE 2**

**THAT** Clause 2 of the Bill be amended by inserting the following new definitions in the proper alphabetical sequence —

“National Environment Management Authority” means the National Environment Management Authority established under section 7 of the Environmental Management and Co-ordination Act, No. 8 of 1999;

“Salaries and Remuneration Commission” means the Salaries and Remuneration Commission established under Article 230 of the Constitution;”

### **CLAUSE 6**

**THAT** the Bill be amended in clause 6 by inserting the words “fifteen years” immediately before the word “relevant” appearing in sub clause (3).

**CLAUSE 7**

**THAT** Clause 7 of the Bill be amended —

- (a) by inserting the words “upon election or nomination as the case may be” appearing in sub clause (1) immediately after the words “ further term”; and
- (b) by deleting sub clause (2).

**CLAUSE 12**

**THAT** Clause 12 of the Bill be amended by deleting the words “or to any member, officer, employee or agent of the Board”.

**CLAUSE 13**

**THAT** Clause 13 of the Bill be amended by deleting the word “remuneration” appearing immediately after the word “such”.

**CLAUSE 18**

**THAT** Clause 18 of the Bill be amended by deleting the words “a jaggery” and substituting therefor the words “an industrial jaggery” appearing in sub clause (1).

**CLAUSE 19**

**THAT** Clause 19 of the Bill be amended in sub clause (2) by deleting paragraph (a) and substituting therefor the following new paragraph —

“(a) it is satisfied that the applicant is financially sound and solvent”;

**NEW CLAUSE 20A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 20—

Annual  
report on  
sugar  
forecasting  
by the  
Board.

**20A.** (1) The Board shall at the beginning of every year prepare an annual report which shall include a forecast of national cane harvest, milled sugar, consumption of sugar, deficit in sugar production and the period of importing sugar to cover the deficit and it shall be laid before the National Assembly.

(2) Subject to section 19 (8), the Board may only allow licensed and registered sugar millers to import sugar where there is a deficit in sugar production.

**NEW CLAUSE 53A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 53—

Long term  
leasing of  
government  
owned  
sugar  
millers.

No. 2 of  
2005.

**53A.** (1) The Privatization Commission established under section 3 of the Privatization Act, shall establish a programme for the long term leasing of government owned and controlled sugar millers by strategic investors which shall be concluded within a period of three years from the commencement of this Act.

(2) The programme under sub section (1) shall provide for the mechanism for participation of outgrowers in the management of leased sugar mills.



## **LIMITATION OF DEBATE**

The House resolved on Wednesday, February 15, 2023 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.

### **Limitation of Debate on Other Committee Reports**

- III. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

### **Limitation of Debate on Bills sponsored by Parties or Committees**

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

Limitation of Debate on Reports of Audit Committees

- V. THAT**, each speech in debate on **Reports of Audit Committees** shall be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) **minutes** in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

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## **ADJOURNMENT**

**VI. NOTIFICATION OF RECESS (25<sup>th</sup> August – 25<sup>th</sup> September 2023)**

Pursuant to the provisions of Standing Order 28(3) relating to the Calendar of the Assembly, and the resolutions of the House of Wednesday, 15<sup>th</sup> February 2023, and Thursday, 17<sup>th</sup> August 2023, the Speaker notifies that, upon the rise of the House at the appointed time today, regular sittings will resume on **Tuesday, 26<sup>th</sup> September 2023 at 2.30 p.m.**

*(Thereafter, the House to adjourn without question put)*

# **NOTICE PAPER**

## **Tentative business for Tuesday, September 26, 2023**

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

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Tuesday, September 26, 2023—

A. **MOTION** – **REPORT OF THE KENYA DELEGATION TO THE 146<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN**  
(Member of the Delegation)

*(If not concluded on Thursday, August 24, 2023)*

B. **MOTION** – **REPORT OF THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA**  
(The Chairperson, EAPA-FSN Caucus)

*(If not concluded on Thursday, August 24, 2023)*

C. **MOTION** – **REPORT ON THE INSPECTION OF VARIOUS ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION**

(The Chairperson, Select Committee on Regional Integration)

*(If not concluded on Thursday, August 24, 2023)*

D. **MOTION** – **REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

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

*(If not concluded on Thursday, August 24, 2023)*

E. **MOTION** – **CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWELVE CONSTITUENCIES IN KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)

*(If not concluded on Thursday, August 24, 2023)*



**F. MOTION – PROBABLE LOSS OF INVESTMENTS IN CYTONN  
HIGH YIELDS SOLUTIONS PLATFORM**

(The Chairperson, Public Petitions Committee)

*(If not concluded on Thursday, August 24, 2023)*

**G. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, August 24, 2023)*

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