



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

SPECIAL SITTING

TUESDAY, JUNE 11, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements
8. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL No. 9 OF 2022)**
(The Senate Majority Leader)

THAT, the National Assembly amendments to the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) be now considered.

***(Resumption of debate interrupted on Thursday, 30th May, 2024)
(Division)***

9. ****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO.25 OF 2024)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)
10. ****THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO. 19 OF 2024)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

...../Bills

- 11. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL No. 9 OF 2022)
(The Senate Majority Leader)
- 12. **COMMITTEE OF THE WHOLE**
*****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)**
(The Senate Majority Leader)
- 13. **COMMITTEE OF THE WHOLE**
*****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)**
(The Senate Majority Leader)
- 14. **COMMITTEE OF THE WHOLE**
****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO.25 OF 2024)**
(The Chairperson, Standing Committee on Finance and Budget)
- 15. **COMMITTEE OF THE WHOLE**
****THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO. 19 OF 2024)**
(The Chairperson, Standing Committee on Finance and Budget)

KEY

- ****- Denotes a Majority /Minority Party Bill**
- ***- Denotes a National Assembly Bill**
- **- Denotes a Committee Bill**
- *- Denotes any other Bill**

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NOTICE OF AMENDMENTS

A. *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(The Senate Majority Leader)

(NATIONAL ASSEMBLY AMENDMENTS)

NOTICE is given that the National Assembly made the following amendments to the County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 Of 2022) -

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in the definition of “Cabinet Secretary” by deleting the word “licensing” and substituting therefor the word “trade”;
- (b) by deleting the definition of “County Executive Committee Member”; and
- (c) by deleting the definition of “licensing authority” and substituting therefor the following new definition—
“licensing authority” means a County Licensing Board established by a county government under section 7.

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) by renumbering the existing provision as sub clause (1); and
- (b) by inserting the following new sub-clause immediately after sub-clause (1) —
“(2) A licensing authority shall, in considering an application for a licence to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “licence” appearing in paragraph (a).

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”;

- (b) by deleting paragraph “(c)” and substituting therefor the following new paragraph —
 - “(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”;
- (c) by inserting the following new paragraph immediately after paragraph (f)—
 - “(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209(5) of the Constitution.”

CLAUSE 7

THAT, clause 7 of the Bill be amended—

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

“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licences under subsection (1).

(1B) A County Licensing Board established under this section shall comprise—

- (a) the Chief Officer for the time being responsible for matters relating to revenue in the county government or a representative appointed in writing, who shall be the Chairperson;
- (b) the Chief Officer for the time being responsible for matters relating to trade in the county government or a representative appointed in writing;
- (c) the Deputy County Commissioner in charge of the specific subcounty where the licence is to be issued;
- (d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and
- (e) a subcounty administrator responsible for the specific county where the licence is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

- (a) the conduct and regulation of the business and affairs of the County Licensing Board;
- (b) the appointment of persons under subsection (3)(c) and (e) on a rotational and need basis depending on the subcounty where a licence is to be issued;
- (c) the appointment of the persons appointed under subsection (3)(d);

- (d) remuneration of Board Members;
- (e) staff of the Board.

(b) by inserting following new sub-clauses immediately after sub-clause (2)—
 “(2A) The mechanisms referred to under subsection (2) and the platforms to facilitate electronic application of a licence shall be designed while taking into account the needs of persons with disabilities.”

CLAUSE 9

THAT, clause 9 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub-clauses—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).”

CLAUSE 10

THAT, clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c).

CLAUSE 11

THAT, clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause —

“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

- (a) one daily newspaper of wide circulation within the county;
- (b) in one local radio station;
- (c) a designated public notice board at the county, ward and village levels;
- (d) official website or social media platform.

CLAUSE 14

THAT, clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

CLAUSE 15

THAT, clause 15 of the Bill be amended in sub clause (1) by inserting the words “in writing” immediately after the words “inform the applicant”.

CLAUSE 17

THAT, clause 17 of the Bill be amended —

(a) in sub clause (2) by deleting the words “and for the period stipulated in the licence” appearing immediately after the words “date of licence it renews”

(b) by inserting the following new sub clause immediately after subclause (2)—
“(2A) A licence shall be valid for the period stipulated in the licence:

Provided that a licence issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

CLAUSE 20

THAT, clause 20 of the Bill be amended—

(a) in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

“(d) obtains a licence fraudulently;

(e) operates a different business from that which it is licenced to operate”;

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

“(2) A licensing authority shall issue a fourteen-day notice to a licensee before cancelling a licence under subsection (1)(a), (b), (d) and (e).

(3) Each county government shall establish a committee to undertake the review of a decision to cancel a licence.

(4) The committee established under subsection (3) shall comprise—

(a) the County Executive Committee Member for the time being responsible for matters relating to finance;

(b) the County Executive Committee Member for the time being responsible for matters relating to trade;

(c) two representatives from the respective County Chamber of the Kenya National Chamber of Commerce;

(d) the County Commissioner; and

(e) the County Attorney.”

CLAUSE 24

THAT, clause 24 of the Bill be amended —

- (a) in sub-clause (2) by inserting the following words immediately after the words “respective county” –
 - “taking into consideration the following factors—
 - a) nature and scope of the licensed activity;
 - b) economic considerations;
 - c) administrative and regulatory costs;
 - d) public interest, and resource utilization; and
 - e) interests of vulnerable groups, women, youth and persons with disabilities.
- (b) by inserting the following new sub-clause immediately after sub-clause (2) —
 - (2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —
 - (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties;
 - (b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.
- (c) in sub-clause (4) by deleting paragraph (b).

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “may” and substituting therefor the word “shall”; and
- (b) in sub clause (2) by deleting the word “may” and substituting therefor the word “shall”.

B. *THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)**

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Statutory Instruments (Amendment) Bill (National Assembly Bills No. 2 of 2023) at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection —

(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to —

- (a) publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
- (b) submit the published notice to Parliament.

CLAUSE 3

THAT the Bill be amended by deleting clause 3.

CLAUSE 4

THAT the Bill be amended by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause 5—

Amendm ent of section 19 substituting therefor the following section new section 19—

19 of Cap 2A.

Requirements for publishing an annulment.

19. (1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled—

(a) the instrument shall stand annulled; and

(b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority.

(2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in the Gazette within fourteen days.

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Amendm ent of section 11 of Cap 2A. **7.** Section 24 of the principal Act is amended in subsection (5) by deleting the words “twenty thousand shillings” appearing immediately after the words “penalty not exceeding” and substituting therefor the words “one million shillings”.

C. *THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)**

i. NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024), at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended—

(a) by inserting the following new paragraph immediately after paragraph (e) —

(g) in the definition of the word “Parliamentary Committee” by inserting the words “and Senate” immediately after the words “the National Assembly”; and

(b) in paragraph (f) in the proposed new definition of the word “parliamentary party” by inserting the words “and Senate” immediately after the words “the National Assembly”.

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause —

3. Section 6 of the principal Act is amended in subsection 2(c)—

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

(c) has proven knowledge and at least ten years’ experience in any of the following fields –

(b) by inserting the following new subparagraphs immediately after subparagraph (vi)—

(vii) information and communication technology; and

(viii) accounting.

CLAUSE 7

THAT clause 7 of the Bill be amended in the proposed new—

(a) section 24B(5) by inserting the words “in each House of Parliament” immediately after the words “Parliamentary Committee”;

...../Notice of Amendments

(b) section 24B(6)—

(i) by inserting the words “in each House of Parliament” immediately after the words “Parliamentary Committee”; and

(ii) by deleting the words “the National Assembly” appearing immediately after the words “the report in” and substituting therefor the words “the respective House of Parliament”;

(c) section 24B(7) by inserting the words “and the Senate” immediately after the words “the National Assembly”;

(d) section 24B(8) by inserting the words “and the Senate” immediately after the words “the National Assembly”; and

(e) section 24B(9) by inserting the words “or the Senate” immediately after the words “the National Assembly”.

ii. **NOTICE** is given that the Senator for Vihiga County, (Sen. Godfrey Osotsi, MP) intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024), at the Committee Stage —

CLAUSE 7

THAT clause 7 of the Bill be amended in the proposed new section 24B(2) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) equitable re-distribution of wards and constituencies across all regions and counties upon delimitation of electoral boundaries.

CLAUSE 9

THAT clause 9 of the Bill be amended in paragraph (a)(iii) by deleting the new sub-paragraph (2c) and substituting therefor the following new sub-paragraph —

(2C) In nominating the persons under subparagraph (2)(a), (b) and (c) the respective nominating bodies shall—

(i) obtain the names of at least three qualified persons each from the majority party or coalition of parties, the minority party or coalition of parties and the parties other than parliamentary parties, where applicable, for selection; and

(ii) ensure that not more than two-thirds of the persons nominated are of the same gender.

APPENDIX

1. PAPER

- i. Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024)
- ii. Report of the Standing Committee on Finance and Budget on the County Allocation of Revenue Bill (Senate Bills No. 25 of 2024)

(The Chairperson, Standing Committee on Finance and Budget)
