



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MARCH 01, 2017 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. Statements

**8\*. MOTION - APPROVAL OF SUPPLEMENTARY ESTIMATES FOR THE FY 2016/2017**

(The Chairperson, Budget & Appropriations Committee)

**THAT**, this House adopts the Report of the Budget & Appropriations Committee on the First Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Thursday, February 23, 2017 and in accordance with the provisions of Article 223 of the Constitution, **approves-**

- (i) the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the financial year 2016/2017;
- (ii) an increment of the total recurrent expenditure for the financial year 2016/2017 by Ksh. 61,567,939,605 in respect of the votes as attached in the First Schedule;
- (iii) a reduction of the capital expenditure for financial year 2016/2017 by Ksh. 61,796,854,140 in respect of the votes as attached in the First Schedule;
- (iv) an overall reduction in the total budget for the financial year 2016/2017 by Ksh. 228,914,535 in respect of the votes as attached in the First Schedule.

***Subject to-***

...../8\* (cont'd)

- (a) *deletion of sub-paragraph (ii) under paragraph 27 on Recommendations on page 12 of the Report (relating to the proposed increment for the State Department of Education);*
- (b) *deletion of the sub-paragraph (xii) under paragraph 27 on Recommendations on page 13 of the Report (relating to the proposed increment for the State Department of ICT and Innovation);*
- (c) *deletion of the sub-paragraph (vi) and (vii) under paragraph 27 on Recommendations on page 12 of the Report and replacing it with the following –*
- (i) *Increase Ksh 167 million to the recurrent estimates and Ksh 1.233 billion to the development estimates of State Department for Sports Development under the ‘Sports Programme’ for preparation of the 2017 Under-18 Championships.*
- (ii) *Increase Ksh 1.5 billion to the development estimates of the State Department for Energy under the ‘Power Transmission and Distribution Programme’ for Street Lighting project.*
- (d) *deletion of sub-paragraph (ii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the Ministry of Health);*
- (e) *deletion of sub-paragraph (iii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the State Department of Infrastructure); and*
- (f) *effecting the consequential amendments to the First Schedule and the total sum approved accordingly.*

*(motion as amended)*

*(Question to be put)*

**9\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE INSTITUTE OF DIRECTORS OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2016)**

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

**THAT**, this House do agree with the Report of the Committee of the Whole House on its consideration of the Institute of Directors of Kenya Bill (National Assembly Bill No. 30 of 2016).

*(Question to be put and Third Reading)*

**10\*. THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)**

(The Hon. Leonard Sang, M.P.)

Second Reading

*(Question to be put)*

**11\*. THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2016)**

(The Hon. Ferdinand Waititu, M.P.)

Second Reading

**12\*. THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2016)**

(The Hon. Grace Kiptui, M.P.)

Second Reading

**13\*. THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)**

(The Hon. Alfred Agoi Masadia, M.P.)

Second Reading

**14\*. THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2016)**

(The Hon. Abdullswamad Sheriff Nassir, M.P.)

Second Reading

15\*. **MOTION – STANDARDIZED STAFFROOMS AND SAFE CUSTODY OF LEARNING RESOURCES AND INTERNET CONNECTIVITY FOR ACCESSING ONLINE LEARNING RESOURCES**

(The Hon. Jessica Mbalu, M.P.)

**THAT**, aware that education is an important tool for empowering Kenyan youth to actively participate in national development towards realization of Kenya's Vision 2030 and the Sustainable Development Goals; noting that conducive and enabling working environment for teachers is fundamental in enhancing efficiency and safety of learning materials; cognizant of the fact that teachers in a number of public schools and early childhood development (ECD) centres work from poor staffrooms or makeshift facilities at both levels of government, including ECD Centres, some of which have no staffroom facilities, or storage facilities for equipment or books; further concerned that teachers and students in most leaning institutions have no internet infrastructure for accessing online learning resources; concerned that such poor working conditions constrain optimal service delivery by teachers and expose learning materials, including books purchased under the Free Primary Education and subsidized secondary school capitation funds, to destruction and theft; this House urges the National Government and the county governments to initiate a comprehensive programme to ensure that all public primary and secondary schools and ECD centres have standardized staffrooms for teachers and safe custody of learning resources and internet connectivity for accessing online learning resources.

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**\* Denotes Orders of the Day**

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...../Notice

# NOTICE

## The House resolved on Wednesday, January 25, 2017 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.
  
  - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders 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** 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 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), March 01, 2017**

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

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Afternoon), March 01, 2017:-

**A. MOTION – THE ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

(The Leader of the Majority Party)

**B. COMMITTEE OF THE WHOLE HOUSE**

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

(The Leader of the Majority Party)

**C. MOTION – REPORT OF THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE ON OVERSIGHT OVER THE IMPLEMENTATION OF DEVOLUTION**

(The Chairperson, Constitutional Implementation Oversight Committee (CIOC))

**D. MOTION – REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**

(The Chairperson, Defence & Foreign Relations Committee)

**E. MOTION - SPECIAL REPORT ON THE DUTY FREE SHOPS CONTRACTS AT JOMO KENYATTA AND MOI INTERNATIONAL AIRPORTS**

(The Chairperson, Public Investments Committee)

**F. MOTION -REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE PROTOCOL TO THE CONSTITUTIVE ACT OF THE AFRICAN UNION RELATING TO THE PAN-AFRICAN PARLIAMENT**

(The Chairperson, Defence & Foreign Relations Committee)

**G. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO.37 OF 2014)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**H. THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF 2014)**

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

Second Reading

**I. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**

(The Hon. Jakoyo Midiwo, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, February 16, 2017)*

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REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 01, 2017 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. Statements

8\*. **MOTION – THE ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

(The Leader of the Majority Party)

**THAT, acknowledging** that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters; **recognizing** that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years; **aware** that the five-year term of the current 3<sup>rd</sup> East African Legislative Assembly is due to expire on June 04, 2017; **further** aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly; **noting that** the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament; **cognizant** of the need to urgently conclude the election process within the statutory timelines; now therefore, in accordance with the provisions Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the House **resolves** to establish a *Joint Select Committee* consisting of seven (7) Members from each of the Houses of Parliament and that-



(i) the mandate of the said Joint Select Committee shall be to:

- (a) review the procedure and rules for election of Members of EALA contained in the *Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012* in light of Kenya's bicameral nature;
- (b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;
- (c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
- (d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
- (e) consider the nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules.

(ii) the Committee shall formulate its own rules of procedure;

(iii) the Offices of the Clerks of both Houses shall provide secretariat services in accordance with the Standing Orders; and

(iv) the following Members shall represent the National Assembly in the Joint Select Committee:

1. The Hon. Katoo Ole Metito, EGH, MP - Co-Chairperson
2. The Hon. Samuel Chepkong'a, MP;
3. The Hon. Wanjiku Muhia, MP;
4. The Hon. Ali Wario, MP;
5. The Hon. Florence Mutua, MP;
6. The Hon. Daniel Maanzo, MP; and
7. The Hon. Wafula Wamunyinyi, MP.

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

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

(The Leader of the Majority Party)

#### **10\*. MOTION – REPORT OF THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE ON OVERSIGHT OVER THE IMPLEMENTATION OF DEVOLUTION**

(The Chairperson, Constitutional Implementation Oversight Committee (CIOC))

**THAT**, this House adopts the Report of the Constitutional Implementation Oversight Committee on Oversight over the Implementation of Devolution upto to the year 2016, laid on the Table of the House on Tuesday, February 21, 2017.

*(Resumption of debate interrupted on Tuesday, February 28, 2017)*

**11\*. MOTION – REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**

(The Chairperson, Defence & Foreign Relations Committee)

**THAT**, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, laid on the Table of the House on Thursday, December 1, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, **approves** the ratification of the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled.

**12\*. MOTION - SPECIAL REPORT ON THE DUTY FREE SHOPS CONTRACTS AT JOMO KENYATTA AND MOI INTERNATIONAL AIRPORTS**

(The Chairperson, Public Investments Committee)

**THAT**, this House adopts the Special Report of the Public Investments Committee on Kenya Airports Authority Duty Free Shops contracts at Jomo Kenyatta and Moi International Airports: 1989 to 2015, laid on the Table of the House on Tuesday, December 01, 2015.

**13\*. MOTION - REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE PROTOCOL TO THE CONSTITUTIVE ACT OF THE AFRICAN UNION RELATING TO THE PAN-AFRICAN PARLIAMENT**

(The Chairperson, Defence & Foreign Relations Committee)

**THAT**, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament, laid on the Table of the House on Thursday, December 1, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, **approves** the ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.

**14\*. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO.37 OF 2014)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**15\*. THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF 2014)**

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

Second Reading

**16\*. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**

(The Hon. Jakoyo Midiwo, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, February 16, 2017)*

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**\* Denotes Orders of the Day**

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...../Notices

# **NOTICES**

## **I. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2016)**

- 1) Notice is given that the Leader of the Majority Party (Hon Aden Duale) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—

### SCHEDULE

THAT, the Bill be amended in the Schedule -

#### The Advocates Act (Cap 16)

(a) in the provisions in the Bill relating to the Advocates Act (Cap 16) -

- (i) by deleting the proposed subsection 23(2A) and substituting therefor the following new subsection-

**(2A)** The Society shall issue to every advocate registered with it a stamp or seal bearing the advocate's name, admission number and the year of practice in such form as may be approved by the Council of the Society and prescribed in regulations, and such stamp or seal shall be affixed on every document drawn by such advocate and lodged for registration in any registry in Kenya or issued for any other professional purpose.

- (ii) by deleting the proposed section 34A and substituting therefor the following new section-

Additional endorsement. **34A.** Subject to section 10, an advocate who holds a current practising certificate shall not file any legal documents in any registry under any law which requires filing of such document by an advocate, or issue such document for any other professional purpose, unless there is affixed on each such document the stamp or seal issued by the Society under section 23(2A).

- (iii) by inserting the following subsections immediately after subsection (1) in the proposed section 34B-

**(1A).** An advocate who is not exempt under section 10 shall, where he does not intend to practise in any year, apply to the Council of the Society at least three months before the commencement of that year for exemption from the requirement of taking out a practicing certificate in respect of that year.

**(1B).** Any advocate who, being required to do so, fails to apply for exemption under subsection (1A) commits an act of professional misconduct.

**The Income Tax Act (Cap 470)**

(b) in the items relating to the Income Tax Act (Cap 470) by inserting the following new rows in proper alphabetical sequence -

First Schedule            Insert the following new paragraph immediately after paragraph 45 —

44A. The income of the National Hospital Insurance Fund established under the National Hospital Insurance Fund Act, 1998 consisting of-

- (a) all contributions and other payments into and out of the Fund; and
- (b) monies invested under section 34 of the Act.

Section 15(3)            Delete the word “four” appearing in paragraph (c) and substituting therefor the word “five”.

Third Schedule            Delete the word “four” appearing in paragraph 2(i) of Head B and substituting therefor the word “one”.

**The Excise Duty Act, 2015**

(c) in the items relating to the Excise Duty Act, 2015 in the proposal in respect of Part I of the First Schedule by deleting the words “Motor Vehicle excluding school of tariff heading 87.02, 87.03 and 87.04” substituting therefor the words “motor vehicles excluding school buses for use by public schools of tariff heading 87.02, 87.03.87.04”.

**The Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016)**

(d) by inserting the following new item in its proper alphabetical sequence-

Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016)

Part A of Second Schedule

Insert the following new item immediately after item (xxi)—

(xxii) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

Part B of Second Schedule

Insert the following new item immediately after item (v)—

(vi) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

### The Children Act, 2001

(e) **THAT**, the Bill be amended in the Schedule in the provisions relating to the Children Act, 2001 in the proposal in respect of section 156 thereof, by deleting the proposed amendment to subsection (1).

2) Notice is given that the Chairperson of the Committee on Justice and Legal Affairs intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—

### SCHEDULE

**THAT** the Schedule to the Bill be amended by—

- (a) deleting all the proposed amendments to the **Advocates Act (Cap 16)**;
- (b) deleting the words “Rwanda, Burundi” in the proposed amendments to section 4(3) of the **Bills of Exchange Act (Cap. 27)**;
- (c) deleting all the proposed amendments to the **Sexual Offences Act, No.3 of 2006**;
- (d) amending the proposed amendments to the **Retirements Benefits (Deputy President and Designated State Officers) Act, No. 8 of 2015** as follows—

- (i) inserting the words “ Deputy Chief Justice” immediately before the words “ or Chief Justice” in the proposed amendments to the Long title;
- (ii) inserting the following new item immediately after the proposed amendment to the Long title—

s. 2 Insert the following new definitions in their proper alphabetical sequence—

“retired Chief Justice” means a person who, having held the office of Chief Justice, has ceased to hold the office as such in the manner specified in the Constitution;

“retired Deputy Chief Justice” means a person who, having held the office of Deputy Chief Justice, has ceased to hold office as such in the manner specified in the Constitution.

New

- (iii) inserting the following proposed new section immediately after the proposed new section 5A—

Pension and other  
benefits of retired  
Deputy Chief  
Justice

**5B.** A retired Deputy Chief Justice shall, during his or her lifetime, be entitled to—

- (a) a monthly pension equal to eighty per cent of the monthly salary of the entitled person’s last monthly salary while in office;
- (b) a lump sum payment on retirement calculated as a sum equal to one year’s salary paid for each term served in office;
- (c) one salon vehicle of an engine capacity not exceeding 2000 cc which shall be replaceable once every four years;
- (d) one four-wheel drive vehicle of an engine capacity not exceeding 3000 cc which shall be replaceable once every four years;
- (e) a fuel allowance equal to fifteen per cent of the current monthly salary of the office holder;
- (f) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the entitled person and the entitled person’s spouse;
- (g) the additional benefits set out in the First Schedule.

(iv) inserting the words “THE DEPUTY CHIEF JUSTICE” immediately before the words “Or the Chief Justice” in the proposed amendments to the First Schedule.

- 3) Notice is given that the Chairperson for the Departmental Committee on Administration and National Security intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—

### SCHEDULE

#### The Prisons Act (Cap. 90)

**THAT** the Bill be amended in the Schedule in the proposed amendments to the Prisons Act, Cap. 90, by deleting the proposed amendment to section 9.

### SCHEDULE

#### The National Police Service Act, 2011

**THAT** the Bill be amended in the Schedule in the proposed amendments to the National Police Service Act No. 11A of 2011—

- (a) by deleting the proposed amendment to section 2;
- (b) by deleting the proposed amendment to section 10(1);
- (c) by deleting the proposed amendment to section 13 and substituting therefor the following new amendment—

“Insert the following new subsection immediately after subsection (7)—

(8) Whenever a vacancy occurs in the office of the Deputy Inspector-General, the President may on the recommendation of the Commission appoint a suitably qualified police officer to act as Deputy Inspector-General until the appointment of the substantive holder of the office, provided that such police officer appointed to serve in acting capacity shall serve for a period not exceeding six months.”

- (d) by deleting the proposed amendment to section 29(1);
- (e) by deleting the proposed amendment to section 76(3); and
- (f) by deleting the proposed amendment to section 79(2).



**SCHEDULE****The Kenya Citizenship and Immigration Act, 2011**

**THAT** the Bill be amended in the Schedule in the proposed amendments to the Kenya Citizenship and Immigration Act No. 12 of 2011—

- a) by deleting the proposed amendment to section 31(1);
- b) by deleting the proposed amendment to section 33(1);
- c) in the proposed amendments to section 37—
  - (i) by deleting the proposed amendment to paragraph (b);
  - (ii) in the proposed new paragraph (ca) by deleting the words “or dependants” appearing immediately after the word “children”;
- d) in the proposed amendment to section 40(10), by inserting the words “and may appeal the decision of the Cabinet Secretary to the High Court” immediately after the words “receipt of the notification” in the proposed new subsection (12).

**SCHEDULE****The Independent Policing Oversight Act, 2011**

**THAT** the Bill be amended in the Schedule in the proposed amendments to the Independent Policing Oversight Act, No. 35 of 2011 by deleting the proposed amendment to section 7(1).

- 4) **Notice is given that the Chairperson of the Committee on Labour and Social Welfare intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—**

**SCHEDULE****The Children Act, 2001**

**THAT**, the Schedule to the Bill be amended—

- (a) by deleting the proposed amendments to section 155(2) of the Children Act (No.8 of 2001).
- (b) by deleting the proposed amendments to section 156(1) of the Children Act (No.8 of 2001).

5) Notice is given that the Member for Kikuyu (Hon. Kimani Ichungwah) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—

**SCHEDULE**

**THAT**, the Bill be amended in the Schedule-

**Income Tax Act (Cap 470)**

(a) in the items relating to the Income Tax Act (Cap 470) by inserting the following row immediately before the existing row-

<sup>First</sup>  
Schedule Insert the following new paragraph immediately after paragraph 45 —

**44A.** The income of the National Hospital Insurance Fund established under the National Hospital Insurance Fund Act,1998 consisting of-

- (a) all contributions and other payments into and out of the Fund;  
and
- (b) monies invested under section 34 of the Act.

**Copyright Act, 2001 (No 12 of 2001)**

(b) in the items relating to the Copyright Act, 2001 (No 12 of 2001)-

- (i) by deleting the amendments proposed to section 30(8) and substituting therefor the words “ and performance for private purposes shall include the digital content of artistic works”;
- (ii) by deleting the amendments proposed to section 30A(1);
- (iii) by inserting the following row in its proper sequence-

s.30A Delete

6) Notice is given that the Member for Gem (Hon. Jakoyo Midiwo) intends to move the following amendment to the Statute Law (Miscellaneous Amendments)Bill, 2016 at the Committee Stage—

**SCHEDULE**

**The Insurance Act (Cap.487)**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Insurance Act (Cap.487) by inserting the following new item immediately after the proposed amendments to section 43 (2)(c)—

New            Insert the following new section immediately after section 71—

Choice of  
insurer  
for loans.

**71A.** (1) A bank shall—

(a) inform a loanee, in writing, that the loanee has a right to select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;

(b) inform a loanee, in writing, that the loanee has an option to forfeit the right to select an underwriter or broker;

(c) not prescribe or assign an underwriter or broker to a loanee, unless the loanee forfeits in writing the right to select an underwriter or broker; and

(d) update the list of licensed brokers or underwriters availed to loanees regularly and ensure that underwriters or brokers under statutory management are excluded from the list.

(2) A bank that contravenes the provisions of subsection (1) commits an offence and shall upon conviction be liable to a fine not exceeding five million shillings.

## **SCHEDULE**

### **The Kenya Information and Communications Act, 1998**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Kenya Information and Communications Act, 1998 by inserting the following new item immediately before the proposed amendments to section 27A—

New

Insert the following new section immediately after section 25—

Licensee may  
operate other  
businesses.

**25A.** (1) In addition to operating a telecommunication system or providing a telecommunication service as may specified in the licence granted under section 25, a person may engage in any other business provided that such person shall—

- (a) obtain the relevant licences from the respective regulators of any industry or sector ventured into;
- (b) legally split or separate the telecommunication business from such other business; and
- (c) provide separate accounts and reports in respect of all businesses carried out.

(2) A person who provides any service without the relevant licence under this section commits an offence.

(3) A person convicted of an offence under this section shall, on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding two years, or to both.

(4) A person who, at the commencement date of this section, was operating a business that does not comply with the requirements of this section shall ensure that the business is compliant within six months of the coming into force of this section.

(5) The Commission, shall, within six months of the coming into force of this section and thereafter annually, report to Parliament on the extent to which this section has been implemented.

- 7) Notice is given that the Member for Subukia (Hon Nelson Gaichuhie) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2016 at the Committee Stage—

**SCHEDULE**

**Insurance Act (Cap 470)**

THAT, the Bill be amended in the Schedule in the items relating to the Insurance Act (Cap 470) by inserting the following new rows in their proper alphabetical sequence-

s.3A Insert a new subsection as follows-

(3) The Authority shall publish the standards formulated under subsection (1) (b) and may provide for the punishment of a person who contravenes any of the standards by a fine not exceeding five million shillings or to imprisonment not exceeding five years or to both such fine and imprisonment.

s.20(4) Delete the words “ten thousand shillings or to imprisonment not exceeding one year” and substitute with “five million shillings or to imprisonment not exceeding five years”

**The Kenya Information and Communications Act, 1998 (No 2 of 1998)**

THAT, the Bill be amended in the Schedule by deleting the items relating to the Kenya Information and Communications Act, 1998 (No 2 of 1998)

**SCHEDULE**

THAT, the Bill be amended in the Schedule -

**Income Tax Act (Cap 470) and the Value Added Tax Act, 2013**

(c) in the items relating to the Income Tax Act (Cap 470) by inserting the following new row in its proper alphabetical sequence -

Second  
Schedule (Part  
V)

Insert the following new paragraph immediately after paragraph (g) in section 24(1) —

(h) in the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas liquefied petroleum gas storage facilities

(c) by inserting the following new item in its proper alphabetical sequence-

The Value  
Added Tax  
Act,2013 (No  
of 2013)

First  
Schedule  
(section A)

Insert the following new paragraph immediately after paragraph 87 —

**88.** Taxable supplies, procured locally or imported for the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas

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The House resolved on Wednesday, January 25, 2017 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** 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.
  
  - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, 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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# **NOTICE PAPER**

## **Tentative business for**

**Thursday, March 02, 2017**

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

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday, March 02, 2017:-

- A. **MOTION – REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**  
(The Chairperson, Defence & Foreign Relations Committee)

*(If not concluded on Wednesday, March 01, 2017 - Afternoon Sitting)*

- B. **MOTION - SPECIAL REPORT ON THE DUTY FREE SHOPS CONTRACTS AT JOMO KENYATTA AND MOI INTERNATIONAL AIRPORTS**  
(The Chairperson, Public Investments Committee)

*(If not concluded on Wednesday, March 01, 2017 - Afternoon Sitting)*

- C. **MOTION -REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE PROTOCOL TO THE CONSTITUTIVE ACT OF THE AFRICAN UNION RELATING TO THE PAN-AFRICAN PARLIAMENT**  
(The Chairperson, Defence & Foreign Relations Committee)

*(If not concluded on Wednesday, March 01, 2017 - Afternoon Sitting)*

- D. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO.37 OF 2014)**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

*(If not concluded on Wednesday, March 01, 2017 - Afternoon Sitting)*

- E. **THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF 2014)**  
(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

*(If not concluded on Wednesday, February 28, 2017 - Afternoon Sitting)*



**F. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**

(The Hon. Jakoyo Midiwo, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, February 16, 2017)*

*(If not concluded on Wednesday, March 01, 2017 - Afternoon Sitting)*

**G. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR  
OF THE NATIONAL ASSEMBLY (2017)**



...../Appendix

# **APPENDIX**

## **PETITIONS to be presented on**

**Wednesday, March 01, 2017**

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It is notified that, pursuant to Standing Order 225, the following Petitions will be presented to the House **today, Wednesday, March 01, 2017:-**

<b>NO.</b>	<b><u>PETITION TO BE PRESENTED BY</u></b>	<b><u>SUBJECT</u></b>	<b><u>PETITIONER(S)</u></b>
<b>001</b>	The Member for Kitui Rural (The Hon. Charles Nyamai , M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Construction of Thwake Dam	Residents of Kitui Rural Constituency
<b>002</b>	The Member for Mwingi, M.P. West (The Hon. Bernard Kitungi, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Contempt of court order by the Department of Defence	Major Manzi Musyona

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