



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MARCH 29, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**
(Sen. Amos Wako)
(First Reading)
9. ***THE COUNTY WARDS DEVELOPMENT EQUALIZATION FUND BILL (SENATE BILLS NO. 5 OF 2018)**
(Sen. Irungu Kang'ata)
(First Reading)
10. **MOTION – APPOINTMENT OF MEMBERS TO THE PAN-AFRICAN PARLIAMENT**
(The Senate Majority Leader)

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament-

1. The Hon. Jude Njomo, MP;
2. The Hon. Beatrice Kones, MP;
3. The Hon. Janet Ong'era, MP;
4. Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
5. Sen. Stewart Madzayo, MP.

..... / *Committee*

11. **COMMITTEE OF THE WHOLE**
******THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2018)**
 (The Senate Majority Leader)
12. **COMMITTEE OF THE WHOLE**
******THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**
 (The Senate Majority Leader)
13. **COMMITTEE OF THE WHOLE**
******THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**
 (The Senate Majority Leader)
14. **COMMITTEE OF THE WHOLE**
******THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**
 (The Senate Majority Leader)
15. ******THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**
 (The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 28th March, 2018)
16. **MOTION - REPORT OF THE SENATE DELEGATION TO THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT**
 (Sen. (Dr.) Alice Milgo)
THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit held in Reyjavik, Iceland from 28th - 30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018
(Resumption of Debate interrupted on Thursday, 22nd February, 2018)
(Balance of Time – 2hrs 57 mins)
17. **MOTION- REPORTS OF THE 47TH AND 48TH SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY**
 (Sen. (Prof.) Margaret Kamar)
THAT, this House notes the Reports of the 47th and 48th Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the Inter-Sessional meeting and the 34th Session of the African, Caribbean and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly held in Brussels on 9th to 12th October, 2017 and Haiti on 13th to 20th December, 2017, respectively, laid on the Table of the House on Wednesday, 28th February, 2018.

18. **MOTION-ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL**

(Sen. Petronilla Were Lokorio)

THAT WHEREAS Article 59 of the Constitution establishes the Kenya National Human Rights and Equality Commission to among other functions investigate complaints of abuse of power, unfair treatment, manifest injustice

or unlawful, oppressive, unfair or unresponsive official conduct;

AND WHEREAS Parliament enacted the Commission on Administrative Justice Act (No.23 of 2011) to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution to provide for the membership, powers and functions of the Commission on Administrative Justice and for connected purposes;

AWARE that the function of the Commission on Administrative Justice among others is to investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; including investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

FURTHER AWARE that the Commission is expected to carry out its mandate in accordance with the values and principles set out in the Constitution and other laws of Kenya;

COGNIZANT that the right to access public service and fair administrative actions is critical to delivery of services to the people both at the National and the county levels of government and in other related public institutions;

CONCERNED that the Commission has its headquarters in Nairobi with satellite offices in the counties of Mombasa, Kisumu, Isiolo and Uasin Gishu;

FURTHER CONCERNED that the absence of the Commission offices in the rest of the Counties has made it difficult for members of the public to report allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

NOW THEREFORE, the Senate calls upon the Commission on Administrative Justice to urgently establish satellite offices in all other remaining counties to decentralize its services to facilitate members of the public to interact with the Commission and report allegations of maladministration in the public service with ease.

..... / *Motion*

19. **MOTION- TEACHING OF KISWAHILI LANGUAGE TO LEARNERS WITH HEARING DISABILITY**

(Sen. (Dr.) Getrude Musuruve)

THAT AWARE that Article 27 of the Constitution of Kenya guarantees equality of every person in enjoyment of all rights and fundamental freedoms and prohibits discrimination against any person on any ground including disability and language;

FURTHER AWARE that Article 24 (2) (a) of the United Nations Convention on the Rights of Persons With Disabilities prohibits persons with disabilities from exclusion from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

ACKNOWLEDGING that Article 7 of the Constitution of Kenya provides for the national language of the Republic as Kiswahili and the official languages of the republic as Kiswahili and English;

APPRECIATING that the Report of the Commission of Inquiry into Education in Kenya (the Ominde Commission of 1965) proposed that Kiswahili language be taught as a compulsory subject both in primary and secondary schools in Kenya with the aim of making the language a vehicle for literacy works relevant to community work of various kinds;

COGNIZANT that Kiswahili language has been recognized as a unifying language in the East African Community, hence making it a *lingua franca* in the region;

CONCERNED that under the new curriculum of education in Kenya that is being piloted, learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology and other relevant state agencies to:

1. offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges;
2. come up with an elaborate syllabus for teaching Kiswahili as a core subject to deaf learners in primary, secondary and teacher training colleges; and
3. come up with an elaborate syllabus for teaching Kenya Sign Language (KSL) as an optional subject for learners who have no hearing disability and for deaf learners

..... / **Motion**

20. **MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

(Sen. George Khaniri)

THAT AWARE that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE that persons living with disabilities are estimated to be about 10% of any given population;

COGNIZANT that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

AWARE THAT medical services are now a devolved function;

CONCERNED that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

FURTHER CONCERNED that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

21. **MOTION – NEED FOR FRAMEWORK TO ADDRESS THE EFFECTS OF FLOODING**

(Sen. Fatuma Dullo)

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

..... / *Motion*

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements, and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within the three months of the adoption of this motion.

22. **MOTION – ON THE NEED TO REVIEW AND EVALUATE THE STATUS OF EDUCATION IN NORTHERN KENYA**

(Sen. (Dr.) Abdullahi Ali)

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of Government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from

..... / **Motion**

Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how this disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

23. **MOTION - ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 8th May, 2018.

NOTICES

The Senate resolved on 14th February, 2018 as follows:-

- a) **THAT**, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

..... / Notice

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

- b) **THAT**, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

NOTICES OF AMENDMENTS

A. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**

(The Senate Majority Leader)

(i) **NOTICE** is hereby given that Sen. Golich Juma Wario, Vice Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Governments (Amendment) Bill, 2017, at the Committee Stage-

CLAUSE 7

THAT clause 7 of the Bill be amended in subsection (2) of the proposed new section 11 by deleting paragraph (e) and substituting therefor the following new paragraph -

(e) inability to perform the functions of the office of speaker arising from mental or physical incapacity;

CLAUSE 11

THAT clause 11 of the Bill be amended—

(a) in the proposed new section 32B by deleting paragraph (b) and substituting therefor the following new paragraph -

(b) take and subscribe to the oath or affirmation, in public, before a High Court Judge.

(b) in subsection (1) of the proposed new section 32D by—

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

Where a vacancy arises in the office of a deputy governor as provided for under section 32C, the governor shall -

(b) deleting the marginal note and substituting therefor the following new marginal note —

Filling of a vacancy in the office of deputy governor.

NEW CLAUSE 7A

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

7A.The Principal Act is amended in section 25 by deleting subsection (2) and substituting therefor the following new subsection-

(2) Subject to subsection (3), the county assembly legislation shall come into force on the fourteenth day after its publication in the Kenya Gazette and the county Gazette, unless the legislation stipulates a different date on, or time at which, it shall come into force.

(ii) NOTICE is given that Sen. Eng. Ephraim Maina intends to move the following amendments to the County Governments (Amendment) Bill, 2017 at the Committee Stage—

CLAUSE 11

THAT clause 11 be amended in the proposed new section 32D –

(a) in the marginal note by deleting the words “where a deputy governor assumes office of governor” appearing immediately after the words “of a deputy governor”.

(b) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

32D. (1) Whenever the office of a deputy governor becomes vacant, the governor shall—

(a) within fourteen days, nominate a person recommended by the county Senator in consultation with county leaders including the area Members of Parliament, for the position of deputy governor; and

(b) with the approval of the county assembly, appoint the nominee as deputy governor.

(1A) The County Assembly shall in considering the nominee for appointment as deputy governor, undertake public participation.

(c) in sub-clause (4) by inserting the words “who are present” immediately after the words “ county assembly”

B.*THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**

(The Senate Majority Leader)

NOTICE is hereby given that Sen. Golich Juma Wario, Vice Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the Urban Areas and Cities (Amendment) Bill, 2017, at the Committee Stage-

...../Amendments

CLAUSE 4

THAT clause 4 of the Bill be amended in the proposed new section 4A by inserting the following new subsection immediately after subsection (4) —

(4a) The representative from the national government drawn from the Ministry for the time being responsible for urban development appointed under subsection (3)(b)(i) shall serve as the secretary to the *ad hoc* committee.

CLAUSE 5

THAT clause 5 of the Bill be amended by –

- (a) deleting paragraph (a); and
- (b) deleting paragraph (e).

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new section immediately after the proposed new section 10A—

Delineation of boundaries of a market. **10B.** (1) Delineation of the boundaries of a market may be initiated by a county governor.

(2) The county governor shall, for the purpose of subsection (1), appoint by notice in the county *Gazette* an *ad hoc* committee to delineate the boundaries of a market.

(3) The *ad hoc* committee appointed by the county governor under subsection (2) shall comprise—

- (a) a representative of the Independent Electoral and Boundaries Commission based at the county office, who shall be the chairperson;
- (b) two representatives from the county government drawn from—
 - (i) the county department for the time being responsible for urban development who shall be the secretary;

- (ii) the county department for the time being responsible for environment;
- (c) a representative of the national government based at the county office;
- (d) two representatives from the following professional associations in the county —
 - (i) Institute of Surveyors of Kenya; and
 - (ii) Kenya Institute of Planners.

(4) Each professional association shall nominate its representative referred to under subsection (3)(d) for appointment by the county governor.

(5) Where the boundaries of a market extend in more than one county, the membership of the *ad hoc* committee shall include representatives of the relevant counties and the proposal for delineation of the boundaries shall be handled by the Council of Governors.

CLAUSE 12

THAT clause 12 of the Bill be amended in the proposed new section 14(2) by –

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

-

- (b) three members shall be appointed by the county governor, with the approval of the county assembly;

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

-

- (c) four members shall be nominated by an association and appointed by the county governor, with the approval of the county assembly;

C. **THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**

NOTICE is given that Sen. Ndwiga Peter Njeru, the Chairperson to the Standing Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Warehouse Receipt System Bill, 2017, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended in sub-clause (3) —

- (a) by inserting the following new paragraph immediately after paragraph (b) —
 - (ba) the Principal Secretary for the time being responsible for matters related to trade or a representative;
- (b) by deleting the words “one person” appearing immediately before the words “nominated by the” in paragraph (c) and substituting therefor the words “two persons”;
- (c) deleting paragraph (g) and substituting therefor the following new paragraph
 - (g) one person nominated by the umbrella body representing farmers in Kenya; and
- (d) by deleting the words “East African” appearing immediately after the words “members of the” in paragraph (h) and substituting therefor the words “Eastern Africa”.

CLAUSE 4

THAT clause 4 of the Bill be amended by —

- (a) deleting paragraph (h) and substituting therefor the following new paragraph —
 - (h) monitor and oversee the issuance, suspension or revocation of registration or licences issued under this Act; and
- (b) deleting paragraph (i);

CLAUSE 16

THAT clause 16 of the Bill be amended —

- (a) in sub-clause (1) by deleting the word “Council” appearing immediately after the words “apply to the” and substituting therefor the words “respective county executive committee member”;
- (b) in sub-clause (3) by deleting the word “Council” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (c) by inserting the following new sub-clause immediately after sub-clause (4) —

(4a) Each county executive committee member shall furnish the Council with details of a licence issued under subsection (1) within seven days of issuance of the licence.

CLAUSE 17

THAT clause 17 of the Bill be amended —

(a) in sub-clause (1) by deleting the word “Council” appearing immediately after the word “The” in the introductory clause and substituting therefor the words “county executive committee member;

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

(2) The county executive committee member shall before revoking or suspending a licence, inform the licensee of the intended revocation or suspension, in writing, and give the licensee an opportunity to make representations before making a determination.

(c) in sub-clause (3) by —

(i) deleting the words “Council” appearing immediately after the words “a licence the” and substituting therefor the words “county executive committee member”; and

(ii) deleting the words “Council” appearing immediately after the words “licence to the” and substituting therefor the words “county executive committee member”; and

(d) in sub-clause (6) by deleting the word “Council” appearing immediately after the words “or revoked the” and substituting therefor the words “respective county executive committee member”.

CLAUSE 18

THAT the Bill be amended by deleting clause 18 and substituting therefor the following new clause —

Fees. **18.** The county executive committee member shall charge fees for initial warehouse inspection and issuance of a warehouse operator’s licence as may be prescribed by the Council.

CLAUSE 20

THAT clause 20 of the Bill be amended in sub-clause (2) by deleting the words “a recognized competent Authority” appearing immediately after the words “graders certified by” and substituting therefor the words “the Agriculture and Food Authority”.

CLAUSE 43

THAT clause 43 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) —

(1a) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Cabinet Secretary shall make Regulations—

- (a) on insurance policy required under this Act;
- (b) for the procedure for appealing to the Council or the Appeal Committee;
- (c) for the qualifications and appointment of officers undertaking inspection of warehouses registered or licensed under this Act; and
- (d) on the form of warehouse receipts, whether negotiable or non-negotiable.

NEW CLAUSES

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

- Functions of the county executive committee member.
- 4A.** The county executive committee member —
- (a) shall establish and maintain a county registry for the management of warehouse receipt transactions under this Act;
 - (b) shall promote the development of a county network of privately or publicly managed warehouses that have the capacity to issue warehouse receipts;
 - (c) may issue, suspend or revoke registration or licenses issued under this Act;
 - (d) shall enforce the standards prescribed by the Council under this Act;

- (e) shall ensure the inspection of warehouses in the county;
- (f) shall promote confidence in and participation of farmers in the respective county in the warehouse receipt system;
- (g) shall develop and implement strategies to facilitate the utilisation of the warehouse system by smallholder farmers;
- (h) shall create support mechanisms to facilitate access to warehouses by all farmers in the respective county; and
- (i) may carry out any other function necessary or incidental to the implementation of this Act.

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

Performance bond. **16A.** (1) A person applying for a license

under this Act shall, further to other requirements prescribed by the Council or imposed under this Act, provide a performance bond in such form as the Cabinet Secretary may prescribe.

(2) A Performance bond shall serve as a financial assurance for the fulfilment of all obligations arising out of the licence under this Act, including potential costs relating to rescue, recovery of other costs and fines, penalties or compensation for violations against this Act, and shall be drawn upon in the prescribed manner.

(3) The form of financial assurance acceptable under this section shall include —

- (a) surety bond;
- (b) trust fund with pay-in period;
- (c) insurance policy;

- (d) cash deposit; or
- (e) annuities.

16B. A person shall not qualify for the grant of a licence under this Act unless that person provides an insurance policy securing the respective warehouse and goods against fire, flood, theft, burglary, earthquake, explosion and any other risk as the Cabinet Secretary may prescribe.

16C. A person who is aggrieved by a decision of the county executive committee member may, within thirty days of being notified of the decision, appeal to the Council in the prescribed manner.

Insurance.

Appeal to
the Council.

THAT the Bill be amended by inserting the following new clauses immediately after clause 41 —

Depositing goods without proper title. **41A.** A person who deposits goods whose title belongs to another party in a warehouse registered or licensed under this Act without the approval of the owner commits an offence and is liable, on conviction, to a term of imprisonment not exceeding fourteen years.

Obstruction. **41B.** A person who obstructs the inspection of a registered or licensed warehouse in contravention of this Act or any other law commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding five years, or to both.

..... / **Amendments**

THAT the Bill be amended by inserting the following new clause immediately after clause 43 —

Consultation. **44.** The Cabinet Secretary shall, in carrying out the functions under this Act, consult the Cabinet Secretary responsible for matters related to trade.

CLAUSE 2

THAT clause 2 of the Bill be amended by —

(a) deleting the definition of the term “holder” and substituting therefor the following new definition —

"holder" means a payee or endorsee of negotiable or non-negotiable warehouse receipt who is in possession of the receipt;

(b) inserting the following new definitions in the proper alphabetical sequence —

"Agriculture and Food Authority" means the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act, 2013;

"county executive committee member" means the county executive committee member responsible for matters relating to agriculture in the respective county;

No. 13 of
2013.

APPENDIX**1. NOTICE OF MOTION – APPOINTMENT OF MEMBERS TO THE PAN-
AFRICAN PARLIAMENT**

(The Senate Majority Leader)

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, the Senate approves the appointment of the following Members of Parliament to the Pan-African Parliament-

1. The Hon. Jude Njomo, MP;
2. The Hon. Beatrice Kones, MP;
3. The Hon. Janet Ong'era, MP;
4. Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
5. Sen. Stewart Madzayo, MP.

2. STATEMENTS**(i) Request pursuant to Standing Order No. 46 (2) (b)**

Nominated Senator (Sen. Sylvia Kasanga) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation on the awarding of construction contracts to foreign companies.

(ii) Statements due for issue pursuant to Standing Order No. 46 (2) (b)

- a) The Chairperson of the Standing Committee on Health to issue a statement on the cancer situation in Marsabit County (Sen. Naomi Waqo).
- b) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations to issue a statement on delay in handing over of the Lake Basin Mall in Kisumu City County to the Lake Basin Development Authority (LBDA) (Sen. Fredrick Outa).
- c) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the spillage of oil substance in Thange area, Kibwezi East Constituency, in Makueni County (Sen. Mutula Kilonzo Jnr.)
- d) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the delayed compensation to persons displaced during the construction of Manoni dam in Makueni County (Sen. Mutula Kilonzo Jnr.)
- e) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on compensation to persons displaced from their land to pave way for the construction of the Standard Gauge Railway (SGR) (Sen. Mwinyihaji Mohamed Faki).

..... / **Appendix**

- f) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the invasion by illegal settlers, and the illegal subdivision, of the Kenya Agricultural and Livestock Research Organization (KALRO) land at Bachuma, in Taita Taveta County (Sen. Johnes Mwaruma).
- g) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the division of revenue obtained from mining in Taita Taveta County between Taita Taveta County and the National Government (Sen. Johnes M Mwaruma).
- h) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue a statement on Licensing of liquor and coordination of liquor related laws in the country (Sen. Mary Seneta).
- i) The Chairperson of the Standing Committee on Health to issue a statement on an alleged missing patient from the Coptic Hospital, Nairobi City County (Sen. Philip Mpaayei).
- j) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on employment requirements for fresh graduates (Sen. (Dr.) Abdullahi Ali).
- k) The Chairperson of the Standing Committee on National Security, Defence and Foreign to issue a statement on the operations of the Kenya Defence Forces (KDF) in Lamu County (Sen. Anuar Loiptip).
- l) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the management of the Kenya Ports Authority (KPA) (Sen. Mwinyihaji Mohamed Faki).
- m) The Chairperson of the Standing Committee on Education to issue a statement on the transfer of teachers from Northern Kenya, specifically Wajir County (Sen. Farhiya Haji).
- n) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on Status of construction of bridges in Isiolo County (Sen. Fatuma Dullo).
- o) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on delayed development of roads in high insecurity areas in Isiolo County (Fatuma Dullo).
- p) The Chairperson of the Standing Committee on Energy to issue a statement on the status of coal exploration in Mui Basin, Kitui County (Sen. Enoch Wambua).

- q) The Chairperson of the Standing Committee on Land, Environment. and Natural Resources to issue a statement on dumping of Asbestos in Kikumbulyu Ward, Kibwezi West in Makueni County (Sen. Mutula Kilonzo Jnr).
- r) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement management of Kenya Ports Authority (KPA) (Sen. Mwinyihaji Mohamed Faki).
- s) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on contingency plan to mitigate the adverse effects of the heavy downpour on our infrastructure mainly roads and drainage system (Sen. Johnson Sakaja).
- t) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the status of citizenship for Mr. Miguna Miguna (Sen. Beatrice Kwamboka).

**(iii) Statements due for issue pursuant to Standing Order No. 46 (2) (b)
(Further Information)**

- a) The Chairperson of the Standing Committee National Security, Defence and Foreign Relations to issue a statement on harassment of Opposition Leaders (Sen. Moses Wetang'ula).
- b) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on frequent road accidents along the Nakuru – Eldoret Highway (Sen. Naomi Masitsa).
- c) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on delayed compensation to persons displaced during the construction of Mulima Dam in Mbooni Constituency, Makueni County (Sen. Mutula Kilonzo Jnr).
- d) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the implementation status of the Fisheries Management and Development Act (Sen. Moses Kajwang’).
- e) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations to issue a statement on severe and persistent drought in Isiolo County (Sen. Fatuma Dullo).
- f) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on frequent inter-clan clashes and terror attacks in Wajir County (Sen. Farhiya Ali).

g) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on an alleged raid by armed bandits in Suyian area of Elbarta Ward in Samburu North Constituency on Thursday, 1st February, 2018 (Sen. Lelegwe Ltumbesi).

(iv) Statement of the Senate Majority Leader pursuant to Standing Order No. 46 (2) (c)

The Senate Majority Leader to issue a statement on the Business of the Senate for the coming week.

(v) Statement of the Committee Chairperson pursuant to Standing Order No. 46 (2) (d)

The Chairperson of the Standing Committee on County Public Accounts and Investments to make a statement relating to the activities of the Committee.
