



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

**SPECIAL SITTING  
ORDER PAPER**

THURSDAY, MAY 25, 2017 AT 2.30 PM

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*(First Reading)*

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**\*\*\*THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**  
(The Senate Majority Leader)  
*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> November, 2016)*

28. COMMITTEE OF THE WHOLE  
**\*\*\***THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)  
 (The Senate Majority Leader)  
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29. COMMITTEE OF THE WHOLE  
**\*\*\***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)  
 (The Senate Majority Leader)
30. COMMITTEE OF THE WHOLE  
**\***THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)  
 (Sen. Naisula Lesuuda)
31. COMMITTEE OF THE WHOLE  
**\*\*\***THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)  
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32. **\*\*\***THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2016)  
 (The Senate Majority Leader)  
*(Second Reading)*
33. **\*\***THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)  
 (Chairperson, Standing Committee on Labour and Social Welfare)  
*(Second Reading)*
34. MOTION – (Sen. Kipchumba Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)  
  
**THAT**, the Senate adopts the Report of the Joint Select Committee on the Election of members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday, 25<sup>th</sup> May, 2017;
35. MOTION- (The Chairperson, Mediation Committee)  
  
**THAT**, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25<sup>th</sup> May, 2017 and pursuant to Article 113 of the Constitution and standing order 155 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

KEY

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

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**NOTICES OF AMENDMENTS**

**A. \*\*THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

Consideration of the National Assembly amendments to the County Assembly Services Bill, (Senate Bill No. 27 of 2014)-

**Clause 48**

**THAT**, Clause 48 is amended in sub – clause (2) by deleting the expression “12(3)(d)” wherever it appears and substituting therefor the expression “12(3)(b), (c) and (d).”

**B. \*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**

(Sen. (Dr.) Zipporah Kittony)

**NOTICE** is given that Senator Stewart Madzayo intends to move the following amendments to the National Cereals and Produce Board (Amendment) Bill, Senate Bill No. 15 of 2015, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in subclause (1) of the proposed new clause 12 C by deleting paragraph (g) (iii).

**C. \*\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Chairperson, Sessional Committee on Delegated Legislation)

**NOTICE** is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendments to the County Statutory Instruments Bill, 2015, at the Committee Stage-

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in sub-clause (1) by inserting the words “and shall invite members of the public to give their views on the instrument within a prescribed period and in a manner to be determined by the Committee” immediately after the words “affected by the proposed instrument”.

**CLAUSE 15-**

**THAT** the Bill be amended by deleting clause 15 and substituting therefor the following new clause-

Notice to the regulation making authority 15. In so far as is practically possible, the committee shall in considering a statutory instrument, and before tabling its report in the county assembly, confer with the regulation-making authority which has made the statutory instrument that is before the committee for scrutiny.

**D. \*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL, (SENATE BILLS NO. 8 OF 2015)**  
(Sen. Omar Hassan)

**NOTICE** is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendments to the Preservation of Human Dignity and the Enforcement of Economic and Social Rights Bill, 2015, at the Committee Stage-

**CLAUSE 5**

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

- 5. Pursuant to Articles 43 and 53(1)(c) of the Constitution every person has the right to –
  - (a) the highest attainable standards of health which includes the right to health care services including reproductive health care services;
  - (b) accessible and adequate housing;
  - (c) reasonable standards of sanitation;
  - (d) be free from hunger and to have adequate food of acceptable quality;
  - (e) basic nutrition for children;
  - (f) clean and safe water in adequate quantities;
  - (g) social security and social assistance;
  - (h) emergency treatment; and
  - (i) education.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended at sub-clause (2)(c) by deleting the words “national and county development plans” appearing immediately after the words “integrate, within their” and substituting therefor the words “respective policies”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by-

...../ *Amendments*

- (a) inserting the words “for purposes of this Act” at the beginning of the introductory phrase to subsection (1); and
- (b) inserting the following new sub-clause immediately after sub-clause (1)-  
 (1A) In undertaking its functions under subsection (1), the Commission may consult the Commissions established under Article 59 of the Constitution and any other relevant person or institution.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended-

- (a) in sub-clause (1) by inserting the words “within six months of coming into office” immediately after the words “County Government shall”;
- (b) in sub-clause (3) by inserting the words “county” immediately after the words “rights within the” appearing in paragraph (a); and
- (c) in sub-clause (4) by inserting the words “for free or” immediately after the words “goods and services” appearing in paragraph (i) .

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in sub-clause (3) by inserting the words “and any other criteria that it may publish in the Gazette” at the end of the clause.

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended by deleting paragraph (b) of sub-clause 2 and substituting therefor the following new sub-clause-

- (b) in the case of conditional grants, disbursed directly to the counties and managed on behalf of the National Government by the respective County Government.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 26-

- Transition      **27**      (1) Every county government with a county integrated development plan which took effect prior to the commencement of this Act, shall within six months after the commencement of this Act, amend its county integrated development plan to bring it into conformity with this Act.
- (2) The procedure set out under section 112 of the County Governments Act shall apply to the process of amendment of a county integrated development plan under subsection (1).

No. 17 of  
2012



**FIRST SCHEDULE**

That the First Schedule to the Bill be amended in the heading by deleting the words "SOCIAL AND ECONOMIC" and substituting therefor the words "ECONOMIC AND SOCIAL".

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended -

- (a) in the definition of the expression 'subsidy programme' by deleting the words "limited capacity" appearing immediately after the words "persons with" and substituting therefore the words "in need";
- (b) by deleting the definition of the expression "persons with limited capability" and substituting therefor the following new definition-

"persons in need" means a person who in spite of having a competent social support system, is unable to produce or purchase essential goods and services in adequate quantities and quality for short or extended periods of time; and

- (c) by deleting the definition of the expression "vulnerable persons" and substituting therefor the following new definition-

"vulnerable persons" include women, older members of society, persons with disabilities, children including infants, school going children, youth, members of minority or marginalised communities, members of particular ethnic, religious or cultural communities, pregnant and nursing mothers, internally displaced persons and victims of conflict, sick persons with chronic diseases such as HIV/AIDS, persons living in precarious livelihood situations

in rural areas, marginalised populations in urban areas, groups at risk of social marginalisation and discrimination and any other group that may be identified from time to time.

**TITLE**

**THAT** the title to the Bill be amended by deleting the word "and" appearing immediately after the word "Human Dignity" and substituting therefor the word "in".

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by deleting the word "and" appearing immediately after the word "Dignity" and substituting therefor the word "in".

**E. \*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)**

(Sen. Godliver Omondi)

**NOTICE** is given that Senator Stewart Madzayo, the Chairperson of the Standing Committee on Labour and Social Welfare intends to move the following amendments to the Persons with Disabilities (Amendment) Bill, Senate Bills No. 13 of 2015, at the Committee Stage-

**Clause 3**

**THAT** clause 3 of the Bill be amended-

(a) in subclause (1) of the proposed new section 2C by deleting paragraph (b) and substituting therefor the following new paragraph-

(b)two persons, one man and one woman, having knowledge and experience in matters relating to persons with disabilities, nominated by organizations representing persons with disabilities, in such manner as the county executive committee member may determine, and appointed by the Governor by notice in the *Gazette*;

(b) in the introductory clause of paragraph (b) of the proposed new section 2D by inserting the words "residing within the county" immediately after the words " of persons with disabilities";

(c) in the proposed new section 2F by inserting the following new subclauses immediately after subclause (2)-

(3) A member proposed to be removed under subsection (1)(f) shall be informed of the grounds of the proposed removal and shall be given an opportunity to be heard on the grounds of removal.

(4)The Governor shall be bound by the recommendation of the Committee under subsection 2(b).

**Clause 4**

**THAT** the Bill be amended by deleting clause 4 and substituting therefor the following new clause-

Amendment 4. Section 4 of the principal Act be amended-  
of section 4  
of No. 14 of  
2013.

(a) in subsection (1)-  
(i) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) not more than four persons nominated in a manner approved by the Minister, by organizations representing persons with various categories of disabilities, at least

...../ **Amendments**

one of whom shall be from a rural-based organisation;

(ii) by deleting paragraph (b);

(iii) by deleting paragraph (c) and substituting therefor the following new paragraphs-

(ca) the Principal Secretary in the Ministry responsible for matters relating to labour and social welfare or an alternate designated in writing;

(cb) the Principal Secretary in the Ministry responsible for matters relating to education or an alternate designated in writing;

(cc) the Principal Secretary in the Ministry responsible for matters relating to health or an alternate designated in writing;

(iv) by deleting paragraph (d); and

(v) by deleting paragraph (g);

(b) by inserting the following new subsections immediately after subsection (1)-

(1A) The members nominated under subsection (1)(a) shall equitably represent the types of disabilities within the country.

(1B) The Council may co-opt not more than two members to sit in the Council, whose knowledge and skills are found necessary for the performance of the functions of the Council, and who shall have no right to vote.

(1C)A member co-opted under section subsection (1B) shall serve for a specified period as may be determined by the Council.

**F. \*\*THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)**

(Chairperson, Standing Committee on Education)

Consideration of the National Assembly amendments to the County Early Childhood Education Bill, (Senate Bill No. 32 of 2014)-

**Clause 4**

**“THAT** clause 4 of the Bill is amended in paragraph (a) by inserting the word “basic” immediately after the word “compulsory”

**Clause 8**

**“THAT** clause 8 of the Bill is amended-

(a) in subsection (1) by deleting the words “child fails to attend an education centre, the principal” and substituting therefor the words “pupil admitted in an education centre fails to attend the education centre, the head teacher”

(b) by deleting the word “child” wherever it appears and substituting therefor the word “pupil”

**Clause 9**

**“THAT** clause 9 of the Bill is amended —

(a) in sub-clause (1) by deleting the words “establish a mechanism for the identification of children with special needs and”;

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

(2) In performing the functions under subsection (1) the county executive committee member shall—

(a) ensure that there are adequate learning institutions and facilities for children with disabilities; and

(b) put in place necessary facilities to assist children with disabilities to access to affordable assistive aids and devices.

(c) by deleting sub-clause 3.

**Clause 10**

**“THAT** clause 10 of the Bill is amended—

(a) by deleting the words “including education centers for children with special needs”; and

(b) by inserting the words “of the Constitution” immediately after the words “Article 53”.

*...../ Amendments*

**Clause 11**

**“THAT** clause 11 of the Bill is amended—

(a) in sub-clause (1) by—

(i) Deleting the word “persons” appearing in paragraph (a) and substituting therefor the words “education centre”;

(ii) Deleting paragraph (b);

(b) In sub clause (2) by deleting the words “upon payment of such a fee as the Registrar shall determine”.

**Clause 12**

**“THAT** clause 12 of the Bill is amended by—

(a) deleting the word “Part ” and substituting therefor the word “Act”; and

(b) renumbering the existing provision as subclause (1) and inserting the following new subclause immediately after the proposed new subclause (1) —

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

**Clause 13**

**“THAT** clause 13 of the Bill is amended in sub-clause (2)—

(a) by deleting the word “institution” appearing in paragraph (b) and substituting therefor the word “education centre”;

(b) by deleting the word “institution” appearing in paragraph (c) and substituting therefor the word “education centre”; and

(c) by deleting the word “institution” appearing in paragraph (d) and substituting therefor the word “education centre”.

**Clause 14**

**“THAT** clause 14 of the Bill is amended by deleting the expression “71” and substituting therefor the expression “70”

**Clause 15**

**“THAT** clause 15 of the Bill is amended in subclause (3) by deleting the word “a private” appearing in paragraph (b) and substituting therefor the word “an”.

**Clause 16**

**“THAT** clause 16 of the Bill is amended —

(a) in sub-clause (2) by deleting the words “ with the consent of the principal” appearing in paragraph (b) and substituting therefor the words “ in the opinion of the department, a shorter time is necessary”;

...../ *Amendments*

- (b) in sub-clause (4) by deleting the word “principal” and substituting therefor the word “head teacher” ;and
- (c) in sub-clause (5) by deleting the word “a private” appearing in paragraph (a)and substituting therefor the word “an”.

**Clause 17**

“**THAT** clause 17 of the Bill is amended —

- (a) in the opening statement by deleting the word “centre” appearing immediately after the word “such” and substituting therefor the word “institution”;
- (b) in paragraph (e) by deleting the word “education” ;and
- (c) in paragraph (f) by deleting the word “principal” and substituting therefor the word “head teacher”

**Clause 19**

“**THAT** clause 19 of the Bill is deleted.”

**Clause 23**

“**THAT** clause 23 of the Bill is amended—

- (a) in sub-clause (1) by inserting the word “County Education” immediately before the word “Board”;
- (b) in sub-clause (2) by—
  - (i) Inserting the word “County Education” immediately before the word “Board”;
  - (ii) Deleting the word “ principal” appearing in paragraph (a) and substituting therefor the word “head teacher”;
  - (iii)Deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
  - (iv)deleting the word “children” appearing in paragraph(b) and substituting therefor the term “pupils”
- (c) in sub-clause (3) by inserting the word “County Education” immediately before the word “Board”;

**Clause 24**

“**THAT** clause 24 of the Bill is amended—

- (a) in the marginal note by deleting the word “children” and substituting therefor the word “pupils”
- (b) in the opening statement by deleting the word “children” and substituting therefor the word “pupils”

(c) in subclause (2) by—

- (i) inserting the word “County Education” immediately before the word “Board”;
- (ii) deleting the word “principal of the centre” appearing in paragraph (a) and substituting therefor the word “head teacher”;

(d) in subclause (3) by-

- (i) inserting the word “County Education” immediately before the word “Board”;
- (ii) by deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”
- (iii) deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

### **Clause 25**

“**THAT** clause 25 of the Bill is amended—

(a) in sub-clause (1) by—

- (i) deleting the words “by it”
- (ii) inserting the word “County Education” immediately before the word “Board” appearing in subparagraph (a) (ii);
- (iii) by deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

(b) in subclause (2) by—

- (i) inserting the word “County Education” immediately before the word “Board” wherever it appears”;
- (ii) deleting the word “officer” appearing in paragraph (a) and substituting therefor the word “committee”
- (iii) deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

### **Clause 27**

“**THAT** clause 27 of the Bill is amended in subclause (2) by deleting the words “or to any other private status unless the county executive committee member has consulted with the county Education Board and has approved such conversion”.

### **Clause 28**

“**THAT** clause 28 of the Bill is amended—

- (a) in sub-clause (1) by deleting the word “or” and substituting therefor the word “including a”;

(b) in sub-clause (5) by deleting the words "secular" and substituting therefor the word "as set and approved by the Kenya Institute of Curriculum Development".

### Clause 29

"**THAT** clause 29 of the Bill is amended by deleting subclause (3).

### Clause 30

"**THAT** clause 30 of the Bill is amended—

(a) in subclause (1) by—

(i) deleting the word "children" appearing in paragraph (a) and substituting therefor the word "pupils";

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

(c) two persons with experience in matters of nutrition and social work relating to early childhood development and education nominated by the County Governor on the recommendation of the County Education Board;

(iii) inserting the following new paragraph immediately after paragraph (d) —

(da) one person to represent children with disabilities

(db) the head teacher of the education centre, who shall be an ex officio member.

(b) in subclause (3) by deleting the word "principal" and substituting therefor the word "head teacher"

(c) in subclause (4) by inserting the word "of Management" immediately after the word "Board" where it appears at the first instance and third instance";

(d) in subclause (5) by inserting the word "of the Board" immediately after the word "committee";

### Clause 31

"**THAT** clause 31 of the Bill is amended—

(a) by inserting the word "of management" immediately after the word "Board" in the opening statement;

(b) in paragraph (a) by deleting the word "the said" and substituting therefore the word "these";

(c) in paragraph (d) by deleting the word " to" appearing immediately after the word "equip"; and

(d) in paragraph (h) by inserting the word "of" immediately after the word "implementation".



**Clause 32** -

**“THAT** clause 32 of the Bill is amended by inserting the word “of management” immediately after the word “Board”.

**Clause 33**

**“THAT** clause 33 of the Bill is amended—

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

“(1) There shall be a Parents Teachers Association for every public and private school consisting of—

(a) every parent with a child in the education centre; and

(b) a representative of the teachers in the education centre

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

(1A) There shall be an Executive Committee of the Parents Teachers Association consisting of representatives of parents with children in each level within the education centre and a teacher.

(1B) The members of the Executive Committee of Parents Teachers Association shall be elected during an annual general meeting of parents and teachers.

(1C) The Parents Teachers Association shall, at its first meeting, elect a Chairperson from amongst the persons elected under subsection (3).

(1D) The Chairperson of the Parents Teachers Association shall be co-opted to the Board of Management.

(1E) The head teacher shall be the Secretary to the Parents Teachers Association.

- (c) in sub-clause (2) by—

(i) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;

(ii) deleting the word “recommend” in paragraph (e) and substituting therefor the word “approve”

**Clause 35**

**“THAT** clause 35 of the Bill is amended—

- (a) in the opening statement by deleting the words “committee or”;

(b) deleting the word “child” wherever it appears and substituting therefor the word “pupil”;

(c) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;

- (d) by deleting paragraph (f).

...../ *Amendments*

**Clause 36**

**“THAT** clause 36 of the Bill is amended—

- (a) in sub-clause (1) —
  - (i) by deleting the words “or caregiver” the opening statement;
  - (ii) in paragraph (d) by deleting the words “ and a medical certificate evidencing soundness of mind”;
  - (iii) by inserting the following new paragraph immediately after paragraph (d) —
    - (e) a medical certificate evidencing soundness of mind;
- (b) in sub-clause (2)—
  - (i) by deleting the words “principal or” the opening statement;
  - (ii) by inserting the words “and has at least two years’ experience in matters of early childhood education” immediately after the word “development” in paragraph (a)
- (c) in sub-clause (3) by deleting the words “Each County Government” and substituting therefor the words “The Teachers Service Commission”.
- (d) in sub-clause (4) by deleting the words “County Government” and substituting therefor the words “Teachers Service Commission”.

**Clause 38**

**“THAT** clause 38 of the Bill is amended by deleting the words “in consultation with the Council of Governors” in the opening statement

**Clause 39**

**“THAT** clause 39 of the Bill be amended in sub-clause (2) by deleting paragraphs (b) and (c)

**Clause 41**

**“THAT** clause 41 of the Bill is amended—

- (a) in sub-clause (2) by deleting the word “principal” wherever it appears and substituting therefor the word “head teacher”
- (b) in sub-clause (3) by—
  - (i) deleting the word “principal” and substituting therefor the word “head teacher”;
  - (ii) inserting the words “passport or any other recognized identification document” immediately after the words “birth certificate”;
- (c) by deleting sub-clause (4).

**Clause 43**

**“THAT** clause 43 of the Bill is deleted.

**Clause 44**

**“THAT** clause 44 of the Bill is amended—

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

**Clause 46**

**“THAT** clause 46 of the Bill is amended—

- (a) in subsection (2) by deleting the words “county executive committee member” and substituting therefor the word “relevant stakeholders including the national and county quality assurance bodies”;
- (b) in subsection (4) by deleting the words “county executive committee member” and substituting therefor the words “Kenya Institute of Curriculum Development”;
- (c) by deleting sub-clause (5);
- (d) in sub-clause (6) by deleting the words “county executive committee member” and substituting therefor the word “Kenya Institute of Curriculum Development”

**Clause 47**

**“THAT** clause 47 of the Bill is deleted.

**Clause 48**

**“THAT** clause 48 of the Bill is amended—

- (a) by inserting the following new sub clauses immediately after sub-clause (2) —
  - (2A) A head teacher of a public education centre who—
    - (a) imposes a charge without the approval of the county executive member in consultation with the County Education Board and the respective Parents Teachers Association as specified under subsection 2(b) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or both.
    - (b) refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

(b) in subsection(4) by inserting the word "education" immediately before the word "centre".

Further amended as follows–

**"THAT**, clause 48 is further amended by –

- (i) Deleting subsection 2(b)
- (ii) Deleting subsection (3)
- (iii)Deleting subsection (4)
- (iv)inserting the following new subclause after subclause 2 –

(2a) A headteacher who –

- (a) Imposes a charge, or charges any tuition fee commits an offence and shall be liable on conviction to a fine not exceeding 100,000 shillings or imprisonment for a term not exceeding six months
- (b) Refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay any tuition fees or charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

**Clause 49**

**"THAT** clause 49 of the Bill is amended—

- (a) in sub-clause (1) by—
  - (i) deleting the word "and" appearing after the word "materials" in paragraph (a);
  - (ii) inserting the word "and" immediately after the word "materials" in paragraph (b);
- (b) deleting sub-clause (2);
- (c) deleting sub-clause (3); and
- (d) deleting sub-clause (4).

**Clause 51**

**"THAT** clause 51 of the Bill is deleted."

**Clause 52**

**"THAT** clause 52 of the Bill is amended by deleting the words "County Education Board" and substituting therefor the words "Teachers Service Commission"

**Clause 55**

**“THAT** clause 55 of the Bill is amended—

- (a) in sub-clause (1) by inserting the words “County Education” immediately before the word “Board.
- (b) deleting sub-clause (3)
- (c) deleting sub-clause (4)
- (d) deleting sub-clause (5)
- (e) deleting sub-clause (6)

**Clause 56**

**“THAT** clause 56 of the Bill is deleted.

**Clause 59**

**“THAT** clause 59 of the Bill is deleted and substituted with the following new clause—

Interim accreditation

59. (1) The County Education Board may, in consultation with the County executive member grant to an applicant a certificate of interim accreditation where the County Education Board is not satisfied that that the education centre complies with the prescribed accreditation standards.

(2) An education centre to which a certificate of interim accreditation is issued under subsection (2) shall address areas of non-compliance within such a period as may be specified by the County Education Board not exceeding twelve months from the date on which the certificate is issued and on compliance, resubmit an application to the County Education Board for full accreditation.

(3) The certificate of interim accreditation shall be deemed to have expired if an education centre fails to meet the accreditation standards within the period specified by the County Education Board.

Grant of accreditation. 59A.(1)The County Education Board in consultation with the County executive member, may —

(a) grant to an applicant a certificate of accreditation upon satisfaction that the education centre complies with the prescribed accreditation standards and meets the requirements under this Act;

(b) reject the application.

(2) The certificate of accreditation shall be valid for a period of five years and renewable subject to the education centre meeting the prescribed conditions.

(3)The County Education Board may defer its decision on an application for accreditation and require the applicant to submit to it such additional information or take such measures as it may consider necessary.

Renewal of accreditation.

59B. (1) An education centre may make an application for renewal of its accreditation to the County Education Board in the prescribed form.

(2) An application for renewal of accreditation shall be submitted at least ninety days before the expiry of the certificate of accreditation.

(3) The County Education Board in consultation with the County executive member shall consider an application for renewal of accreditation

**Clause 60**

**“THAT** clause 60 of the Bill is amended in—

(a) the opening statement by deleting the words “under section 60”;

(b) paragraph (a) by deleting the words “throughout the period of accreditation”;

(c) paragraph (b) by deleting the words “section 48 and such further standards as may be determined by the Kenya Institute of Curriculum Development in consultation with the County Education Board” and substituting therefore the words “under section 47 and such further standards as may be determined under this Act”

**Clause 61**

**“THAT** clause 61 of the Bill is deleted.

**Clause 62**

**“THAT** clause 62 of the Bill is amended by deleting sub-clause (2).

**Clause 64**

**“THAT** clause 64 of the Bill is deleted and substituted with the following new Clause—  
*Register of accredited education centres.*

64 (1) The County Education Board shall establish maintain a register of accredited education centers.

(2) The register established and maintained under subsection (1) shall be open to the public for inspection.

**Clause 65**

**“THAT** clause 65 of the Bill is amended —

(a) in the opening statement by inserting the words “in consultation with the Education Standards and Quality Assurance Council” immediately after the word “committee”; and

(b) in sub clause (2) by deleting the words “in consultation with the Education Standards and Quality Assurance Council” in paragraph (d)

**Clause 66**

“**THAT** clause 66 of the Bill is deleted

**Clause 67**

“**THAT** clause 67 of the Bill is deleted.

**Clause 68**

“**THAT** clause 68 of the Bill is amended in—

- (a) sub-clause (1) by deleting—
  - (i) paragraph (d); and
  - (ii) paragraph (e)
- (b) sub-clause (4) by deleting the words “county executive committee member” and substituting therefor the words “Cabinet Secretary”.

**Clause 71**

“**THAT** clause 71 of the Bill is deleted.

**Clause 72**

“**THAT** clause 72 of the Bill is amended—

- (a) in sub-clause (2) by deleting the words “county executive committee member may, taking into account any policies, standards or regulations applying to all education centres prescribed by the Cabinet Secretary” and substituting therefor the words “ Cabinet Secretary may”
- (b) by inserting the following new paragraph immediately after paragraph (f) —
  - (fa) prescribe fees required to be paid under this Act;

**Clause 74**

“**THAT** clause 74 of the Bill is amended—

- (a) in paragraph (a) by—
  - (i) by deleting subparagraph (i) and substituting therefor the following new subparagraph—
    - “(i) deleting the words “pre-primary education institutions and” and substituting therefore the word “early childhood education” in the definition of the word “basic education”
- (b) inserting the following new paragraph immediately after paragraph (a)—
  - (aa) in section 4(g) by deleting the word “ pre-primary” and substituting therefor the words “early childhood”.
- (c) deleting paragraph (b) and substituting therefor the following new paragraph—

“in section 18(1) by deleting the word “pre-primary” and substituting therefor the words “early childhood”.

(d) inserting the following new paragraphs immediately after paragraph (b)—

(ba) in section 26(1) by deleting the word “preprimary” and substituting therefor the words “early childhood”.

(e) in paragraph (c) by inserting the words “ ” and substituting therefor the words “early childhood” after the expression “Section (28)(2)(a)”.

(f) by inserting the following new paragraphs immediately after paragraph (c)—

(ca) in section 41 by deleting the word “pre-primary” appearing in paragraph (a) and substituting therefor the words “early childhood.”

(g) in paragraph (d) by inserting the words “ ” and substituting therefor the words “early childhood” after the expression “Section 44(2)”.

**NEW CLAUSES**

**New Clause 20A**

“**THAT** the following new clause is inserted immediately after clause 20—

Change of premises.

20A. (1) The head teacher of an education centre shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless he or she has applied to, and obtained the approval of the County Education Board.

(2) In determining whether to grant approval of premises under subsection (1), the Board shall take into account the criteria specified under section 17.

(3) The head teacher of an education centre shall notify the County Education Board of any change in the location of the education centre including -

(a) the acquisition of premises that are in addition to its current premises; or

(b) the relocation of the education centre to a different premises from that currently occupied by the education centre.

**New Clause 21A**

“**THAT** the following new clause is inserted immediately after clause 21—

Obligations of a private education centre21A. A private early childhood education provider registered under this Act shall—

(a) establish the structures necessary for the management and administration of education within the centre;

(b) recruit persons who are qualified and registered by the Teachers Service Commission to teach the early childhood education curriculum in the education centre;



- (c) administer a curriculum that adheres to the early childhood education policy and this Act;
- (d) maintain premises in a manner that ensures that it meets the requirements of the occupational health, safety regulations and building standards;
- (e) maintain necessary teaching and learning materials and equipment;
- (f) maintain a data bank on pupils admitted in the education centre and submit to the county executive committee member; and
- (g) met such other requirements as the committee executive committee member, in consultation with the County Education Board, may consider necessary for the delivery of quality early childhood education services within the county.

**New Clause 61A**

**“THAT** the following new clause is inserted immediately after clause 61—

Suspension of a certificate of accreditation

61A. (1) The County Education Board may, in consultation with the County executive committee member suspend a certificate of accreditation issued to an education centre for a specified period where the centre fails to comply with the standards of accreditation until the standards are met.

(2) The County Education Board shall communicate a decision made under subsection (1) to the education centre specifying the reasons for the decision, the non-compliance noted and the action required to be taken by the education centre.

**Clause 2**

**“THAT** clause 2 of the Bill is amended—

- (a) in the definition of the term “children with special needs” by deleting the word “special needs” and substituting therefor the word “disabilities”;
- (b) in the definition of the term “principal” by deleting the term “principal” and substituting therefor the term “head teacher”
- (c) by deleting the definition of the word “child” and substituting therefor the following new definition—

“child” has the meaning assigned to it under the “Children’s Act”

- (d) by deleting the definition of the word “teacher” and substituting therefor the following new definition—

“teacher” has the meaning assigned to it under the Teachers Service Commission Act”

- (e) by inserting the following new definitions in proper alphabetical sequence—

“Board of Management” means the Board of management of an education centre.

“Education Appeals Tribunal” means the Appeals Tribunal established under section 92 of the Basic Education Act;

“pupil” means a person who meets criteria for admission to early Childhood Centre as the Cabinet Secretary may, in consultation with the County Education Board, prescribe;

**G. \*\*\*THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**  
(The Senate Majority Leader)

**NOTICE** is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendment to the Parliamentary Powers and Privileges Bill, 2014, at the Committee Stage-

**CLAUSE 35**

**THAT** clause 35 of the Bill be deleted.

**H. \*THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)**  
(Sen. Paul Kimani Wamatangi)

**NOTICE** is given that Sen. Paul Kimani Wamatangi intends to move the following amendments to the Assumption of Office of the Governor Bill, 2016, at the Committee Stage-

**CLAUSE 18**

**THAT** the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(ba) Section 136(1); and

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 8 —

**NEW CLAUSE 8A**

Expenditure for the Committee.

**8A.** The county government shall make budgetary allocations to meet the expenses and ensure the proper discharge of functions of the Assumption of Office of the Governor Committee.

**NEW CLAUSE 8B**

Governor to submit inventory three months to election.

**8B.** (1) The Governor shall submit an inventory detailing the county assets and liabilities three months before the election. The inventory shall provide —

- (a) a list of all existing county assets;
- (b) a list of all liabilities including any loans the county governments has taken;

...../ **Amendments**

(c) the monies that are being held in the county revenue funds and in any other bank account that is opened for the purposes of the county government; and

(d) a status report of all ongoing county projects.

(2) The report under subsection (1) shall be submitted to the —

(a) Auditor-General;

(b) Controller of Budget;

(c) Senate; and

(d) respective County Assemblies.

(3) A Governor who fails to submit the inventory under subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both.

**NEW CLAUSE 12A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 12 —

Handing over of instruments of power and authority. **12A.** (1) Upon signing the certificate of inauguration, the outgoing Governor shall handover to the Governor elect and the following county symbols as a sign of transfer of executive power and authority —

a) the county flag;

b) the county coat of arms; and

c) the county public seal.

(2) The provisions of this Act do not apply where the outgoing governor is not present during the inauguration, the county symbols shall be handed over to the governor by the presiding judge.

(3) The failure by the outgoing Governor to handover the instruments of power to the Governor-elect shall not invalidate the elections nor hinder the swearing-in of the Governor-elect.

**NEW CLAUSE 14A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 14 —

Institution of first sitting.      **14A.**(1) The Independent Electoral and Boundaries Commission shall within fourteen days after the general election gazette the names of all members of the county assemblies.

(2) Whenever a new county assembly is elected, the Governor, by notice in the Gazette, shall appoint the place, date and time for the first sitting of the new county assembly which shall take place not later than fourteen days from the date of gazette of the elected and nominated members of the county assembly.

**I. \*\*\*THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY**

**BILL NO. 35 OF 2014)**

(Senate Majority Leader)

(i) Notice is given that Sen. Daniel Karaba, the Chairperson to the Standing Committee on Education, intends to move the following amendments to the Basic Education (Amendment) Bill, 2014, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in the proposed new section 20-

(a) in sub-clause (1) by-

- (i) deleting paragraph (a) and substituting therefor the following new paragraph-
  - (a) the county commissioner who shall be the chairperson of the Board;
- (ii) deleting paragraph (d);
- (iii) deleting paragraph (i); and
- (iv) deleting paragraph (k) and substituting therefore the following new paragraph-

...../Amendments

(k) one person jointly nominated by the Primary School Heads Teachers' Association and the Secondary School Principals' Association.

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

(2) In appointing a person as a member of the County Education Board, the Cabinet Secretary shall-

(a) observe the principles of-

- (i) gender equity;
- (ii) regional, ethnic and religious balance;
- (iii) transparency;
- (iv) openness;
- (v) competitiveness; and
- (vi) equal opportunities for persons with disability; and

(b) ensure that persons appointed meet the requirements of Chapter six of the

Constitution.

(c) in sub-clause (4) by deleting the words "Member of Parliament" appearing at the beginning of the sub-clause and substituting therefor the words "Senator and Women Representative".

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended-

(a) in the proposed new section 25A-

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

(h) one person jointly nominated by the Primary School Head Teachers' Association and the Secondary School Principals' Association;

(ii) by deleting sub-clause (3) and substituting therefor the following sub-clause-

...../Amendments

(3) In appointing a person as a member of the Sub-County Education

Board, the Cabinet Secretary shall-

(a)observe the principles of-

- (i) gender equity;
- (ii) regional, ethnic and religious balance;
- (iii) transparency;
- (iv) openness;
- (v) competitiveness; and
- (vi) equal opportunities for persons with disability; and

meet the (b) ensure that the persons appointed under sub-section (1) requirements of Chapter six of the Constitution.

(b) in the proposed new section 25B-

- (i) deleting the words " village polytechnic" appearing immediately after the words "private youth" in paragraph (e) and substituting therefor the words "vocational centers";
- (ii) by deleting paragraph (g) and substituting therefor the following new paragraph-
  - (g) facilitate the registration of basic education institutions and for that purpose, make such recommendation to the County Education Board as it considers necessary;

**CLAUSE 6**

**THAT** clause 6 the Bill be amended in the proposed new sub-section (4) by inserting the words "in consultation with the Council of Governors" immediately after the words "Teachers Service Commission".

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

(a) by inserting the following new paragraph immediately after paragraph (a)-

(aa) deleting the words "at their own expenses" appearing immediately after the words "chaplains" in paragraph (c).

(b) in paragraph (c) by deleting the new proposed paragraph (f) and substituting therefor the following new paragraph-

(f) to make recommendations in consultation with the Teachers Service Commission on persons appointed or deployed as head teachers, principals and their deputies in public sponsored institutions.

**CLAUSE 13**

**THAT** the Bill be amended by deleting clause 13 and substituting therefor the following new clause-

Amendment of **13.** Section 56(1) of the Principal Act is amended-  
section 56 of  
No.14 of 2013.

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

(a) three people elected to represent parents of the pupils in the school or from the local community;

(2) by inserting the following new paragraph immediately after paragraph (f)-

(fa) one person co-opted from the Parents Teachers Association;

**NEW CLAUSE 13A**

**THAT** the Basic Education Bill, 2014 be amended by inserting the following new clause immediately after clause 13-

Amendment of section 94 of No.14 of 2013. **13A.** Section 94 of the Principal Act is amended by inserting the following new sub-section immediately after sub-section (1)

...../Amendments

(a) inserting the following new subsection immediately after subsection (1)-

(1A) The National Council for Nomadic Education in Kenya shall be a body corporate with perpetual succession and common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of moveable and immoveable property;
- (c) entering into contract; and
- (d) undertaking or performing all other activities necessary for the proper performance of its functions under this Act that may lawfully be done or performed by a body corporate.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting paragraph (b) and substituting therefor with the following new paragraph-

(b) by deleting the definition “manager” and substituting therefor the following new definition-

“manager”, means a person appointed by the proprietor with the approval of the Cabinet Secretary to coordinate and oversee the implementation of education policies and guidelines in an institution of basic education and training and may perform delegated teacher management functions.’

(ii) Notice is hereby given that Sen. Kithure Kindiki, the Senate Majority Leader, intends to move the following amendments to the Basic Education (Amendment) Bill (National Assembly Bills No. 35 of 2014), at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in the proposed amendment to section 18(1) by inserting the words “faith based organisations” immediately after the words “civil societies” in paragraph (d).

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in the proposed new section 25B by deleting paragraph (h).

**CLAUSE 7**

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

...../ **Amendments**



7. Section 27 of the principal Act is amended by –

- (a) deleting paragraph (a) and substituting therefor the following new paragraph –
  - (a) to participate and offer proposals on matters regarding syllabus, textbooks, digital content and other instructional materials and teaching aids and other material that touches on the morals, values and norms of the society during curriculum review;
- (b) deleting the words “at their own expense” immediately after “chaplains” appearing in paragraph (c);
- (c) deleting paragraph (e) and substituting therefor the following new paragraph–
  - (e) to offer material and financial support to institutions in regards to infrastructure improvement or any other project to support academic programs;
- (d) inserting the following new paragraphs immediately after paragraph (e) –
  - (f) to consult with the Teachers Service Commission on persons to be appointed as head teachers, principals, deputy head teachers and deputy principals in sponsored public schools;
  - (g) to make proposals and recommendations to the Teachers Service Commission on persons to be appointed or deployed as head teachers and principals in public sponsored schools; and
  - (h) to participate in the decision making process leading to change of status of a sponsored public school to a category of National, Extra-County or be a government school.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by deleting paragraph (c).

**FOURTH SCHEDULE**

**THAT** paragraph 19 of the Fourth Schedule be amended by –

- (a) inserting the words “or a sponsor” immediately after the words “of basic education”; and
- (b) inserting the words “or a sponsor” immediately after the words “of the institution”.

**NEW CLAUSES**

**CLAUSE 7A**

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

...../ **Amendments**

**7A** Section 28 of the Principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(3) The Cabinet Secretary, in consultation with the Cabinet Secretary responsible for the Treasury shall develop and gazette Regulations for the provision of financial assistance to children learning in non-public or sponsored schools but who, on account of financial hardship experience difficulty in paying fees and other charges levied in such schools limited to the amount that it would cost to educate such a child in a public school.

**CLAUSE 12A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 12 –

**12A** Section 43 of the principal Act is amended by –

- (a) deleting the words “and includes sponsored schools” appearing at the end of paragraph (a); and
- (b) inserting the following new paragraph immediately after paragraph (b) –
  - (c) sponsored schools which are schools established, owned or operated by sponsors but which the Government supports financially, materially or through the provision of teachers from the Teachers Service Commission.

**CLAUSE 15**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 14 –

**15.** Section 100 of the principal Act is amended in subsection (1) by inserting the words “or be possessed by” immediately after the words “section vest in”

**J. \*\*\*THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**  
(The Senate Majority Leader)

- a) **NOTICE** is given that Sen. Lenny Kivuti, the Chairperson to the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

**CLAUSE 9**

**THAT** clause 9 be amended-

...../ *Amendments*

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

(c) approval of national physical development plans on recommendation of Parliament; and

(b) in paragraph (e) by inserting the words "in consultation with National Land Commission and county governments." immediately after the words "levels of planning".

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) advising the Cabinet Secretary on formulating national physical planning policies, guidelines and standards.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

approving county physical development plans on recommendation of the county assembly;

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended by deleting sub-clause (3) and substituting therefore the following new sub-clause-

(3) Upon incorporation of the proposed changes by the National Physical Planning Consultative Forum, the plan shall be

submitted to the Cabinet Secretary who shall cause it to be placed before Parliament for approval.

**CLAUSE 29**

**THAT** clause 29 of the Bill be amended by deleting sub-clause (1) and substituting therefore the following new sub-clause-

(1) The National Director of Physical Planning shall, with the approval of the Cabinet Secretary and in consultation with the county governments prepare regional plans and part development plans for national projects and programmes.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended by deleting sub-clause (2) and substituting therefore the following new sub-clause-

(2)The county executive committee member in charge of physical planning shall submit the completed county physical development plan to the governor who shall cause it to be laid before the county assembly for approval.

**CLAUSE 45**

**THAT** the Bill be amended in clause 45 by-

- (a) numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the new sub-clause (1)-

The county executive committee member in charge of physical planning shall submit a copy of the approved local physical development plan to the national land commission for their record.

**CLAUSE 68**

**THAT** clause 68 of the Bill be amended by inserting the following new paragraph immediately after paragraph (l)-

(m)National Director of Physical Planning.

**CLAUSE 71**

**THAT** clause 71 of the Bill be amended in paragraph (c) by deleting the words “Kenya Institute of Planners” appearing immediately after the words “physical planner nominated by the” and substituting therefor the words “Physical Planners Registration Board”.

**CLAUSE 87**

**THAT** the Bill be amended by deleting clause 87.

**FIRST SCHEDULE**

**THAT** the Bill be amended by deleting the First Schedule.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence-

“amenity” means physical attributes which contribute and enhance quality of the environment and enjoyment of the permitted use;

“base map” means a plan that delineates the planning area that depicts the spatial representation of natural and man made features;

“county physical development plan” means a plan for the area or part thereof of a county and has the same meaning as the County Spatial Plan contemplated under section 107(1) (c) of the County Government Act 2012;

“land” has the meaning assigned to it under Article 260 the Constitution;

“local physical development plan” means a plan for the area or part thereof of a city, municipal, town or urban council and includes a plan with reference to any trading or marketing centre;

“national physical development plans” means a plan prepared to provide a national spatial development framework for the territory of Kenya as defined in Article 5 of the Constitution and includes regional physical development plans;

“regional physical development plan” means a plan prepared to provide spatial development framework for two or more counties and includes part development plans for national projects and programmes.

**Long title**

**THAT** the Bill be amended by deleting the long title and substituting therefor the following new title-

A Bill for an Act of Parliament to give effect to Article 66(1) and the Fourth Schedule of the Constitution and to make provisions for planning, use, regulation and development of land and for connected purposes.

**b) NOTICE** is given that Sen. Mutula Kilonzo Junior intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;

- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;
- (c) in paragraph (c) by deleting the words “physical planning and” appearing immediately after the words “the regulation of”;
- (d) in paragraph (g) by deleting the words “planning authorities” appearing immediately after the words “the relationship between” authorities responsible for regulating land use in Kenya”.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in the introductory clause by deleting the words “physical planning or” appearing immediately after the words “engaged in”.

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5.

**CLAUSE 6**

**THAT** the Bill be amended by deleting clause 6.

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7.

**CLAUSE 8**

**THAT** the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

The National Land Commission shall, in relation to the matters set out in this Act –

- (a) pursuant to Article 67(2)(h) of the Constitution, monitor and have oversight responsibilities over land use planning throughout the country;
- (b) prepare and submit to Parliament, reports on the status of land use planning;
- (c) prepare general principles and guidelines on land use planning and coordinate planning by counties;
- (d) recommend a national land use policy to the cabinet secretary;
- (e) publish and publicize the status of national land use planning report pursuant to Article 35(3) of the Constitution;

- (f) encourage use of traditional dispute resolution mechanisms in land use planning; and
- (g) conduct research related to land use planning and natural resources.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended –

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (d).

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10.

**CLAUSE 11**

**THAT** the Bill be amended by deleting clause 11.

**CLAUSE 12**

**THAT** the Bill be amended by deleting clause 12.

**CLAUSE 13**

**THAT** the Bill be amended at clause 13 by-

- (a) deleting the word “physical” appearing immediately after the words “policy on” in paragraph (a);
- (b) deleting paragraph (b); and
- (c) deleting paragraph (c).

**CLAUSE 15**

**THAT** the Bill be amended by deleting clause 15.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended –

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

(1) The Cabinet Secretary shall be responsible for the preparation of the National Land Use Plan.

(b) in sub-clause (2) by deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use".

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended –

(a) in sub-clause (1) by deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use";

in sub-clause (2) by -

(h) deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use";

(ii) deleting the words "physical development" appearing immediately after the words "of national" in paragraph (e) and substituting therefor the words "land use".

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in sub-clause (1) by-

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

In preparing a National Land Use Plan, the Cabinet Secretary shall –

(b) deleting paragraph (c).

**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 Land Use Plan shall include –

(a) an objective of the plan;



- (b) situation analysis including –
  - (i) an analysis of the state of land development in Kenya; and
  - (ii) the relevant studies and reports concerning land use in Kenya;
- (c) policies, strategies and measures necessary to optimize opportunities and potentials and resolve challenges relating to land use planning in Kenya;
- (d) maps and plans showing current and anticipated land use patterns;
- (e) an implementation framework;
- (f) a monitoring and evaluation strategy; and
- (g) such other information as may be necessary.

in sub-clause (2) by deleting the words “National Director of Physical Planning” appearing at the beginning of the sub-clause and substituting therefor the words “Cabinet Secretary”;

- (b) in sub-clause (3) by deleting the words “Physical Development” appearing immediately after the words “preparation of the” and substituting therefor the words “Land Use”;
- (c) in sub-clause (4) by deleting the words “Physical Development” appearing immediately after the words “within which a” and substituting therefor the words “Land Use”;

## **CLAUSE 21**

**THAT** clause 21 be amended –

in sub-clause (1) by deleting the words “Physical Development” wherever they appear in the sub-clause and substituting therefor the words “Land Use”;

- (a) in sub-clause (2) by deleting the words “Physical Development” appearing immediately after the words “about the National” and substituting therefor the words “Land Use”.

## **CLAUSE 22**

**THAT** clause 22 of the Bill be amended–

- (a) in sub-clause (1) by deleting the words “National Physical Planning Consultative Forum for comments” appearing immediately after the words “Plan to the” and substituting therefor the word “Cabinet for approval”.
- (b) by deleting sub-clause (2);
- (c) by deleting sub-clause (3);

- (d) by inserting the following new subclause immediately after subclause (3) –
- (3A) The Cabinet Secretary shall, within thirty days of approval by the Cabinet, submit the land use plans to Parliament for consideration and approval.
- (e) by deleting the sub-clause appearing immediately after sub-clause (3) and substituting therefor the following new sub-clause-
- (4) The Cabinet Secretary shall, within fourteen days the approval of the plan by Parliament, publish the approved plan in the *Gazette* and in at least two newspapers of national circulation.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –
- (1) The national government and county governments shall base the preparation of inter-county land use plans, integrated county land use plans, city land use plans, urban area land use plans and sectoral plans on the National Land Use Plan.
- (b) In sub-clause (2) by deleting the words “Physical Development” appearing immediately after the words “lack of a National” and substituting therefor the words “Land Use”.

**CLAUSE 24**

**THAT** clause 24 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “Physical Development” appearing immediately after the words “implementation of a National” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the words “Physical Development” wherever they appear in the sub-clause and substituting therefor the words “Land Use”.

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended -

- (a) in sub-clause (1) by deleting the words “regional physical development” appearing immediately after the words “formulate a regional” and substituting therefor the words “an inter-county land use”.

(b) in sub-clause (2) by deleting the words "Regional Physical" appearing immediately after the words "shall form a" and substituting therefor the words "Inter-County Land Use".

(c) in sub-clause (3) by-

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

(a) A person nominated by the Cabinet Secretary with knowledge and experience in matters relating to land use planning.;

(iii) deleting the word "physical" appearing immediately after the words "responsible for" and substituting therefor the words "land use".

(d) by inserting the following new paragraph immediately after clause (4)-

(4A) The members of the Inter-County Land Use Development Committee shall elect a chairperson from amongst themselves.

(e) in sub-clause (4) by deleting the words "regional joint physical" appearing immediately after the word "the" and substituting therefor the words "inter-county land use".

(f) in sub-clause (5) by deleting the words "The National Director of Physical Planning" appearing at the beginning of the sub-clause and substituting therefor the words "The Cabinet Secretary".

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended by deleting the words "A Regional Physical Development" appearing in the introductory clause and substituting therefor the words "Inter-County Land Use".

**CLAUSE 27**

**THAT** clause 27 of the Bill be amended by –

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause –
  - (1) The Inter-County Land Use Planning Committee preparing an inter-county land use plan shall publish a notice of intention to prepare a plan in the gazette and in at least two newspapers of national circulation.
- (b) deleting the words “Regional Physical Planning Joint” appearing immediately after the words “constitution of the” in sub-clause (2) and substituting therefor the words “Inter-County Land Use;
- (c) deleting the words “Regional Physical Development” appearing immediately after the words “complete the” in sub-clause (3) and substituting therefor the words “Inter-County Land Use;
- (d) deleting the words “Regional Physical Development” appearing immediately after the words “preparation of the” in sub-clause (4) and substituting therefor the words “Inter-County Land Use.

**CLAUSE 28**

**THAT** Clause 28 of the Bill be amended by-

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause –
  - (1) Within thirty days of the completion of an inter-county land use plan, the inter-county land use committee shall public a notice in the gazette and in at least two newspapers of national circulation informing the public that the plan is available at the places and times designated in the notice for inspection and that any interested person may comment on the content of the plan
- (b) in sub-clause (2) deleting the words “Regional Physical Planning Joint” appearing immediately after the words “constitution of the” in sub-clause (2) and substituting therefor the words “Inter-County Land Use;
- (c) deleting sub-clause (3); and
- (d) in sub-clause (4) by deleting the words “National Physical Planning Liaison Committee” appearing immediately after the words “decision of the” and substituting therefor the words “Inter-County Land Use Committee”.

**CLAUSE 30**

**THAT** the Bill be amended by deleting clause 30 and substituting therefor the following new clause–

- (1) In addition to the national land use plan, the inter-county land use plan shall inform the preparation of a county land use plan or urban area plan for the county governments within the planning area covered by the inter-county land use plan.
- (2) Where the National Land Use Plan and an Inter-County Land Use plan have not been approved, county governments may prepare other land use plans which will be incorporated into the National Land Use Plan or the relevant Inter-County Land Use Plan after they have been prepared and approved.

**CLAUSE 31**

**THAT** the Bill be amended by deleting clause 31 and substituting therefor the following new clause –

**31.** At least three months before the end of a financial year, every county executive committee member responsible for land use planning in a county covered by an inter-county land use plan shall submit a report on the implementation of the inter-county land use plan to the National Land Commission and the Cabinet Secretary for their purposes.

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “prepare a county” and substituting therefor the words “land use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause –
  - (2) Each county land use plan shall be in conformity with the National Land Use Plan and any relevant Inter-County Land Use plan.
- (c) in sub-clause (3) by deleting the words “physical development” appearing immediately after the words “in charge of” and substituting therefor the words “land use”;

(d) in sub-clause (4) by deleting the words “physical development” appearing immediately after the words “the county” and substituting therefor the words “land use”

**CLAUSE 33**

THAT the Bill be amended by deleting clause 33.

**CLAUSE 34**

THAT the Bill be amended by deleting clause 34.

**CLAUSE 35**

THAT the Bill be amended by deleting clause 35.

**CLAUSE 36**

THAT the Bill be amended by deleting clause 36.

**CLAUSE 37**

THAT the Bill be amended by deleting clause 37.

**CLAUSE 38**

THAT the Bill be amended by deleting clause 38.

**CLAUSE 39**

THAT the Bill be amended by deleting clause 39.

**CLAUSE 40**

THAT the Bill be amended by deleting clause 40.

**CLAUSE 41**

THAT the Bill be amended by deleting clause 41.

**CLAUSE 42**

THAT the Bill be amended by deleting clause 42.

**CLAUSE 43**

**THAT** the Bill be amended by deleting clause 43.

**CLAUSE 44**

**THAT** the Bill be amended by deleting clause 44.

**CLAUSE 45**

**THAT** the Bill be amended by deleting clause 45.

**CLAUSE 46**

**THAT** the Bill be amended by deleting clause 46.

**CLAUSE 47**

**THAT** clause 47 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words "or the National Physical Planning Consultative Forum" appearing immediately after the words "National Government";
- (b) in sub-clause (2) by deleting the words "physical development" appearing immediately after the words "area until a" and substituting therefor the words "land use";
- (c) in sub-clause (3) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (d) in sub-clause (4) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (e) by deleting sub-clause (6) and substituting therefor the following new sub-clause -
  - (6) A land use plan prepared for special land use area shall undergo the process of approval in accordance with section 112 of the County Governments Act"

**CLAUSE 49**

**THAT** clause 49 of the Bill be amended-

- (a) in paragraph (a) by deleting the word "physical" appearing immediately after the words "ensure orderly" and substituting therefor the words "land use";
- (b) in paragraph (e) by deleting the word "physical" appearing immediately after the words "participation in" and substituting therefor the words "land use".

**CLAUSE 50**

**THAT** clause 50 of the Bill be amended–

- (a) in paragraph (d) by deleting the word "physical development" appearing immediately after the words "of approved" and substituting therefor the words "land use";
- (b) in paragraph (f) by deleting the word "physical development" appearing immediately after the words "the approved" and substituting therefor the words "land use".

**CLAUSE 51**

**THAT** clause 51 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word "planning" wherever it appears and substituting therefor the words "land use";
- (b) in sub-clause (3) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";
- (c) in sub-clause (4) by deleting the word "planning" appearing immediately after the words "sub-section (3) the" and substituting therefor the words "land use";
- (d) in sub-clause (5) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";
- (e) in sub-clause (6) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";

**CLAUSE 52**

**THAT** clause 52 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word "planning" wherever it appears and substituting therefor the words "land use";



- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the words “required by the” and substituting therefor the words “land use”;
- (c) in sub-clause (4) by deleting the word “planning” appearing immediately after the words “consent to the” and substituting therefor the words “land use”;
- (d) in sub-clause (5) by deleting the word “planning” appearing immediately after the words “granted by” and substituting therefor the words “land use”.

**CLAUSE 53**

**THAT** clause 53 of the Bill be amended in –

- (a) in sub-clause (1) by deleting the word “planning” appearing immediately after the words “provided to the” and substituting therefor the words “land use”;

in sub-clause (2) by deleting the word “planning” appearing immediately after the words “so by the” and substituting therefor the words “land use”.

**CLAUSE 54**

**THAT** clause 54 of the Bill be amended in sub-clause (2) by deleting the word “planning” appearing immediately after the words “permission from the” and substituting therefor the words “land use”;

**CLAUSE 55**

**THAT** clause 55 of the Bill be amended in –

- (a) in sub-clause (1) by –
  - (i) deleting the word “planning” appearing immediately after the words “development permission a” appearing in the introductory clause and substituting therefor the words “land use”;
  - (ii) deleting the words “physical development” appearing immediately after the words “relevant approved” in paragraph (a) and substituting therefor the words “land use”;

- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the words “development permission the” appearing in the introductory clause and substituting therefor the words “land use”;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause –
  - (3) An applicant or an interested party that is aggrieved by the decision of the land use authority regarding an application for development permission may appeal to the Environment and Land Court

**CLAUSE 56**

**THAT** clause 56 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word “planning” appearing immediately after the word “a” at the beginning of the sub-clause and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the “a” at the beginning of the sub-clause and substituting therefor the words “land use”;
- (c) in sub-clause (3) by deleting the word “planning” wherever it appears in the sub-clause and substituting therefor the words “land use”.

**CLAUSE 62**

**THAT** clause 62 of the Bill be amended in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “ by the relevant” and substituting therefor the words “land use”;

**CLAUSE 63**

**THAT** clause 63 of the Bill be amended in sub-clause (2) by deleting the words “physical development” appearing immediately after the words “ any regional” and substituting therefor the words “land use”;

**CLAUSE 64**

**THAT** clause 64 of the Bill be amended in sub-clause (2) by deleting the words “physical development” appearing immediately after the word “All” at the beginning of the sub-clause and substituting therefor the words “land use”.

**CLAUSE 65**

**THAT** the Bill be amended by deleting clause 65.

**CLAUSE 66**

**THAT** the Bill be amended by deleting clause 66.

**CLAUSE 67**

**THAT** the Bill be amended by deleting clause 67.

**CLAUSE 68**

**THAT** the Bill be amended by deleting clause 68.

**CLAUSE 69**

**THAT** the Bill be amended by deleting clause 69.

**CLAUSE 70**

**THAT** the Bill be amended by deleting clause 70.

**CLAUSE 71**

**THAT** the Bill be amended by deleting clause 71.

**CLAUSE 72**

**THAT** the Bill be amended by deleting clause 72.

**CLAUSE 73**

**THAT** the Bill be amended by deleting clause 73.

**CLAUSE 74**

**THAT** the Bill be amended by deleting clause 74.

**CLAUSE 75**

**THAT** the Bill be amended by deleting clause 75.

**CLAUSE 76**

**THAT** the Bill be amended by deleting clause 76.

**CLAUSE 77**

**THAT** the Bill be amended by deleting clause 77.

**CLAUSE 78**

**THAT** the Bill be amended by deleting clause 78.

**CLAUSE 79**

**THAT** the Bill be amended by deleting clause 79.

**CLAUSE 80**

**THAT** the Bill be amended by deleting clause 80.

**CLAUSE 81**

**THAT** the Bill be amended by deleting clause 81.

**CLAUSE 82**

**THAT** the Bill be amended by deleting clause 82.

**CLAUSE 83**

**THAT** the Bill be amended by deleting clause 83.

**CLAUSE 86**

**THAT** the Bill be amended by deleting clause 86 and substituting therefor the following new clause-

Dispute  
resolution

**86.** Unless otherwise provided in this Act, all disputes relating to land use planning shall be heard and determined by the Environment and Land Court.

***CLAUSE 87***

**THAT** the Bill be amended by deleting clause 87.

**FIRST SCHEDULE**

**THAT** the Bill be amended by deleting the First Schedule.

**SECOND SCHEDULE**

**THAT** the Second Schedule to the Bill be amended-

- (a) in the heading by deleting the word "INTER-COUNTY" appearing immediately after the word "NATIONAL" and substituting therefor the word "REGIONAL"; and

(b) in paragraph 12 by deleting the words "county director" appearing immediately after the words "refer it to" appearing in paragraph (2).

**THIRD SCHEDULE**

**THAT** the Third Schedule to the Bill be deleted.

**FOURTH SCHEDULE**

**THAT** the Fourth Schedule to the Bill be amended -

by deleting the heading and substituting therefor the following new heading-

**DEVELOPMENT CONTROL**

in paragraph 2(a), by deleting the word " physical" appearing immediately after the words " by approved" and substituting therefor the words " land use";

in paragraph 5(a), by deleting the word " physical" appearing immediately after the words "an approved" and substituting therefor the words " land use";

in paragraph 6(e), by deleting the word " physical" appearing immediately after the words "relevant approved" and substituting therefor the words " land use";

in paragraph 7(b), by deleting the word " physical" appearing immediately after the words "relevant approved" and substituting therefor the words " land use";

**CLAUSE 2**

**THAT** Clause 2 of the Bill be amended by-

(a) by deleting the definition of the term "land use planning" and substituting therefor the following new definition -

"land use planning" refers to the discipline which seeks to order and regulate land use in an efficient and ethical way;

(b) deleting the definition of the word "local physical planning development plan";

(c) deleting the definition of the word "National Director of Physical Planning";

(d) deleting the definition of word "physical planning";

(e) in the definition of planning authority by deleting the word "planning" and substituting therefor the word "land use".

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by deleting the word "physical" appearing immediately after the words "cited as the" and substituting therefor the words "Land Use".

**K. \*\*\*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)**

(The Senate Majority Leader)

**NOTICE** is given that Senator Stewart Madzayo, the Chairperson of the Standing Committee on Labour and Social Welfare intends to move the following amendments to the Persons with Disabilities (Amendment) Bill National Assembly Bills No. 43 of 2013, at the Committee Stage-

**Clause 3**

**That** clause 3 of the Bill be amended in the proposed new section 21A by-

(a) deleting the proposed new subsection (1) and substituting therefor the following new subsection-

(1) In order to enable persons with disabilities enjoy their services, an institution or body offering services to the citizens shall avail within the institution or body assistive devices and support services including the services of qualified interpreters for the deaf and aides for the blind.

(b) inserting the following new subsection immediately after the proposed new subsection (1)-

(1A) The assistive devices and support services referred to in subsection (1) shall adhere to the principles of universal design.

**Clause 5**

**That** clause 5 of the Bill be deleted and substituted therefor with the following new clause-

Amendment to **5.** The principal Act is amended by deleting section 39 of section 39 and substituting therefor the Cap.133. following new section-

39. All television stations shall provide a sign language inset, subtitles and captions in all newscasts and educational programmes and in all programmes covering events of national significance, including parliamentary proceedings, coverage of national day events, statements by Cabinet Secretaries and the President, national emergencies and humanitarian crises.

**New Clauses**

**That** the Bill be amended by-

(a) inserting the following new clause immediately after clause 1-

Amendment **1A.** Section 2 of the Persons with Disabilities Act, in this Act referred to as Cap. 133. the principal Act, is amended by deleting the definition of the term "assistive devices and services" and substituting therefor the following new definition-

"assistive devices and support services" means implements, tools and specialized services, including the services of qualified Kenya sign language interpreters for the deaf and qualified teachers for the blind, provided to persons with disabilities to assist them in education, employment or other activities;

(b) inserting the following new clause immediately after clause 4-

Amendment **4B.** Section 33 of the principal Act is amended in subsection 2 by inserting of the Cap. 133. the word "support" immediately after the words "devices and" appearing in paragraph (d).

**L. \*THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)**  
(Sen. Naisula Lesuuda)

**NOTICE** is given that Sen. Billow Kerrow, the Chairperson of the Committee on Finance, Commerce and Budget, intends to move the following amendments to the County Statistics Bill, Senate Bills No. 11 of 2016, at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting subclause (2).

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by-

(a) by renumbering the existing provision as subclause (1);

(b) in subclause (1) by-

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

(g) using statistical standards and appropriate methodologies, subject to the direction of the Bureau;

(ii) deleting paragraph (h).

(c) inserting the following new subclause immediately after subclause (1)-

(2) The office shall in carrying out its responsibilities under subclause (1), be guided by statistical standards and use appropriate methodologies, subject to the direction of the Kenya National Bureau of Statistics.

**PART III**

**THAT** the Bill be amended by deleting the title to Part III of the Bill and substituting therefor the following new title-

“THE COUNTY STATISTICS MANAGEMENT COMMITTEE”

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended-

(a) in subclause (1) by deleting the word “Board” appearing immediately after the words “shall vest in a” and substituting therefor the words “management committee”;

(b) by deleting the marginal note and substituting therefor the following new marginal note “management committee”.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in the introductory phrase in subclause (1) by deleting the word “Board” appearing immediately after the words “member of the” and substituting therefor the words “management committee”.

**CLAUSE 7**

**THAT** the Bill be amended in clause 7 by deleting the word “Board” appearing immediately after the word “the” and substituting therefor the words “management committee”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in subclause (1) by-

(a) deleting the word “Board” appearing immediately after the words “direction of the” in the introductory phrase and substituting therefor the words “management committee”;



- (b) deleting the word "Board" appearing immediately after the words "objectives of the" in paragraph (d) and substituting therefor the words "management committee";
- (c) deleting the word "Board" appearing immediately after the words "statistician by the" in paragraph (e) and substituting therefor the words "management committee";

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended-

- (a) in subclause (1) by-
  - (i) deleting the word "Board" appearing immediately after the words "suspension by the" in paragraph (b) and substituting therefor the words "management committee";
  - (ii) deleting the word "Board" appearing immediately after the words "office by the" appearing in paragraph (c) and substituting therefor the words "management committee"; and
- (b) in subclause (2) by deleting the word "Board" appearing immediately before the words "may suspend or" and substituting therefor the words "management committee".

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended by deleting the word "Board" appearing immediately before the words "in consultation with" and substituting therefor the words "management committee".

**CLAUSE 13**

**THAT** the Bill be amended by deleting clause 13.

**CLAUSE 14**

**THAT** the Bill be amended by deleting clause 14.

**CLAUSE 15**

**THAT** the Bill be amended by deleting clause 15.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (2) by deleting the word "reasonable" appearing immediately after the words "county statistician shall ensure".

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended-

- (a) in subclause (1) by deleting the words "of the county statistician" appearing immediately after the words "the office"; and
- (b) in subclause (2) by deleting the word "first" appearing immediately after the words "specified in the" in paragraph (a)(ii).

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended by inserting the words "or an officer of the Kenya National Bureau of Statistics" immediately after the words "other than the statistician".

**CLAUSE 24**

**THAT** the Bill be amended by deleting clause 24.

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended in subclause (2) by deleting the word "standards" appearing immediately after the words "Kenya National Bureau of" and substituting therefor the word "Statistics".

**SCHEDULE**

**THAT** the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule-

**SCHEDULE**

(s.7, 15(3))

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE MANAGEMENT COMMITTEE**

Meetings

1.(1) The shall meet at such place in Kenya as the chairperson may determine and the meetings shall be convened by the chairperson.

(2) The management committee shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next meeting.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the secretary.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the management committee and within seven days of the request, convene an extraordinary meeting at such time and place as he or she may appoint.

...../ *Amendments*

(5) Meetings shall be presided over by the chairperson or in his or her absence by the vice-chairperson.

(6) The members of a management committee shall elect a vice-chairperson from among themselves-

(a) at the first sitting of the management committee; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the management committee.

(8) The management committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the management committee.

Conflict of interest

2.(1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the management committee, and is present at a meeting of the Board at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

Quorum.

3.(1) Subject to subparagraph (2), the quorum of the meeting shall not be less than half of the appointed members of the management committee.

(2) Where the persons present at a meeting of the management committee do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the management committee shall postpone the consideration of the matter in question until there is a quorum.

Voting.

4. A question before the management committee shall be decided by a simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote.

Rules of Procedure

5. The management committee shall-

- (a) determine rules of procedure for the conduct of its business; and
- (b) keep minutes of its proceedings and decisions.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by-

- (a) deleting the definition of the word "Board";
- (b) deleting the definition of the word "committee";
- (c) deleting the definition of the word "office" and substituting therefor the following new definition-  
"office" means the county statistics office established under section 3(1);
- (d) inserting the following new definition in the proper alphabetical sequence-  
"management committee" means the county statistics management committee established under section 5;

**M. \*\*\*THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Senate Majority Leader)

**NOTICE** is given that Sen. Abu Chiaba, Chairperson, Senate Standing Committee on Roads and Transportation, intends to move the following amendments to the Kenya Roads Bill, National Assembly Bills No. 26 of 2015, at the Committee Stage-

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

- (a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new sub-clause-  
(c) the Council of County Governors;
- (b) in sub-clause (3) by deleting the words "provide the secretariat of the Board" and substituting therefor the words "be responsible for the secretariat and the administrative function of the Board".

**CLAUSE 10**

**THAT** clause 10 the Bill be amended in the introductory phrase of -

- (a) sub-clause (2) by inserting the words "in consultation with the relevant Authority or county government" immediately after the words "Cabinet Secretary shall"; and
- (b) sub-clause (3) by inserting the words "and in consultation with the relevant Authority or county government" immediately after the words "from time to time".

...../ **Amendments**

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended –

- (d) by deleting sub-clause (1) and substituting therefor the following new sub-clause-
  - (1)The management of the Kenya National Highways Authority shall vest in the Board of the Kenya National Highways Authority.
- (e) in sub-clause 2-
  - a. by deleting paragraph (c); and
  - b. by deleting sub-paragraph (v) of paragraph (f) and substituting therefor the following new sub-paragraph-
    - (v)the Kenya Association of Manufacturers;
- (f) by deleting sub-clause (5).

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended -

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause-
  - (1)The management of the Kenya National Urban Roads Authority shall vest in the Board of Kenya National Urban Roads Authority.
- (b) in sub-clause (2)-
  - (i) by deleting paragraph (c); and
  - (ii) by deleting sub-paragraph (v) of paragraph (f) and substituting therefor the following new sub-paragraphs-
    - (v)the Matatu Welfare Association; and
    - (vi) The Kenya Alliance of Resident Associations.
- (c) by deleting sub-clause (4).

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in sub-clause (1) by deleting the words “and D”.

**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)The management of the Kenya National Secondary Roads Authority shall vest in the Board of Kenya National Secondary Roads Authority.

...../ **Amendments**

- (b) in sub-clause (2)-
  - (i) by deleting paragraph (c); and
  - (ii) by deleting sub-paragraph (iv) of paragraph (f) and substituting therefor the following new sub-paragraphs-
    - (v)the Kenya Farmers Association; and
    - (vi) the Kenya Association of Manufacturers.
- (c) by deleting sub-clause (5).

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended in sub-clause (1) by deleting the word “four” appearing immediately after the words “period of” and substituting therefor the word “six”.

**CLAUSE 42**

**THAT** clause 42 of the Bill be amended in sub-clause (1) by inserting the words “upon issuing a fourteen days’ notice and,” immediately after the words “Authority may”.

**CLAUSE 43**

**THAT** clause 43 of the Bill be amended in sub-clause (1) by inserting the words “upon notifying the owner of the land and,” immediately after the words “Authority may”.

**CLAUSE 45**

**THAT** clause 45 of the Bill be amended in sub-clause (3) by deleting the proviso appearing immediately after the words “within sixty days”.

**CLAUSE 67**

**THAT** the Bill be amended by deleting clause 67 and substituting therefore the following new clause

- |                   |   |
|-------------------|---|
| Fees and charges. | <p><b>67.</b>(1) Each Authority may, subject to subsection (2) and the approval of the Cabinet Secretary, impose any levy, charges or fees for any of its services or for the use of road reserves under their jurisdiction.</p> <p>(2) An Authority shall not impose levies, charges or fees on outdoor advertising, street lighting, traffic and parking.</p> |
|-------------------|---|

**CLAUSE 100**

**THAT** clause 100 of the Bill be amended -

- (a) in sub-clause (2)-
  - (i) in paragraph (f) by deleting the words “county government” appearing immediately after the words “in collaboration with the” and substituting therefor the words “national government”;
  - (ii) by inserting the following new paragraphs immediately after paragraph (k)-
    - (l) resource mobilization for the development of county roads; and

(m) management of county mechanical and transport equipment.

(b) inserting the following sub-clause immediately after sub-clause (5)-

(6) A county government shall have similar powers as those conferred on an authority under Part VI of this Act with respect to the roads under the jurisdiction of that county government.

**CLAUSE 101**

**THAT** the Bill be amended by deleting clause 101.

**CLAUSE 102**

**THAT** clause 102 of the Bill be amended-

- (a) by deleting the definition of the word "appointed day";
- (b) in the definition of the words "former authorities" by deleting the words "appointed day" appearing immediately after the words "before the" and substituting therefor the words "commencement of this Act";
- (c) in the definition of the words "former boards" by deleting the words "appointed day" appearing immediately after the words "before the" and substituting therefor the words "commencement of this Act";
- (d) in sub-clause (2) by inserting the words "Kenya National Urban Roads Authority" immediately after the words "Kenya National Highways Authority";
- (e) in sub-clause (4)(b) by deleting the words "on the appointed day" appearing immediately after the words "under this section is";
- (f) in sub-clause (5) by deleting paragraph (d) and substituting therefor the following new paragraph-
  - (d)the annual estimates of the former-
    - (i) Kenya National Highways Authority for the financial year in which this Act commences shall be deemed to be the annual estimates of the Kenya National Highways Authority under this Act for the remainder of that financial year;
    - (ii) Kenya Urban Roads Authority shall be deemed to be the annual estimates of the Kenya National Urban Roads Authority under this Act for the remainder of that financial year; and
    - (iii) Kenya Rural Roads Authority shall be deemed to be the annual estimates of the Kenya National Secondary Roads Authority under this Act for the remainder of that financial year.

**FIRST SCHEDULE**

**THAT** the First Schedule be amended by-

- (a) deleting the item marked "Class D" roads appearing immediately after "Class C" ; and
- (b) in Part B by inserting the following new item, immediately before "Class E"-

...../ *Amendments*

**Class D** Roads linking constituency headquarters, Municipal or Town Council Centers and other towns to each other and to higher-class roads. Required to collect local traffic from lower class roads and channel it to the higher-class roads.

**THIRD SCHEDULE**

**THAT** the Bill be amended by deleting the Third Schedule and substituting therefor the following new Schedule-

**THIRD SCHEDULE (S.104)  
CONSEQUENTIAL AMENDMENTS**

The Kenya Roads Board Act, No. 7 of 1999

- s. 2 (1) delete -
  - (a) the definition of the "District Roads Committee";
  - (b) "Minister" and substitute therefor the words "Cabinet Secretary"
  - (c) the definitions of "Highways Authority", "Rural Roads Authority" and "Urban Roads Authority";
- (2) insert the following new definitions in their proper alphabetical sequence—
  - (a) "Highways Authority" means the Kenya National Highways Authority;
  - (b) "Secondary Roads Authority" means the Kenya National Secondary Roads Authority;
  - (c) "Urban Roads Authority" means the Kenya National Urban Roads Authority.
- s.6(1) In the introductory phrase, delete-
  - (a) the words "maintenance, rehabilitation and development" and substitute therefor the words "maintenance and rehabilitation"
  - (b) The word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.6(1)(d) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary".
- s.6(2)(d) Delete and substitute therefor the following-
  - Allocate the fund to ensure that not less than-
    - (1) forty per centum is allocated to the Kenya National Highways Authority in such proportions as the Board may determine with the approval of the Cabinet Secretary in respect of primary national trunk roads Classes S, A and B;



- (2) fifteen per centum is allocated to the Kenya National Secondary Roads Authority in respect of secondary national trunk roads;
- (3) ten per centum is allocated to the National Urban Roads Authority;
- (4) twenty-six per centum is allocated to the county governments in respect of county roads to be shared equitably amongst the counties in accordance with the revenue sharing formula developed pursuant to Article 216(1)(b) of the Constitution;
- (5) one per centum is allocated to the Kenya Wildlife Services in respect of roads in national parks and reserves;
- (6) five per centum is allocated annually by the Board with the approval of the Cabinet Secretary to priority projects derived from the road investment programmes including support road standards, technical assistance and shall include –
  - (a) one per centum for standard development;
  - (b) one per centum for materials research and testing;
- (7) two per centum to the Kenya Roads Board in respect of the recurrent expenditure of the Board; and
- (8) one per centum is allocated to the National Transport and Safety Authority to support road safety programmes;

s.6(2)(e) Delete

s.6(2)(f) Delete

s.6(2)(h) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"

s.6 (2)(i) Delete and substitute therefor the words following new sub-clause-

...../ **Amendments**

(i) recommend to the Cabinet Secretary the fuel levy rate;

- s.6(2)(j) Delete and substitute therefor the following new sub-clause—
  - (j) Each Authority may utilize such portion of monies received from the Fund for operational and administrative expenses as may be recommended by the Board and approved by the Cabinet Secretary.
  
- s.6(2)(k) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
  
- s. 6 (2)(l) (a) Delete the words Kenya Rural Roads Authority and substitute therefor with the words "Kenya National Secondary Roads Authority "  
(b) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
  
- s. 6(2) Insert the following immediately after subsection (2)(l)—
  - (j) coordinate the implementation of all policies relating to road maintenance in Kenya;
  - (k) advise the Cabinet Secretary on—
    - (i) road classification;
    - (ii) research and studies necessary for promoting road maintenance and rehabilitation; and
    - (iii) road network performance.
  
- s.7(1)(e) Delete and substitute therefor the following new sub-clause-
  - (e)The Principal Secretary in the Ministry for the time being responsible for Devolution or his designate alternate, not being below the level of Deputy Secretary;
  
- s.7(1)(h) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
  
- s.7(2) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
  
- s.8(d) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"

- s.10 Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.12 Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.17 Delete
- s.17A Delete
- s.18(1A) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.18(3) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.18(4)(a) Delete and substitute therefor the following paragraph-
  - (a) To maintain and rehabilitate such categories of roads as shall be specified in the notice of designation;
- s.18(4)(b) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.18(4)(c) Insert the following new paragraph immediately after paragraph (b)-
  - (b) Paragraph (b) shall not apply to a body or department established by a county government to maintain county roads with the Fund.
- s.19(2) Each road agency shall prepare an annual road works programme in accordance with section 64 of the Kenya Roads Act and shall for this purpose, select roads to be included in its programme.
- s.19(3) Delete
- s.19(4) Delete the words "maintenance, rehabilitation and development" and substitute therefor the words "maintenance and rehabilitation".
  - (a)
- (No.016) s.19(4) Delete the words "maintenance, rehabilitation and development" and substitute therefor the words "maintenance and rehabilitation".
  - (c)
- s.19(5) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"

- s.20 Delete the words "maintenance, rehabilitation and development" and substitute therefor the words "maintenance and rehabilitation".
- s.21(a) Delete the word "development".
- s.30(1) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.31(5) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.32(2) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.32 Insert the following—  
(3) The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary for National Treasury, borrow such monies as may be required by it for proper discharge of its functions under this Act.  
  
(4) The Board may in consultation with the Cabinet Secretary and with the approval of the Cabinet Secretary for National Treasury, and where it is necessary to meet the financial demands for road maintenance set aside a portion of the fund for purposes of securing additional income.
- s.33(1) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.35(3) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.37 Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- s.38(2) (a) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"  
  
(b)Delete the words "maintenance, rehabilitation and development" and substitute therefor the words "maintenance and rehabilitation".
- First Schedule Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- Second Schedule Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"
- Para 2(1)

Second Schedule Para 3(6) Delete the word "Minister" and substitute therefor the words "Cabinet Secretary"

Third Schedule Delete and substitute therefor the following—  
(1) Kenya National Highways Authority;  
(2) Kenya National Urban Roads Authority;  
(3) Kenya National Secondary Roads Authority;  
(4) The National Transport and Safety Authority;  
(5) Kenya Wildlife Services; and  
(6) such body or department established by each county government to maintain county roads with the Fund.

The Physical Planning Act, 1996 No.6 of 1996. s.2 Delete the definition of "Kenya National Highways Authority", "Kenya Rural Roads Authority" and "Kenya Urban Roads Authority" and substitute therefor the following—

"Highways Authority" means the Kenya National Highways Authority established under section 12 of the Kenya Roads Act;

"Secondary Roads Authority" means the Kenya National Secondary Roads Authority established under section 19 of the Kenya Roads Act;

"Urban Roads Authority" means the Kenya National Urban Roads Authority established under section 17 of the Kenya Roads Act.

s.8(1) Delete paragraphs (na), (nb) and (nc) and substitute therefor with the following new paragraphs—  
(na) the Director-General of the Kenya National Highways Authority established under section 14(2)(e) of the Kenya Roads Act;

(nb) the Director-General the Kenya National Secondary Roads Authority established under section 20(2)(e) of the Kenya Roads Act.

(nc) the Director-General of the Kenya National Urban Roads Authority established under section 17 (1) (e) of the Kenya Roads Act.

s. 8 (2) Delete paragraph (k)  
s.8 (3) insert the following new paragraph immediately after paragraph (e)—

(ea) a representative of the Kenya National Urban Roads Authority;

Delete paragraph (f) and substitute therefor the following new paragraph—

(f) a representative of the Kenya National Highways Authority;

- s. 8(4) Delete paragraph (f) and substitute therefor the following—  
“(f) a representative of the Kenya National Secondary Roads Authority .”

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by-

- (a) inserting the following new definition immediately after the definition of the word “construction”-

No. “Council of County Governors” means the Council of 2 of County Governors established under section 19 of the 2012 Intergovernmental Relations Act; and

- (b) deleting the definition of the word “county roads agency”.

**CLAUSE 1**

1. This Act may be cited as the Kenya Roads Act, 2017.

**LONG TITLE**

**THAT** the long title to the Bill be amended by inserting the words “planning, design,” immediately after the word “classification”.

APPENDIX

**1. PETITIONS**

- a) Report of the Petition by Mr. Gideon Kiprotich (a resident of Kericho County) on the distribution of subsidized fertilizer and free seeds to farmers;  
*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*
- b) Petition by Justus Mutunga Mutuku on alleged corruption and nepotism at the Makueni County executive;
- c) Petition by Mr. John Gitau a resident of Nakuru County on alleged wrongful dismissal from the public service;
- d) Petition by the Governor of Nairobi City County, Dr. Evans Kidero, on settlement of various debts owed to the Nairobi City County Government by the National Government and its agencies;
- e) Petition by the governor of Kisii County, Hon. James E.O. Ongwae, for variation of the Boundaries of Nyangweta forest in South Mugirango sub-County, Kisii County.

*(Speaker of the Senate)*

**2. PAPERS**

- a) Report of the Joint Parliamentary Select Committee on the Election of members of the East African Legislative Assembly (EALA);  
*(Sen. Kipchumba Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)*
- b) Report of the Mediation Committee on Health Bill (National Assembly Bill No. 14 of 2015).

*(The Chairperson, Mediation Committee)*

**3. NOTICES OF MOTION**

- a) **Notice of Motion** – (Sen. Kipchumba Murkomen, Co-Chairperson, Joint Parliamentary Select Committee)

**THAT**, the Senate adopts the Report of the Joint Select Committee on the Election of members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday, 25<sup>th</sup> May, 2017;

- b) **Notice of Motion** – (The Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No. 14 of 2015) laid on the Table of the Senate on Thursday, 25<sup>th</sup> May, 2017 and pursuant to Article 113 of the Constitution and standing order 155 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

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