



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, AUGUST 27, 2015 AT 9.30 A.M**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. MOTION - ADOPTION OF SESSIONAL PAPER NO. 5 OF 2014**

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

**THAT**, this House adopts Sessional Paper No. 5 of 2014 on National Policy for Peace Building and Conflict Management, laid on the Table of the House on Thursday, July 31, 2014.

*(Question to be put)*

**9\*. THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

(The Hon. Adan Keynan, M.P.)

Second Reading

*(Question to be put)*

**10\*. THE PROHIBITION OF ANTI-PERSONNEL MINES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**

(The Leader of the Majority Party)

Third Reading

*(Question to be put)*

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

- (i) The Finance Bill (National Assembly Bill No. 27 of 2015)  
(The Chairperson, Departmental Committee on Finance, Planning and Trade)
- (ii) The Companies and Insolvency Legislation (Consequential Amendments) Bill (National Assembly Bill No. 25 of 2015)  
(The Leader of the Majority Party)

**12\*. MOTION - THE REPORT ON EAST AFRICAN COMMUNITY (EAC) PEACE AND SECURITY PROTOCOL, AND THE MUTUAL PEACE AND SECURITY PACT**

(The Chairperson, Committee on Regional Integration)

**THAT**, this House adopts the Report of the Committee on Regional Integration on East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact, laid on the Table of the House on Wednesday, 29<sup>th</sup> April, 2015 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact.

**13\*. THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)**

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

Second Reading

**14\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 6 OF 2014)**

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

Second Reading

**15\*. MOTION - THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA**

(The Chairperson, Departmental Committee on Agriculture, Livestock and Co- operatives)

**THAT**, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis Facing the Sugar Industry in Kenya, laid on the Table of the House on Thursday, 12<sup>th</sup> March, 2015.

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**\* Denotes Orders of the Day**

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# N O T I C E S

## I. The Finance Bill (National Assembly Bill No. 27 of 2015)

1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Finance Bill, 2015 at the Committee Stage—

### CLAUSE 2

**THAT** Clause 2 of the Bill be amended by inserting the following new paragraph after paragraph (a)—

- (aa) in the definition of the word “money” by inserting the words “or electronic payment system” immediately after the words “credit card” appearing in paragraph (c).

### CLAUSE 4

**THAT** Clause 4 of the Bill be deleted and replaced with the following—

Amendment  
of Section  
25A of No.  
35 of 2013.

4. Section 25A of the Value Added tax Act, 2013 is amended by deleting subsection (1) and substituting therefor the following new subsection —
- (1)** Government Ministries, Department and Agencies or any other person appointed by the Commissioner shall on purchasing taxable supplies withhold six percent of the taxable value at the time of paying for the supplies and remit the same directly to the Commissioner.
- Provided that the Commissioner may, at any time, revoke the appointment of a withholding VAT agent, if he deems it appropriate to do so.”

### CLAUSE 5

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

- (a) in paragraph (a) by deleting subparagraph (i) and replacing therefor the following subparagraph—
- (i) by deleting item 46 and tariff numbers “3002.20.00, 3002.30.00, 3003.39.00, 3003.40.00, 3003.90.10, 3003.90.90, 3004.10.00, 3004.20.00, 3004.32.00, 3004.39.00, 3004.40.00, 3004.50.00, 3004.90.00, 3004.90.10 and 3004.90.90”
- (b) in paragraph (b)
- (i) by inserting the following new items immediately after item 52—
- 52A. Biogas.
- 52B. Leasing of biogas producing equipment.

(ii) by inserting the following new items immediately after item 55-

56. Inputs or raw materials locally purchased or imported by manufacturers of Agricultural machinery and implements upon approval by the Cabinet Secretary responsible for Industrialization.

57. The supply of taxable goods to Special Economic Zone enterprises, developers and operators licenced under the Special Economic Zone Act.

(c) by renumbering the second paragraph (b) as (d) and inserting the following new paragraphs immediately after paragraph 22—

23. Supply of sewerage services by a National Government, County Government, any political subdivision thereof or a person approved by the Cabinet Secretary for the time being responsible for water development.

24. The supply of taxable services to Special Economic Zone enterprises, developers and operators licenced under the Special Economic Zone Act.

#### **CLAUSE 6**

**THAT**, Clause 6 of the Bill be amended —

(a) in paragraph (a) by inserting the following new paragraph immediately after the proposed new paragraph 10—

11. Inputs or raw materials (either produced locally or imported) supplied to pharmaceutical manufacturers in Kenya for manufacturing medicaments, as approved from time to time by the Cabinet Secretary in consultation with the Cabinet Secretary responsible for matters relating to health.”

(b) by inserting the following new paragraph immediately after paragraph (b) —

(c) inserting a new Part C immediately after Paragraph 9 Part B-

Medicaments of the following HS Codes shall be zero rated-

3002.20.00 Vaccines for human medicine.

3002.30.00 Vaccines for veterinary medicine.

3003.10.00

3303.20.00

3003.39.00 Other medicaments, containing hormones or other products of heading No. 29.37 but not containing antibiotics, not put up in measured doses or in forms or packings for retail sale.

3003.40.00 Medicaments containing alkaloids or derivatives thereof but not containing hormones or other products of heading No. 29.37 or antibiotics, not put up in measured doses or in forms or packings for retail sale.

3003.90.00

3003.90.10 Infusion solutions for ingestion other than by mouth not put up in measured doses or in forms or packings for retail sale.

3003.90.90 Other medicaments (excluding goods of heading No. 30.02, 30.05 or 30.06) consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses, not put up in measured doses or in forms or packings for retail sale.

- 3004.10.00 Medicaments containing penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives, put up in measured doses or in forms or packings for retail sale.
- 3004.20.00 Medicaments containing other antibiotics, put up in measured doses or in forms or packings for retail sale.
- 3004.32.00 Medicaments containing adrenal cortical hormones, put up in measured doses or in forms or packings for retail sale.
- 3004.39.00 Other medicaments containing hormones or other products of heading No. 29.37 but not containing antibiotics, put up in measured doses or in forms or packings for retail sale.
- 3004.40.00 Medicaments containing alkaloids or derivatives thereof but not containing hormones, or other products of heading No. 29.37 or antibiotics, put up in measured doses or in forms or packings for retail sale.
- 3004.50.00 Other medicaments containing vitamins or other products of heading No. 29.36 put up in measured doses or in forms or packings for retail sale.
- 3004.90.00 Other medicaments (excluding goods of heading No. 30.02, 30.05 or 30.06 ) consisting of mixed or unmixed products ,for therapeutic or prophylactic uses, put up in measured doses or in forms or packings for retail sale.
- 3004.90.90 Other medicaments (excluding goods of heading No. 30.02, 30.05 or 30.06) consisting of mixed or unmixed products, for therapeutic or prophylactic uses, put up in measured doses or in forms or packings for retail sale.

**CLAUSE 7**

Amendment to section  
2 of Cap.470

**7.** Section 2 of the Income Tax Act is amended by adding the following provisos immediately after the following definitions –

(a) “training fees”

Provided that training fee shall not include fees paid for education services provided by –

(a) a pre-primary, primary or secondary school;

(b) a technical college or university;

(c) an institution established for the promotion of adult education, vocational training or technical education.

(b) “winnings”

Provided that this definition shall only apply in the case of winnings payable to punters (players) by bookmakers.

**CLAUSE 9**

**THAT**, clause 9 of the Bill be deleted and replaced with the following clause.

Amendment to section  
10 of Cap 470

**9.** Section 10 of the Income Tax Act is amended in subsection (10) by deleting

paragraph (g) and substituting therefor the following-  
(g) winnings payable by bookmakers to punters(players)

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**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by

- (a) inserting the following paragraph immediately before paragraph (a) —
  - (a) in subsection (4) by deleting the word “four” and substituting therefor the word “nine”.
  - (b) renumbering paragraph (a) as (b)
  - (c) inserting the following paragraph immediately after the renumbered paragraph (b)
    - (c) in subsection (5A) by—
      - (i) deleting paragraph (a) and
      - (ii) deleting the expression “(b) for any other case”.
  - (d) renumbering paragraph (b) and (d)

**CLAUSE 11**

**THAT**, clause 11 of the Bill be amended—

- (a) in paragraph (a) by deleting subparagraph (ii) and substituting therefore the following new subparagraph—

“(ii) by inserting the following new paragraphs immediately after paragraph (j)—

  - (k) tax upon gross rental receipts of a person chargeable to tax under section 6A shall be charged at the resident rate specified under the Third Schedule for that year of income.”;
  - (l) the transfer of interest in a person shall be charged as per provisions of the Ninth Schedule.
  - (m)tax upon the gross winnings payable by bookmakers to punters (players) shall be charged at the resident rate for that year of income.
- (b) in paragraph (b), by deleting subparagraph (ii) and inserting the following new paragraph—
  - (i) by deleting paragraph (i) and substituting therefor the following paragraph—

(m) winnings payable by bookmakers to punters (players).

**CLAUSE 12**

**THAT**, clause 12 of the Bill be amended —

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph;
  - (a) in subsection (l) by—
    - (i) deleting paragraph (j) and substituting therefor a new paragraph (j) as follows—

(j) winnings payable by bookmakers to punters (players)

- (b) in paragraph (b), by inserting the words “filming agents and filming” immediately after the words “made by” appearing in the proposed new subsection (1A);

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- (c) in paragraph (c) by deleting the proposed paragraphs and substituting thereof the following new paragraph-

(l) rent, premium, or similar consideration for use or occupation of immovable property, provided that the person making the deduction shall be appointed in writing by the Commissioner

- d) by inserting the following new item immediately after item (ii) –

(iii) by deleting paragraph (i) and substituting therefor the following new paragraph–

(i) winnings payable by bookmakers to punters (players)

- (e) by deleting item (l) in paragraph c(ii) and substituting therefor a new paragraph–

(l) rent, premium, or similar consideration for use or occupation of immovable property, provided that the person making the deduction shall be appointed in writing by the Commissioner

#### **CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended by–

- (a) deleting item (i) and substituting therefor a new item (i) as follows–

(i) the income is in respect of gains or profits for use or occupation of immovable property earned by a person, and

- (b) deleting the expression “the expenditure” appearing in subsection (3) and substituting therefor with the expression “the gross rent, premium or similar consideration for the use or occupation of immovable property”.

#### **CLAUSE 16**

**THAT**, Clause 16 be deleted and replaced therefore with the following Clause—

Amendment  
of Section  
the First  
Schedule to  
Cap 470

**16.** The First Schedule to the Income Tax Act is amended —

- (a) in paragraph 36 by—

(i) deleting the expression “thirty thousand shillings appearing in paragraph d(i) and substituting therefor the words “three million shillings”;

(ii) by deleting the expression “one hundred acres” appearing in sub-paragraph d(ii) and substituting therefor the expression “fifty acres”;

- (iii) by inserting the following proviso immediately after paragraph (f)—

Provided that where there is a court case regarding such estate the period of transfer or sale under this paragraph shall be two years from the date of the finalization of such court case.

- (b) In paragraph 46 by inserting the following words “Special Economic Zone enterprises, developers and operators licensed under the Special Economic Zone Act” after the words “venture capital company”.

- (c) by inserting the following new paragraphs immediately after paragraph 53—

54. Goods imported or purchased by local film producers or local filming

agents subject to approval by the Cabinet Secretary.

55. Services imported or procured locally for use by the film producers or filming agents certified by the Kenya Film Commission subject to approval by the Cabinet Secretary.

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**CLAUSE 17**

**THAT** Clause 17 of the Bill be amended by

- (a) deleting paragraph (b).
- (b) inserting the following new sub-clauses immediately after sub-clause (c) –
  - (d) in paragraph 7(3) by–
    - (i) deleting the expression “subparagraph (cc) or (d)” and substituting therefor the expression “subparagraph (a)”.
    - (ii) deleting the expression “subparagraph (d)” and substituting therefor with the expression “subparagraph (cc) or (d)”

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended —

- (a) by deleting paragraph (a) and substituting with the following new paragraph–

- (a) in paragraph 2, by adding the following subparagraphs immediately after subparagraph 2(f) –

- (g) (i) In the case of a company listing its shares via introduction on a securities exchange licensed by the Capital Markets Authority, twenty-five percent for the period of five years commencing immediately after the year of income following the date of such listing.

- (ii) A gain on transfer of securities traded on any securities exchange licensed by the Capital Markets Authority is not chargeable to tax under Section3(2)(f).



(h) in the case a Special Economic Zone enterprise, developer and operator, ten percent for the first ten years from date of first operation and thereafter fifteen percent for another ten years.

(a) in the second paragraph (a) by—

(i) renumbering the second paragraph (a) as (b);  
(ii) deleting the renumbered paragraph (b) and replacing it with the following new paragraph—

(b) in paragraph 3—

(i) by deleting subparagraph (m) and substituting therefor the following new subparagraph m—

(m) in the case of winnings of bookmakers, the withholding tax rate shall be seven and a half percent of the gross profit

(ii) deleting subparagraph (n)

(iii) insert the following new subparagraph after subparagraph (m)

(q) in the case of a Special Economic Zones enterprise, developer and operator in respect of payments other than dividends made to non-residents at the rate of ten percent.

(b) in paragraph (b) by—

(i) renumbering paragraph (b) as (c);

(ii) deleting the word “revenue” and substituting therefor the word “profit”

(iii) inserting the following new paragraph after paragraph (j) —

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(p) in respect of a rent, premium or similar consideration for the use or occupation of immovable property, twelve percent of the gross amount payable.

(c) by renumbering paragraph (c) as (d);

(d) by inserting the following new paragraph immediately after the renumbered new paragraph (d)—

(e) by inserting the following new paragraph immediately after paragraph 9—

“(10) The rate of tax in respect of residential rental income shall be ten percent of the gross rental receipts of a taxable resident person under section 6A”

### **NEW CLAUSE**

**THAT** the following new clause be inserted immediately after clause 20—

**Amendment  
to the First  
Schedule of  
Cap.469**

**20A.** The First Schedule to the Kenya Revenue Authority is amended in Part II by inserting a new item 13 immediately after items 12 as follows—

**13.** The National Social Security Fund Act, 2013.

### **NEW CLAUSE**

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

**Amendment  
of  
section 11 of Cap.  
491.**

**43A.** Section 11 of the Central Bank Act is amended in subsection (1)(a) by inserting the words “appointed by the President” immediately after the word “Chairperson”;

**Amendment  
of  
section 13 of Cap.  
491.**

**43B.** Section 13 of the Central Bank Act is amended in subsection (1) by deleting the word “**Parliament**” and substituting therefor the words “the National Assembly”.

## **NEW CLAUSE**

**THAT** the following new clauses be inserted immediately after clause 49—

**Amendment to Section 2  
of No.8 of 2012**

**49A.** Section 2 of the Public Service Superannuation Scheme Act is amended by deleting—

(a) the definition of the term “bond”.

(b) in the definition of the term “child” by deleting the words “twenty one” and substituting therefor the word “eighteen”.

**Amendment to Section 6  
of No.8 of 2012**

**49B.** Section 6 of the Public Superannuation Scheme Act is amended by inserting a new subsection (5) immediately after subsection (5) as follows—

(3A) The contribution specified in subsection (1) and (2) shall commence from such date as the Cabinet Secretary may, by notice in the Gazette, appoint.

**Amendment to Section  
50 of No.8 of 2012**

**49C.** Section 50 of the Public Service Superannuation Scheme Act is amended —

(a) in subsection (1)(b) by deleting the words “a bond to be known as the Government of Kenya Public Service Superannuation Bond in favour of the member” appearing at the end and substituting therefor the words with “a letter recognizing accrued benefits at the date of joining the scheme under this Act”.

(b) by deleting subsection (2)(3) and (4).

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(c) in subsection (5) by deleting the words “from the bond” appearing immediately after the word “benefit” and substituting therefor the words “under this Act”

**Amendment to Section  
60 of No.8 of 2012**

**49D.** The Public Service Superannuation Scheme Act is amended by deleting section 60 and replacing therefor the following—

**Amendment to  
the First  
Schedule of Act  
No.45 of 2013**

**60.** The First Schedule of the National Social Security Fund Act by inserting a new paragraph (3) immediately after paragraph (2) as follows.

(3) A person who is a beneficiary of a pension scheme funded out of the Consolidated Fund shall be exempt from Tier II contributions under this Act.

## **NEW CLAUSE**

**THAT** the following new clauses be inserted immediately after clause 52—

**Amendment to section 4  
of Act No.15 of 2013**

**52A.** Section 4 of the Public Private Partnership Act is amended in subsection (1) by—

(a) deleting item (b)

(b) inserting the following items immediately after item (h) as follows—

(i) the Principal Secretary in the State department for the time being responsible for transport;

(j) the Principal Secretary in the State department for the time being responsible for infrastructure;

(k) the Principal Secretary in the State department for the time being responsible for energy.

**Amendment to section 43  
of Act No.15 of 2013**

**52B.** Section 43 of the Public Private Partnership Act is amended in subsection (2) by inserting a new item (gg) immediately after item (g) as follows—

“(gg) conditions under which bidders may submit request for clarifications; and”

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**(916)**

**2. Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah), intends to move the following amendments to the Finance Bill, 2015 at the Committee Stage—**

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in the proposed new section 6A(2) of the Income Tax Act by deleting the word “rules” and substituting therefor the word “regulations”.

*(The Speaker has certified this amendment as not offending the provisions of Article 114 of the Constitution)*

**CLAUSE 27**

**THAT** clause 27 of the Bill be amended by deleting the word “Authority” and substituting therefor the words “Cabinet Secretary”.

*(The Speaker has certified this amendment as not offending the provisions of Article 114 of the Constitution)*

**II. THE COMPANIES AND INSOLVENCY LEGISLATION  
(CONSEQUENTIAL AMENDMENTS) BILL (NATIONAL  
ASSEMBLY BILL NO. 25 OF 2015)**

**Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs, intends to move the following amendments to the Companies and Insolvency Legislation (Consequential Amendments) Bill, 2015 at the Committee Stage—**

**CLAUSE 2**

**THAT**, the Bill be amended in clause 2 by deleting the words “section 845” appearing immediately after the words ““Companies Act, 2015—”” and substituting therefor the words “section 844”.

**CLAUSE 22**

**THAT**, the Bill be amended in clause 22 in the proposed section 55 (a) of the Societies Act by deleting the words “Part 16 of the First Schedule to” appearing immediately after the words “commencement of”.

**CLAUSE 30**

**THAT**, the clause 30 of the Bill be amended in the proposed section 15 (3) (b) of the Insurance (Motor Vehicle Third Party Risks) Act by inserting the words “the debt is owing” immediately after the words “to whom”.

**CLAUSE 31**

**THAT**, the Bill be amended by deleting clause 31.

**CLAUSE 32**

**THAT**, the Bill be amended in clause 32 in—

- (a) paragraph (a) by deleting the words “means a statutory auditor as defined by” and substituting therefor the words “has the meaning assigned to it under”;
- (b) paragraph (b) by deleting the words “having responsibility for public finance” and substituting therefor the words “responsible for the National Treasury”.

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**CLAUSE 38**

**THAT**, Clause 38 of the Bill be amended in the proposed section 22 of the Insurance Act by deleting paragraph (b) and substituting therefor the following paragraph—

“(b) at least one third of the controlling interest in the body (whether in terms of shares, paid up share capital or voting rights) is wholly under the control of—

- (a) citizens of a Partner State of the East African Community;
- (b) a partnership whose partners are all citizens of a Partner State of the East African Community; or
- (c) a body corporate whose shares are wholly owned by citizens of a Partner State of the East African Community or the Government, or a combination of them.”

**CLAUSE 48**

**THAT**, clause 48 of the Bill be amended in the proposed section 41 (5) of the Insurance Act by deleting the words “section 383” appearing immediately after the words “meaning of” and substituting therefor the words “section 384”.

**CLAUSE 53**

**THAT**, clause 53 of the Bill be amended in the proposed section 53 (1) (g) of the Insurance Act by deleting the words “section 383” appearing immediately after the words “meaning of” and substituting therefor the words “section 384”.

**CLAUSE 54**

**THAT**, clause 54 of the Bill be amended in the proposed section 71 (3) of the Insurance Act by deleting the words “section 166, 167, 169 and 170” appearing immediately after the words “Sections” and substituting therefore the words “165, 166, 168 and 169”.

**CLAUSE 59**

**THAT**, clause 59 of the Bill be amended in the proposed section 122 of the Insurance Act by deleting the words “section 383” appearing immediately after the words “purpose of” and substituting therefor the words “section 384”.

**CLAUSE 60**

**THAT**, clause 60 of the Bill be amended in the proposed section 123 of the Insurance Act—

- (a) in subsection (1) (b) by deleting the words “section 383” appearing immediately after the words “meaning of” and substituting therefor the words “section 384”;
- (b) in subsection (1) (c) by inserting the words “expectations of policy-holders or potential policy-holders;” immediately after the word “reasonable”.

**CLAUSE 63**

**THAT**, clause 63 of the Bill be amended in the proposed section 126 (2) of the Insurance Act by deleting the words “section 701” appearing immediately after the words “made under” and substituting therefor the words “section 697”.

**CLAUSE 65**

**THAT**, clause 65 of the Bill be amended in the proposed section 153 (2) of the Insurance Act by deleting the word “can” appearing immediately after the word “broker” and substituting therefor the words “shall be”.

**CLAUSE 73**

**THAT**, clause 73 of the Bill be amended in paragraph (a) by deleting the words “except in subsection (5),”.

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**CLAUSE 74**

**THAT**, clause 74 of the Bill be amended in the proposed section 205 (a) of the Insurance Act by deleting the words “Part 7 of the First Schedule to” appearing immediately after the words “commencement of”.

**CLAUSE 79**

**THAT**, clause 79 of the Bill be amended in the proposed section 24 of the Insurance Act by—

- (a) deleting the word “statutory” appearing immediately after the words “annually a” in subsection (1);
- (b) deleting the word “statutory” appearing immediately after the word “A” in subsection (1A).

**CLAUSE 85**

**THAT**, clause 85 of the Bill be amended in the proposed section 35B (9) of the Banking Act by deleting the words “Part 2 of the First Schedule to” appearing immediately after the words “commencement of”.

**CLAUSE 96**

**THAT**, clause 96 of the Bill be amended in the proposed section 56 (3) (a) of the Banking Act by deleting the words “Part 2 of the First Schedule to” appearing immediately after the words “commencement of”.

**CLAUSE 106**

**THAT**, clause 106 of the Bill be amended in the prefatory statement by inserting the words "subsection (2)" immediately after the word "deleting".

**CLAUSE 110**

**THAT**, clause 110 of the Bill be amended in the proposed section 65 (1) of the Co-operative Societies Act by deleting the words "registration of" appearing immediately after the words "If the".

**CLAUSE 117**

**THAT**, clause 117 of the Bill be amended in paragraph (a) by deleting the word "amended".

**CLAUSE 120**

**THAT**, clause 120 of the Bill be amended—

- (a) in the prefatory statement by deleting the word "paragraph" appearing immediately after the words "following new" and substituting therefor the word "subsection";
- (b) in the proposed section 96 (3) (a) of the Co-operative Societies Act by deleting the words "Minister under this Act before the commencement of Part 4 of the First Schedule to" appearing immediately after the words "by or to the" and substituting therefor the words "Cabinet Secretary under this Act before the commencement of".

**CLAUSE 126**

**THAT**, clause 126 of the Bill be amended in the prefatory statement by deleting the word "Depositions" appearing immediately after the word "Central" and substituting therefor the word "Depositories".

**CLAUSE 128**

**THAT**, clause 128 of the Bill be amended by deleting the words "Control Depositions" appearing immediately after the words "Section 21 of the" and substituting therefor the words "Central Depositories".

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**CLAUSE 131**

**THAT**, clause 131 of the Bill be amended by deleting the word "Depositions" appearing immediately after the word "Central" and substituting therefor the word "Depositories".

**CLAUSE 143**

**THAT**, clause 143 of the Bill be amended in the proposed section 52 (3) (a) of the Copyright Act by deleting the words "Part 5 of the Tenth Schedule to" appearing immediately after the words "commencement of".

**CLAUSE 164**

**THAT**, clause 164 of the Bill be amended in the proposed section 92 (4) (a) of the Employment Act by deleting the words "Part 6 of the First Schedule to" appearing immediately after the words "commencement of".

**CLAUSE 173**

**THAT**, clause 173 of the Bill be amended in the proposed section 33 (2) (a) of the National Payment System Act by deleting the words "Part 12 of the First Schedule to" appearing immediately after the words "commencement of".

### III. THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

1. Notice is given that the Member for Ugunja Constituency (Hon. James O.Wandayi), intends to move the following amendment to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Crisis facing the Sugar Industry in Kenya –

**THAT**, the motion be amended by deleting the full stop at the end and inserting the words, “**subject to the insertion of the following new Recommendations after Recommendation 120 on page 52:**

121. **THAT**, stiff legal action be taken against all the Managing Directors, Transport Managers, Commercial Directors, Finance Directors, National Sales Managers (sugar), Procurement Managers and other officials serving in the Board of Management of Mumias Sugar Company between 2011 and 2014 for losses incurred by the company.
122. **THAT**, disciplinary action be taken against the staff of Mumias Sugar Company who approved and paid extra invoices to some companies like Milicon's, and allowed execution of variations without first obtaining cost estimates and the approval of the Management Tender Committee of the Mumias Sugar Company.
123. **THAT**, disciplinary action be taken against the staff who failed to adhere to company policy on pricing, discounts, recruitment and management of distributors and transporters and management of inter-warehouse transfers at Mumias Sugar Company.

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124. **THAT**, all distributor and transport contracts at Mumias Sugar Company should be reviewed immediately. All distributors and transporters that do not meet the mandatory requirements as per contract should be terminated.
125. **THAT**, the Chief Executive Officer of Mumias Sugar Company takes disciplinary action against all the staff identified as being responsible for anomalies and failings in the sugar importation process; and
126. **THAT**, the Board of Mumias Sugar Company undertakes a review of their internal audit department with a view to assessing current risks and employing measures to address them.

2. Notice is given that the Member for Mumias East (Hon. Benjamin Washiali) intends to move the following amendments to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Crisis Facing the Sugar Industry in Kenya laid on the floor of the House on March 12, 2015 pursuant to Standing Order 54

**THAT**, the Motion be amended by inserting the following words:- “*subject to amendment of the Report by:*”

- (a) *deletion of Paragraph 101;*  
(b) *insertion of the following new Paragraphs immediately before Paragraph 102 (Observations of the Committee):-*

- 101A.** The key conclusion from investigations on Mumias Sugar Company's exports was that it was a ploy to defraud the Government of the realizable Value Added Tax (VAT). Neither the Management nor the Board of the Company could confirm that the sugar actually left the country.
- 101B.** Although the former Mumias Sugar Company Managing Director Dr. Evans Kidero submitted that documents proving that the consignment indeed left the country in the custody of the Company, the current Mumias Sugar Company management was at pains to prove that indeed the sugar left the country. Documents provided by the management in an attempt to prove that the sugar was indeed exported were not verifiable. The Board of Directors, through the Chairman Mr. Dan Ameyo, submitted that the Board would carry out a forensic audit on the exports, like it had done on company sugar imports, and give its findings to the Committee within six months.

*(c) deletion of Paragraph 115 (Recommendations of the Committee) and substituting therefor the following:-*

- 115.** In view of the fact that there is little evidence that Mumias Sugar Company did make any sugar exports to the regional market between 2006 and 2009, the House recommends that:
- (i) the Government recovers from the then Managing Director of Mumias Company, Dr. Evans Kidero, the lost VAT revenue amounting to Ksh 577 million which it would have realized had the Company made the exports;
  - (ii) the then Managing Director Dr. Evans Kidero takes full responsibility and be barred from holding public office since the fraudulent transactions took place during his tenure as the Chief Executive Officer; and that
  - (iii) the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations investigate the owners of all the trucks that apparently ferried the sugar from Mumias go-downs supposedly for export together with the directors of companies associated with them, namely YH Wholesalers, Paleah Stores Ltd, International Relief Services with a view to preferring charges against them if found culpable.
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The House resolved on Wednesday, February 11, 2015 as follows:-

- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- VI. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
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# NOTICE PAPER

Tentative business for

Thursday, August 27 (Afternoon), 2015

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

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday (Afternoon) August 27, 2015:-

**A. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

First Reading

**B. MOTION - THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2)BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2013)**

(The Leader of the Majority Party)

**THAT**, The Senate Amendments to the the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013) be now considered.

**C. COMMITTEE OF THE WHOLE HOUSE**

(i) The Excise Duty Bill (National Assembly Bill No. 28 of 2015)

(The Leader of the Majority Party)

(ii) The Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2014)

(The Leader of the Majority Party)

*(To commence from Clause 14)*

(iii) Consideration of Senate Amendments to the Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 33 of 2013)

(The Leader of the Majority Party)

**D. MOTION - THE REPORT ON THE RESETTLEMENT OF SQUATTERS IN MURI; MATHENGETA TUMUTUMU, RIAKANAU; DRAKE& KASEKU FARMS**

(The Chairperson, Departmental Committee on Lands)

**E. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY( 2015)**

(Leader of the Majority Party)

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

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