



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 27, 2015

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **MESSAGE REFERRAL OF THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL, 2015 BY H.E. THE PRESIDENT**

The Speaker conveyed the following Message –

“Honourable Members,

You may recall that on August 19, 2015, the National Assembly passed the Higher Education Loans Board (Amendment) Bill (*National Assembly Bill No. 09 of 2015*). Thereafter, the Bill was presented for assent to H.E. the President in accordance with the provisions of the Constitution and our Standing Orders. However, H.E. the President, by way of a Memorandum, has since referred the Bill back to the National Assembly for reconsideration, pursuant to the provisions of Article 115(1)(b) of the Constitution.

Honourable Members, H.E. the President has expressed reservations on Clauses 2, 3, 4 and 5 of the Bill and has recommended amendments to the clauses. The said clauses relate to *the proposed change of the composition of the Board, the granting of loans to students who are minors and the change of repayment mode for loanees who have not secured employment.*

Honourable Members, the Memorandum stands committed to the Departmental Committee on Education, Research and Technology for consideration. For avoidance of doubt, Standing Order 154 requires the National Assembly to consider the President's reservations within twenty one (21) days upon receipt of the Memorandum. The Committee is therefore expected to table its report on or before November 26, 2015. In considering the Memorandum, regard should be given to the guidance given in the Speaker's Communication delivered on July 28, 2015 concerning consideration of Presidential Memoranda and amendments thereto.

I wish to remind the House and the Committee that only clauses of the Bill that have reservations will be considered. I also direct the Clerk to circulate the memorandum from H. E. the President to all Members so that you can familiarize yourselves with its contents.

Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) The Teachers Service Commission (Code of Regulations for Teachers) 2015 and the Explanatory Memorandum;
- (b) The Reports of the Auditor-General on the Financial Statements of the Constituencies Development Fund for the year ended 30th June, 2014 and the certificates therein, in respect of the following Constituencies:-

- (i) Suba Constituency;
- (ii) Emuhaya Constituency;
- (iii) Bomachoge Borabu Constituency;
- (iv) Bomachoge Chache Constituency;
- (v) Kasipul Constituency;
- (vi) North Mugirango Constituency;
- (vii) South Mugirango Constituency;
- (viii) Lugari Constituency;
- (ix) Makadara Constituency;
- (x) Nyatike Constituency;
- (xi) Lagdera Constituency;
- (xii) Seme Constituency;
- (xiii) Butere Constituency;
- (xiv) Nyakach Constituency;
- (xv) Ugunja Constituency;
- (xvi) Luanda Constituency; and
- (xvii) Nyando Constituency.

(The Leader of the Majority Party)

- (c) The Report of the Departmental Committee on Health on its consideration of the Health Bill, 2015;

(Vice- Chairperson, Departmental Committee on Health)

- (d) The Report of the Departmental Committee on Energy, Communication and Information on its consideration of the Petroleum (Exploration, Development and Production) Bill, 2015;

(Chairperson, Departmental Committee on Energy, Communication and Information)

- (e) The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of H.E. the President’s Memorandum on the Excise Duty Bill, 2015

(Chairperson, Departmental Committee on Finance, Planning and Trade)

- (f) The Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Kenya Roads Bill, 2015;

(Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (g) The Report of the Constituencies Development Fund on the status of disbursement of funds for the Financial Year 2015/16 as at October 27, 2015

(Chairperson, Constituencies Development Fund)

6. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE MINING BILL NATIONAL ASSEMBLY BILL NO.9 OF 2014

Order for Motion read;

Motion made and Question proposed –

THAT, the Senate Amendments to the Mining Bill National Assembly Bill No.9 of 2014) be considered

(Hon. Chachu Ganya – 21.10.2015)

Debate on the Motion having been concluded on Wednesday, October 21, 2015 (Afternoon Sitting);

Question put and agreed to.

7. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

THE EXCISE DUTY BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2015)

Amendments recommended by H. E. the President to the Excise Duty Bill (National Assembly Bill No. 28 of 2015)

FIRST SCHEDULE

THAT, Part I of paragraph 1 of the First Schedule be amended by –

- (i) inserting the following items and the corresponding rate of excise immediately before the item on “Food supplements” as follows:-

Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	Shs. 10 per litre
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(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

Part I of Paragraph 1 of the First Schedule: Fruit juices and corresponding rate of excise duty-

THAT, the recommendation by H.E the President to insert a new item in Part I of Paragraph 1 of the First Schedule, relating to *Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter and corresponding rate of excise duty*, be deleted

(Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the further amendment proposed;

Debate arising;

PROGRESS REPORT

Motion made and Question proposed;

THAT, the Committee of the whole House do report progress on the Amendments recommended by H. E. the President to the Excise Duty Bill (National Assembly Bill No. 28 of 2015) and seeks leave to sit again tomorrow

(Hon. Patrick Musimba)

Debate arising;

Question put agreed to.

8. **HOUSE RESUMED** - the Speaker in the Chair

PROGRESS REPORTED

Motion made and Question proposed;

THAT, the House do agree with the Committee in the said report

Question put agreed to.

9. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015) be now read a Second Time

(The Leader of the Majority Party 22.10.2015)

Debate interrupted on Thursday, October 22, 2015 resumed;

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 28, 2015 at 9.30 a.m.

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