



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**SUPPLEMENTARY ORDER PAPER**

**AFTERNOON SITTING**

**WEDNESDAY, AUGUST 06, 2025 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **MOTION – REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL AUDITS) (NO. 2) REGULATIONS, 2025, LEGAL NOTICE NO. 71 OF 2025**  
(The Chairperson, Select Committee on Delegated Legislation)

**THAT**, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No. 71 of 2025, laid on the Table of the Senate on Wednesday, 6<sup>th</sup> August, 2025; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to **annul**, the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No. 71 of 2025.

9. **MOTION - REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM A STATEMENT SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP**  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

...../Motions

**THAT**, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1<sup>st</sup> October, 2024.

*(Resumption of debate interrupted on Tuesday, 5<sup>th</sup> August, 2025)  
(Question to be Put)*

10. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS TO TAITA TAVETA, MOMBASA AND KWALE COUNTIES**

(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Report of the Standing Committee on Health on the County Oversight and Networking Engagements to Taita Taveta, Mombasa and Kwale Counties, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

*(Resumption of debate interrupted on Tuesday, 5<sup>th</sup> August, 2025)  
(Question to be Put)*

11. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE INSPECTION TOUR OF HEALTH FACILITIES IN WEST POKOT, TRANS NZOIA AND TURKANA COUNTIES**

(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Report of the Standing Committee on Health on the inspection tour of health facilities in West Pokot, Trans Nzoia and Turkana Counties, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

*(Resumption of debate interrupted on Wednesday, 6<sup>th</sup> August, 2025  
– Morning Sitting)  
(Question to be Put)*

12. **\*\*\*THE TECHNOLIS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2024)**

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday 30<sup>th</sup> July, 2025 –  
Afternoon Sitting)  
(Division)*

13. **\*THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)**

(Sen. Catherine Mumma, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday 30<sup>th</sup> July, 2025 –  
Afternoon Sitting)  
(Division)*

14. **COMMITTEE OF THE WHOLE**

**\*THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

(Sen. Eddy Oketch, MP)

*(Resumption of debate interrupted on Thursday, 31<sup>st</sup> July, 2025)  
(Division)*

15. COMMITTEE OF THE WHOLE

**\*\*\*\*THE BUSINESS LAW (AMENDMENT) BILL (SENATE BILLS. NO. 51 OF 2024)**

(The Senate Majority Leader)

*(Resumption of debate interrupted on Thursday, 31<sup>st</sup> July, 2025)  
(Division)*

16. COMMITTEE OF THE WHOLE

**\*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

*(Resumption of debate interrupted on Thursday, 31<sup>st</sup> July, 2025)  
(Division)*

17. COMMITTEE OF THE WHOLE

**\*\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

*(Resumption of debate interrupted on Thursday, 31<sup>st</sup> July, 2025)  
(Division)*

18. COMMITTEE OF THE WHOLE

**\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**

(Sen. Esther Anyieni Okenyuri, MP)

*(Resumption of debate interrupted on Thursday, 31<sup>st</sup> July, 2025)  
(Division)*

19. COMMITTEE OF THE WHOLE

**\*\*\*THE COOPERATIVES BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2024)**

(The Senate Majority Leader)

20. COMMITTEE OF THE WHOLE

**\*THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)**

(Sen. Joyce Korir, MP)

21. COMMITTEE OF THE WHOLE

**\*THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL (SENATE BILLS NO. 42 OF 2024)**

(Sen. Tabitha Mutinda, MP)

22. **MOTION - PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON AN INQUIRY INTO THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

...../Motions

**THAT**, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on an inquiry into the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3<sup>rd</sup> October, 2024.

23. **MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN WAJIR COUNTY**

(The Chairperson, Standing Committee on Energy)

**THAT**, the Senate adopts the Report of the Standing Committee on Energy on the County Oversight and Networking Engagements in Wajir County laid on the table of the Senate on Thursday, 17<sup>th</sup> April, 2025.

24. **MOTION - REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON IMPLEMENTATION OF THE SENATE RESOLUTION ON THE CURRENT STATE OF THE NATION MADE ON WEDNESDAY, 24<sup>TH</sup> JULY, 2024**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

**THAT**, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on implementation of the Senate Resolution on the Current State of the Nation made on Wednesday, 24<sup>th</sup> July, 2024, laid on the Table of the Senate on Tuesday, 3<sup>rd</sup> June, 2025.

25. **\*THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL (SENATE BILLS NO. 43 OF 2024)**

(Sen. Fatuma Dullo, MP)

*(Second Reading)*

26. **\*\*\*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO. 4) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2024)**

(The Senate Majority Leader)

*(Second Reading)*

27. **\*THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT) BILL (SENATE BILLS NO. 47 OF 2024)**

(Sen. David Wafula Wakoli, MP)

*(Second Reading)*

-----

**KEY**

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

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

**\*\* - Denotes a Committee Bill**

**\*- Denotes any other Bill**

**-----XXX-----**

**NOTICE OF AMENDMENTS**

**A. \*THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**  
(Sen. Eddy Oketch, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialisation intends to move the following amendments to the Creative Economy Support Bill, 2024 (Senate Bills No. 30 of 2024) at the Committee Stage—

**CLAUSE 3**

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

- (a) in the introductory clause by deleting the words “and each county government” appearing immediately after the words “National Government”;
- (b) in the marginal note by inserting the word, “national” immediately after the words “Obligations of”.
- (c) by inserting the following new clause immediately after clause 3 —

Obligations of county governments. **3A.** A county government shall—

- (a) include the development of the creative industry in the County Integrated Development Plans for purposes of planning and resource allocation;
- (b) undertake regular consultation with the creative community in the county on areas of mutual cooperation; and
- (c) introduce monitoring and evaluation frameworks to assess the effectiveness of county level initiatives in supporting the creative sector.

**CLAUSE 4**

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

- (a) deleting the words “ persons in the creative industry may publish” appearing immediately after the words “online platform” and substituting therefor the words “information on incentives, opportunities,”;
- (b) inserting the words “shall be published” immediately after the words “affairs in the creative industry”; and
- (c) inserting the following new clause immediately after clause 4 –

...../Notice of Amendments

Data Protection. Cap. 411C.	<b>4A.</b> The Cabinet Secretary shall ensure that the provisions of the Data Protection Act are observed in the processing and handling of sensitive personal data of creatives on the online platform.
--------------------------------	--

## **CLAUSE 6**

**THAT** clause 6 of the Bill be amended —

- (a) by deleting the word “Guild” appearing immediately after the words “Creative Industry” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Creative Industry” and substituting therefor the word “Council”.

## **CLAUSE 7**

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

- (a) in the introductory clause by deleting the word “Guild” appearing immediately after the word “The” and substituting therefor the word “Council”;
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “of the” and substituting therefor the word “Council”;
- (c) by inserting the following new paragraph immediately after paragraph (f) –
  - (fa) develop and publish industry standards on royalty computation, royalty collection and royalty distribution.
- (d) in paragraph (l) by deleting the word “guild” appearing immediately after the words “members of the” and substituting therefor the word “Council”.

## **CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting subclause 1 and substituting therefor the following subclause–

Board of the Council	8.(1) The Council shall be governed by an incorporated Advisory Board which shall consist of— <ul style="list-style-type: none"><li>(a) the Principal Secretary for matters relating to trade and industrialisation or a representative designated in writing;</li></ul>
----------------------	--

- (b) the Principal Secretary for matters relating to the creative economy or a representative designated in writing by the Principal Secretary;
- (c) the Principal Secretary for matters relating to information and technology or a representative designated in writing by the Principal Secretary;
- (d) one person representing industry players in the film industry including resellers, distributors, vendors and manufacturers of filming and photography equipment
- (e) one person representing industry players in the music and dance industry;
- (f) one person representing industry players in the fashion industry;
- (g) one person representing industry players in the literary and visual arts industry;
- (h) an Advocate of the High Court of Kenya nominated by the Law Society of Kenya; and
- (i) one person being a public officer nominated by the Cabinet Secretary who shall be Secretary to the Board.

#### **CLAUSE 11**

**THAT** clause 11 of the Bill be amended in paragraph (d) by deleting the word “Guild” appearing immediately after the words “meetings of the” and substituting therefor the word “Council”.

#### **CLAUSE 14**

**THAT** clause 14 of the Bill be amended in paragraph (h) by deleting the words “a data base” appearing immediately after the words “maintain” and substituting therefor the words “a manual and digital database”.

#### **CLAUSE 15**

**THAT** clause 15 of the Bill be amended by deleting the word “Guild” appearing immediately after the words “Membership to the” and substituting therefor the word “Council”.

#### **CLAUSE 16**

**THAT** clause 16 of the Bill be amended –

...../Notice of Amendments



- (a) in subclause (1) by deleting the word “Guild” appearing immediately after the words “member of the” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Application to the” and substituting therefor the word “Council”.

**CLAUSE 17**

**THAT** clause 17 be amended in the marginal note by deleting the word “the Guild” appearing immediately after the words “Roll of ” and substituting therefor the word “Roll of creatives”.

**CLAUSE 18**

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

- (a) by deleting the words “The Guild” appearing at the beginning of the clause and substituting therefor the words “The Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Decentralization of the” and substituting therefor the word “Council”.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended—

- (a) in the introductory clause by—
  - (i) deleting the words “The Guild shall,” appearing at the beginning of the clause and substituting therefor the words “The Council shall”
  - (ii) deleting the words “and shall, for this purpose” appearing immediately after the words “the creative industry” and substituting therefor the words “which shall include”;
- (b) in paragraph (d), by inserting the following words, “that are aligned with county-specific needs and opportunities, ensuring that creatives across all counties can access support” after the words “and development activities”;
- (c) by inserting the following new clause immediately after clause 19—

Incentives for persons with disabilities.	<b>19A.</b> (a) The Council shall in collaboration with county governments ensure equitable access to incentives for creatives for persons with disabilities.
--	---

**CLAUSE 21**

**THAT** clause 21 be amended by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Regulations developed under subsection (1) shall—

- (a) ensure that a person is eligible for a grant from the fund if that person has not benefitted from any other financial support scheme by the National or county government;
- (b) prescribe the nature of financial support in paragraph (a) that will preclude a person from benefitting from the fund; and
- (c) provide for a criteria for disclosure and due diligence in establishing that a person has not benefitted from any other financial support by the National or county governments.

**CLAUSE 22**

**THAT** clause 22 be amended in subclause (3)—

(a) by inserting the following new paragraph immediately after paragraph (b).

(ba) collaborate with county governments to ensure that creatives in all counties have equitable access to financial support;

(b) by deleting the words “mechanism for” appearing at the beginning of paragraph

(d) and substituting therefor the words “mechanisms for”.

**CLAUSE 23**

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

(a) by deleting the words “The Guild” appearing at the beginning of the clause and substituting therefor the words “The Council”; and

(b) in paragraph by (h) deleting the word “Guild” appearing immediately after the words “information as the” and substituting therefor the word “Council”.

**CLAUSE 24**

**THAT** clause 24 be amended by deleting the entire clause and substituting it therefor the following clause—

Application for grant or revocation of patents.      **24.** The Council shall provide technical support to creative artists which shall include –

- (a) application for registration, grant, revocation and institution of legal action for infringement of intellectual property rights; and
- (b) filing and registration of intellectual property pursuant to international instruments.

**CLAUSE 26**

**THAT** the Bill be amended by deleting clause 26 and substituting therefor the following clause—

Scope of incentives.      **26.** (1) The incentives and benefits under this Part shall only be made available to members of the Council whose names have been entered into the roll of creatives.

(2) The Council shall in collaboration with county governments ensure that creative artists in remote and underserved areas whose names have been entered into the roll of creatives access the incentives.

**CLAUSE 27**

**THAT** clause 27 be amended in subclause (2) by –

- (a) deleting the word “Guild” appearing immediately after the words “from the” and substituting therefor the word “Council” in paragraph (j);
- (b) deleting the word “and” appearing immediately after the words “measures of creatives” in paragraph (l); and
- (c) inserting the following new paragraphs immediately after paragraph (l) —

...../Notice of Amendments

- (la) on industrial standards in the sub-sectors represented in section 8;
- (lb) on industrial standards for royalty computation, collection and distribution;
- (lc) on intellectual property protection of creative work from institutions and communities;
- (ld) on the procedure and criteria for nomination of industry representatives in the board of the council.

**CLAUSE 2**

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

- (a) deleting the word “Guild” in the definition of the word “Board” and substituting therefor the word “Council”
- (b) deleting the definition of the word “Guild” and substituting therefor the following new definition -
  - “Council” means the Creative Industry Council established under section 6;

**B. \*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL**  
**(SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Education intends to move the following amendments to the Early Childhood Education Bill (Senate Bills No. 54 of 2023), at the Committee Stage—

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting the proposed subsection (2A) and substituting therefor the following new subsection —

(2A) A County Government shall take into account the following factors when determining the remuneration payable to an early childhood education teacher —

- (a) the minimum rate advised by the Salaries and Remuneration Commission;
- (b) minimum wage;
- (c) the qualification of individual teachers; and
- (d) any other relevant factor.

...../Notice of Amendments

**C. \*THE LOCAL CONTENT (AMENDMENT) BILL, 2023 (SENATE BILL NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

**NOTICE** is given that the Chairperson, Standing Committee on Energy, intends to move the following amendments to the Local Content (Amendment) Bill (Senate Bill No. 50 of 2023), at the Committee Stage—

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in paragraph (b) by —

- (a) deleting subparagraph (iii);
- (b) deleting the words “and implementation” in subparagraph (iv) appearing immediately after the words “the development; and
- (c) deleting subparagraph (v) and substituting therefor the following new subparagraph—
  - (v) provision of guidelines to ensure local content activities shall include the participation of local persons at a quota of not less than thirty percent.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in subclause (1) by —

- (a) inserting the word “relevant” immediately after the words “advise the” in paragraph (b); and
- (b) inserting the word “relevant” immediately after the words “recommendations to the” in paragraph (c).

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in paragraph (a) by deleting the word “six” appearing immediately after the words “period of” and substituting therefor the word “twelve”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended in subclause (1) by —

**...../Notice of Amendments**

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) a chairperson who shall be competitively recruited by the Public Service Commission and appointed by the President by notice in the *Gazette*.

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

(c) the Principal Secretary responsible for matters relating to mining or a representative designated in writing;

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

(f) one person nominated by players in the oil and gas industry in such a manner as the Cabinet Secretary responsible for matters related to oil and gas shall determine;

(fa) one person nominated by players in the mining industry in such a manner as the Cabinet Secretary responsible for matters related to mining shall determine;

(d) deleting subclause (2) and substituting therefor the following new subclause—

(2) The persons nominated under subclause (1)(f) and (fa) shall be appointed by the relevant Cabinet Secretary by notice in the *Gazette*.

(e) deleting subclause (3) and substituting therefor the following subclause—

(1) There shall be paid to the members of the Committee such allowances as the Cabinet Secretaries responsible for matters related to petroleum, oil and mining may, in consultation with the Salaries and Remuneration Commission, determine.

## **CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (1) by —

(a) inserting the word “relevant” in paragraph (e) immediately after the words “addressed to the”; and

(b) inserting the word “relevant” in paragraph (f) immediately after the words “office by the”.

**...../Notice of Amendments**

**CLAUSE 19**

THAT clause 19 of the Bill be amended by deleting clause 19 and substituting therefor the following new clause—

Secretariat. **19.** (1) The relevant Cabinet Secretaries responsible for matters related to the extractive industry shall designate an appropriate administrative unit that includes representation from each of their respective Ministries to serve as the Secretariat of the Committee.

(2) The Secretariat shall consist of —

(a) a director, who shall be competitively recruited and appointed by the Public Service Commission.

(b) such other public officers from each relevant Ministry responsible for matters related to the extractive industry as the Cabinet Secretaries shall, in consultation with the Committee, designate for the proper performance of the functions of the Secretariat under this Act.

(3) Without prejudice to subsection (2), a person is qualified to be appointed as a director, if that person—

(a) is a citizen of Kenya;

(b) holds a degree in matters related to oil, gas and mining from a university recognized in Kenya;

(c) has had at least ten years proven experience at management level; and

(d) meets the requirements of Chapter Six of the Constitution.

(2) Director shall hold office for a term of four years, renewable for one further term.

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended in subclause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in subclause (5) by inserting the word “relevant” in paragraph (f) immediately after the words “plans as the”.

*...../Notice of Amendments*



**CLAUSE 24**

**THAT** clause 24 of the Bill be amended by deleting the introductory clause of subclause (1) and substituting therefor the following new introductory clause—

- (1) The Committee shall prescribe rules on local content certification and in doing shall—

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended in subclause (2) by inserting the word “relevant” in paragraph (c) immediately after the words “prescribed by the”.

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended in —

- (a) subclause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”; and
- (b) subclause (2) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended in the introductory clause by inserting the word “relevant” immediately before the words “Cabinet Secretary shall”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended in -

- (a) subclause (1) by inserting the word “relevant” immediately after the words “operator as the”;
- (b) subclause (3) by inserting the words “relevant” immediately after the words “in consultation with the”.

**CLAUSE 43**

**THAT** clause 43 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause –

...../Notice of Amendments

- (2) Despite subsection (1), where the goods or services required in relation to an extractive activity are not available locally, the relevant Cabinet Secretary may, subject to such conditions as the relevant Cabinet Secretary may impose, authorise the continued importation of the required goods or service.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended in —

- (a) subclause (2) by inserting the word “relevant” immediately after the words “consultation with the”; and
- (b) subclause (3) by inserting the word “relevant” immediately after the words “prescribed by the”.

**CLAUSE 45**

**THAT** clause 45 of the Bill be amended in subclause (1) by inserting the word “relevant” immediately after the words “provisions of this Act, the”.

**CLAUSE 47**

**THAT** clause 47 of the Bill be amended by —

- (a) deleting subclause (2) and substituting therefor the following new subclause—
- (2) An operator shall annually remit a tax-deductible training levy consisting of such percentage of its net revenues as the relevant Cabinet Secretary may, in consultation with the Committee, prescribe to the Fund in support of the objectives of this Act.
- (b) by deleting subclause (3) and substituting therefor the following new subclause—
- (3) The Cabinet Secretary responsible for matters relating to mining shall, in consultation with the Cabinet Secretary responsible for matters relating to oil, gas and other petroleum resources and the Committee, prescribe in regulations under the Act the manner in which the Fund shall be operated and applied.

**CLAUSE 48**

**THAT** clause 48 of the Bill be amended in subclause (5) by inserting the word “relevant” immediately after the words “approval of the”.

**...../Notice of Amendments**

**CLAUSE 50**

**THAT** clause 50 of the Bill be amended in —

- (a) subclause (2) by inserting the word “relevant” immediately after the words “submit to the”;
- (b) subclause (3) by inserting the word “relevant” immediately after the words “submit to the”.

**CLAUSE 52**

**THAT** clause 52 of the Bill be amended in clause (1) by inserting the word “relevant” immediately after the words “make recommendations”.

**CLAUSE 53**

**THAT** clause 53 of the Bill be amended in clause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

**CLAUSE 56**

**THAT** clause 56 of the Bill be amended by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

**CLAUSE 57**

**THAT** clause 57 of the Bill be amended —

- (a) by deleting subclause (1) and substituting therefor the following subclause—
  - (1) The Cabinet Secretary responsible for matters relating to mining shall, in consultation with the Cabinet Secretary responsible for matters relating to oil, gas, and other petroleum resources and the Committee, make regulations generally for the better carrying out of the provisions of this Act.
- (b) in subclause (2) by deleting the word “Secretary” appearing immediately after the words “the Cabinet” and substituting therefor the word “Secretaries”.

...../Notice of Amendments

## NEW CLAUSES

### CLAUSES 20A TO 20C

**THAT** the Bill be amended by inserting the following clauses immediately after clause 20—

General  
fund.

**20A.** (1) There shall be a general fund of the Committee which shall vest in the Committee.

(2) There shall be paid into the general fund—

- (a) such monies or assets as may accrue to or vest in the Committee in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) annual contributions from the ministries responsible for matters related to the extractive industry,
- (c) all monies from any other source provided for or donated or lent to the Committee.

Annual  
estimates.

**20B** (1) At least three months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee for that year.

(2) The Committee shall approve the annual estimates before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Authority shall not increase the annual estimates without the consent of the Cabinet Secretary.

Accounts  
and audit.

**20C** (1) The Committee shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Committee.

...../Notice of Amendments

(2) Within a period of three months from the end of each financial year, the Committee shall submit to the Auditor-General the accounts of the Committee together with—

(a) a statement of the income and expenditure of the Committee during that year; and

(b) a statement of the assets and liabilities of the Committee on the last day of that year.

Cap. 412A.

(3) The annual accounts of the Committee shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Financial Management Act.

**THAT** the Bill is amended by inserting the following new clauses immediately after clause 58—

#### **CLAUSE 59 TO 61**

**THAT** the Bill is amended by inserting the following new clauses immediately after clause 58.

Amendment to Cap.306.

**59.** The Mining Act is amended by—

- (a) repealing Section 46;
- (b) repealing Section 47;
- (c) repealing Section 49; and
- (d) repealing Section 50.

Amendment to Cap.308.

**60.** The Petroleum Act is amended by deleting Part VI.

Amendment to Cap.314.

**61.** The Energy Act is amended by—

- (a) in Section 10 by repealing paragraph (ee);
- (b) repealing Section 206; and
- (c) repealing Section 207.

#### **CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition—

...../Notice of Amendments

“Cabinet Secretary means either the Cabinet Secretary responsible for matters relating to oil, gas and other petroleum resources or the Cabinet Secretary responsible for matters relating to mining as the case may be”

**LONG TITLE**

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

**A Bill for**

**AN ACT of Parliament to provide for a framework to facilitate the local ownership, control, and financing of activities connected with the exploitation of gas, oil, other petroleum resources, and mineral resources; to provide a framework to increase local value capture along the value chain in the exploration of gas, oil, other petroleum resources, and minerals; and for connected purposes.**

**...../Notice of Amendments**

**D. \*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL**  
**(SENATE BILLS NO. 41 OF 2023)**

(Sen. Esther Anyieni Okenyuri, MP)

**NOTICE** is given that the Chairperson Standing Committee on Trade, Industrialization and Tourism intends to move the following amendments to the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 41 of 2023) at the Committee Stage—

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended —

(a) in subclause (1) by –

- (i) deleting paragraph (a);
- (ii) deleting the words “the minimum standards” appearing immediately after the words “relevant stakeholders, the” in paragraph (b) and substituting therefor the words “national guidelines”;
- (iii) deleting paragraph (c);
- (iv) deleting paragraph (d); and
- (v) inserting the words “and taking into consideration universal design principles” immediately after the words “street vending” in paragraph (e).

(b) in subclause (2) by –

- (i) inserting the word “and” immediately after the words “delegate to the unit;” in paragraph (a);
- (ii) deleting the words “the unit and;” appearing immediately after the words “to serve in” and substituting therefor the words “the unit.” in paragraph (b); and
- (iii) deleting paragraph (c).

**CLAUSE**

**THAT** clause 5 of the Bill be amended in subclause (1) by deleting the word “county” appearing immediately after the words “notice in the”.

**...../Notice of Amendments**

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (2) by deleting the word “county” appearing immediately after the words “in the”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause —

- (2) The county executive committee member shall —
- (a) not designate a market as a no-vending zone; and
  - (b) in designating a no-vending zone consider existing businesses in the zone.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in the marginal note by inserting the word “vending” appearing immediately after word “unauthorised”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph –

- (b) maintain a register of vending zones within the county.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended in subclause (2) by deleting the word “security,” appearing immediately after the words “limited to”.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in subclause (5) by deleting the words “including water, lighting, security and waste disposal facilities” appearing immediately after the words “essential facilities”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in paragraph (a) by deleting the word “enact” appearing at the beginning of the paragraph and substituting therefor the word “formulate”.

...../Notice of Amendments



**CLAUSE 15**

**THAT** clause 15 of the Bill be amended –

- (a) in subclause (2) by inserting the words “including street vendors with disabilities” immediately after the words “vendors in the county” in paragraph (b);
- (b) by deleting subclause (3);
- (c) in subclause (4) by deleting the words “to regulate inter-county mobility trade” appearing immediately after the words “registration of foreigners”;
- (d) by inserting the following new subclause immediately after subclause (4) —

(4A) The Cabinet Secretary shall in formulating regulations under subclause (4) adhere to treaties and conventions ratified by Kenya pursuant to Article 2(6) of the Constitution.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (1) by deleting the words “with the respective county executive committee member” appearing immediately after the words “registered as a street vendor”.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended in subclause (5) by inserting the following new paragraph after paragraph (f) —

- (fa) disability registration details for a street vendor with disability;

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended –

- (a) by inserting the following new subclause immediately after subclause (3);

(3A) A street vendor aggrieved by the decision of the county government in subclause (3) may apply to the county government for a review of the decision.

- (b) in subclause (4) by deleting the words “relevant county tribunal” appearing immediately after the words “may appeal to the” and substituting therefor the words “appeals committee.”; and

**...../Notice of Amendments**

(c) inserting the following new subclause immediately after subclause (4)—

(4A) A vendor who is further aggrieved by the decision of the county tribunal under this section may seek judicial review of the committee’s decision.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in subclause (2) by inserting the words “responsible for public health” immediately after the words “county executive committee member”.

**CLAUSE 24**

**THAT** clause 24 be amended by deleting subclause (1) and substituting therefor the following subclause —

(1) Every street vendor has the right within a vending zone and adjacent areas as may be determined by the county executive member, to access essential facilities of reasonable quality including but not limited to lighting and accessible sanitation and parking facilities.

**CLAUSE 31**

**THAT** the Bill be amended in clause 31 by deleting the words “one hundred thousand shillings” appearing immediately after the words “fine not exceeding” and substituting therefor the words “fifty thousand shillings”.

**SCHEDULE**

**THAT** the Schedule be amended in paragraph (1) by inserting the following new sub-paragraph immediately after sub-paragraph (c);

(ca) be prepared pursuant to National and county planning laws;

**...../Notice of Amendments**

**E. \*THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)**

(Sen. Joyce Korir, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the County Library Services Bill (Senate Bills No. 40 of 2024) at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting paragraph (d).

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

(f) approve and integrate the county libraries annual work plan into the county integrated development plans.

**CLAUSE 5**

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

**CLAUSE 6**

**THAT** the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

Establishment 6. A county government shall establish a county directorate of of a county library services within its county public service.  
directorate of  
library  
services.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by deleting—

- (a) the words “The Committee” appearing in the introductory phrase and substituting therefor the words “A county directorate of library services”;
- (b) the words “school-going children” appearing at the end of paragraph (l) and substituting therefor the words “members of the public”;
- (c) the words “disadvantaged persons within the society” appearing at the end of paragraph (n) and substituting therefor the words “persons with disabilities”;

**...../Notice of Amendments**

- (d) the marginal note and substituting therefor the words —  
Functions of a county directorate of library services.

**CLAUSE 8**

**THAT** the Bill be amended by deleting clause 8.

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9.

**CLAUSE 11**

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

- (a) by deleting the words “the committee” appearing in the introductory phrase and substituting therefor the words “a county directorate of library services”;
- (b) by inserting the following new paragraph immediately after paragraph (b)—
- (c) offer technical support to libraries recognized under paragraphs (a) and (b).

**CLAUSE 12**

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

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended-

- (a) in subclause (1) by deleting the words “in consultation with the committee” appearing immediately after the word “member”;
- (b) in subclause (2) by—
- (i) deleting the word “section” appearing immediately after the words “generality of” and substituting therefor the word “subsection”; and
- (ii) inserting the following new paragraph immediately after paragraph (b)—
- (c) provision of technical support to libraries recognized under this Act.

**SCHEDULE**

**THAT** Bill be amended by deleting the schedule

*...../Notice of Amendments*

## **CLAUSE 2**

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

(a) in the definition of the term “book” by inserting the following paragraph immediately after paragraph (d)—

(e) journals and other electronic resources that can be accessed digitally;

(a) deleting the definition of the term “committee”;

(b) deleting the definition of the term “library” and substituting therefor the following new definition—

“library” means an organised collection of printed and digital information resources, books, periodicals or any graphic or audio-visual material to which a member of the public has access free of charge or on payment of fees or by virtue of being a member of an organisation or institution;

(c) inserting the following new definitions in their correct alphabetical order—

"county directorate of library services" means the county directorate of library services established under section 6;

“national library service” means a repository and access point for print, audio, audio-visual, braille and digital materials and documents in braille that serve as the pre-eminent repository of information for the country and as the official national depository for printed works, a general public access library, information and bibliographic centre;

## **LONG TITLE**

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

AN ACT of Parliament to provide for the establishment of county libraries and county directorate of library services in each county; the functions and powers of each county directorate of library services; and for connected purposes

...../Notice of Amendments

**F. \*THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL  
(SENATE BILLS NO. 42 OF 2024)**

(Sen. Tabitha Mutinda, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024), at the Committee Stage—

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended in subclause (1) by—

(a) deleting (d) and substituting therefor the following new paragraph —

(d) market viability;

(b) deleting paragraph (e).

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subclause (2) by—

(a) deleting the word “and” appearing immediately after the words “certificate of registration in paragraph (a);”

(b) inserting the following new paragraph immediately after paragraph (a)—  
(aa) in the name of the private employment agency and shall not be transferable to any other person or entity.

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(4) A person who provides false or misleading information in relation to the matters specified in subsection (1) commits an offence and is 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 26**

**THAT** clause 26 of the Bill be amended by deleting the word “may” appearing immediately after the words “The Authority” and substituting therefor the word “shall”.

...../Notice of Amendments

**CLAUSE 43**

**THAT** clause 43 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “national government” and substituting therefor the word “shall”.

**CLAUSE 49**

**THAT** clause 49 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (o) —

(oa) reintegration services and programs including recognition of skills and qualifications acquired abroad.

...../Notice of Amendments

**G. \*\*\*THE COOPERATIVES BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2024)**

(The Senate Majority Leader)

**NOTICE** is given that the, Chairperson, Standing Committee on Trade, Tourism and Industrialisation intends to move the following amendments to the Cooperatives Bill, 2024 (National Assembly Bills No. 7 of 2024) at the Committee stage—

**CLAUSE 4**

**THAT** the Bill be amended by deleting paragraph 4 (a) (iii) and substituting therefor the following new paragraph—

(iii) member economic participation;

**CLAUSE 5**

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

Application.      **5.** (1) This Act shall apply to all cooperatives in Kenya.

(2) The Office of the Commissioner established under section 6, shall register—

- (a) an intercounty primary cooperative;
- (b) an intercounty secondary cooperative,
- (c) a Cooperative Federation and
- (d) an Apex Cooperative.

(3) The office of the county commissioner of cooperatives in the respective county, shall register—

- (a) an intracounty primary cooperative; and
- (b) an intracounty secondary cooperative.

(4) A cooperative that is registered under the Sacco Societies Act shall —

- (a) comply with subsection (2) of (3) respectively; and
- (b) conduct business, be licensed, be regulated and be supervised by the Sacco Societies Act.

**...../Notice of Amendments**



(5) This Act shall apply in any case where there is any inconsistency on any matter between this Act and any other legislation.

Cap 490B.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by renumbering the existing provision as subclause (1) and inserting the following new subclause—

(2) The technical officers appointed under subsection (1) shall have relevant academic qualifications in cooperative management and practice and comply with Chapter Six of the Constitution.

**CLAUSE 8**

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

(a) deleting subclause (1) and substituting therefor the following new subclauses—

(1) Three months prior to a vacancy arising in the position of the Commissioner, the Public Service Commission shall invite applications from persons who qualify for appointment to the office of the Commissioner for Cooperative Development through advertisement in at least two daily newspapers of nationwide circulation.

(1A) The Public Service Commission shall, within six months of a vacancy arising in the position of the Commissioner, fill the vacancy through a competitive recruitment process.

(b) deleting subclause (2) and substituting therefor the following new clause—

(2) A person is not qualified for appointment as a Commissioner, unless the person has—

(a) a bachelor's degree in cooperative management, cooperative business or other related fields;

...../Notice of Amendments

- (b) a minimum of twenty years' experience in senior management in the Public Service, ten of which should be in the cooperative sector in a position not lower than county commissioner of cooperatives; and
- (c) meets the requirements of Chapter six of the Constitution.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in subclause (2) –

- (i) by deleting the words “register all cooperatives in Kenya” appearing at the beginning of paragraph (c);
- (ii) by inserting the words “intercounty primary cooperatives, intercounty secondary cooperatives” immediately after the words “registration of” appearing in paragraph (d);
- (iii) by deleting paragraph (e) and substituting therefor the following new paragraph—
  - (e) establish an integrated cooperatives management information system;
- (iv) in paragraph (f)—
  - (i) by deleting the word “federations” appearing immediately after the words inserting the words “affairs of” appearing in paragraph (f)” and substituting therefor the words “an intercounty primary cooperative, an intercounty secondary cooperative, a cooperative federation” ;
  - (ii) by inserting the following new paragraphs immediately after paragraph (f)—
    - (fa) enforce remedial measures against non-compliant intercounty primary cooperative, intercounty secondary cooperative, cooperative federations and the Apex Cooperatives and, where necessary, recommend inquiries into the affairs of the cooperatives;
    - (fb) where appropriate, petition the High Court for the liquidation of intercounty primary, intercounty secondary, cooperative federations and the Apex Cooperatives in accordance to the provisions of this Act;

**...../Notice of Amendments**

- (v) by deleting the words “governments” appearing immediately after the words “building for cooperatives” appearing in paragraph (g) and substituting therefor the words “Commissioners of Cooperatives, relevant board of directors and relevant chief executive officers”;
- (vi) by deleting paragraph (i);
- (vii) in paragraph (j) by inserting the words “verified and certified by the National Audit Director or the County Audit Director as the case may be” appearing immediately after the words “audited financial statements”;
- (viii) by inserting the following paragraphs immediately after paragraph (n)—
  - (na) in collaboration with county commissioners of cooperatives conduct public awareness campaigns on cooperatives;
  - (nb) supervise the elections of an interprimary cooperative, intersecondary cooperative, cooperative federation and the apex cooperative;

#### **CLAUSE 10**

**THAT** clause 10 of the Bill be amended by renumbering the existing provision as subclause (1) and inserting the following new subclause—

- (2) The Commissioner shall prepare and submit an annual report on the performance of all cooperatives to Parliament and the Cabinet Secretary within six months after the end of the financial year.
- (3) The report shall contain the following information—
  - (a) the number if any of cooperatives registered and deregistered;
  - (b) the number if any of inspections and inquiries carried out;
  - (c) the number if any of board of directors found liable under the Act;
  - (d) the number if any of cooperatives that at risk of liquidation or have been liquidated;

**...../Notice of Amendments**

**CLAUSE 11**

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

- (a) in subclause (1) by deleting the word “Director” appearing immediately after the word “Office of the County” and substituting therefor the word “Commissioner”;
- (b) in subclause (2) by deleting the word “Director” appearing immediately after the word “Office of the County” and substituting therefor the word “Commissioner”;

**CLAUSE 12**

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

- (a) in subclause (1) by deleting the word “Director” appearing immediately after the word “Office of County” and substituting therefor the word “Commissioner”;
- (b) in subclause (2) by inserting the words “and shall comply with Chapter Six of the Constitution” immediately after the words “in cooperative management and practice,”

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by –

- (a) deleting the word “Director” appearing after the words “the County” in the marginal note and substituting therefor the word “Commissioner”;
- (b) deleting subclause (1) and substituting therefor the following new subclauses—

(1) Three months prior to a vacancy arising in the position of the County Commissioner for Cooperatives, the County Public Service Board shall invite applications from persons who qualify for appointment to the office of the County Commissioner for Cooperatives through advertisement in at least two daily newspapers of nationwide circulation.

(1A) The County Public Service Board shall, within six months of a vacancy arising in the position of the the County Commissioner for Cooperatives, fill the vacancy through a competitive recruitment process.

**...../Notice of Amendments**

(c) deleting subclause (2) and substituting therefor the following new clause—

(2) A person is not qualified for appointment as a County Commissioner of Cooperatives, unless the person has—

- (a) a bachelor's degree in cooperative management or cooperative business;
- (b) a minimum of ten years' experience in cooperative management and practice; and
- (c) meets the requirements of Chapter Six of the Constitution.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in subclause 2 –

(i) by renumbering the current paragraph (a) as (b) and inserting the following new paragraph (a)—

(a) advise the County Executive Committee Member on the growth and development of cooperatives in the county;

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

(aa) register intracounty primary and intracounty secondary cooperatives;

(ab) maintain a county cooperatives register;

(ac) implement national integrated systems for the registration and management of cooperatives and submit county annual returns to the Commissioner;

(ad) enforce remedial measures against non-compliant intracounty primary and intracounty secondary cooperatives and, where necessary, recommend inquiries into their affairs;

(af) petition the High Court for the liquidation of intracounty primary and intracounty secondary cooperative where appropriate in accordance to the provisions of this Act;

(ag) register audited financial statements certified by the county audit director;

(ah) promote alternative dispute resolution mechanisms for disputes relating to intracounty primary and intracounty secondary cooperatives and their members;

**...../Notice of Amendments**

- (iii) by renumbering the current paragraph (b) as (ba) and inserting the words “intracounty primary and intracounty secondary cooperatives” immediately after the words “affairs of”
- (iv) in paragraph (c) by inserting the words “intracounty primary and intracounty secondary” immediately after the words “supervise the elections of”
- (v) by deleting paragraph (e);
- (vi) in paragraph (f) by deleting the word “cooperatives in the counties” appearing immediately after the words “capacity building of” and substituting therefor the words “the board of directors and chief executive officers of cooperatives in the county”
- (vii) by deleting paragraph (i) and substituting therefor the following new paragraph –
  - (i) promote partnerships between intracounty primary and intracounty secondary cooperatives and relevant stakeholders, including financial institutions, government agencies, and private sector players, to enhance cooperative development;

## **CLAUSE 15**

**THAT** clause 15 of the Bill be amended by renumbering the existing provision as subclause (1) and inserting the following new subclause—

- (2) The County Commissioner of Cooperatives shall prepare and submit an annual report on the performance of all their respective intracounty primary and intracounty secondary cooperatives to the Commissioner, County Assembly, and the County Executive Committee Member within three months after the end of the financial year.
- (3) The report shall contain the following information—
  - (a) the number if any of intracounty primary and intracounty secondary cooperatives registered and deregistered;
  - (b) the number if any of inspections and inquiries carried out;
  - (c) the number if any of board of directors found liable under the Act;
  - (d) the number if any of intracounty primary and intracounty secondary cooperatives that are at risk of being being liquidated or have been liquidated.

**...../Notice of Amendments**

**CLAUSE 16**

**THAT** clause 16 (1) of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

(1A) In the absence of the Commissioner, the county commissioners of cooperatives shall nominate one of their own to chair the meeting of the Forum.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended—

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

(a) intracounty and intercounty primary cooperatives;

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) intracounty and intercounty secondary cooperatives;

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended –

(a) by deleting subclause (3) and substituting therefore the following new subclause—

(3)A primary Cooperative may be formed by at least twenty persons;

(b) in subclause (4) by deleting the words “that do not share the same objectives or proposes” appearing immediately after the words “two or more cooperatives”

(c) by deleting subclause (5) and substituting therefor the following new subclauses—

(5) A person intending to join two or more cooperatives under subsection (4) shall disclose their membership in any other cooperative they are already a member to the additional cooperative they seek to join.

(5A) A person who is a member of multiple cooperatives, shall before applying for a loan in any cooperative, submit a letter from each cooperative they are a member confirming the nature and extent of financial liability of the person.

...../Notice of Amendments

(5B) Despite the provisions of this Act or any other written law, cooperatives may in such manner and to such extent as the Cabinet Secretary may, in regulations prescribe, exchange information on the non-performing loans of their members.

(5C) Without prejudice to subsection (5B) and the regulations made thereunder, the information may be shared through the credit reference bureaus established under section 31 of the Banking Act.

(d) by deleting subclause (6).

## **CLAUSE 21**

**THAT** clause 21 of the Bill be amended—

- (a) in subclause (1) by inserting the following words “or the county commissioner of cooperatives, as the case may be” immediately after the words “The Commissioner”.
- (b) in subclause (2) by inserting the words “or the county commissioner of cooperatives, as the case may be” immediately after the words “to the Commissioner”

## **CLAUSE 22**

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

- (a) in subclause (2) by deleting the words “secondary Cooperative shall comprise of membership from at least five” appearing immediately after the word “An” and substituting therefor the words “intracounty secondary Cooperative shall comprise of membership from at least five intraprimary”
- (b) by inserting the following new subclause immediately after subclause (2)—
  - (3) An intercounty secondary cooperative shall comprise of membership from at least five intercounty primary cooperatives.

## **CLAUSE 23**

**THAT** clause 23 (3) of the Bill be amended by inserting the words “and one primary cooperative in a particular value chain, business line or sub-sector” immediately after the words “two secondary cooperatives”

**...../Notice of Amendments**



**CLAUSE 24**

**THAT** clause 24 (2) of the Bill be amended by deleting the words “Cooperatives shall” appearing at the beginning of the subclause and substituting therefor the words “Cooperatives may”.

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended by inserting the words “or the county commissioner of cooperatives as the case may be,” immediately after the words “by the Commissioner”

**CLAUSE 29**

**THAT** the Bill be amended –

(a) in subclause (1) —

- (i) by deleting the word “a cooperative” appearing immediately after the words “to register” in the introductory clause and substituting therefor the words “the following cooperatives”;
- (ii) by deleting paragraph (a) and substituting therefor the following new paragraph –
  - (a) by the chief executive officer of the intracounty primary cooperative seeking to be registered as an intercounty primary cooperative.
- (iii) by deleting paragraph (b) and substituting therefor the following new paragraph—
  - (b) by at least five intercounty primary Cooperatives in case of registration of an intercounty secondary Cooperative;
- (iv) by inserting the words “ and one primary cooperative” appearing immediately after the words “two secondary cooperatives” in paragraph (c)

(b) in subclause (3) –

- (i) by deleting paragraph (a) and substituting therefor the following we paragraph—

...../Notice of Amendments

- (a) in the case registration of an intercounty primary cooperative under subsection (1) (a) a letter of no objection to the registration of the intercounty primary cooperative, issued by the county commissioner of cooperatives of the county where the intracounty cooperative is registered;
- (ii) by deleting the words “and duly approved by the County Director for Cooperatives, amongst other things providing” appearing in paragraph (c) and substituting therefor the words “providing for amongst other things”
- (iii) by deleting the words “County Director for Cooperatives” appearing immediately after the words “certified by the” in paragraph (d) and substituting therefor the word “Commissioner”
- (c) in subclause (4) by deleting the words “county director of cooperatives or the appointed representative in the case of a primary or secondary cooperative” appearing immediately after the words “prescribed by the” in paragraph (a) and substituting therefor the words “Commissioner or the appointed representative in the case of an intercounty primary, an intercounty secondary cooperative, cooperative federation”
- (d) by deleting subclause (5).

### **CLAUSE 30**

**THAT** clause 30 of the Bill is amended –

- (a) in subclause (1) by deleting the words “ The Commissioner may not register a Cooperative under this Act where in the opinion of the Commissioner” appearing in the beginning of the subclause and substituting therefor the words “The Commissioner or county commissioner of cooperatives, as the case may be, may not register a Cooperative under this Act where in their opinion”
- (b) in subclause (2) by inserting the words “or county commissioner of cooperatives as the case may be” immediately after the words “to the Commissioner”

...../Notice of Amendments

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended –

- (a) in paragraph (d) by inserting the words “ or county commissioner of cooperatives as the case may be” immediately after the words “by the Commissioner”
  
- (b) in paragraph (g) by inserting the words “ or county commissioner of cooperatives as the case may be” immediately after the words “The Commissioner”

**CLAUSE 32**

**THAT** clause 32 of the Bill be deleted and substituted therefor with the following clause—

Registration of Cooperative and its by- laws.	<b>32.</b> If the Commissioner or county commissioner of a cooperatives, as the case may be, is satisfied that a relevant Cooperative has complied with the provisions of this Act and any Regulations made thereunder and that its proposed by-laws are not contrary to this Act or any Regulations made thereunder, the Commissioner or county commissioner of cooperatives, as the case may be, shall register the Cooperative and its by-laws under this Act within a period not exceeding thirty days from the date of verification.
---	---

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “by the Commissioner”

**CLAUSE 34**

**THAT** clause 34 (3) of the Bill be amended by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “reason, the Commissioner”

...../Notice of Amendments

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended by—

- (a) inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “name, the Commissioner” appearing in subclause (1);
- (b) inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “to the Commissioner” appearing in subclause (2).

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended—

- (a) in subclause (2) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “to the Commissioner”.
- (b) deleting subclause (3) and substituting therefor the following subclause—

(3) If the Commissioner or county commissioner of cooperatives, as the case may be, is satisfied that any amendment of the by-laws of the Cooperative is not contrary to this Act, the Regulations made hereunder and any other written law, they may register the amendment.

- (c) deleting subclause (4) and substituting therefor the following subclause—

(4) The Commissioner or county commissioner of cooperatives, as the case may be, may, if satisfied, that an amendment under this section was effected pursuant to a misrepresentation or concealment of a material fact or fraud by the person applying for registration, may cancel the amendment.

- (d) deleting subclause (6) and substituting therefor the following subclause—

(6) Upon registering an amendment of the by-laws of a Cooperative, the Commissioner or county commissioner of cooperatives, as the case may be, shall issue to the Board of Directors a copy of the amendment certified by the Commissioner or county commissioner of cooperatives which shall be conclusive evidence of the fact that the amendment has been duly registered.

**...../Notice of Amendments**

- (e) in subclause (8).by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “by the Commissioner”

**CLAUSE 38**

**THAT** clause 38 of the Bill be amended by inserting the words “or nominee” immediately after the words “ personal representatives”

**CLAUSE 39**

**THAT** the Bill be amended by deleting clause 39 and substituting therefor the following new clause—

Appeal against refusal register.	to	<b>39.</b> Any party aggrieved by the decision of the Commissioner or county commissioner of cooperatives, not to register the Cooperative and its bylaws or any amendments of its by-laws may within thirty days appeal against the decision to the Cooperative Tribunal.
---	----	--

**CLAUSE 40**

**THAT** the Bill be amended by deleting clause 40 and substituting therefor the following new clause—

Signature by the Commissioner or county commissioner of cooperatives.	by	<b>40.</b> A document purporting to be signed by the Commissioner or county commissioner of cooperatives, shall be presumed to have been signed by them until the contrary is proved.
---	----	---

**CLAUSE 43**

**THAT** clause 43 (2) of the Bill be amended by inserting the words “or county commissioner of cooperatives” immediately after the words “by the Commissioner”.

...../Notice of Amendments

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended—

(a) in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

(ba) is a diaspora based member;

(b) by deleting subclause (2).

**CLAUSE 47**

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

(a) by inserting the following new subclauses immediately after subclause (1)—

(1A) The board of directors of a cooperative shall provide for electronic voting by members of the cooperative.

(1B) The board of directors of a cooperative shall ensure that the members are facilitated to vote by secret ballot in the case of any matter requiring a special resolution of two thirds of the the members under this Act.

(b) in subclause (2) by deleting the word “shall” appearing immediately after the words “A cooperative” and substituting therefor the word “may”

**CLAUSE 51**

**THAT** clause 51 of the Bill be amended by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “send to the Commissioner”.

**CLAUSE 53**

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

(a) in subclause (2) by deleting the words “fifteen days” appearing immediately after the words “provided to members” in subclause and substituting therefor the words “twenty-one days”

(b) in subclause (3) by deleting the word “Director” appearing immediately after the words “or the County ” and substituting therefor the word “Commissioner”

...../Notice of Amendments

**CLAUSE 54**

**THAT** clause 54 of the Bill be amended—

- (a) in subclause (1) (c) by inserting the following new subparagraphs after paragraph (iii)—
  - (iv) the trial balance;
  - (v) the cash flow statement;
  - (vi) the management accounts detailing revenue, expenses, and surplus distribution;
  - (vii) the reports on member contributions, withdrawals, and refunds; or
  - (viii) any other financial information prescribed in the regulations based on the size and complexity of the cooperative.
- (b) by inserting the following new subclauses immediately after subclause (1)—
  - (1A) In respect to Savings and Credit Cooperatives (SACCOs) and financial services cooperatives, the Cooperative shall in addition to the books under subsection (1) include—
    - (a) loan performance report, including the - classification of loans (performing and non-performing loans).
    - (b) loan provisioning and write-offs.
    - (c) delinquency ratio and credit risk assessment.
    - (d) liquidity and capital adequacy report.
    - (e) investment portfolio statement detailing all cooperative investments, including securities, deposits, and real estate.
  - (1B) In respect to member produce cooperatives, the Cooperative shall in addition to the books under subsection (1) include—
    - (a) production and inventory report on products and inputs.
    - (b) status of equipment and machinery, including operational efficiency.
    - (c) status of storage facilities and logistics infrastructure.
    - (d) list of cooperative-owned agricultural land and its utilisation status.
  - (1C) In respect to Transport Cooperatives (TransCoops), the Cooperative shall in addition to the books under subsection (1) include—
    - (a) list of fleet assets, including vehicles, maintenance schedules, and depreciation status.

**...../Notice of Amendments**

- (b) operational income and expenditure report, including fuel costs, repairs, and insurance expenses.
  - (c) loan and lease obligations for fleet expansion and renewal.
  - (d) compliance status with transport regulatory requirements.
- (1D) In respect to Housing Cooperatives, the Cooperative shall in addition to the books under subsection (1) include—
  - (a) property ownership report, including details of cooperative-owned land, buildings, and ongoing construction projects.
  - (b) membership subscription payments towards housing projects.
  - (c) loan obligations related to real estate development.
  - (d) occupancy and tenancy reports for rental cooperative properties.
- (1E) In respect to Investment Cooperatives, the Cooperative shall in addition to the books under subsection (1) include—
  - (a) breakdown of cooperative investments, including equity holdings in listed and unlisted companies; bonds, treasury bills, and other financial instruments, real estate assets and returns on investment;
  - (b) valuation report on investment properties and other assets;
  - (c) risk exposure analysis related to investments;
- (c) by inserting the following subclause immediately after subclause (2)—
  - (2A) A board of directors that fails to comply with sub-section (1) shall be deemed to have committed an offence. The Commissioner or the county commissioner of Cooperatives as the case may be shall impose a fine on the board of directors, jointly and severally, as prescribed in the regulations, for each month the cooperative fails to file the required returns.
- (d) in subclause (4) by deleting the words “ approved by the Commissioner” appearing immediately after the words “list of auditors” and substituting therefor the words “proposed by the board of directors”;
- (e) in subclause (5) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “appointed the Commissioner”;

**...../Notice of Amendments**



- (f) in subclause (6)(d) by inserting the words “chief executive officer” immediately after the words “authenticated by the chairperson”
- (g) in subclause (7) (a) by deleting the words “ approved by the Commissioner” appearing immediately after the words “accounts have been” and substituting therefor the words “certified by the National Audit Director of Cooperatives or the County Audit Director of Cooperatives as the case may be and approved by the Commissioner or county commissioner of cooperatives, as the case may be, to be ”
- (h) by inserting a new sub-clauses immediately after subclause 8—
  - (8A) The Auditor shall, in the audit report recommend measures to be adopted by the cooperative to improve performance.
  - (8B) The Auditor shall, as part of the audit report submit a risk report.
- (i) in subclause (11) by deleting the words “at such time and in such form as may be prescribed, file with the Commissioner” appearing immediately after the words “Cooperative shall” and substituting therefor the words “ within ten days after the general meeting under subclause (8) and in such form as may be prescribed, file with the National Audit Director of Cooperatives or the County Audit Director of Cooperatives as the case may be”
- (j) by inserting the following new subclause immediately after subclause (11)—
  - (11A) The National Audit Director of Cooperatives or the County Audit Director of Cooperatives, as the case may be, shall authenticate the documents submitted under subsection (11) and submit them to the Commissioner or county commissioner of cooperative, as the case may be, for registration within a period of one month after receipt of the documents.
- (k) in subclause (12) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “unless the Commissioner”
- (l) by inserting the following new paragraphs after subclause (12)—
  - (12A) The Commissioner or the county commissioner of cooperatives as the case may be, may in addition to the power under subsection (12), have the power to—

**...../Notice of Amendments**

- (a) dissolve the board of directors and appoint an interim board, which shall serve for three months or until a general meeting is convened to elect a new board whichever is earlier;
- (b) direct the freezing of capital expenditure until compliance with the audit requirements has been met;
- (c) place the cooperative under enhanced supervisory and regulatory oversight, until the cooperative complies with the audit requirements;
- (d) institute recovery measures against members of the board of directors who were in office at the time of non-compliance, where such non-compliance resulted in financial loss, fraud, misappropriation, or misuse of cooperative funds.

(12B) All members of the Board of Directors of a cooperative that fails to cause an audit of its financial statements within the prescribed period commit an offence and shall be liable upon conviction to imprisonment for three years or a fine not exceeding five hundred thousand or both.

(12C) An auditor who falsifies the audited financial statements under subclause (8) shall commit an offence and shall be liable upon conviction to imprisonment for three years or a fine not exceeding five hundred thousand or both.

- (m) in subclause (13) by deleting the words “Director for Cooperatives shall ensure that all primary and secondary cooperatives” and substituting therefor “intracounty primary and intracounty secondary cooperatives”
- (n) in subclause (15) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “The Commissioner”

## **CLAUSE 55**

**THAT** clause 55 (1) of the Bill be amended by deleting the words “or county director of cooperatives” appearing immediately after the words “Commissioner” and substituting therefor the words “county commissioner of cooperatives, National Audit Director of Cooperatives of County Audit Director of cooperatives ”.

...../Notice of Amendments

**CLAUSE 56**

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

- (a) in subclause (3) by deleting the words “ director of cooperatives” appearing immediately after the words “commissioner or county” and substituting therefor the words “Commissioner of Cooperatives as the case may be”.
- (b) by inserting the following new subclause immediately after subclause (5)—

(5A) The board of directors shall ensure that the notice issued under subsection (5) shall be shared to members both through their physical addresses and through virtual platforms.

- (c) in subclause (6) –

- (i) inserting the following new paragraph immediately after paragraph (d)—

(da) determine the percentage of the surplus that is to be deposited in the reserve fund of the cooperative;

- (ii) by inserting the words “consider any reports on debt to equity ratio of the cooperative and” immediately before the words “determine where necessary” appearing in paragraph (f);

**CLAUSE 57**

**THAT** clause 57 of the Bill be amended—

- (a) in subclause (2) –

- (i) by deleting the words “director of cooperatives” and substituting therefor the words “commissioner of cooperatives as the case may be”, immediately after the words “Commissioner or county”

- (ii) by inserting the following subclause immediately after subclause (2)—

(2A) The members demanding the special meeting shall ensure that the notice issued to other members in subsection (2) shall be shared to members both through their physical addresses and through virtual platforms.

- (b) by deleting subclause (3) and substituting therefor the following new subclause—

**...../Notice of Amendments**

(3) The Commissioner or county commissioner for cooperatives, as the case may be, may convene a special general meeting of the respective cooperative at which the Commissioner or county commissioner of cooperatives may direct the matters to be discussed at the meeting.

(c) by deleting subclause (4).

**CLAUSE 58**

**THAT** clause 58 of the Bill be amended by deleting subclause (2) and substituting therefor the following subclause—

(2) Despite the generality of subsection (1), the Commissioner or the County Commissioner for Cooperatives may preside at any meeting of a Cooperative convened pursuant to a directive of the Commissioner or the County Commissioner for Cooperatives.

**CLAUSE 59**

**THAT** clause 59 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following subclause—

(1) A Cooperative shall hold its general meetings physically, virtually, or in a hybrid of virtual and physical meeting subject to compliance with such requirements as may be prescribed in the Regulations or by any other written law.

(b) by deleting subclause (2).

**CLAUSE 60**

**THAT** clause 60 (2) of the Bill be amended—

(a) by deleting the word “physical” appearing immediately after the words “exclusively discussed at a” in the introductory clause;

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

(da) borrowing by the cooperative;

(db) investment in non-core activities by the cooperative;

**...../Notice of Amendments**

**CLAUSE 61**

**THAT** clause 61 of the Bill be amended—

- (a) by inserting the following new subclause immediately after subclause (1)—

(1A) Despite subsection (1), the Commissioner, may in the case of an Apex Cooperative approve the increased membership of the Board of Directors up to a maximum of fifteen members based on the different sectors represented in the Apex cooperative.

(1B) The following cooperatives shall be represented in the membership of the Board of Directors in an Apex Cooperative—

- (i) producer cooperatives;
- (ii) housing cooperatives;
- (iii) savings and credit cooperatives;
- (iv) savings and investment cooperatives;
- (v) transport cooperatives;
- (vi) worker cooperatives; and
- (vii) consumer cooperatives.

- (b) in subclause (2) by deleting the words “for one term of three years” appearing immediately after the words “eligible for re-election” and substituting therefor the words “by rotation provided the directors retiring by rotation and eligible for reelection shall only constitute one third of the directors who are longest in office since the last election”.

**CLAUSE 63**

**THAT** clause 63 (1) of the Bill be amended —

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

- (b) does not have a minimum of a post- secondary level of education certificate in cooperative management and practice from a university recognised in Kenya, unless exempted by the Cabinet Secretary or by the County Executive Committee member as the case may be in accordance with the regulations:

**...../Notice of Amendments**

Provided that this subparagraph shall not apply to Cooperatives in respect of which the Sacco Societies Act apply;

(b) by deleting paragraph (h) and substituting therefor the following new paragraph—

(h) has been removed by the Commissioner or County Commissioner of Cooperatives as the case may be, after being adversely mentioned in an inquiry report or any inspection report for mismanagement or corrupt practices;

(c) by deleting the word “charged” appearing in paragraph (i) immediately after the words “has been” and substituting therefor the word “convicted”.

(d) by deleting the word “three” appearing immediately after the words “a term exceeding” and substituting therefor the word “six”;

(e) by inserting the words “or any other written law” immediately after the words “Regulations made thereunder” appearing paragraph (k);

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

(na) has been found guilty of financial misconduct;

(nb) has been found guilty of professional or ethical misconduct;

(nc) has been found liable for mismanagement or gross misconduct;

(nd) lacks fiduciary indemnity cover or bond;

(ne) failed the prescribed professional and moral suitability test;or

#### **CLAUSE 64**

**THAT** clause 64 of the Bill be amended –

(a) in subclause (1) by inserting the words “crisis management plan, development and implementation of the data protection policy, policy for protection and reward of whistle blowers, annual member surveys” immediately after the words “ internal controls”.

(b) in subclause (2) (a) by deleting the words “ appoint” appearing immediately after the word “shall” and substituting therefor the words “competitively recruit”.

(c) in subclause (5) (b) by deleting the words “by-laws” appearing immediately after the words “ prescribed in the” and substituting therefor the words “board charter”;

**...../Notice of Amendments**

**CLAUSE 65**

**THAT** clause 65 (4) of the Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph –
  - (a) County Commissioner for Cooperatives in case of intercounty primary and intracounty secondary Cooperatives
- (b) by inserting the words “intercounty primary cooperative, intercounty secondary cooperative,” immediately after the words “ in the case of” appearing in paragraph (b)

**CLAUSE 66**

**THAT** clause 66 of the Bill be amended –

- (a) by inserting the following new subclause immediately after subclause (2)—
  - (2A) The Board of Directors shall cause to be advertised in one newspaper of nationwide circulation, the website and social media platforms of the cooperative, the vacancy for the persons in subclause (3) (c).
  - (2B) A person shall not be qualified for appointment as a member of the nomination committee if the person—
    - (i) is a member of the Cooperative;
    - (ii) has been a member of the supervisory board or the nomination committee or other management offices of the Cooperative;
    - (iii) is an undischarged bankrupt;
    - (iv) is of unsound mind;
    - (v) has been removed by the Commissioner or County Commissioner of Cooperatives as the case may be, after being adversely mentioned in an inquiry report or any inspection report for mismanagement or corrupt practices;
    - (vi) has been convicted in a court of law with an offence relating to a breach of fiduciary duty;
    - (vii) has been convicted of any offence involving dishonesty or an offence under any other written law or has been sentenced to imprisonment for a term exceeding six months;
    - (viii) has been convicted of an offence under this Act or Regulations made thereunder

**...../Notice of Amendments**

(b) by deleting subclause (3) (a) and substituting therefor the following new paragraph—

(a) The Commissioner or their representative or the county commissioner for Cooperatives in whose jurisdiction the Cooperative is situated, shall be the chairperson;

**CLAUSE 67**

**THAT** clause 67 of the Bill be amended—

(a) in subclause (7) (c) by inserting the words “county commissioner of cooperatives, as the case may be” immediately after the words “by the Commissioner”

(b) by deleting subclause (9) and substituting therefor the following new subclause —

(9) If, the Commissioner or the county commissioner of cooperatives as the case may be, is satisfied that the secondary resolutions of each of the Cooperatives amalgamating comply with the provision of this section, they may register the amalgamated Cooperative and its by-laws and thereupon—

(a) each of the amalgamating Cooperative shall stand dissolved and its registration cancelled except for amalgamation by absorption;

(b) the registration of the amalgamated Cooperative shall be a sufficient conveyance to vest the assets and liabilities of the amalgamating Cooperatives in the amalgamated Cooperative;

(c) the remaining members of the amalgamating Cooperatives shall become members of the amalgamated Cooperative and will be subjected to its by- laws; and

(d) any shareholders of the amalgamating Cooperatives or any other persons who have claims against the amalgamating Cooperatives and whose claims were not satisfied in accordance with the secondary resolution, may pursue such claims against the amalgamated Cooperative.

(c) in subclause (10) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “the Commissioner”

**...../Notice of Amendments**



**CLAUSE 68**

**THAT** clause 68 of the Bill be amended—

- (a) in subclause (8) (c) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “the Commissioner”
- (b) by deleting subclause (9) and substituting therefor the following new subclause —

(9) The Cooperative may, by further resolution passed by a two-thirds majority of the members present and voting, confirm the preliminary resolution, with or without changes which in the opinion of the Commissioner or county commissioner of cooperatives, as the case may be, are not substantial, and their decision as to whether any changes are or are not substantial shall be final.

- (c) by deleting the introductory section of subclause (10) and substituting therefore the following new subclause—

(10) If the Commissioner or county commissioner of cooperatives, as the case may be, is satisfied within such time as they considers reasonable that the provisions of the secondary resolution and the provisions of this section have been complied with, they may, register the Cooperatives into which the existing Cooperative has been divided and the by-laws of such Cooperative and thereupon

- (d) in subclause (11) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “the Commissioner”.

**CLAUSE 69**

**THAT** clause 69 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclauses—

(1) A Cooperative which has as one of its objects the disposal of any member’s produce may enter into a contract with its members, either in its by-laws or by a separate document binding a member to dispose of all their produce, or such amounts or descriptions of the same as may be stated therein, to or through the Cooperative.

(1A) The contract under subsection (1) may –

...../Notice of Amendments

- (a) bind the member to produce the quantities of the member's produce therein specified, or
- (b) provide for payment of a specific sum per unit of weight or other measure as liquidated damages for any breach of the contract.

(1B) Any sum payable under subsection (1A) (b) shall be a debt due to the Cooperative and shall be a charge upon the immovable property of the member subject to registration of the charge under the relevant law.

- (b) by inserting the following paragraph immediately after paragraph (4)—

(5) It shall be the duty of every person applying for membership of a registered Cooperative to disclose to the Cooperative particulars of all such contracts as are mentioned in this section.

## **CLAUSE 70**

**THAT** clause 70 of the Bill be amended—

- (a) in subclause (1) by deleting the words “ but no such fine shall be imposed upon any member until written notice of intention to impose the fine and the reason therefore has been served on the member and the member has had an opportunity of showing cause why the fine should not be imposed and, if the member so desires, of being heard with or without witnesses.” appearing immediately after the words “its by-laws,”
- (b) by inserting the following new subclause immediately after subclause (1)—
  - (1A) A fine shall not be imposed upon any member until written notice of intention to impose the fine and the reason therefore has been served on the member and the member has had an opportunity of showing cause why the fine should not be imposed and, if the member so desires, of being heard with or without witnesses.
- (c) in subclause (2) by deleting the words “Any such fine” appearing at the beginning of the clause and substituting therefor “A fine under this section”
- (d) in subclause (4) by deleting the words “subsection (5)” appearing immediately after the words “in accordance with” and substituting therefor “section 69 (5)”
- (e) by deleting subclause (5).

**...../Notice of Amendments**

**CLAUSE 73**

**THAT** clause 73 of the Bill be amended—

- (a) by inserting the following new subclause immediately after subclause (1)—

(1A) A Commissioner or a County commissioner for Cooperatives as the case may be, shall issue written notice to an employer who fails to remit the sum owing to a cooperative under subsection (1) within seven days of receipt of a notification by a cooperative.

- (b) in subclause (2) by inserting the words “or county commissioner of cooperatives as the case may be” immediately after the word “Commissioner”.

- (c) by deleting subclause (3).

- (d) by deleting subclause (4).

- (e) by deleting subclause (5).

- (f) by deleting subclause (6) and substituting therefor the following new subclause—

(6) The Commissioner or county commissioner of cooperatives as the case may be, shall, by written notice, appoint any person, bank or institution to be an agent of the Cooperative for the purposes of collection and recovery of a debt owed to the Cooperative by an employer that has not complied with the notice issued under subsection (2).

- (g) in subclause (8) by deleting the word “ (3)” appearing immediately after the words “under subsection” and substituting therefor the word “(2)”.

- (h) by deleting subclause (8) and substituting therefor the following new subclause—

(8) Where an agent claims to be or to have become unable to comply with subsection (7) by reason of lack of monies held by or due from the agent, the agent shall give a written notification to the Commissioner or county commissioner of cooperatives as the case may be, stating the reasons for the agent’s inability and they may—

- (a) accept the notification and cancel or amend the notice accordingly; or

- (b) if not satisfied with the reasons, reject the notification in writing.

...../Notice of Amendments

- (i) in subclause (9) by deleting the words “Where an agent fails to notify the Commissioner of the notification is rejected,” and substituting therefor “Where the agent rejects the notice under subsection (6) or fails to notify the Commissioner or county commissioner or cooperatives, as the case may be, under subsection (8),”
- (j) by deleting subclause (12) and substituting therefor the following new subclause—

(12) Failure to comply with this section shall constitute an offence by the employer despite the employer facing prosecution under any other written law.

#### **CLAUSE 75**

**THAT** clause 75(5) of the Bill be amended by inserting the words “or the county commissioner of cooperatives, as the case may be,” immediately after the words “dues the Commissioner”

#### **CLAUSE 79**

**THAT** clause 79 of the Bill be amended by deleting the word “79” appearing immediately after the word “proved under section” and substituting therefor “78”.

#### **CLAUSE 81**

**THAT** clause 81 of the Bill be amended—

- (a) by renumber the existing provision as subclause (1)
- (b) by inserting the following new subclause immediately after subclause (1)—

(2) An employee or a member of the board of directors of a cooperative shall not act as a guarantor of any person with respect to a loan or credit facility advanced to a person by that cooperative.

(3) Despite the provisions of subsection (1), a Cooperative may grant loans or credit facility to an employee and a member of its board of directors which amounts in the aggregate do not exceed ten percent of its gross loan portfolio.

**...../Notice of Amendments**

(4) The conditions for the grant of a loan or credit facility to an employee or a member of the board of directors shall comply with all requirements under this Act with respect to grant of loans to other members of the cooperative and shall not be made on terms more favourable than those extended to members of the cooperative.

(5) An employee or a member of the board of directors who has applied for a loan or credit facility under subsection (3) shall not be present nor participate in the consideration of their application.

(6) The Board of Directors of a Cooperative shall on or before the fifteenth of each month submit to the Commissioner or the county commissioner of cooperatives, as the case may be, the prescribed insider lending and loan performance report made by the cooperative.

(7) Where the Commissioner or county commissioner of cooperatives, as the case may be, establishes that an employee of the cooperative failed to comply with the provisions of this section, the Commissioner or county commissioner of cooperatives, as the case may be, may direct that the employee repay the amount so loaned under this section to the cooperative together with interest at such rate as the Commissioner or county commissioner of cooperatives thinks just.

(8) In addition to the provision under subsection (7), the Commissioner or the county commissioner of cooperatives, may direct the removal of such employee from the service of the cooperative.

(9) This section shall apply despite the act or default by the employee constituting an offence under any other law for which the employee has been prosecuted or is likely to be prosecuted.

## **CLAUSE 82**

**THAT** the Bill be amended by deleting clause 82 and substituting therefor the following new clause—

Restriction on borrowing.	<b>82.</b> (1) Subject to the approval of two thirds of its members at a general meeting, a Cooperative may receive loans of up to thirty percent of its equity from persons who are not members of the cooperative.
---------------------------------	--

(2) The resolution of the Cooperative in subsection (1) shall be submitted to the Commissioner or the county commissioner of cooperatives, as the case may be.

**...../Notice of Amendments**

(3) In this section a deposit of money under a hire-purchase agreement shall be deemed to be a loan.

### **CLAUSE 83**

**THAT** clause 83 of the Bill be amended by—

- (a) inserting the words “ of two thirds of its members” immediately after the words “to the approval of” in the opening clause.
- (b) inserting the following new paragraph immediately after paragraph (e)—
  - (ea) in real estate, provided the Cooperative shall not invest in a real estate investment which is not for its own accommodation more than twenty five percentum of its share capital or hold more than twenty five percentum of equity in the real estate investment;
- (c) renumbering the existing provision as subclause (1) and inserting the following new subclause—
  - (2) The limitation on investment in real estate shall not apply to a housing cooperative.

### **CLAUSE 84**

**THAT** the Bill be amended by deleting clause 84 and substituting therefor the following new clause—

Investment in non- core activities	<b>84.</b> (1) A Cooperative shall not invest more than twenty five percentum of its funds or members’ deposits in non-core activities; (2) A Cooperative shall not invest in a real estate investment which is not for its own accommodation more than twenty five percentum of its share or hold more than twenty five percentum of equity in the real estate investment. (3) The limitation on investment in real estate shall not apply to a housing cooperative.
---	---

...../Notice of Amendments

**CLAUSE 85**

**THAT** clause 85 of the Bill be amended –

(a) in subclause 1—

- (i) paragraph (a) by deleting the words “of members” appearing immediately after the words “a special resolution” and substituting therefor the words “is passed by two thirds of the members of the cooperative”.
- (ii) by inserting the words “ or county commissioner of cooperatives, as the case may be” immediately after the words “by the Commissioner” appearing in paragraph (b)

**CLAUSE 87**

**THAT** clause 87 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclauses—

(2) The members of the cooperative shall upon recommendation by the board of directors, and upon consideration of the liabilities of the cooperative for that year, determine the percentage of the net surplus in each year to be deposited in to the reserve fund.

(2A) Despite subsection (2), the sum of the reserve fund should not exceed one point zero five times the liabilities of the Cooperative as at the time of the general meeting.

**CLAUSE 91**

**THAT** clause 91 of the Bill be amended—

(a) in subclause (1) by inserting the words—

- (i) “or county commissioner of cooperatives, as the case may be” immediately after the words “ with the Commissioner” appearing in the introductory sentence;
- (ii) “or county commissioner of cooperatives, as the case may be” immediately after the words “ to the Commissioner” appearing in paragraph (b)

(b) in subclause (2) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ to the Commissioner”

...../Notice of Amendments

**CLAUSE 92**

**THAT** clause 92 of the Bill be amended –

- (a) in subclause (1) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ The Commissioner” appearing in the introductory sentence
- (b) by inserting a new subclause immediately after subclause (1)—
  - (1A) A county commissioner of cooperatives shall submit a copy of their respective register to the Commissioner every quarter.
- (c) in subclause (2) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ The Commissioner”
- (d) in subclause (4) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ The Commissioner”

**CLAUSE 93**

**THAT** clause 93 of the Bill be amended by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ The Commissioner”

**CLAUSE 94**

**THAT** clause 94 of the Bill be amended—

- (a) deleting subclause (1) and substituting therefor the following new subclause—
  - (1) If any person obtains an order for the appointment of receiver or manager of the property of a Cooperative, or if the High Court appoints such a receiver or manager pursuant to a petition made by the Commissioner or county commissioner of cooperatives, as the case may be, pursuant to the provisions of this Act, they shall, within seven days from the date of the order of the appointment under the said powers, give written notice of the fact to the Commissioner or county commissioner of cooperatives, as the case may be, and the Commissioner or county commissioner of cooperatives, shall enter the notice in the register of charges.

...../Notice of Amendments



- (b) in subclause (2) by deleting the words “he shall, on so ceasing, give written notice of the fact to the Commissioner and the Commissioner” and substituting therefor “they shall, on so ceasing, give written notice of the fact to the Commissioner or county commissioner of cooperatives, as the case may be, and the High Court and the Commissioner or county commissioner of cooperatives”

**CLAUSE 98**

**THAT** clause 98 of the Bill be amended—

- (a) in the marginal note by inserting the following words “county commissioner of cooperatives” immediately after the word “Commissioner”
- (b) by deleting subclause (1) and substituting therefor the following new sub clause—

(a) The National Audit Director or the county audit director, as the case may be, may on their own accord, or on request of the Authority or on the application of a liquidator or of any creditor or not less than one-third of the members present and voting at a meeting of the Cooperative which has been duly convened, hold an inquiry or direct any person authorized by them in writing to hold an inquiry, into the by-laws, working and financial conditions of any Cooperative registered in Kenya.

- (c) in subclause (3) –

- (i) by deleting the word “Commissioner” appearing after the word “The” at the introductory clause and substituting therefor the words “National Audit Director or the county audit director, as the case may be”;

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

(c) provide a copy of the report to the Commissioner or the relevant county commissioner for cooperatives, as the case may be.

- (d) by deleting the introductory sentence in subclause (4) and substituting therefor the following new introductory sentence—

(4) Where the Commissioner or a county commissioner of cooperatives, as the case may be, is satisfied, after due inquiry, that the board of directors or the supervisory board of a Cooperative is not performing its duties properly, they, may—

**...../Notice of Amendments**

(e) by deleting subclause (6) and substituting therefor the following new subclause—

(6) Despite subsection (5), where an officer or member of a Cooperative fails to produce records as required by the National Audit Director or the county audit director, as the case may be, without any reasonable cause, the Commissioner or county commissioner of cooperatives, as the case may be, may suspend or remove such officer from the service of the respective Cooperative or such member from membership of the respective Cooperative.

**CLAUSE 99**

**THAT** clause 99 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclauses—

(1) Where it is established in an inquiry held under section 98 that any person who has taken part in the organisation or management of a Cooperative, or any past or present officer or member of the Cooperative –

- (a) has misapplied, retained or become liable or accountable for any money or property of the Cooperative; or
- (b) has committed the offence of misfeasance or breach of trust in relation to the Cooperative, and is liable upon conviction to imprisonment for a term of five years or a fine not exceeding one million shillings or the amount of the value of the property of the offence, whichever is higher, or to both the fine and imprisonment;

the Commissioner or the county commissioner of cooperatives may, if he considers it appropriate, make an order requiring the person to repay or restore the money or property or any part thereof to the Cooperative together with interest at such rate as the Commissioner or the county commissioner of cooperatives thinks just or to contribute such sum to the assets of the Cooperative by way of compensation as the they deem fit.

(1A) An order under subsection (1) shall be made within twenty one days from the end of the inquiry.

...../Notice of Amendments

**CLAUSE 100**

**THAT** clause 100 of the Bill be amended by deleting the words “under section 100” appearing immediately after the words “of the Commissioner” and substituting therefor the words “or the county commissioner of cooperatives under section 99”.

**CLAUSE 101**

**THAT** clause 101 of the Bill be amended—

- (a) in subclause (1) by deleting the words “Subject to section 99,” appearing at the beginning of the subclause.
- (b) in subclause (2) by deleting the words “98, the Commissioner,” appearing immediately after the words “surcharge under section” and substituting therefor “ 99, the Commissioner or the county commissioner of cooperatives, as the case may be”.

**CLAUSE 102**

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

- (a) by deleting the words subclause (1) of the Bill and substituting therefor the following new subclause—
  - (1) The Commissioner or the county commissioner for cooperatives, may, if they deem fit, on the application of a creditor of a Cooperative, inspect, or direct some persons authorized by the Commissioner or the county commissioner for cooperatives in writing to inspect, the books of the Cooperative, if—
    - (a) the creditor satisfies the Commissioner or the county commissioner of cooperatives that the debt is a sum then due, and has demanded payment thereof and has not received satisfaction within a reasonable time; and
    - (b) the applicant deposits with the Commissioner or county commissioner for cooperatives such sum as security for the expenses of the inspection as the Commissioner or the county commissioner of cooperatives may require.
- (b) in subclause (2) by deleting the word “director” appearing immediately after the words “or the county” and substituting therefor the word “commissioner”

...../Notice of Amendments

(c) in subclause (3)—

- (i) in paragraph (b) by inserting the words “intercounty primary cooperatives, intercounty secondary cooperatives,” immediately after the words “with respect to”;
- (ii) in paragraph (c) by deleting the words “director of cooperatives shall apply with respect to primary and secondary” appearing immediately after the words “powers of the” and substituting therefor the words “ commissioner of cooperatives shall apply with respect to intracounty primary cooperatives and intracounty secondary”

### **CLAUSE 103**

**THAT** clause 103 of the Bill is amended—

- (a) by deleting words “ inquiry and” appearing in the marginal note;
- (b) in subclause (1) by deleting the words “inquiry, or an inspection is held or made under this Act, the Commissioner or the County Director for Cooperatives may, by a certificate under the Commissioner’s hand, make an order apportioning the expenses, or such part of the expenses as the Commissioner or the County Director for Cooperatives considers proper, between the Cooperative, the members or creditor demanding the inquiry or inspection, and the officers or former officers of the Cooperative and the decision of the Commissioner or the County Director” appearing immediately after the words “Where an ” and substituting therefor the words “inspection is held or made under this Act, the Commissioner or the County Commissioner for Cooperatives as the case may be, may, by a certificate under their hand, make an order apportioning the expenses, or such part of the expenses as the Commissioner or the county commissioner for cooperatives considers proper, between the Cooperative, the members or creditor demanding the inquiry or inspection, and the officers or former officers of the Cooperative and the decision of the Commissioner or the county commissioner”

### **CLAUSE 104**

**THAT** clause 104 of the Bill is amended—

- (a) in subclause (1) by deleting the words “sections 98 and 102, the Commissioner or County Director” appearing immediately after the word “Despite” and substituting therefor the words “section 102, the Commissioner or County Commissioner”
- (b) by deleting subsection (2) and substituting therefor the following subclause—

**...../Notice of Amendments**

(2) The inspection reports prepared pursuant to subsection (1) shall be presented to—

- (a) a joint meeting of the board of directors and supervisory board of the Cooperative for deliberation and implementation;
- (b) the general meeting of the cooperative.

**CLAUSE 105**

**THAT** clause 105 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause—

(1) If the National Audit Director or the County Director of Audit as the case may be, after holding an inquiry under section 98 or receiving an application made by at least three fourths of the members of a Cooperative or receiving recommendations from the Authority are of the opinion that the Cooperative ought to be dissolved, the National Audit Director or the County Director of Audit as the case may be, may, recommend the dissolution of the Cooperative and subsequent cancellation of registration.

(1A) Upon receipt of the Report of the National Audit Director or the County Director of Audit as the case may be the Commissioner or the county commissioner of cooperatives as the case may be may—

- (a) recommend which remedial action that may be undertaken by the cooperative in six months;
- (b) within one month, file a petition for liquidation of the cooperative with High Court upon failure by the cooperative to fulfil the requirements prescribed under paragraph (a).

(1B) If the High resolves that the cooperative should be liquidated, the High Court shall appoint a liquidator from the pool of authorised liquidators.

(1C) Upon the resolution of the High Court to liquidate the cooperative, the appointed liquidator shall notify the Commissioner or county commissioner of cooperatives of their appointment and commence liquidation of the cooperative in accordance with section 108 and the First Schedule to the Act.

**...../Notice of Amendments**

- (b) in subclause (2) by deleting the words “Cooperative Tribunal with further appeal to the High Court” appearing immediately after the words “the order to the” and substituting therefore the words “High Court with further appeal to the Court of Appeal”
- (c) in subclause (3) by deleting the words “Commissioner unless the High Court directs otherwise,” appearing immediately after the words “decision of the” and substituting therefor the words “High court”
- (d) in subclause (4) by deleting the words “Commissioner makes an order under subsection (1), he” appearing immediately after the words “Where the” and substituting therefore the words “High Court makes an order under subsection (1), the Commissioner or County Commissioner for Cooperatives as the case may be,”
- (e) in subclause (5) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “of the Commissioner”.

**CLAUSE 106**

**THAT** clause 106 of the Bill be amended—

(a) in subclause (1) –

- (i) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ The Commissioner” in the introductory clause
- (ii) by deleting the word “Director” appearing immediately after the words “or the County” in paragraph (b) and substituting therefor the word “commissioner”

(1) The Commissioner or county commissioner of cooperatives may, where a Cooperative has —

- (a) less than the prescribed number of members;
- (b) failed to file returns with the Commissioner or the County Commissioner for Cooperatives for a period of three years;
- (c) for twelve consecutive months failed to undertake the objects and purposes for which it was registered;
- (d) deviated from undertaking the core mandate or business for which it was registered,

in writing, order the cancellation of its registration and dissolution of the Cooperative and the order shall take effect immediately.

**...../Notice of Amendments**



**CLAUSE 113**

**THAT** clause 113 of the Bill be amended by—

(a) in subclause (1)—

- (i) by deleting the words “and to any limitations imposed by the Commissioner and the Commissioner” appearing immediately after the words “the Commissioner” in the introductory clause and substituting therefor the words “or the county commissioner of cooperatives as the case may be and to any limitations imposed by the Commissioner or county commissioner of cooperatives, and the Commissioner or county commissioner of cooperatives”
- (ii) by deleting paragraph (a)
- (iii) by deleting paragraph (b) and substituting therefor the following new paragraph “apply to the High Court for the replacement of a liquidator”
- (iv) by deleting paragraph (d)
- (v) by inserting the words “or the county commissioner for cooperatives “ immediately after the words “ the Commissioner” in paragraph (e)
- (vi) by deleting the words “a discharge to” appearing in paragraph (h) and substituting therefor the following words “apply to the High Court for a discharge of”
- (vii) by inserting the words “ or county commissioner of cooperatives as the case may be” immediately after the words “ as the Commissioner” appearing in paragraph (i)

(b) in subclause (2) by deleting the words “and shall be exercisable similar to an order made by the Commissioner under subsection (1)(a)”.

**CLAUSE 114**

**THAT** clause 114 of the Bill be amended by inserting the words “county commissioner of cooperatives,” immediately after the words “of the Commissioner”

...../Notice of Amendments



**CLAUSE 116**

**THAT** clause 116 of the Bill be amended—

- (a) in subclause (2) by inserting the words “,or county commissioner of cooperatives as the case may be” immediately after the words “to the Commissioner”
- (b) in subclause (3) by deleting the words “the Commissioner shall take such action as the Commissioner considers” appearing immediately after the words “with subsection (2)” and substituting therefor the words “the Commissioner or county commissioner of cooperatives, as the case may be shall take such action as the Commissioner or county commissioner of cooperatives, consider”

**CLAUSE 118**

**THAT** clause 118 (2) of the Bill be amended by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “ person, the Commissioner”

**CLAUSE 121**

**THAT** clause 121 of the Bill be amended—

- (a) by deleting the introductory clause in subclause (2) and substituting therefor the following introductory clause—
  - (2) The Commissioner or county commissioner of cooperatives, as the case may be, may apply to the Tribunal for an order under subsection (3) if they believe that such a transaction-
- (b) in subclause (3)—
  - (i) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “by the Commissioner” appearing in the introductory clause.
  - (ii) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “to the Commissioner” appearing in paragraph (c)
  - (iii) by inserting the words “or county commissioner of cooperatives, as the case may be” immediately after the words “to the Commissioner” appearing in paragraph (d)

...../Notice of Amendments

**CLAUSE 123**

**THAT** clause 123 (2) of the Bill be amended by –

- (a) deleting paragraph (b) and substituting therefor the following new paragraph—
  - (b) one deputy chairperson
- (b) by deleting the word “ six” appearing immediately after the words “ less than” in paragraph (c) and substituting therefor the word “seven”

**CLAUSE 124**

**THAT** clause 124 of the Bill be amended—

- (a) by inserting the following new subclause immediately after subclause (1)—
  - (1A) The Chairman of the Tribunal shall be an advocate of the High Court of Kenya of not less than seven years standing.
- (b) in subclause (2) by deleting the words “appointed by the Judicial Service Commission from a list of persons nominated for such appointment by the Cabinet Secretary” appearing immediately after the words “Tribunal shall be” and substituting therefor the words “competitively recruited by the Judicial Service Commission.”
- (c) in subclause (3)—
  - (i) in paragraph (a) by inserting the words “finance or dispute resolution” immediately after the words “law or practice”
  - (ii) in paragraph (b) by inserting the words “or relevant professional body” immediately after the words “cooperative professionals”

**CLAUSE 125**

**THAT** clause 125 (2) (a) of the Bill be amended by deleting the word “three” appearing immediately after the words “a term of” and substituting therefor the word “five”

**CLAUSE 127**

**THAT** clause 127 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

- (d) dies
- (e) resigns in writing to the Judicial Service Commission.

**...../Notice of Amendments**

**CLAUSE 128**

**THAT** clause 128 of the Bill be amended—

(a) in subclause (1) –

(i) by inserting the words “ or county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner” in paragraph (a);

(ii) by inserting the words “ or county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner” in paragraph (b);

(iii) by deleting paragraph (c)

(iv) by deleting paragraph (d)

(b) in subclause (2) by—

(i) deleting the word “Director” appearing immediately after the words “Commissioner or county” in paragraph (c) and substituting therefor the word “Commissioner”

(ii) deleting the word “Director” appearing immediately after the words “Commissioner or the county” in paragraph (e) and substituting therefor the word “Commissioner”

(c) by inserting the following new subclause immediately after subclause (2)—

(3) The Tribunal shall determine a dispute referred to it under this section within six months of the date of filing of the dispute.

**CLAUSE 130**

**THAT** clause 130 (2) of the Bill be amended by deleting the word “Director” appearing immediately after the words “the Commissioner, County” and substituting therefor the word “Commissioner”

**CLAUSE 131**

**THAT** clause 131 of the Bill be amended by inserting the following new subclause immediately after subclause (2) –

(2A) The Tribunal shall cause the orders and judgements issued under this section to be published on its website.

...../Notice of Amendments

**CLAUSE 146**

**THAT** clause 146 (2) of the Bill be amended by deleting the word “Commissioner” and substituting therefor the words “Cabinet Secretary, in consultation with inter-governmental cooperatives relations technical forum”

**CLAUSE 148**

**THAT** clause 148 of the Bill be amended –

- (a) by deleting the introductory clause and substituting therefor the following new introductory clause—

(1) Subject to the provisions of this Act and any other written law, the intercounty primary, the intercounty secondary, the Apex Cooperative or the Cooperative federations or may, with approval of the Commissioner, develop and implement –

- (b) by inserting the following subclause immediately after subclause (1)—

(1A) Subject to the provisions of this Act and any other written law, the intracounty primary or the intracounty secondary, with approval of the respective county commissioner of cooperatives, develop and implement –

- (a) a procedure and appropriate system or mechanism of exercising self-regulation over its members or affiliates;
- (b) a code of conduct for its members;
- (c) procedure for alternative dispute resolution in Cooperatives;
- (d) mechanism for sector shared common services; and
- (e) guidelines on provision of services through virtual platforms.

**CLAUSE 150**

**THAT** clause 150 of the Bill be amended—

- (a) in subclause (2) by deleting the word “Director” appearing immediately after the words “the Commissioner, county” in paragraph (c) and substituting therefor the word “Commissioner”

...../Notice of Amendments

- (b) in subclause (3) by deleting the word “Director” appearing immediately after the words “The Commissioner, county” in the introductory clause and substituting therefor the word “Commissioner”
- (c) in subclause (4) by deleting the words “ or the Authority as the case may be, the Apex Cooperative or a Cooperative federation or a secondary Cooperative” appearing immediately after the words “by the Commissioner” and substituting therefor “the county commissioner of cooperatives or the Authority as the case may be, the primary, the secondary, the Cooperative federation or the Apex cooperative”

**CLAUSE 152**

**THAT** clause 152 of the Bill be amended—

- (a) in subclause (3) by deleting the words “commits an offence and shall on conviction be liable upon to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment; and shall, if the offence is the contravention of subsection(1) of this section, be ordered to repay the amount of the remuneration, salary, commission or other payment received from the Cooperative in addition to or in lieu of any other punishment, and default in such payment shall be dealt with in the same manner as default in paying a fine imposed by a Tribunal” appearing immediately after the words “of this section” and substituting therefor “commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment”
- (b) by inserting the following new subclause immediately after subclause (3)—

(3A) If the offence in subsection (3) is in contravention of subsection (1), the person shall be ordered to repay the amount of the remuneration, salary, commission or other payment received from the Cooperative in addition to or in lieu of any other punishment, and default in such payment shall be dealt with in the same manner as default in paying a fine imposed by a Tribunal.

...../Notice of Amendments

**CLAUSE 153**

**THAT** the Bill be amended by deleting clause 153 and substituting therefor the following new clause—

Establishment of the National Co-operative Development Fund. **153.** (1) There is established the National Co-

Co-operative  
Development  
Fund.

(2) The National Co-operative Development Fund shall consist of –

(a) sum of money received from the levy paid by intercounty primary cooperatives, intercounty secondary cooperatives, the federative cooperatives and the Apex cooperative in the sums and rate as the Cabinet Secretary may prescribe; and

(b) such gifts, donations or grants as may be donated to the Fund.

**CLAUSE 154**

**THAT** clause 154 (2) of the Bill be amended—

(a) by inserting the following paragraph—

(aA) subject to consultations with the council of county governors prescribe the certificate of registration to be issued by the Commissioner or the county commissioner of cooperatives

(b) by deleting paragraph (g);

(c) by inserting the following paragraph immediately after paragraph (h)—

(ha) provide for the guidelines for the implementation of electronic voting in both annual general meetings and special general meetings of cooperatives.

(d) in paragraph (m) by inserting the words “ intercounty primary, intercounty secondary” immediately after the words “compliance certificate to”

...../Notice of Amendments

- (e) in paragraph (n) by deleting the words “primary and secondary cooperatives by the county director” appearing immediately after the words “compliance certificate to” substituting therefor the words “intracounty primary cooperatives, and intracounty secondary cooperatives by the county commissioner”
- (f) in paragraph (q) by deleting the word “director” appearing immediately after the words “Commissioner and county” and substituting therefor the word “commissioner”
- (g) in paragraph (v) by deleting the words “Executive Committee Members, with a copy to” appearing immediately after the words “Cooperative to the” and substituting therefor the words “Director of county cooperatives or”
- (h) in paragraph (w) by inserting the words “or county commissioner of cooperatives, as the case may be,”
- (i) by inserting the following new paragraph immediately after paragraph (ll)—  
  
(lla)gazette the standard certificate and a common seal for the Commissioner or county commissioner of cooperatives as the case may be”

#### **CLAUSE 156**

**THAT** clause 156 of the Bill be amended deleting the words “Director for Cooperatives as to the exercise of the powers and duties conferred upon the County Director

” appearing immediately after the words “ direct the county” and substituting therefor the words “commissioner for Cooperatives as to the exercise of the powers and duties conferred upon the county commissioner”

#### **CLAUSE 157**

**THAT** clause 157 of the Bill be amended—

- (a) in subclause (1)—
  - (i) by inserting the words “or county commissioner of cooperatives, as the case may be,” immediately after the words “ Act the Commissioner” in the introductory clause
  - (ii)by deleting the word “Commissioner” appearing immediately after the words “to send to the” in paragraph (b) and substituting therefor the word “them”

**...../Notice of Amendments**

- (b) in subclause (2) by deleting the words “ may in writing delegate any of of his powers conferred upon him to an” and substituting therefor the words“ or county commissioner of cooperatives as the case may be, may delegate in writing any of the powers conferred upon them to a relevant” immediately after the words “ The Commissioner ”

**CLAUSE 158**

**THAT** the Bill be amended by deleting clause 158.

**CLAUSE 159**

**THAT** clause 159 (1) of the Bill be amended by deleting the words “Director for Cooperatives, or any person duly authorized in that behalf, by the Commissioner or the County Director” appearing immediately after the words “Commissioner or the County” in paragraph (c) and substituting therefor the words “commissioner for Cooperatives, or any person duly authorized in that behalf, by the Commissioner or the County commissioner”

**CLAUSE 162**

**THAT** clause 162 (4) of the Bill be amended by deleting the word “director” appearing immediately after the words “or the county” and substituting therefor the word “commissioner”.

**CLAUSE 163**

**THAT** clause 163 of the Bill be amended by deleting the word “a” appearing immediately after the words “ whichever is earlier” in paragraph (b) and substituting therefor the word “and”

**CLAUSE 164**

**THAT** clause 164 be amended –

- (a) in paragraph (a) by inserting the words “ provided they meet the qualifications for appointment under this Act” immediately after the words “purposes of this Act”

**...../Notice of Amendments**



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

(b) the person appointed by a County Public Service Board to serve within a county as the County Director for Cooperatives or as the technical head of Cooperative affairs within the county or by any other name called, shall be deemed to be the county commissioner for cooperatives for purposes of this Act.

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

(c) the technical officers appointed to serve in the office of the Commissioner for Cooperative Development and County Director for cooperatives or the office of the technical head of cooperative affairs within the county or by any other name called shall be deemed to be technical officers in the office or the Commissioner or the County Commissioner for cooperatives for purposes of this Act and will be required to comply with the necessary academic qualification within three years.

#### **CLAUSE 165**

**THAT** clause 165 be amended by deleting the words “ primary and secondary cooperatives” immediately after the words “ in respect of” and substituting therefor the words “ intercounty primary and intercounty secondary”

#### **INSERTION OF NEW CLAUSE 8A**

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

Term of office      **8A.** A Commissioner appointed under section 8, shall serve for a term of five years renewable once or until their statutory retirement age whichever comes first.

**...../Notice of Amendments**

**INSERTION OF NEW CLAUSE 13A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 13—

Term of office for the county commissioner of cooperatives.	<b>13A.</b> A county commissioner of cooperatives appointed under section 13, shall serve for a term of five years renewable once or until their statutory retirement age whichever comes first.
---	--

**INSERTION OF NEW CLAUSE 29A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 29—

Procedure for  Registration of intracounty primary and intracounty secondary cooperatives.	<b>29A.</b> (1) An application to register—  (a) an intracounty primary cooperative shall be made to the county commissioner of cooperatives in the prescribed form and be signed by—  (i) atleast ten persons representing at least twenty prospective members in the case of registration of the intracounty primary cooperative;  (ii) the chief executive officers of atleast five intracounty primary cooperatives in the case of registration of an intracounty secondary cooperative;  (2) The application in subsection (1) shall be accompanied by—  (a) an economic viability appraisal in respect to the county where it is proposed that the Cooperative head offices shall be located;  (b) copies of the proposed by-laws of the Cooperative, signed by the promoters providing for amongst other things –  (i) objects of the Cooperative;  (ii) registered physical offices;
---	--

...../Notice of Amendments

- (iii) the names of interim officials;
  - (iv) mode of submission of contributions;
  - (v) form of the Cooperative to be registered;
  - (vi) common bond or field of membership;
  - (vii) area of operations;
  - (viii) names of participants;
  - (ix) qualifications for membership and eligibility to the boards; and
  - (x) the prospective members' commitment to Cooperative principles and values.
- (c) minutes of the pre-Cooperative meeting duly certified by the county commissioner of cooperatives providing amongst others names, identification numbers, addresses, telephone numbers and signatures of all the prospective members;
- (d) in case of an employer-based savings and credit Cooperative, a letter from the employer indicating their commitment for check off remittances of the cooperative deductions;
- (e) the prescribed fee for registration of cooperatives; and
- (f) any other matter as may be prescribed in the Regulations.

(3) Prior to applying for registration, the promoters of an intracounty primary cooperative or an intracounty secondary cooperative shall—

- (a) hold at least one meeting of the prospective members of the proposed cooperative presided over by the County Commissioner for Cooperatives or the appointed representative, where –

...../Notice of Amendments

- (i) the prospective members are sensitized on the Cooperative principles, values and ethical beliefs, members' rights and obligations and requirements for registration;
  - (ii) the prospective members are sensitized on matters related to compliance upon registration; and
  - (iii) the common bond or field of membership of prospective members is determined.
- (b) obtain a name reservation certificate from the County Commissioner for Cooperatives which shall be valid for a period of three months from the date of issuance.

**INSERTION OF CLAUSE 53A to 53J**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 53 –

Establishment  
of the office of  
the National  
Audit Director  
of  
Cooperatives.

**53A.** (1) There is established the Office  
of the National Audit Director of  
Cooperatives.

(2) The Office of the National Audit  
Director of Cooperatives shall be an  
office in the Public Service.

Staff of the  
office of the  
National Audit  
Director of  
Cooperatives.

**53B.** The Public Service Commission  
shall appoint such number of technical  
officers to the office of the National  
Audit Director of Cooperatives, as may  
be necessary for the implementation of  
the provisions of this Act

**...../Notice of Amendments**

Vacancy in the office of the National Audit Director of Cooperatives.

**53C.** (1) Three months prior to a vacancy arising in the position of the National Audit Director, the Public Service Commission shall by advertisement in at least two daily local newspapers of national circulation, invite applications from persons who qualify for appointment to the office of the National Audit Director of Cooperatives.

(2) The Public Service Commission shall, within six months of a vacancy arising in the position of the National Audit Director, fill the vacancy through a competitive recruitment process.

(3) A person is not qualified for appointment as the National Audit Director, unless the person has—

- (a) a bachelor's degree in finance, accounting or economics from a university recognised in Kenya;
- (b) a minimum of twenty years' experience in auditing or public finance management, ten years of which shall be in a senior management position;
- (c) meets the requirements of Chapter six of the Constitution;
- (d) is a practicing member of good standing of a professional body of accountants recognised by law.

**...../Notice of Amendments**

Functions of  
the National  
Audit  
Director.

**53D.** The National Audit Director shall—

(a) verify the audited accounts submitted by the auditors of intercounty primary, intercounty secondary, cooperative federations and the Apex Cooperative under section 54 against the international standards, principles and practices in Audit; and

(b) submit the verified audited accounts in paragraph (a) to the Commissioner with comments on the findings and recommendations.

Term of  
National Audit  
Director.

**53.E.** The National Audit Director appointed under section 53C, shall serve for a term of five years renewable once or until their statutory retirement age whichever comes first.

Establishment  
of the office of  
the County  
Audit Director  
of  
Cooperatives.

**53F.** (1) There is established the Office of the County Audit Director of Cooperatives.

(2) The Office of the County Audit Director of Cooperatives shall be an office in the County Public Service.

Staff of the  
office of the  
County Audit  
Director of  
Cooperatives.

**53G.** The County Public Service Board shall appoint such number of technical officers to the office of the County Audit Director of Cooperatives, as may be necessary for the implementation of the provisions of this Act

**...../Notice of Amendments**

Vacancy in the office of the County Audit Director of Cooperatives.

**53H.** (1) Three months prior to a vacancy arising in the position of the County Audit Director, the County Public Service Board shall by advertisement in at least two daily local newspapers of national circulation, invite applications from persons who qualify for appointment to the office of the County Audit Director of Cooperatives.

(2) The County Public Service Board shall, within six months of a vacancy arising in the position of the County Audit Director, fill the vacancy through a competitive recruitment process.

(3) A person is not qualified for appointment as the County Audit Director, unless the person has—

- (a) a bachelor's degree in finance, accounting or economics from a university recognised in Kenya;
- (b) a minimum of ten years' experience in auditing or public finance management;
- (c) meets the requirements of Chapter six of the Constitution;
- (d) is a practicing member of good standing of a professional body of accountants recognised by law.

Functions of the County Audit Director.

**53I.** The County Audit Director shall—

- (a) verify the audited accounts submitted by the auditor of the intracounty primary and intracounty secondary Cooperatives in the counties under section 54, against the international standards, principles and practices in Audit;

**...../Notice of Amendments**

(b) submit the verified audited accounts in paragraph (a) to the county commissioner of cooperatives with comments on the findings and recommendations.

Term of  
County Audit  
Director.

**53J.**A County Audit Director appointed under section 53H, shall serve for a term of five years renewable once or until their statutory retirement age whichever comes first.

#### **INSERTION OF CLAUSE 64A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 64—

Recall of **64A.** (1) Not less than two-thirds of the  
Board of members present and voting at a meeting of  
Directors. the Cooperative which has been duly  
convened, may recall a member of the board  
of directors before the end of their term.

(2) A member of the board of directors  
may be recalled on grounds that—

(a) the member has violated the  
provisions of the Act resulting in  
their removal or suspension as per  
the provisions of the Act;

(b) the member has been convicted of  
an offence under the Act.

#### **INSERTION OF CLAUSE 85A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 85—

...../Notice of Amendments



Investment  
in public  
private  
partnerships,  
joint  
ventures.

**85A.** (1) A Cooperative may invest in a public private partnership or a joint venture provided that—

- (a) a special resolution is passed by two thirds of the members of the cooperative in a general meeting to authorise the participation of the cooperative in the public private partnership or a joint venture;
- (b) the interests of the Cooperative are represented in the entity carrying out the joint venture or public private partnership by directors appointed by the board of the directors of the Cooperative; and
- (c) the Cooperative shall prepare consolidated financial statements incorporating the operations of any joint venture and public private partnership that the cooperative has invested in.

(2) A Cooperative that has invested in any joint venture and public private partnership shall incorporate procedures and criteria for appointment of its directors to the entity carrying out any joint venture and public private partnership in its by-laws.

(3) A Cooperative that has invested in any joint venture and public private partnership shall incorporate procedures of the entity carrying out any joint venture and public private partnership in its bylaws.

(4) The Cabinet Secretary shall develop Regulations for the participation of a cooperative in any joint venture and public private partnership.

**...../Notice of Amendments**

**INSERTION OF CLAUSE 101A**

**THAT** the Bill be amended by inserting the following new clause immediately after the clause 101—

Expenses of inquiry. **101A.** (1) Where an inquiry is held or made under this Act, the National Audit Director or the County Audit Director as the case may be, may, by a certificate under their hand, make an order apportioning the expenses, or such part of the expenses as they consider proper, between the Cooperative, the members or creditor demanding the inquiry, and the officers or former officers of the Cooperative and the decision of the National Audit Director or the County Audit Director thereon shall be final.

(2) Any sum awarded by way of expenses under subsection (1) shall be a civil debt recoverable summarily on production of the certificate referred to in that subsection.

**INSERTION OF CLAUSE 153A to 153AA**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 153—

Establishment of a Board of Trustees. **153A.** (1) There is established a Board of Trustees of the Fund.

Trustees.

(2) The Board of Trustees is a body corporate with perpetual succession and a common seal and is in its corporate name capable of—

- (a) suing and being sued;
- (b) taking, purchasing and disposing of movable and immovable property;
- (c) borrowing money;

...../Notice of Amendments

- (d) entering in to contracts; and
- (e) doing other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

Membership of the Board of Trustees. **153B.** (1) The Board of Trustees shall consist of—

- (a) a Chairperson appointed by the Cabinet Secretary;
- (b) the following four persons appointed by the Cabinet Secretary to represent the cooperative movement—
  - (i) one member nominated by the Apex cooperative;
  - (ii) one member nominated by the federative cooperatives;
  - (iii) one member nominated by the intercounty secondary cooperatives;
  - (iv) one member nominated by the intercounty primary cooperatives; and
- (c) a representative of an academic institution of higher learning that specialises in cooperative development appointed by the cabinet secretary;
- (d) the Chief Executive Officer of the Board of Trustees who shall be the secretary and the Fund Administrator.

(2) A person shall be qualified for appointment as the chairperson, if the person—

- (a) holds a degree in either economics, accounting, finance or other relevant degree from a recognised university; and
- (b) has atleast ten years' experience in a senior management position.

(3) A person shall be qualified for appointment under subsection (1) (b) if the person—

...../Notice of Amendments

- (a) holds a degree in either economics, accounting, finance or other relevant degree from a recognised university; and
- (b) has atleast ten years' experience in a senior management position.
- (4) The members of the Board of Trustees shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

Function of the Board of Trustees. **153C.** The Board of Trustees shall—

- (a) pay out of the Fund grants for the promotion of education, training, research, consultancy and other related activities in the intercounty primary, intercounty secondary, cooperative federation and Apex cooperatives in Kenya;
- (b) invest any surplus funds not immediately required in securities approved by the National Treasury, for purposes of realising the objects and purpose for which the Fund is established;
- (c) keep and maintain audited accounts of the Fund and publish the accounts in the manner approved by the National Treasury; and
- (d) cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

Chief Executive Officer of the Fund **153D.**(1) The Chief executive officer of the Fund shall be competitively recruited by the Public Service Commission and appointed by the Cabinet Secretary responsible for Treasury.

(2) A person is qualified for appointment as the Chief Executive Officer, if that person—

...../Notice of Amendments

(a) holds a degree in either economics, accounting, finance or any other relevant degree from a recognised university;

(b) has ten years of work experience of which five years shall be in senior management level in a relevant field; and

(c) meets the requirements of Chapter Six of the Constitution.

Vacancy.

**153E.**A member of the Board may cease to hold office if—

(a) they resign from office by notice in writing to the appointing authority;

(b) they are removed from office by the appointing authority upon being—

(i) adjudged bankrupt or entering into a composition scheme or arrangement with their creditors;

(ii) convicted of an offence involving dishonesty or fraud;

(iii) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;

(iv) incapacitated by prolonged physical or mental illness; or

(v) unable or unfit to discharge their duties; or

(vi) they die.

...../Notice of Amendments

Term of office. **153F.** The members of the Board of Trustees shall serve for a term of three (3) years renewable once.

The headquarters of the Board of Trustees. **153G.** The headquarters of the Board of Trustees of the Fund shall be in Nairobi.

Secretariat of the Board of Trustees. **153H.** The Ministry in charge of Treasury shall provide the secretariat services and facilities required by the Board of Trustees in the performance of its functions.

Meetings of the Board of Trustees. **153I.** The conduct of business and affairs of the Board of Trustees shall be as set out in the Schedule to this Act.

Expenses of the Board of Trustees. **153J.** (1) The expenses of the Board of Trustees shall be paid out of the Fund.

(2) The expenses of the Board of trustees shall not exceed point one percent of the Fund.

(3) The remuneration of the Board of Trustees shall be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Disbursements from the Fund. **153K.** (1) A disbursement from the Fund shall be done by the Fund Administrator.

(2) Each disbursement from the Fund shall be approved by the Board and recorded in the minutes of the Board.

Funds to be retained under the Fund. **153L.** All receipts, savings and accrual to the Fund and the balance of the Fund at the end of each Financial year shall be retained in the Fund and applied in accordance with this Act.

**...../Notice of Amendments**

Records of the Fund to be accessible. **153M.**(1) The Board shall submit a report of its disbursements to the Commissioner every quarter.

(2) The records of the Fund shall be accessible to the public for inspection upon payment of the prescribed fee.

Establishment of the County Co-operative Development Fund. **153N.** (1) There is established the County Co-operative Development Fund.

Co-operative Development Fund.

(2) The County Co-operative Development Fund shall consist of –

(a) the sum of money received from the levy paid by intracounty primary cooperatives and the intracounty secondary cooperatives; and

(b) such gifts, donations or grants as may be donated to the Fund.

Establishment of a Board of Trustees. **153O.** (1) There is established a Board of Trustees of the Fund.

(2) The Board of Trustees is a body corporate with perpetual succession and a common seal and is in its corporate name capable of—

(a) suing and being sued;

(b) taking, purchasing and disposing of movable and immovable property;

(c) borrowing money;

(d) entering in to contracts; and

(e) doing other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

Membership of the Board of Trustees. **153P.** (1) The Board of Trustees shall consist of—

(a) a Chairperson appointed by the Governor ;

(b) the following four persons appointed by the Governor to represent the cooperative movement—

**...../Notice of Amendments**

- (i) one member nominated by the intracounty primary cooperative; and
  - (ii) one member nominated by the intracounty secondary cooperatives;
- (c) the Chief Executive Officer of the Board of Trustees who shall be the secretary and the Fund Administrator.
- (2) A person shall be qualified for appointment as the chairperson, if the person—
  - (c) holds a degree in either economics, accounting, finance or other relevant degree from a recognised university; and
  - (d) has atleast ten years' experience in a senior management position.
- (3) A person shall be qualified for appointment under subsection (1) (b) if the person—
  - (c) holds a degree in either economics, accounting, finance or other relevant degree from a recognised university; and
  - (d) has atleast ten years' experience in a senior management position.
- (4) The members of the Board of Trustees shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

Function of the Board of Trustees. **153Q.** The Board of Trustees shall—

- (e) pay out of the Fund grants for the promotion of education, training, research, consultancy and other related activities in respect to the intracounty primary and intracounty secondary cooperatives of the respective county;
- (f) invest any surplus funds not immediately required in securities approved by the National Treasury, for purposes of realising the objects and purpose for which the Fund is established;

...../Notice of Amendments



(g) keep and maintain audited accounts of the Fund and publish the accounts in the manner approved by the National Treasury; and

(h) cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

Chief Executive Officer of the Fund      **153R.**(1) The Chief executive officer of the Fund shall be competitively recruited by the Public Service Commission and appointed by the Cabinet Secretary responsible for Treasury.

(2) A person is qualified for appointment as the Chief Executive Officer, if that person—

(a) holds a degree in either economics, accounting, finance or any other relevant degree from a recognised university;

(b) has ten years of work experience of which five years shall be in senior management level in a relevant field; and

(c) meets the requirements of Chapter Six of the Constitution.

Vacancy.      **153S.**A member of the Board may cease to hold office if—

(a) they resign from office by notice in writing to the appointing authority;

(b) they are removed from office by the appointing authority upon being—

(i) adjudged bankrupt or entering into a composition scheme or arrangement with their creditors;

(ii) convicted of an offence involving dishonesty or fraud;

(iii) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;

...../Notice of Amendments

(iv) incapacitated by prolonged physical or mental illness; or

(v) unable or unfit to discharge their duties; or

(vi) they die.

Term of office. **153T.** The members of the Board of Trustees shall serve for a term of three (3) years renewable once.

The headquarters of the Board of Trustees. **153U.** The headquarters of the Board of Trustees of the Fund shall be in county headquarters of the respective county.

Secretariat of the Board of Trustees. **153V.** The Ministry in charge of Treasury shall provide the secretariat services and facilities required by the Board of Trustees in the performance of its functions.

Meetings of the Board of Trustees. **153W.** The conduct of business and affairs of the Board of Trustees shall be as set out in the Schedule to this Act.

Expenses of the Board of Trustees. **153X.** (1) The expenses of the Board of Trustees shall be paid out of the Fund.

(2) The expenses of the Board of trustees shall not exceed point one percent of the Fund.

(3) The remuneration of the Board of Trustees shall be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Disbursements from the Fund. **153Y.** (1) A disbursement from the Fund shall be done by the Fund Administrator.

(2) Each disbursement from the Fund shall be approved by the Board and recorded in the minutes of the Board.

...../Notice of Amendments

Funds to be **153Z.** All receipts, savings and accrual to the Fund retained under and the balance of the Fund at the end of each the Fund. Financial year shall be retained in the Fund and applied in accordance with this Act.

Records of the **153AA.**(1) The Board shall submit a report of its Fund to be disbursements to the Commissioner every quarter. accessible.  
(2) The records of the Fund shall be accessible to the public for inspection upon payment of the prescribed fee.

## **FIRST SCHEDULE**

**THAT** the First Schedule of the Bill be amended—

- (a) in paragraph 3 by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ”
- (b) in paragraph 6 by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ”
- (c) in paragraph 7 (6) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ”
- (d) in paragraph 8 (1) by deleting the words “ be punished accordingly (in addition to any other punishment to which the person may be subject)” immediately after the words “ is liable to ” and substituting therefor the words “a fine not exceeding two hundred thousand shillings or to imprisonment in civil jail for a term not exceeding six months, or to both.”
- (e) in paragraph 9 (1) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ”
- (f) in paragraph 11—
  - (i) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ” appearing in subparagraph (1)
  - (ii) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ” appearing in subparagraph (2)

**...../Notice of Amendments**

(g) in paragraph 12 –

(i) by deleting the words inserting the words “This paragraph does not limit the effect of paragraph 4” immediately after the words “surrender or payment” appearing in subparagraph (5)

(ii) by deleting subparagraph (6)

(h) in paragraph 26 (1) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “ the Commissioner ”

(i) in paragraph 29 (1) (b) by deleting the words “of any” appearing immediately after the words “ before any”

## **SECOND SCHEDULE**

**THAT** the Second Schedule of the Bill be amended in paragraph 3 (5) by deleting the word “ of” appearing after the words “worker specified in” in the definition of the words “employee”

## **THIRD SCHEDULE**

**THAT** the Third Schedule of the Bill be amended—

(a) in paragraph 8 (2) “(directly or indirectly) in a business of the Cooperative with the knowledge that it was being carried on in the manner referred to in subparagraph (1)(a), it may order those persons (or any of them)” and substituting therefor the words “directly or indirectly in a business of the Cooperative with the knowledge that it was being carried on in the manner referred to in subparagraph (1)(a), it may order those persons either jointly or severally”

(b) in paragraph 13—

(i) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner ”appearing in subparagraph (2)

(ii) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner ”appearing in subparagraph (3)

(iii)by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner” appearing in the introductory clause of subparagraph (4)

**...../Notice of Amendments**

- (iv) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner ” appearing in subparagraph (4)(b)
- (v) by inserting the words “ county commissioner of cooperatives as the case may be” immediately after the words “the Commissioner ” appearing in subparagraph (5)

## **CLAUSE 2**

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

- (a) by deleting the definition of the word “ agricultural” appearing in the definition of the word “agricultural produce” and substituting therefor the word “ members”.
- (b) by deleting the definition of the word “ annual delegates meeting ”
- (c) by deleting the definition of the word “bylaws” and substituting therefor the following new definition—

“by-laws” means the internal rules made by a Cooperative registered under this Act including the amendments to those internal rules;
- (d) by deleting the definition of the word “Commissioner” and substituting therefor the following new definition—

“Commissioner” means the Commissioner for Cooperative Development appointed under section 8;
- (e) by deleting the definition of the word “Cooperative technical officer” and substituting therefor the following new definition—

“cooperative technical officer” means an officer appointed by the Public Service Commission under section 7 or a County Public Service Board under section 12;
- (f) by deleting the definition of the word “county director for cooperatives” and substituting therefor the following new definition—

“County Commissioner for Cooperatives” means the county commissioner for cooperatives appointed under section 11;

**...../Notice of Amendments**

- (g) by inserting the following new definition immediately after the definition “deposit”—

“diaspora-based member” means a member who is a kenyan citizen but is not resident in Kenya

- (h) by deleting the definition “primary cooperative” and inserting therefor the following new definitions in the proper alphabetical order—

“intracounty primary cooperative” means a cooperative formed by individual persons and located in one county for purposes of promoting members’ common socio-economic needs and aspirations.

“intercounty primary cooperative” means a primary cooperative formed for the purposes of promoting members’ common socio-economic needs and aspirations which —

- (a) was initially registered as an intracounty primary cooperative; and
- (b) has additional membership of atleast five hundred individual persons per county from more than two counties that are not the original county of registration of the intracounty primary cooperative.

- (i) by deleting the definition “secondary cooperative” and inserting therefor the following new definitions in the proper alphabetical order—

“intracounty secondary cooperative” means a cooperative whose membership is five or more intracounty primary cooperatives;

“intercounty secondary cooperative” means a cooperative whose membership is five or more intercounty primary cooperatives;

- (j) by inserting the following new definition immediately after the definition “ intergovernmental cooperative relations technical forum”

“levy” means the payment made by cooperatives under section 153;

- (k) by deleting the definition “special delegate meeting”;

- (l) by inserting the following new definition immediately after the definition “promoters”—

“reserve fund” means assets set aside from net surplus of a cooperative for investment in fixed assets and liquid assets, shares, supporting working capital and settlement of liabilities;

**...../Notice of Amendments**

(m) by inserting the following new definition immediately after the definition “special resolution”—

“ subsidiary company” means any company that is wholly or partially owned by a cooperative;

**LONG TITLE**

**THAT** the long title of the Bill be deleted and substituted therefor with the following new long title—

**AN ACT** of Parliament to provide for the registration, management, promotion, and regulation of Cooperatives; and for connected purposes.

**APPENDIX**

**1. PAPERS**

- i) Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy.
- ii) Report of the Controller of Budget (CoB) on National Government Budget Implementation Review Report for the first nine months of financial year 2024/2025.
- iii) Report of the Auditor General on financial statements of Level 4, Level 5 and Level 6 Hospitals in Kenya for financial year 2023/2024.
- iv) Report of the Auditor General (Summary Report) on financial statements of Water Companies for financial year 2023/2024.

*(The Senate Majority Leader)*

- v) Report of the Select Committee on Delegated Legislation on its consideration of the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No. 71 of 2025.

*(The Chairperson, Select Committee on Delegated Legislation)*

- vi) Report of the Standing Committee on Trade, Industrialization and Toursim on its consideration of the Cooperatives Bill (National Assembly Bills No. 7 of 2024).

*(The Chairperson, Standing Committee on Trade,  
Industrialization and Toursim)*

**2. NOTICE OF MOTION – REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL AUDITS) (NO. 2) REGULATIONS, 2025, LEGAL NOTICE NO. 71 OF 2025.**

*(The Chairperson, Select Committee on Delegated Legislation)*

**THAT**, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No. 71 of 2025, laid on the Table of the Senate on Wednesday, 6<sup>th</sup> August, 2025; and that pursuant to Section

**...../Appendix**



18 of the Statutory Instruments Act, the Senate resolves to **annul**, the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No. 71 of 2025.

**3. QUESTIONS AND STATEMENTS**

**a) Requests for Statements pursuant to Standing Order 53 (1)**

- i) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the utilization of funds from voided payments by the County Government of Bomet.
  - ii) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) to seek a Statement from the Standing Committee on Health regarding the procurement of medical insurance cover for the employees of the County Government of Samburu for Financial Year 2023/2024.
- 

**..... /Notice Paper**

## **NOTICE PAPER**

### **Tentative Business for Thursday, August 07, 2025**

*(Published pursuant to Standing Order 43 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, August 07, 2025.

#### **A. BILL AT THE FIRST READING STAGE**

\*\*\*\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE  
BILLS NO. 13 OF 2025)

(The Senate Majority Leader and the Senate Minority Leader)

#### **B. BILL AT THE SECOND READING STAGE**

\*THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (SENATE  
BILLS NO. 4 OF 2025)

(Sen. Ledama Olekina, MP)

#### **C. MOTIONS**

- i) WELFARE OF INTERNS WORKING UNDER THE PUBLIC SERVICE  
COMMISSION (PSC)  
(Sen. Samson Cherarkey, MP)
- ii) INSTALLATION OF CCTV CAMERAS IN ALL POLICE STATIONS, CELLS  
AND POLICE REPORTING DESKS  
(Sen. Karen Nyamu, MP)
- iii) PROVISION OF IFMIS REPORTS FOR COUNTY GOVERNMENTS TO  
THE SENATE  
(Sen. Andrew Omtatah Okoiti, MP)
- iv) ADJOURNMENT OF THE SENATE  
(The Senate Majority Leader)

-----