



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**ORDER PAPER**

**AFTERNOON SITTING**

**WEDNESDAY, FEBRUARY 18, 2026 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. **\*\*\*THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILLS NO. 72 OF 2023)**  
(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 11<sup>th</sup> February, 2026  
– Afternoon Sitting)  
(Mover to reply)***

9. **MOTION - CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**  
(The Vice Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the Coffee Bill (Senate Bills No. 10 of 2023), laid on the table of the Senate on Thursday, 4<sup>th</sup> December, 2025, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

***(Resumption of debate interrupted on Tuesday, 17<sup>th</sup> February, 2026  
(Division)***

.....*/Motions*

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

(Sen. Joyce Korir, MP)

*(Resumption of debate interrupted on Tuesday, 30<sup>th</sup> September, 2025)  
(Division)*

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

(The Senate Majority Leader)

12. **COMMITTEE OF THE WHOLE****CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE  
METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

13. **COMMITTEE OF THE WHOLE****\*\*THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**

(The Chairperson, Standing Committee on Health)

*(Consideration of His Excellency the President's recommendations)*

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

(Sen. Tabitha Mutinda, MP)

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

(Sen. Catherine Mumma, MP)

16. **COMMITTEE OF THE WHOLE****\*THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL  
(SENATE BILLS NO. 2 OF 2024)**

(Sen. Crystal Asige, MP)

17. **COMMITTEE OF THE WHOLE****\*THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47  
OF 2023)**

(Sen. Hamida Kibwana, MP)

18. **\*\*\*THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2024)**

(The Senate Majority Leader)

*(Second Reading)*

.....*Bills*

19. \***THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 52 OF 2024)**  
(Sen. Kathuri Murungi, MP)

*(Second Reading)*

20. \***THE ELECTRONIC EQUIPMENT DISPOSAL RECYCLING AND REUSE BILL (SENATE BILLS NO. 5 OF 2025)**  
(Sen. Peris Tobiko, MP)

*(Second Reading)*

21. \*\***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2025)**  
(The Chairperson, Standing Committee on Energy)

*(Second Reading)*

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**KEY**

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

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

\*\*- Denotes a Committee Bill

\*- Denotes any other Bill

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**NOTICE OF AMENDMENTS****A. \*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 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”;
- (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

**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

**B. \*\*\*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL  
(NATIONAL ASSEMBLY BILLS NO. 45 OF 2024)**  
(The Senate Majority Leader)

**NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No. 45 of 2024), at the committee stage—

**CLAUSE 2**

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

(aa) by inserting the following new subsection immediately after subsection 7—

(7A) Notwithstanding subsection (7) Parliament may, by resolution, extend the time for consideration of the Budget Policy Statement by a further seven days.

**CLAUSE 4**

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

(ec) prescribe sustainability reporting standards and formats for reporting by State organs and public entities.

**NEW CLAUSES**

**THAT** the Bill be amended by—

(a) inserting the following new clauses immediately after clause 1 —

Amendment **1A.** The Public Finance Management Act, of section 23 hereinafter referred to as the “principal Act”, is of Cap. amended in section 23 by deleting the words “three 412A. months” appearing immediately after the words “not later than” in subsection (1) and substituting therefor the words “two months”.

Amendment **1B.** The principal Act is amended in section 24 of section 24 (10) by deleting the words “three months” appearing of Cap. immediately after the words “not later than” in 412A. paragraph (b) and substituting therefor the words “two months”.

(b) inserting the following new clauses immediately after clause 3—

Amendment of section 68 of Cap 412A. **3A.** Section 68 of the principal Act is amended—

(a) in subsection (2) by deleting the words “three months” appearing immediately after the words “year within” in paragraph (k) and substituting therefor the words “two months”;

(b) in subsection (4) —

- (i) by inserting the words “or the Auditor-General under Article 229 of the Constitution” immediately after the words “of the Constitution” appearing in the introductory phrase;
- (ii) by inserting the words “Auditor-General” immediately after the words “National Treasury” in paragraph (b); and

(c) by inserting the following subsection immediately after sub-section (4) —

“(4A) An accounting officer who does not implement the recommendations made under subsection (4) shall be liable to the penalty provided for under section 199.”

Amendment of section 80 of Cap 412A. **3B.** The principal Act is amended in section 80 by deleting the words “four months” appearing immediately after the words “not later than” in subsection (4) and substituting therefor the words “two months”.

Amendment of section 81 of Cap 412A. **3C.** The principal Act is amended in section 81 by deleting the words “three months” appearing immediately after the words “not later than” in subsection (4) and substituting the words “two months”.

Amendment of section 82 of Cap 412A. **3D.** The principal Act is amended in section 82 —

(a) by deleting the words “three months” appearing immediately after the words “not later than” in subsection (3) and substituting therefor the words “two months”; and

(b) by deleting the words “three months” appearing immediately after the words “not later than” in subsection (4) and substituting therefor the words “two months”. ....**Notice of Amendments**

Amendment  
of section  
94 of Cap  
412A.

**3E.** Section 94 of the principal Act is amended in subsection (1)(a) by inserting the following new subparagraph immediately after subparagraph (ii)—

(iiia) has persistently delayed or failed to remit employee salaries, statutory deductions including taxes, pension, social health insurance or cooperative societies deductions;

Amendment  
of section  
109 of Cap  
412A.

**3F.** Section 109 of the principal Act is amended by inserting the following new subsections immediately after subsection (7) —

(7A) A county shall, every quarter, submit the following additional documents to the Controller of Budget and the National Treasury—

(a) a statement of statutory deductions status;

(b) a statement on the county government's progress in implementing the previous year's plan for paying its outstanding statutory deductions;

(c) a certification of payment of previous statutory deductions issued by the relevant statutory institutions; and

(d) a statement of the county government's plan for repaying the statutory deductions which shall be accompanied by an agreement signed by the relevant statutory institution accepting the repayment plan.

Amendment  
of section  
115 of Cap  
412A.

**3G.** The principal Act is amended in section 115 by deleting the words "three months" appearing immediately after the words "not later than" in subsection (1) and substituting therefor the words "two months".

Amendment  
of section  
116 of Cap  
412A.

**3H.** The principal Act is amended in section 116 (7) by deleting the words "three months" appearing immediately after the words "not later than" in paragraph (b) and substituting therefor the words "two months".

Amendment  
of section  
117 of Cap  
412A.

**3I.** Section 117 of the principal Act is amended—

(a) in subsection (1) by deleting the expression "by the 28<sup>th</sup> February" appearing immediately after the words "county assembly," and substituting therefor the expression "by the 7<sup>th</sup> March."

(b) in subsection (6) by deleting the word “fourteen” appearing immediately after the words “not later than” and substituting therefore the word “twenty-one.”

Amendment of section 129 of Cap 412A.

Amendment of section 131 of Cap 412A.

**3J.** Section 129 of the principal Act is amended in subsection (2)(a) by deleting the words “except the Finance Bill” appearing immediately after the words “implement the budget”.

**3K.** Section 131 of the principal Act is amended—

(a) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The County Executive Committee member for finance shall submit to the County Assembly, on or before 30<sup>th</sup> April, the County Finance Bill setting out the revenue measures for the County Government together with a policy statement expounding measures on those measures.

(b) by inserting the following new subsections immediately after subsection (2)

(2A) Upon submission of the County Finance Bill under subsection (1), the relevant committee of the County Assembly shall introduce the Bill in the County Assembly.

(2B) The recommendation of the County Executive Committee member for finance shall be included in a report of the Committee and tabled in the County Assembly

(2C) The County Assembly shall consider and pass the County Finance Bill, in time for it to be presented for assent by 30<sup>th</sup> June each year.

Repeal of section 133 of Cap 412A.

**3L.** The principal Act is amended by repealing section 133.

Amendment  
of section  
149 of Cap  
412A.

**3M.** The principal Act is amended in section 149—

- (a) in subsection (2) by deleting the words “three months” appearing immediately after the words “not later than” in paragraph (k) and substituting therefor the words “two months”;
- (b) in subsection (3) by –
  - (i) inserting the words “or the Auditor-General under Article 229(7) of the Constitution” immediately after the word “Constitution” appearing in the introductory phrase;
  - (ii) inserting the words “Controller of Budget and Auditor-General” immediately after the words “County Treasury” appearing in paragraph (b).
- (c) by inserting the following new subsection immediately after subsection (3)—

(3A) An accounting officer who does not implement the recommendations made under subsection (3) shall be liable to the penalty provided for under section 199.

Amendment  
of section  
163 of Cap  
412A.

**3N.** The principal Act is amended in section 163 by deleting the words “four months” appearing immediately after the words “not later than” in subsection (4) and substituting therefor the words “two months”.

Amendment  
of section  
164 of Cap  
412A.

**3O.** The principal Act is amended in section 164 by deleting the words “three months” appearing immediately after the word “within” in the introductory phrase to subsection (4) and substituting therefor the words “two months”.

Amendment  
of section  
165 of Cap  
412A.

**3P.** The principal Act is amended in section 165 by deleting the words “three months” appearing immediately after the words “not later than” in the introductory phrase to subsection (3) and substituting therefor the words “two months”.

Amendment  
of section  
167 of Cap  
412A.

**3Q.** The principal Act is amended in section 167 by deleting the words “three months” appearing immediately after the words “not later than” in subsection (3) and substituting therefor the words “two months”.

Insertion of  
new Part in  
Cap 412A.

**3P.** The principal Act is amended by inserting the following new Part immediately after section 186—

Interpretation  
of this Part.

**Part IVA - FINANCING OF  
TRANSFERRED FUNCTIONS**

**186A.** In this Part, unless the context otherwise requires—

**“transfer agreement” means the agreement on transfer or delegation of powers, functions or competencies as provided for under section 26 of the Intergovernmental Relations Act.**

Cap. 265F.

Application of  
the Part to  
transfer of  
functions.

Cap. 265F.

**186B.** This Part applies to transfer of functions as provided for under Article 187 of the Constitution and sections 24 to 28 of the Intergovernmental Relations Act.

**186C.** (1) Subject to the Constitution, this Act and any other Act of Parliament, and with the approval of the National Assembly and the respective county assembly, transferred functions shall continue to be funded from previous sources as contained in the approved budgets of the transferring level of government.

(2) Where there is need for additional financial resources for a transferred function—

(a) the parties shall consult and agree on the need for the additional financial resources; and

(b) the transferring government shall provide the additional financial resources.

(3) The process of approval and disbursement of the additional financial resources in subsection (2) shall be provided for in the transfer agreement between the two levels of government.

...../*Notice of Amendments*

Costing of transferred functions.

**186D.** (1) The cost of the transferred functions shall be based on the costing framework provided in the national and county government budget manuals.

(2) The cost of transferred functions as determined under subsection (1) shall form the basis for the additional financial resources for the transferred functions.

(3) The additional financial resources for transferred functions —

(a) in the case of a county government to the national government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the county government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants; and

(b) in the case of the national government to a county government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the national government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants.

(4) The allocations under subsection (3) shall be included in the budget estimates of both the county and national government and shall be submitted to Parliament and the respective county assembly for approval.

Management of assets and liabilities.

**186E.** (1) A transfer agreement between the two levels of government shall, in addition to the requirements under section 26 of the Intergovernmental Relations Act, include a provision on acquisition, disposal and transfer of assets and liabilities.

(2) Where assets are acquired and liabilities incurred in the duration of a transfer of a function to either level of government, the level of government receiving the functions shall—

(a) keep, maintain and update the register of assets and liabilities in accordance with the applicable law; and

(b) take appropriate measures to ensure that at the end of the transfer period, the assets and liabilities are transferred to the transferring level of government.

(3) The process of transfer of assets and liabilities upon the expiry of the transfer period shall be in accordance with the transfer agreement or as may be prescribed by the Cabinet Secretary in regulations.

Cash flow projections in relation to the transferred functions.

**186F.** (1) The transferring level of government shall prepare cash flow projections based on revenue projections from various sources of revenue.

(2) The transferring level of government shall publish and publicize the cash flow projections within fifteen days of the commencement of the transfer period.

Quarterly and annual financial and non-financial reports.

**186G.** (1) The accounting officer in a county government, in case of a transfer of a function from the national government to a county government, shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the National Treasury and the responsible national government entity.

(2) The accounting officer in the national government in case of a transfer of a function from a county government to the national government shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the County Treasury; and the responsible county government entity.

(3) The copies of the reports prepared under subsections (1) and (2) shall be submitted to the Senate, the National Assembly, the Auditor General and the respective county assembly in accordance with the Act.

**C. \*\* THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

**NATIONAL ASSEMBLY AMENDMENTS****CLAUSE 1**

**THAT**, clause 1 of the Bill be amended by deleting the words “and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint”.

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended in sub-clause (2) by—

- (a) inserting the words “Civil Aviation Act and the relevant regulations” immediately after of the word “Aviation” appearing in paragraph (d);
- (b) inserting the following new paragraph immediately after paragraph (f)—
  - (fa) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning; and
- (c) inserting the following new paragraph immediately after paragraph (l)—
  - (la) collaborate with the National Drought Management Authority in the development of drought early warning systems;

**CLAUSE 12**

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

- (a) in sub-clause (1) by deleting the words “board of directors to be known as the Kenya Meteorological Service Authority Board” and substituting therefor the word “Board”;
- (b) in sub-clause (2)—
  - (i) by deleting the words “in the ministry” appearing in paragraph (b) and substituting therefor the words “for the time being”;
  - (ii) by deleting the words “in the ministry” appearing in paragraph (c) and substituting therefor the words “for the time being”;
  - (iii) by deleting the words “in the ministry” appearing in paragraph (d) and substituting therefor the words “for the time being”;
  - (iv) by inserting the following new paragraph immediately after paragraph (d)—
    - “(da) the Principal Secretary for the time being responsible for agriculture or his or her representative”;
  - (v) by deleting the words “his representative” appearing in paragraph (e) and substituting therefor the words “a representative”; and
  - (vi) in paragraph (g) by inserting the following new sub-paragraph immediately after sub-paragraph (v)—
    - (vii) drought risk management.

**CLAUSE 19**

**THAT**, clause 19 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

(3) The Board may, where it deems appropriate, co-opt or invite any person who has knowledge and experience in traditional indigenous knowledge on weather forecasting, to act as an advisor or consultant at any of its meetings.

**CLAUSE 38**

**THAT**, clause 38 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3)—

(4) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.

(5) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.

**NEW CLAUSE 43A**

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

Consequential  
amendment  
to Cap.475.

**43A.** Section 3 of the Air Passenger Service Charge Act is amended in subsection (3) by inserting the words “the Kenya Meteorological Services Authority” immediately after the words “the Kenya Civil Aviation Authority”.

**CLAUSE 53**

**THAT**, clause 53 of the Bill be amended—

- (a) in sub-clause (3) by inserting the words “and non-technical” immediately after the word “technical”;
- (b) in sub-clause (5) by inserting the words “and non-technical” immediately after the word “technical”; and
- (c) by deleting sub-clause (6) and substituting therefor the following new sub-clause—
  - (6) Despite subsection (3), a technical or non-technical member of staff shall upon the commencement of this Act, be given an option to elect to serve in the Authority or be redeployed in the civil service within a period of one year.

**D. \*\*THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**  
(The Chairperson, Standing Committee on Health)

***(Consideration of His Excellency the President's recommendations)***

His Excellency the President's recommendations

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be deleted.

**CLAUSE 3**

**THAT**, Clause 3 of the Bill be deleted.

**CLAUSE 4**

**THAT**, Clause 4 of the Bill be deleted.

**E. \*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”.

**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.

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

(Sen. Catherine Mumma, MP)

**A. NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Tobacco Control (Amendment) Bill (Senate Bills No. 35 of 2024), at the Committee Stage –

**CLAUSE 4**

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

Amendment 4. Section 7 of the principal Act is amended –

to section 7  
of Cap 245A

- a) in subsection (2) by deleting the word “cigarette” appearing immediately after the words “by any licensed” in paragraph (f) and inserting the words “tobacco product”; and
- b) in subsection (4) by inserting the following new paragraph immediately after paragraph (a) –
  - (aa) treatment of chronic illnesses caused by the use of tobacco products.

**CLAUSE 6**

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

Amendment 6. Section 12 of the Principal Act be amended by inserting the following new paragraph immediately after paragraph (b) –

12 of Cap  
245A

- (bb) undertake periodical review and adjustment of tax rates to ensure they reflect current public health objectives and inflation.

**CLAUSE 7**

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

- (a) in the proposed section 14A by deleting the words “a disposable” appearing immediately after the words “ten milliliters, in” in paragraph (a) and substituting therefor the word “an”.

- (b) in the proposed section 14E by –

- (i) deleting the proposed subsection (2) and substituting therefor the following –

(2) The Cabinet Secretary shall cause the samples submitted to be tested by the Kenya Bureau of Standards —

- (a) for conformity with the requirements under the Act; and
- (b) to confirm the accuracy of the information submitted in the request for approval.

(ii) deleting the proposed subsection (3).

### **NEW CLAUSES**

#### **CLAUSE 2A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 2 –

**Amendment of section 4 of Cap 245A** 2A. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (e) —

(f) prohibit the manufacture, sale, distribution, or importation of a tobacco product that does not comply with the provisions of this Act.

#### **CLAUSE 5A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5 –

**Amendment of section 9 of Cap 245A** 5A. Section 9 of the principal Act is amended in subsection (5) by deleting the words “local authority” appearing immediately before the words “in collaboration” and substituting therefor the words “county government”.

#### **CLAUSE 16A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 16 –

**Amendment of section 36 of Cap 245A** 16A. Section 36 of the principal Act is amended—

(a) in subsection (1) by deleting the words “Director of Medical Services” appearing immediately after the word “the” and substituting therefor the words “Director-General for health”.

(b) in subsection (2) by deleting the words “Director of Medical Services” appearing immediately after the word “the” and substituting therefor the words “Director-General for health”.

**CLAUSE 2**

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

(a) in paragraph (c) by deleting the definition of the word “nicotine pouch” and substituting therefor the following –

“nicotine pouch” means a prefilled packet containing powdered nicotine intended for oral use.

**B. NOTICE** is given that (Sen. Catherine Mumma, MP), intends to move the following amendments to the Tobacco Control (Amendment) Bill, 2024 (Senate Bills No. 35 of 2024), at the Committee Stage –

**CLAUSE 3**

**THAT** the Bill is amended by deleting clause 3 and substituting therefor the following new clause –

**Amendment 3.** The Principal Act is amended by deleting section 5 and **of section 5** substituting therefor the following new section –  
**of Cap 245A**

**Establishment** 5. There is established the Tobacco Control **of the Tobacco** Advisory Committee.

**Control**

**Advisory**

**Committee**

**Membership of the Committee** 5A. (1) The Committee shall comprise of –

- (a) a chairperson appointed by the Cabinet Secretary;
- (b) the Principal Secretary responsible for matters relating to public health or a designated representative;
- (c) the Principal Secretary for the National Treasury or a designated representative;
- (d) the Director-General for health or a designated representative;
- (e) the chairperson of the Council of County Governors health committee or a designated representative;
- (f) one person with special expertise on matters relating to tobacco, nominated by the Council of County Governors;
- (g) one person representing the Kenya business community, nominated by the Kenya National Chamber of Commerce and Industry;

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

(h) one person nominated by the Kenya Medical Association;

(i) one person representing non-governmental organizations involved in matters relating to tobacco control; and

(j) the chief executive officer of Kenya National Youth Council or a designated representative.

(2) The members of the Committee, other than ex-officio members, shall be appointed by the Cabinet Secretary, by notice in the Gazette.

**Disqualification from the position of a member of the Committee.** 5B. (1) A person shall not be appointed as a member of the Committee if that person—

- (a) is an employee, agent, or representative of a person, company, or association engaged in the manufacture, sale, or distribution of tobacco or tobacco products; or
- (b) has any direct or indirect pecuniary interest in the tobacco industry; or
- (c) has contravened the Conflict-of-Interest Act.

(2) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

**Qualifications of a chairperson of the Committee** 5C. A person is qualified for appointment as the Chairperson of the Committee, if the person has at least ten years of experience in public health, five of which shall be at a senior management level.

**The office tenure of the chairperson and members of the committee** 5D. (1) The Chairperson shall hold office for a term of three years and shall be eligible for re-appointment for one further term of five years.

(2) The members of the committee appearing in subsection (1)(f) to (i), shall hold office for a term of three years and are eligible for re-appointment for one further term of three years.

<b>Powers of the committee to invite a person to the committee</b>	5E. The Committee may invite any person, who is not affiliated to the tobacco industry, to attend a meeting of the Committee for the purpose of assisting or advising the committee on any particular matter, but such person shall have no right to vote at the meeting.
<b>Powers of the committee regulate its own procedures.</b>	<p>5F. (1) Subject to this Act and to any general or special directions in writing by the Cabinet Secretary, the committee shall regulate its own procedures.</p> <p>(2) Subject to subsection (1), the Committee may amend its own procedures for the better carrying out of its functions</p>
<b>Committee expenses</b>	5G. The expenses of the Committee shall be defrayed out of monies appropriated by the National Assembly for that purpose.
<b>Remuneration of the Committee members</b>	5H. The Chairperson and members of the Committee shall be paid by the Cabinet Secretary responsible for matters relating to Health, such allowances as shall be advised by the Salaries and Remuneration Commission.
<b>Secretariat</b>	5I. The secretariat of the Committee shall be provided by the unit responsible for tobacco control at the Ministry responsible for Health.

#### CLAUSE 4

THAT clause 4 of the Bill is amended by deleting paragraph (a) (ii) and substituting therefor the following new paragraph –

(ii) deleting paragraph (f) and substituting therefor the following new paragraph –

(f) a solatium compensatory contribution payable by any licensed tobacco product manufacturers or importers in the country as may be determined by the Committee.

#### CLAUSE 6

THAT the Bill is amended by deleting clause 6 and substituting therefor the following new clause –

**Amendment 6.** The Principal Act is amended by deleting section 12 and substituting therefor the following new section –

**12 of Cap 245A.**

**Tax and Price Policies** 12. The Cabinet Secretary for the time being in charge of finance shall —

- (a) implement tax measures on unprocessed tobacco and tobacco products to contribute to the objectives of this Act;
- (b) conduct periodic review and adjustment of tax rates to ensure they reflect current public health objectives and inflation
- (c) apply adjustment for inflation for tobacco products that have specific tax rates;
- (d) prohibit sale of or importation of tax-free tobacco and tobacco products;
- (e) allocate a portion of tobacco and tobacco products tax revenues for the prevention and control of non-communicable diseases;
- (f) implement measures to prevent illicit trade in tobacco and tobacco products; and
- (g) exclude manufacture, repackaging, processing or importation of tobacco and tobacco products from duty-free zones.

## **CLAUSE 7**

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

(a) in the proposed section 14A –

- (i) by renumbering the existing section as sub-section 14A (1);
- (ii) paragraph (b) by deleting the words “ten milligrams per” appearing immediately after the words “nicotine exceeding” and substituting therefor the words “twenty milligrams per”; and
- (iii) inserting the following new sub section immediately after the proposed subsection 14A (1) —

(2) A person who contravenes sub-section (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.

(b) in the proposed section 14B —

- (i) by renumbering the existing section as sub-section 14B (1);
- (ii) paragraph (c) by deleting the words “10 milligrams” appearing immediately after the words “does not exceed” and substituting therefor the words “twenty milligrams”;
- (iii) by deleting paragraph (d);
- (iv) by inserting the following provision immediately after the proposed subsection 14B (1) —

(2) A person who contravenes 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 both.

(c) in the proposed section 14D by inserting a new paragraph (g) immediately after paragraph (f) as follows —

(g) such other information as may be prescribed by the Cabinet Secretary.

(d) in the proposed section 14J by deleting the introductory phrase and substituting therefor the following —

A person shall not manufacture, sell, distribute, or import a tobacco product that contains —

## **CLAUSE 8**

**THAT** the Bill is amended by deleting clause 8 and substituting therefor the following new clauses —

**Amendment 8.** Section 15 of the principal Act is amended by deleting subsection of section (5) and substituting therefor the following new subsections —

**15 of Cap 245A**

(5) No person shall manufacture or sell —

- (a) objects including sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years in designs that resemble tobacco products; or
- (b) any tobacco product in designs that imitate sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years.

(5A) A person shall not sell a tobacco product within a radius of one hundred meters from any place primarily serving persons under the age of eighteen years.

## **CLAUSE 10**

**THAT** clause 10 of the Bill is amended in the proposed section 19A (1) by deleting the word “online” appearing immediately after the words “nicotine delivery systems” and substituting therefor the words “through an online platform or any form of e-commerce.”

**CLAUSE 11**

**THAT** clause 11 of the Bill is amended by deleting the proposed section 20B.

**CLAUSE 12**

THAT the Bill is amended by deleting clause 12 and substituting therefor the following new clause –

**Amendment 12.** Section 21 of the Principal Act is amended by –  
**of section 21 of Cap 245A** (a) deleting subsection (2) and substituting therefor the following new subsections –  
(2) Every package containing a tobacco product shall —  
(a) bear a health warning in English and Kiswahili covering seventy-five percent of the principal display areas on the front and back of the package;  
(b) have the warning printed in black text on a white background in a manner that contrasts with any other material on the package; and  
(c) bear a statement of the harmful constituents of the tobacco product in a conspicuous and prominent format on the right-hand side of the package.

(2A) A person shall not —

- (a) dispense with or modify the requirements specified in subsection (2); or
- (b) manufacture, sell, distribute, or import a tobacco product unless it complies with plain packaging requirements prescribed by the Cabinet Secretary.

(2B) The Cabinet Secretary shall not dispense with or modify any requirement under subsection (2) in favour of any tobacco product or a person dealing with tobacco products.

- (b) deleting the words “specified in the schedule” appearing immediately after the words “warning labels” and substituting therefor the words “prescribed by the Cabinet Secretary under section 53 through regulations” in subsection (3);
- (c) deleting the words “five hundred thousand shillings” appearing immediately after the words “fine not exceeding” and substituting therefor with the words “one million shillings” in subsection (6).

**CLAUSE 14**

**THAT** clause 14 of the Bill is amended by deleting the words “whether online or offline” appearing immediately after the words “related components”.

**CLAUSE 15**

THAT the Bill is amended by deleting clause 15 and substituting therefor the following new clauses –

**Amendment 15.** Section 33 of the Principal Act is amended by –

**of section 33 of Cap 245A**

(a) deleting subsection (2) and substituting therefor the following new subsection (2) –

(2) Without prejudice to the generality of subsection (1) —

(a) smoking is permanently prohibited in the following areas —

- (i) institutions of basic education and training;
- (ii) places of worship;
- (iii) hospitals, clinics and other health institutions;
- (iv) children's homes, child care facilities, children playgrounds;
- (v) residential houses and such other premises where children are cared for;
- (vi) public service vehicles, passenger vehicles, school buses and vans, commercial passenger aircrafts, commuter boats, ferries; and
- (vii) police cells; and

(b) smoking is prohibited in the following areas except in designated smoking areas—

- (i) offices and workplaces, including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;
- (ii) court buildings;
- (iii) factories;
- (iv) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;
- (v) restaurants, hotels, bars or other eating place;
- (vi) prisons;
- (vii) police stations;
- (viii) aircrafts, passenger ships, or any other public conveyance;
- (ix) education facilities other than institutions of basic education and training;

- (x) railway stations, airports, air fields, ports, and other public transport terminals;
- (xi) markets, shopping malls and retail and wholesale establishments;
- (xii) stadia, sports and recreational facilities; and
- (xiii) public buildings.

- (b) deleting the word “Board” appearing immediately after the words “conditions as the” and substituting therefor the word “Committee” in subsection (4).

## **CLAUSE 17**

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

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph –
  - (a) by deleting the introductory phrase and substituting therefor the following new paragraph –
    - (1) The Cabinet Secretary may, on recommendation of the Committee, and in consultation with the County Governments, make regulations.
- (b) in paragraph (b) by inserting a new paragraph (g) immediately after paragraph (f) in the proposed subsection (1A) as follows –
  - (g) prescribe health messages to be displayed on every package containing a tobacco product.

## **NEW CLAUSES**

### **NEW CLAUSE 1A**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 1 –

Amendment 1A. The Long Title of the Principal Act is amended by deleting the words “Tobacco Control Board” appearing immediately after the title of Cap 245A words “provide for the” and substituting therefor the words “Tobacco Control Advisory Committee”

### **NEW CLAUSE 2A**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 2 –

Amendment 2A. Section 4 of the Principal Act is amended –

of section 4  
of Cap 245A

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

(b) by deleting the word “Board” appearing immediately after the words “provide to the” and substituting therefor the word “committee” in paragraph (d).

### **NEW CLAUSE 3A**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 3 —

Amendment **3A.** The Principal Act is amended in section 6 by –  
of section 6  
of Cap 245A (a) deleting the word “Board” appearing immediately after the words “Functions of the” and substituting therefor the word “Committee” in the section heading; and  
  
(b) deleting the word “Board” appearing immediately after the words “functions of the” and substituting therefor the word “Committee” in the introductory phrase.

### **NEW CLAUSE 6A**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 6 —

Amendment **6A.** Section 14 of the Principal Act be amended in sub-section (2) by  
of section inserting the word “product” immediately after the word “tobacco”.  
14 of Cap  
245A

### **NEW CLAUSE 8A**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 8 –

Amendment **8A.** Section 16 of the Principal Act is amended in –  
of section (a) subsection (2) by —  
16 of Cap (i) deleting the expression “12” by “8” appearing in  
245A paragraph (a) and substituting therefor the expression  
“20” by “12”;  
(ii) deleting the words “black on a white background or  
white on a black background” appearing in paragraph  
(b) and substituting therefor the words “red on a white  
background”;  
  
(b) subsection (3) by deleting the words “fifty thousand shillings,  
or to imprisonment for a term not exceeding six months” and  
substituting therefor the words “five hundred thousand  
shillings, or to imprisonment for a term not exceeding one  
year.”

**NEW CLAUSE 12A**

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

Amendment  
of section  
21 of Cap  
245A

**12A.** The Principal Act is amended by inserting the following new sections immediately after section 21 –

Registration  
of dealers

**21A.** (1) A person shall not undertake an activity relating to the manufacture, importation, sale, or distribution of a tobacco product unless the person is registered by the Ministry responsible for health

(2) The Cabinet Secretary may prescribe the conditions and the manner for the registration under this section.

(3) Any registration fee levied under this section shall be payable into the Fund.

(4) A person who contravenes this section commits an offence and is liable on conviction, to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.

Prohibition  
of single  
use plastics

**21B.** (1) A person shall not manufacture, sell, distribute, or import a tobacco product, its packaging, or a disposable electronic delivery system that uses single-use plastics.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both.

**NEW CLAUSE 16A**

**THAT** the Bill is amended by inserting the following new clauses immediately after clause 16 –

Amendment  
of section  
35 of Cap  
245A

**16A.** The Principal Act is amended in section 35 –

(a) by deleting subsection (2) and substituting therefor the following new subsection –

(2) A designated smoking area shall be —

(a) a fully enclosed, separate room, isolated from non-smoking areas, with walls, a ceiling, and a self-closing door sealed to prevent air leakage;

(b) equipped with an independent ventilation system that —

- (i) exhausts air directly to the outside without recirculation;
- (ii) maintains negative air pressure relative to adjacent areas;
- (iii) is certified by a qualified engineer to prevent smoke or aerosol drift to non-smoking areas;
- (iv) inaccessible to non-smokers for any purpose during smoking or use of an electronic delivery system;
- (v) cleaned and maintained only when no smoking or use of an electronic delivery system is occurring, with measures to protect workers from residual contaminants;
- (vi) clearly marked with signs in English and Kiswahili indicating it is a designated smoking area and warning of health risks, as prescribed by the Cabinet Secretary.

## **NEW CLAUSE 18**

**THAT** the Bill is amended by inserting the following new clause immediately after clause 17 –

Repeal of the schedule of Cap 245A **18.** The Principal Act is amended by deleting the schedule

## **CLAUSE 2**

**THAT** the Bill is amended by deleting clause 2 and substituting thereof the following—

Amendment 2. The Tobacco Control Act, in this Act referred to as "the principal Act", is amended in section 2 by —  
of section 2 (a) deleting the definition of the word "Board";  
of Cap (b) deleting the definition of the word "cinema";  
245A

- (a) deleting the definition of the word "Board";
- (b) deleting the definition of the word "cinema";
- (c) deleting the definition of the word "ingredients" and substituting therefor the following new definition—  
"ingredients" means the substances added to tobacco products during the manufacturing process or arising from agricultural practices, including —
  - (i) tobacco, nicotine and chemicals used in the creation of aerosol or vapour in electronic cigarettes and related products;
  - (ii) components and materials used in the manufacture of those components;
  - (iii) additives and processing aids;

- (iv) residual substances resulting from agricultural practices, storage and processing; and
- (v) substances that migrate from the packaging material into the product or are otherwise present in the product;
- (d) deleting the definition of the word “information advertising”
- (e) deleting the definition of the word “manager” and substituting therefor the following new definition –  
“manager” means “manager” means the owner, occupier, lessee, or a person in-charge or in control of the specified institution, place or premises.
- (f) deleting the definition of the term “specially designated smoking area”
- (g) deleting the definition of the word “smoking” and substituting therefor the following new definition –  
“smoking” means inhaling or exhaling the smoke or vapor of any tobacco product or any other substance delivered through electronic means, and includes the holding of, or control over, any ignited or activated tobacco product, device containing an ignited or activated tobacco product, or electronic delivery System or other substances via vaporising;
- (h) deleting the definition of the term “tobacco product” and substituting therefor the following –  
“tobacco product” means any product whether composed in whole or in part of –
  - (a) tobacco, including tobacco leaves and any extract of thereof;
  - (b) nicotine from any source, including synthetic nicotine formulations; or
  - (c) nicotine analogues;intended for use by smoking, inhalation, chewing, sniffing, vaping or sucking or to be consumed by any other means, and includes cigarette papers, tubes, filters, any electronic delivery systems, and the solutions or liquids intended for use in such devices;
- (i) inserting the following new definitions in their proper alphabetical sequence –  
“additive” means a substance, other than tobacco, that is added to a tobacco product, unit pack or container pack during manufacturing process or through agricultural practices;  
“Advertisement” means the promotion of a tobacco product by means of its brand characteristics.  
“characterising flavour” means a smell or taste other than one of tobacco which –
  - (a) is clearly noticeable before, during or after consumption of the product; and
  - (b) results from an additive or a combination of additives, including fruit, spice, herbs, alcohol, candy, menthol or related flavours;

“Committee” means the Tobacco Control Advisory Committee established under section 5 of the Act

“electronic cigarette” means a product that—

(a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges); and

(b) is not a medicinal substance or a medical device as defined in the Pharmacy and Poisons Act;

“electronic nicotine delivery system” means an electronic device, and any associated accessories, components, or parts, that is designed, manufactured, or capable of being used to—

(a) aerosolize, vaporize, or otherwise convert a substance into an inhalable form; and

(b) deliver such aerosol, vapour, or other substance to a person through inhalation,

whether or not the substance contains nicotine, and includes but is not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic hookahs, vape pens, vape pods, and similar devices, regardless of their shape, size, or appearance;

“institution of basic education and training” has the meaning assigned to it under the Basic Education Act (Cap 211);

“nicotine pouch” means a prefilled packet containing powdered nicotine or nicotine analogues;

“tobacco smoke” means—

(a) smoke, fumes, gases, or particulate matter produced by the burning, heating, or combustion of tobacco or any tobacco product; and

(b) aerosol, vapour, or emissions produced by the use of an electronic delivery system,

and includes any combination thereof, whether visible or invisible, that is released into the air and capable of being inhaled by persons in the vicinity.

“unit pack” means the smallest individual packaging in which a tobacco product or related product is, or is intended to be, presented for retail sale.

**G.\*THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL  
(SENATE BILLS NO. 2 OF 2024)**

(Sen. Crystal Asige, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024), at the Committee Stage —

**CLAUSE 2**

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

- (a) in paragraph (a) by deleting the words “a marginalized group” appearing immediately after the words “two candidates representing” in the proposed new paragraph (f)(ii) and substituting therefor the words “minority groups within the county”; and
- (b) in paragraph (c) by deleting the words “are persons with disability” appearing immediately after the words “a county assembly” in the proposed new subsection (8) and substituting therefor the words “or two members, whichever is greater, are persons with disability”.

**CLAUSE 3**

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

- (a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following—
  - (1) In addition to the members who are elected under Article 177(a) of the Constitution, the members who are nominated under Article 177(b) of the Constitution, and the speaker, a county assembly shall comprise—
    - (a) two nominated members, being one man and one woman, representing the youth;
    - (b) two nominated members, being one man and one woman, representing minority groups within the county; and
    - (c) five percent of the total number of members contemplated in Article 177(a) and 177(b) of the Constitution, and paragraphs (a) and (b) of this subsection or two members, whichever is greater, nominated to represent persons with disability.
- (b) in paragraph (b) by deleting the proposed new paragraph (aa) and substituting therefor the following new paragraphs —
  - (aa) there is representation of the various categories of disability including permanent physical, mental, intellectual, neurodivergent, developmental or sensory impairments;

- (ab) due consideration is given to intersecting forms of discrimination shaped by gender, age, ethnicity, geographical location, social economic status and disability.
- (c) by inserting the following new paragraph immediately after paragraph (b)—
- (d) by deleting subsection (3) and substituting therefor the following new subsection—
  - (3) The number of members nominated under subsection (1)(c) shall—
    - (a) be reviewed to accord with the number of wards determined by the Independent Electoral and Boundaries Commission under section 26(3)(a); and
    - (b) take into account members with disability elected under Article 177(1)(a) of the Constitution.

**H.\*THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**

(Sen. Hamida Kibwana, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023), at the Committee Stage—

**CLAUSE 3**

**THAT** Bill be amended by deleting clause 3 and substituting therefor the following new clause —

3. The object of this Act is to —

- (a) regulate the nuts and oil crops subsector;
- (b) promote a globally competitive nuts and oil crops subsector;
- (c) increase production and processing of safe and healthy nuts and oil crops produce and products;
- (d) promote value addition to the nuts and oil crops produce and their products;
- (e) generate higher income for the nuts and oil crops farmers and traders by introducing improved varieties of the nuts and oil crops produce with higher yield;
- (f) provide continuous and sustained research and extension services for the development of the nuts and oil crops subsector;
- (g) facilitate the introduction of modern nuts and oil crops farming techniques and general modernization of their subsector; and
- (h) implement effective marketing strategies.

**CLAUSE 4**

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

- (i) in subclause (3) deleting the word “Kilifi” appearing immediately after the words “shall be in” and substituting therefor the word “Nairobi”; and
- (ii) by inserting the following new subclause immediately after subclause (3)—  
(3A) The Board may establish such other offices in Kenya as it may consider necessary for the discharge of its functions under this Act.

**CLAUSE 5**

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

- (a) in subclause (1) by deleting the introductory clause and substituting therefor the following new introductory clause —  
(1) The Board shall consist of—
- (b) by inserting the following new paragraph immediately after paragraph (c)—

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- (ca) the Principal Secretary responsible for finance or a representative nominated by the Principal Secretary in writing;
- (c) in subclause (1) by deleting paragraph (d) and substituting therefor the following new paragraph—
  - (d) three persons with five years' experience in the nuts and oil subsector appointed by the cabinet secretary, of whom—
    - (i) one shall be a farmer representing the nuts subsector;
    - (ii) one shall be a farmer representing the oil crops subsector; and
    - (iii) one shall be a processor.;
- (d) by deleting paragraph (e) and substituting therefor the following new paragraph—
  - (e) one person with five years' experience in the nuts and oil crops subsector, nominated by the Council of Governors;
- (e) in subclause (2) by inserting the words “as a member of the Board” appearing in the introductory clause immediately after the words “for appointment”.
- (f) by deleting subclause (3) and substituting therefor the following new subclause—
  - (3) In making appointments under subsection (1)(d), the Cabinet Secretary shall ensure that not more than two-thirds of the appointees are of the same gender, and shall give due consideration to diversity in age, regional and ethnic background.

## **CLAUSE 6**

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

- (a) in the marginal note by deleting the word “member” appearing immediately after the word “appointment as a” and substituting therefor the word “chairperson”;
- (b) in the introductory clause by deleting the word “member of the Board” appearing immediately after the words “appointment as a” and substituting therefor the word “chairperson”;
- (c) in paragraph (b) by deleting the word “and” appearing immediately after the words “in Kenya;”; and
- (d) by inserting the following new paragraph immediately after paragraph (b)—
  - (ba) has knowledge and experience of at least ten years in matters relating to agriculture; and.

## **CLAUSE 7**

**THAT** clause 7 of the Bill be amended by deleting the words “section 6” and substituting therefor the words “section 5”.

## **CLAUSE 9**

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

- (a) in paragraph (a) by deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
- (c) make recommendations to the Cabinet Secretary on the development of national strategies, plans and policies relating to the nut and oil crop subsector;
- (d) in paragraph (e) by deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;
- (e) in paragraph (f) by deleting the words “crop industry” appearing immediately after the words “nut and oil” and substituting therefor the word “crops subsector”.
- (f) In paragraph (g) by deleting the words “marketing and the exportation” appearing immediately after the words “regulate the” and substituting therefor the words “import and export”;
- (g) in paragraph (h) by deleting the word “industry” appearing immediately after the words “nuts and oil crops” and substituting therefor the word “subsector”;
- (h) in paragraph (i) by—
  - (i) deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”; and
  - (ii) deleting the word “and” appearing immediately after the words “Kenya Bureau of Standards;”
- (i) in paragraph (j) by deleting the word “coordinate” appearing at the beginning of the paragraph and substituting therefor the word “facilitate”.
- (j) by deleting paragraph (k) and substituting therefor the following new paragraph—
  - (k) support counties in the development of programmes for farmer assistance including access to farm inputs and affordable credit facilities; and
- (k) by inserting the following new paragraph immediately after paragraph (k)—
  - (ka) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in subclause (2) by deleting the word “industry” appearing immediately after the words “nuts and oil crops” and substituting therefor the word “subsector”.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in subclause (3) by deleting the word “five” appearing immediately after the words “a term of” and substituting therefor the word “three”.

**CLAUSE 17**

**THAT** the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

17. (1) Liability shall not attach to the Board or to any of its members, officers, agents or staff for loss or damage incurred as a result of an act or omission done in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed by or conferred under this Act.  
(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, if such expenses are not recovered by the person in such suit or prosecution.  
(3) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

**CLAUSE 19**

**THAT** the Bill be amended by deleting clause 19.

**CLAUSE 20**

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

- (i) in subclause (1) by deleting the words “Schedule” appearing immediately after the words “accordance with the” and substituting therefor the words “First Schedule”
- (ii) in subclause (2) by deleting the words “Schedule” appearing immediately after the words “provided in the” and substituting therefor the words “First Schedule”.

**CLAUSE 21**

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

- (a) in paragraph (a) by deleting the word “Government” appearing immediately after the words “National”;
- (b) in paragraph (b) by inserting the word “warehouses,” immediately after the words “nursery operators,”;
- (c) by deleting paragraph (c);
- (d) in paragraph (d) by deleting the word “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;

- (e) in paragraph (i) by inserting the words “farm inputs, affordable” immediately after the words “promote access to”; and
- (f) by inserting a new paragraph immediately after paragraph (k)—
  - (ka) promote the diversification of nuts and oil crop products and by-products at the county level;

**CLAUSE 22**

**THAT** the Bill be amended by deleting clause 22.

**CLAUSE 23**

**THAT** the Bill be amended by deleting clause 23.

**CLAUSE 25**

**THAT** clause 25 be amended—

- (a) in the marginal note by deleting the words “of processors”;
- (b) in subclause (1) by inserting the words “marketing, export or import” immediately after the words “in the processing, ”;
- (c) by inserting the following new subclause immediately after subclause (1)—
  - (1A) Despite subsection (1), the Board shall, in consultation with county governments, develop a licensing framework for small-scale processors of nuts and oil crops intended for domestic markets, with county governments responsible for issuing trade licences to small-scale processors operating within their respective counties.
- (d) by deleting subclause (2) and substituting therefor the following new subclause—
  - (2) A person who intends to process, market, export or import nuts and oil crop products shall submit an application to the Board in the prescribed form together with—
    - (a) such documents and information as the Board may prescribe; and
    - (b) the prescribed fees.
- (e) in subclause (3) by—
  - (a) deleting the words “A county executive committee member” appearing in the introductory clause and substituting therefor the words ‘The Board’; and
  - (b) deleting the words “county executive committee member” appearing immediately after the words “conditions as the” in paragraph (b) and substituting therefor the word “Board”.
- (f) in subclause (4) by deleting the words “by the respective county executive committee member,” appearing after the words “the applicant”.
- (g) in subclause (5) by—
  - (a) deleting the words “county executive committee member” appearing immediately after the words “Where the” and substituting therefor the word “Board”; and

- (b) deleting the words “county executive committee member” appearing immediately after the words “grant a licence, the” and substituting therefor the word “Board”;
- (h) by inserting the following new subclause immediately after subclause (5)—
  - (5A) In this section, a small-scale processor means a person or enterprise engaged in the processing of nuts and oil crops using limited capital investment and basic or semi-mechanized equipment, whose annual processing capacity does not exceed the threshold prescribed by the Board and whose operations are primarily intended to serve domestic markets.

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended—

- (a) in subclause (1) by —
  - (a) deleting the words “A county executive committee member” appearing at the beginning of the subclause and substituting therefor the word “The Board”; and
  - (b) deleting the words “county executive committee member” appearing immediately after the words “manner as the” and substituting therefor the word “Board”.
- (b) in subclause (2) —
  - (a) by deleting the words “county executive committee member” appearing in the introductory clause and substituting therefor the word “Board”;
  - (b) by deleting the words “county executive committee member” appearing immediately after the words “lodged with the” in paragraph (c) and substituting therefor the word “Board”.
- (c) in subclause (3) by —
  - (a) deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the words “The Board”;
  - (b) deleting the words “county executive committee member” appearing immediately after the words “such conditions as the” and substituting therefor the word “Board”.

**CLAUSE 27**

**THAT** clause 27 of the Bill be amended—

- (a) in subclause (1) —
  - (a) by deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the word “The Board”; and
  - (b) by deleting the words “or county legislation” appearing immediately after the words ‘this Act’ in paragraph (a).

(b) in subclause (2) by deleting the introductory clause and substituting therefore the following new introductory clause—  
(2) The Board shall not revoke the licence under subsection (1)(a) unless the Board—

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended—

(a) in subclause (2) by —  
(a) deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the words “The Board”; and  
(b) deleting the words “committee member” appearing immediately after the words ‘period as the’ and substituting therefor the word ‘Board’.  
(b) in subclause (3) by deleting the words ‘county executive committee member’ appearing immediately after the words ‘such notice, the’ and substituting therefor the word ‘Board’;  
(c) in subclause (4) by deleting the words ‘county executive committee member’ appearing immediately after the words ‘cancelled by the’ and substituting therefor the word ‘Board’.

**CLAUSE 29**

**THAT** the Bill be amended by deleting clause 29 and substituting therefor the following new clause—

29.(1) An applicant who is aggrieved by the decision of the Board not to issue a licence under this Act may, within fourteen (14) days from the date of receiving the decision, submit a written appeal to the Board for review.  
(2) The Board shall consider the appeal and provide a response within fourteen days of receiving the appeal and may—  
(a) uphold its original decision;  
(b) reverse its decision and issue the licence; or  
(c) take any other action that is deemed appropriate for the implementation of this Act.  
(3) If the applicant is still aggrieved by the Board’s decision after the review, the applicant may, within fourteen days of receiving the decision on the appeal to the Board file an appeal to the High Court.

**CLAUSE 35**

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

(a) deleting the word “industry” appearing after the words “nuts and oil crops” and substituting therefor the word “subsector”; and  
(b) deleting the words “cotton industry” appearing immediately after the words ‘development of the’ and substituting therefor the words “nuts and oil crops subsector.”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended in subclause (1) by—

- (a) deleting the words ‘of not less than twenty thousand shillings’ appearing immediately after the words ‘to a fine’ and substituting therefor the words ‘not exceeding five hundred thousand shillings’; and
- (b) deleting the words ‘six months, or to’ appearing immediately after the words ‘not exceeding’ and substituting therefor the words ‘one year or’.

**CLAUSE 38**

**THAT** clause 38 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Without prejudice to the generality of subsection (1), the regulations may provide for—
  - (a) conditions for registration;
  - (b) forms to be used in the application for registration, and related activities;
  - (c) the process of application for registration and related activities; and
  - (d) the regulation of contracts between growers, processors and other players in the nut and oils subsector industry;
  - (e) the procedure for licensing and regulation of marketing agents, transporters, processors, exporters, and importers;
  - (f) the forms and fees payable in respect of any matter required to be done under this Act;
  - (g) mechanisms for dispute resolution within the nuts and oil crops subsector;
  - (h) the standards and procedures for the grading and classification of nuts and oil crops and their products;
  - (i) food safety requirements, including standards for handling, transportation, processing, and marketing of nuts and oil crops produce, and products; and
  - (j) the duration and renewal periods for licences and registration certificates issued under this Act.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word ‘Board’.

**NEW CLAUSE****CLAUSE 35A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 35—

**35A. Declaration of nuts and oil crops.**

- (1) The crops specified in the Second Schedule are nuts and oil crops for purposes of this Act.
- (2) The Cabinet Secretary may, by notice in the *Gazette*, declare any other crop to be a nuts and oil crop for purposes of this Act.

**SCHEDULE**

**THAT** the Bill be amended by renumbering the existing Schedule as the First Schedule.

**NEW SCHEDULE**

**THAT** the Bill be amended by inserting the following new schedule immediately after the First Schedule—

**SECOND SCHEDULE**  
**(s. 2)**  
**NUTS AND OIL CROPS**

1. Coconut
2. Cashew nut
3. Macadamia nut
4. Ground nuts
5. Castor beans
6. Sunflower
7. Oil seed jojoba
8. Shied safflower
9. Sesame
10. Linseed
11. Oil Palm
12. Bambara nut
13. Cotton seed

**CLAUSE 2**

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

- (a) deleting the definition of the word ‘nuts and oil crops’ and substituting therefor the following new definition—  
“nuts and oil crops” mean the crops set out in the Second Schedule to this Act;
- (b) deleting the definition of the word ‘processor’ and substituting therefor the following new definition—  
“processor” means a person who transforms nuts and oil crops produce or products into various end-use products; and
- (c) inserting the following new definitions in their proper alphabetical sequence—  
“grower” means a person, whether small-scale or large-scale, who cultivates nuts and oil crops for commercial purposes, and excludes those who grow nuts and oil crops solely for subsistence;

“processing” means the alteration, extraction, refinement or transformation of nuts or oil crops from their raw state into a usable or marketable form, and includes shelling, drying, crushing, pressing, refining, fortifying, packaging or any other activity that enhances the value or shelf-life of nuts or oil crops.

**LONG TITLE**

**THAT** the long title of the Bill be amended by inserting the word “Development” immediately after the words “establish the Nuts and Oil Crops”.

**APPENDIX****1. PAPERS**

- i) The Climate Change (Non-Market Approaches) Regulations, Legal Notice No. 8 of 2026.
- ii) Auditor-General's Report on the County Governments, County Executives (Volume 1) for financial year 2024/2025.
- iii) Auditor-General's Report on the County Governments, County Assemblies (Volume 2) for financial year 2024/2025.

*(to be laid pursuant to the Senate Resolution of Tuesday, 11<sup>th</sup> November, 2025 on the Referral of Statutory Instruments and Papers submitted during recess).*

- iv) Annual Report of the Office of the Registrar of Political Parties (ORPP) for financial year 2024/2025.
- v) Report of the Auditor General on financial statements on Lumakanda County Level 4 Hospital, County Government of Kakamega, for the year ended 30<sup>th</sup> June, 2025.
- vi) Report of the Auditor General on financial statements on Kajiado County Investment Authority for the year ended 30<sup>th</sup> June, 2025.
- vii) Report of the Auditor General on financial statements on Kilifi County Health Services Improvement for the year ended 30<sup>th</sup> June, 2025.
- viii) Report of the Auditor General on financial statements on Kilifi Mariakani Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2025.
- ix) Report of the Auditor General on financial statements on Municipality of Malindi, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.
- x) Report of the Auditor General on financial statements on Bamba Sub-County Level 4 Hospital, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.
- xi) Report of the Auditor General on financial statements on Kilifi County Referral Hospital for the year ended 30<sup>th</sup> June, 2025.
- xii) Report of the Auditor General on financial statements on County Assembly of Tana River Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2025.
- xiii) Report of the Auditor General on financial statements on Tana River County Inuka Fund for the year ended 30<sup>th</sup> June, 2025.

- xiv) Report of the Auditor General on financial statements on Municipality of Hola, County Government of Tana River, for the year ended 30<sup>th</sup> June, 2025.
- xv) Report of the Auditor General on financial statements on City of Kisumu for the year ended 30<sup>th</sup> June, 2025.
- xvi) Report of the Auditor General on financial statements on Tana River County Emergency Fund for the year ended 30<sup>th</sup> June, 2025.
- xvii) Report of the Auditor General on financial statements on Tana River County Climate Change Fund for the year ended 30<sup>th</sup> June, 2025.
- xviii) Report of the Auditor General on financial statements on Tana River County Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2025.
- xix) Report of the Auditor General on financial statements on Kakamega County Water and Sanitation Company for the year ended 30<sup>th</sup> June, 2025.
- xx) Report of the Auditor General on financial statements on Malindi Sub-County Level 4 Hospital, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.
- xxi) Report of the Auditor General on financial statements on Mariakani Sub-County Level 4 Hospital, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.
- xxii) Report of the Auditor General on financial statements on Lamu Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2025.
- xxiii) Report of the Auditor General on financial statements on Equalisation Fund, County Government of Nandi, for the year ended 30<sup>th</sup> June, 2025.
- xxiv) Report of the Auditor General on financial statements on Iten County Referral Hospital, County Government of Elgeyo Marakwet, for the year ended 30<sup>th</sup> June, 2025.
- xxv) Report of the Auditor General on financial statements on Tambach Sub-County Hospital, County Government of Elgeyo Marakwet, for the year ended 30<sup>th</sup> June, 2025.
- xxvi) Report of the Auditor General on financial statements on Burnt Forest Sub-County Hospital, County Government of Uasin Gishu, for the year ended 30<sup>th</sup> June, 2025.
- xxvii) Report of the Auditor General on financial statements on Jibana Sub-County Level 4 Hospital, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.

xxviii) Report of the Auditor General on financial statements on Municipality of Mtwapa, County Government of Kilifi, for the eighteen (18) month's period ended 30<sup>th</sup> June, 2025.

xxix) Report of the Auditor General on financial statements on Gede Sub-County Level 4 Hospital, County Government of Kilifi, for the year ended 30<sup>th</sup> June, 2025.

xxx) Report of the Auditor General on financial statements on Kirandich Water Company Limited, for the year ended 30<sup>th</sup> June, 2025.

xxxi) Report of the Auditor General on financial statements on Kambu Level 4 Hospital, County Government of Makueni, for the year ended 30<sup>th</sup> June, 2025.

xxxii) Report of the Auditor General on financial statements on Kauwi Sub-County Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2025.

xxxiii) Report of the Auditor General on financial statements on Narok County Climate Change Fund for the year ended 30<sup>th</sup> June, 2025.

xxxiv) Report of the Auditor General on financial statements on Eldama Ravine Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2025.

xxxv) Report of the Auditor General on financial statements on Njoro Level 4 Sub-County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

xxxvi) Report of the Auditor General on financial statements on NAWASSCOAL Company Limited, for the year ended 30<sup>th</sup> June, 2025.

xxxvii) Report of the Auditor General on financial statements on Bahati Sub-County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

xxxviii) Report of the Auditor General on financial statements on Mirugi Kariuki Sub- County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

xxxix) Report of the Auditor General on financial statements on Nakuru County Persons with Disability Fund for the year ended 30<sup>th</sup> June, 2025.

xl) Report of the Auditor General on financial statements on Nakuru County Referral Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

- xli) Report of the Auditor General on financial statements on Molo Level 4 Sub- County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlii) Report of the Auditor General on financial statements on Annex Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlii) Report of the Auditor General on financial statements on Subukia Sub-County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xliv) Report of the Auditor General on financial statements on Keringet Level 4 Sub- County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlv) Report of the Auditor General on financial statements on Gilgil Municipality, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlvi) Report of the Auditor General on financial statements on Soin Sub-County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlvii) Report of the Auditor General on financial statements on Gilgil Sub-County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
- xlviii) Report of the Auditor General on financial statements on Bondeni Sub-County Level 4 Hospital, for the year ended 30<sup>th</sup> June, 2025.
- xlix) Report of the Auditor General on financial statements on Kabazi Sub-County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
  - 1) Report of the Auditor General on financial statements on Elburgon Level 4 Sub- County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
  - li) Report of the Auditor General on financial statements on Olenguruone Level 4 Sub- County Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
  - lii) Report of the Auditor General on financial statements on Langa Langa Sub- County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.
  - liii) Report of the Auditor General on financial statements on Naivasha Sub-County Level 4 Hospital, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

- liv) Report of the Auditor General on financial statements on Baringo County Assembly (Members) Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2025.
- lv) Report of the Auditor General on financial statements on Baringo County Lake Bogoria Community Grant for the year ended 30<sup>th</sup> June, 2025.
- lvi) Report of the Auditor General on financial statements on Baringo County Emergency Fund for the year ended 30<sup>th</sup> June 2025.
- lvii) Report of the Auditor General on financial statements on Baringo County Co-operative Development Fund for the year ended 30<sup>th</sup> June 2025.
- lviii) Report of the Auditor General on financial statements on Marigat Sub-County Level 4 Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lix) Report of the Auditor General on financial statements on Eldama Ravine District Level 4 Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lx) Report of the Auditor General on financial statements on Chemolingot Sub- County Level 4 Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lxi) Report of the Auditor General on financial statements on Baringo County Referral Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lxii) Report of the Auditor General on financial statements on Kabartonjo Level 4 Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lxiii) Report of the Auditor General on financial statements on Mogotio Sub-County Level 4 Hospital, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lxiv) Report of the Auditor General on financial statements on Kabarnet Municipality, County Government of Baringo, for the year ended 30<sup>th</sup> June, 2025.
- lxv) Report of the Auditor General on financial statements on Baringo County Climate Change Fund, for the year ended 30<sup>th</sup> June, 2025.
- lxvi) Report of the Auditor General on financial statements on Baringo County Assembly (Staff) Car Loan and Mortgage Fund, for the year ended 30<sup>th</sup> June, 2025.

- lxvii) Report of the Auditor General on financial statements on Chemususu Water Company Limited, for the year ended 30<sup>th</sup> June, 2025.
- lxviii) Report of the Auditor General on financial statements on Narok Water and Sewerage Services Company Limited for the year ended 30<sup>th</sup> June, 2025.
- lxix) Report of the Auditor General on financial statements on Narok County Referral Level 4 Hospital, County Government of Narok, for the year ended 30<sup>th</sup> June, 2025.
- lxx) Report of the Auditor General on financial statements on Tana Water and Sanitation Company for the year ended 30<sup>th</sup> June, 2025.
- lxxi) Report of the Auditor General on financial statements on Ewaso Ng'iro South River Basin Development Authority for the year ended 30<sup>th</sup> June, 2025.
- lxxii) Report of the Auditor General on financial statements on Nthongoni Level 4 Hospital for the year ended 30<sup>th</sup> June, 2025.
- lxxiii) Report of the Auditor General on financial statements on Kitui County Referral Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2025.
- lxxiv) Report of the Auditor General on financial statements on Londiani Sub County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2025.
- lxxv) Report of the Auditor General on financial statements on Nyangena Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.
- lxxvi) Report of the Auditor General on financial statements on Kabianga Tea Farm Company Limited, for the year ended 30<sup>th</sup> June, 2025.
- lxxvii) Report of the Auditor General on financial statements on Kehancha Sub County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.
- lxxviii) Report of the Auditor General on financial statements on Litein Municipality, for the year ended 30<sup>th</sup> June, 2025.
- lxxix) Report of the Auditor General on financial statements on Kericho County Executive Staff Mortgage Scheme Fund, for the year ended 30<sup>th</sup> June, 2025.

lxxx) Report of the Auditor General on financial statement on Suba North Sub-County Hospital, County Government of Homa Bay, for the year ended 30<sup>th</sup> June, 2025.

lxxxi) Report of the Auditor General on financial statement on Nyacheiki Level 4 Hospital, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

lxxxii) Report of the Auditor General on financial statement on Kegonga Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

lxxxiii) Report of the Auditor General on financial statement on Nduru Sub-County Referral, County Government of Kisii, for the year ended 30<sup>th</sup> June, 2025.

lxxxiv) Report of the Auditor General on financial statement on Kisumu Water and Sanitation Company Limited, for the year ended 30<sup>th</sup> June, 2025.

lxxxv) Report of the Auditor General on financial statement on Sigowet Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2025.

lxxxvi) Report of the Auditor General on financial statement on Esani Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.

lxxxvii) Report of the Auditor General on financial statement on Gesusu Level 4 Hospital, County Assembly of Kisii, for the year ended 30<sup>th</sup> June, 2025.

lxxxviii) Report of the Auditor General on financial statement on Ntimaru Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

lxxxix) Report of the Auditor General on financial statement on Ongo Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

xc) Report of the Auditor General on financial statement on Oyani Sub-County Hospital, County Government of Migori, for the year ended 30<sup>th</sup> June, 2025.

xci) Report of the Auditor General on financial statement on Masaba District Hospital – Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.

xcii) Report of the Auditor General on financial statement on Kijauri Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.

xciii) Report of the Auditor General on financial statement on Fort Ternan Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2025.

xciv) Report of the Auditor General on financial statement on Ekerenyo Level 4 Hospital, County Government of Nyamira, for the year ended 30<sup>th</sup> June, 2025.

xcv) Report of the Auditor General on financial statement on Kericho Water and Sanitation Company Limited, for the year ended 30<sup>th</sup> June, 2025.

xcvi) Report of the Auditor General on financial statement on Lunga Lunga Sub-County Level 4 Hospital, County Government of Kwale, for the year ended 30<sup>th</sup> June, 2025.

xcvii) Report of the Auditor General on financial statement on Msambweni County Referral and Teaching Hospital Level 5, County Government of Kwale, for the year ended 30<sup>th</sup> June, 2025.

xcviii) Report of the Auditor General on financial statements on Kwale Sub-County Hospital – County Government of Kwale for the year ended 30<sup>th</sup> June, 2025.

xcix) Report of the Auditor General on financial statements on Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2025.

c) Report of the Auditor General on financial statements on Migori Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2025.

ci) Report of the Auditor General on financial statements on Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2025.

cii) Report of the Auditor General on financial statements on Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2025.

ciii) Report of the Auditor General on financial statements on Kinango Sub-County Level 4 Hospital, Kwale County Government, for the year ended 30<sup>th</sup> June, 2025.

civ) Report of the Auditor General on financial statements on Mombasa Water Supply and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2025.

cv) Report of the Auditor General on financial statements on Mwatate Sub-County Level 4 Hospital, Taita Taveta County Government, for the year ended 30<sup>th</sup> June, 2025.

cvi) Report of the Auditor General on financial statements on Tavevo Water and Sewerage Company Limited, Taita Taveta County Government, for the year ended 30<sup>th</sup> June, 2025.

*(The Senate Majority Leader)*

## **2. NOTICES OF MOTION**

i) **CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON A PETITION TO THE SENATE BY MS. BEATRICE LIKWOP CONCERNING PEOPLE LIVING WITH INVISIBLE DISABILITY**

(The Chairperson, Standing Committee on Labour and Social Welfare)

**THAT**, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Ms. Beatrice Likwop concerning people living with invisible disability, laid on the Table of the Senate on Tuesday, 2<sup>nd</sup> December, 2025.

ii) **DECLARATION OF ROAD TRAFFIC ACCIDENTS IN KENYA AS A NATIONAL DISASTER**

(Sen. Veronica Maina, MP)

**AWARE THAT**, Article 43 guarantees the right to the highest attainable standard of health, including emergency medical treatment and Article 21(1) of the Constitution obligates the State and all State organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms contained in the Bill of Rights;

**NOTING THAT**, Article 238 of the Constitution provides that national security includes the protection of the people of Kenya and their property against internal and external threats, which encompasses safety on national transport networks;

**COGNIZANT THAT**, road traffic injuries are among the leading causes of death in Kenya and constitute the leading cause of mortality among adolescents and adults in their most economically productive years, surpassing many communicable and non-communicable diseases resulting in significant loss of human capital and productivity;

**NOTING THAT**, in 2025 more than 4,400 Kenyans lost their lives with over 17,000 injuries from road crashes, a 3% increase over the previous year, while nearly 400 people were killed in road traffic accidents in January 2026 alone, representing an 11% increase compared to the same period in the previous year, illustrating a continuing trend of preventable loss of life;

**CONCERNED THAT**, beyond loss of life, road traffic accidents result in long-term disability, psychological trauma, family disruption and significant economic loss, with estimates suggesting losses amounting to billions shillings annually to the national economy, while placing severe strain on health facilities and emergency services;

**FURTHER CONCERNED THAT**, despite the existence of the National Road Safety Action Plan (2024–2028) and other statutory measures, road carnage persists due to preliminary causes including over-speeding, impaired and distracted driving, non-compliance with traffic laws, inadequate driver training, unsafe road infrastructure, unroadworthy and overloaded vehicles, as well as systemic challenges arising from inadequate investment in road safety infrastructure, weak coordination among transport, enforcement, health and county authorities, and limited emergency medical response capacity;

**NOW THEREFORE, THE SENATE** resolves that:

1. Road traffic accidents in Kenya be declared a National Disaster, requiring urgent, coordinated and sustained multi-sectoral intervention across prevention, emergency response, rehabilitation and long-term systemic reform;
2. The Ministry of Roads and Transport and the Ministry of Health in conjunction with the National Transport and Safety Authority, the National Police Service and the Council of Governors, urgently strengthen the implementation of the National Road Safety Action Plan (2024–2028), including enhanced enforcement of traffic laws, safer road design, public education, data-driven interventions and improved emergency response capacity;
3. The Ministry of Health in collaboration with the County Governments to set aside adequate resources to support road safety interventions, emergency medical services, trauma care systems and post-crash rehabilitation services, and
4. The National Treasury in collaboration with the Ministry of Roads and Transport establishes a Road Safety Disaster Response Fund to support road safety interventions, victims and families affected by the road accidents.

### **3. QUESTIONS AND STATEMENTS**

#### **a) Statements pursuant to Standing Order 52 (1)**

- i) Nominated Senator (Sen. Veronica Maina, MP) to make a Statement regarding protection of children from violence, neglect, abuse and exploitation.

ii) Nominated Senator (Sen. Hezena Lemaletian, MP) to make a Statement regarding the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR) Electoral Observation Mission to the Republic of Uganda during the 2026 General Elections held on 15<sup>th</sup> January, 2026.

**b) Requests for Statements pursuant to Standing Order 53 (1)**

- i) The Senator for Kajiado County (Sen. Seki Lenku Ole Kanar, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the schedule of payment of statutory deductions owed by the County Government of Kajiado.
- ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the recent disputes between matatu and boda boda operators in Nairobi.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Education concerning the regulations of international schools in Kenya.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding involvement of police officers in seizure and repossession of property from defaulting debtors and their guarantors.
- v) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning allocation and disbursement of the Commodities Fund for the clearance of coffee cooperative debts.
- vi) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya MoFire, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the intervention measures being undertaken to address the ongoing water crisis in parts of Tharaka Nithi County.
- vii) Nominated Senator (Sen. Shakila Abdalla, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing conflict between herders and farmers at Witu-Nyongoro Ranch in Lamu County.
- viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding death of fish in fish cages in Lake Victoria.

# **NOTICE PAPER**

## **Tentative Business for**

**Thursday, February 19, 2026**

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*(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, February 19, 2026.

### **A. BILLS AT SECOND READING**

- i. **\*THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2025)**  
(Sen. Mogeni Erick Okong'o, MP)
- ii. **\*THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2025)**  
(Sen. Abdul Haji, MP)
- iii. **\*THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2025)**  
(Sen. Eddy Oketch, MP)
- iv. **\*THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED RETURNS) BILL (SENATE BILLS NO. 17 OF 2025)**  
(Sen. Veronica Maina, MP)
- v. **\*\*\*THE COMMUNITY HEALTH PROMOTERS BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2022)**  
(The Senate Majority Leader)
- vi. **\*\*\*THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2022)**  
(The Senate Majority Leader)
- vii. **\*\*\*THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 4 OF 2024)**  
(The Senate Majority Leader)
- viii. **\*\*\*THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)**  
(The Senate Majority Leader)

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