REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 14, 2026 AT 2:30 P.M.

1. The House assembled at Thirty Minutes past Two O'clock

2. The Proceedings were opened with Prayer

3. Presiding – The Third Chairperson of Committees

4. QUORUM AT COMMENCEMENT OF THE HOUSE

And there being no Quorum present to commence business, the Third Chairperson of Committees ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, business commenced.

5. PAPERS

The following Papers were laid on the Table of the House—

(i) Eleventh Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of–
   (a) Audited Financial Statements of National Industrial Training Authority for the Financial Years 2014/2015 to 2024/2025;
   (b) Audited Financial Statements of Sacco Societies Regulatory Authority for the Financial Years 2020/2021 to 2024/2025;
   (c) Audited Financial Statements of Office of the Data Protection Commissioner for the Financial Years 2021/2022 to 2024/2025;
   (d) Audited Financial Statements of Pharmacy and Poisons Board for the Financial Years 2018/2019 to 2024/2025;
   (e) Audited Financial Statements of Kenya Medical Supplies Authority for the Financial Years 2023/2024 to 2024/2025;
   (f) Audited Financial Statements of Sports Kenya for the Financial Years 2014/2015 To 2024/2025; and
   (g) Audited Financial Statements of Kenya School of Government for the Financial Years 2014/2015 to 2024/2025.

(Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(ii) Reports of the Departmental Committee on Agriculture and Livestock on–
   (a) Its Consideration of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025); and
   (b) Its Participation in the International Wheat Congress Held From 25th to 29th May 2026 in Bologna, Italy.

(Member, Departmental Committee on Agriculture and Livestock)

(iii) Report of the Departmental Committee on Finance and National Planning on its Consideration of the Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026)

(Chairperson, Departmental Committee on Finance and National Planning)

6. NOTICES OF MOTION

The following Notice of Motion was given –

Examination of Audited Financial Statements of various State Corporations

THAT, this House **adopts** the Eleventh Report of the Public Investments Committee on Social Services, Administration and Agriculture on its Examination of the Audited Financial Statements of the following State Corporations, *laid on the Table of the House on Wednesday, 14th October, 2026* -

(i) Audited Financial Statements of National Industrial Training Authority for the Financial Years 2014/2015 to 2024/2025;
(ii) Audited Financial Statements of Sacco Societies Regulatory Authority for the Financial Years 2020/2021 to 2024/2025;
(iii) Audited Financial Statements of Office of the Data Protection Commissioner for the Financial Years 2021/2022 to 2024/2025;
(iv) Audited Financial Statements of Pharmacy and Poisons Board for the Financial Years 2018/2019 to 2024/2025;
(v) Audited Financial Statements of Kenya Medical Supplies Authority for the Financial Years 2023/2024 to 2024/2025;
(vi) Audited Financial Statements of Sports Kenya for the Financial Years 2014/2015 To 2024/2025; and
(vii) Audited Financial Statements of Kenya School of Government for the Financial Years 2014/2015 to 2024/2025.

(Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

7. STATEMENTS

(a) Requests for Statements pursuant to Standing Order 44(2)(c)—

(i) The Member for Naivasha (Hon. Jayne Kihara) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding non-payment of rent for plots in Naivasha Constituency occupied by the police;

(ii) The Member for Isiolo County (Hon. Mumina Bonaya) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding alleged intimidation and harassment of citizens by security agencies in Isiolo County; and

(iii) The Member for Kanduyi (Hon. John Makali) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the rising cases of insecurity at the Kibabii University area in Kanduyi Constituency.

(a) Statement pursuant to Standing Order 43

The Member for Lugari (Hon. Nabii Nabwera) issued a statement regarding the demise of Hon. Burudi Nabwera, the former Member for Lurambi North and Lugari Constituencies.

(b) Responses to Statements pursuant to Standing Order 44(2)(c)—

(i) The Chairperson of the Departmental Committee on Administration and Internal Security responded to the following Statements requested by –
   (a) the Member for Tetu (Hon. Geoffrey Wandeto) regarding Operationalisation of newly gazetted administrative units in Tetu Constituency; and
   (b) the Member for Embakasi Central (Hon. Benjamin Gathiru) regarding the status of operationalisation of Nairobi Sub-County Administrative Units.

(ii) The Vice-Chairperson of the Departmental Committee on Agriculture and Livestock responded to the following Statements as requested by -
   (a) the Member for Kanduyi (Hon. John Makali) regarding management of sugar imports into the country; and
   (b) the Member for Sotik (Hon. (Amb.) Francis Sigei) regarding transition of the new KCC to private management.

(iii) The Chairperson for the Departmental Committee on Transport and Infrastructure responded to a Statement sought by the Member for Malava (Hon. David Ndakwa) regarding delayed completion of Kakamega-Webuye (A1) Road.

8. RE-ORGANISATION OF BUSINESS

Pursuant to Standing Order 40(2), the Speaker reordered the sequence of proceedings as follows –

During consideration of **Order No. 9** *(Committee of the whole House – items to be undertaken in the following order: (i) The Tax Laws (Amendment) Bill, 2026; (ii) The East African Development Bank (Amendment) Bill, 2026; (iii) The Public Service Superannuation Scheme (Amendment) Bill, 2025; while the Elections (Amendment)(No.2) Bill (Senate Bill No. 29 of 2024) is deferred)***; and consideration of Order No. 13** *(Motion on Progress Report on the Kenya-United Kingdom Defence Cooperation agreement)* to be undertaken immediately after **Order No. 9** *(Committee of the whole House).*

9. THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2026)

Motion made and Question proposed—

THAT, the Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026) be now read a Second Time.

(The Leader of the Majority Party)

Debate arising;

Rising on a point of order under Standing Order 95, the Member for Kiambaa (Hon. John KaWanjiku) claimed to move that the "Mover be now called upon to reply";

And the Chairperson having acceded to the request;

Question put and agreed to.

Thereupon, Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House today.

10. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

(i) The Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026)

Clause 2 - agreed to.

Clause 3 - amendment proposed-

Pursuant to Standing Order 48, the Amendment was moved in an amended form-

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

Amendment of the First Schedule to Cap.472.

3. The First Schedule to the Excise Duty Act is amended —

(a) in the description of "Imported Ceramic sinks, wash basins, wash basin pedestals, baths, bidets, water closet pans, flushing cisterns, urinals and similar sanitary fixtures of tariff heading 6910" by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

"5% of the excisable value or Ksh.30 per kg, whichever is higher"

(b) in the description of "Imported ceramic flags and paving, hearth or wall tiles; unglazed ceramic mosaic cubes and the like, whether or not on a backing; finishing ceramics of tariff 6907" by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

"5% of the excisable value or shs. 400 per square meter, whichever is higher"

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising;

Question on the amendment put and agreed to.

Clause 3 as amended - agreed to.

Further amendment proposed –

THAT, the Bill be amended in clause 3 by deleting the words "in the description of "Imported ceramic flags and paving, hearth or wall tiles; unglazed ceramic mosaic cubes and the like, whether or not on a backing; finishing ceramics of tariff 6907" by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

"5% of the excisable value or shs.300 per square meter, whichever is higher"

and substituting therefor the words—

(a) in the description of "Imported ceramic flags and paving, hearth or wall tiles; unglazed ceramic mosaic cubes and the like, whether or not on a backing; finishing ceramics of tariff 6907" by deleting the corresponding rate of excise duty and substituting therefor the following new rate of excise duty—

"5% of the excisable value or shs.300 per square meter, whichever is higher"

(b) in the description "Imported Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked of tariff 7005 but excluding those imported by a registered processor upon the recommendation by the Cabinet Secretary responsible for matter relating to industry" by inserting the words "and those originating from East African Community Partner States that meet the East African Community Rules of Origin" immediately after the words "relating to industry."

(Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Question on the further amendment put and agreed to.

Clause 3 as amended - agreed to.

Title - agreed to.

Clause 1 - amendment proposed-

THAT, Clause 1 of the Bill be amended by deleting the words "shall come into effect upon publication" and substituting therefor the words "shall be deemed to have come into effect on 14th October, 2026".

(Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Question on the amendment put and agreed to;

Clause 1 as amended - agreed to.

Further amendment proposed –

THAT, Clause 1 of the Bill be amended by deleting the words "shall come into effect upon publication" and substituting therefor the words "shall be deemed to have come into effect on 14th October, 2026".

(Leader of the Majority Party)

Proposed amendment dropped.

Bill to be reported with amendments.

(ii) The East African Development Bank Bill (National Assembly Bill No. 33 of 2026)

Clause 2 - amendment proposed-

THAT, Clause 2 of the Bill be amended in the proposed new section 2 by deleting the proposed new subsection (6).

(Chairperson of the Departmental Committee on Finance and National Planning)

Question on the amendment proposed;

There being no debate arising;

Question on the amendment put and agreed to.

Clause 2 as amended - agreed to.

Clause 3 - amendment proposed-

THAT, Clause 3 of the Bill be deleted.

(Chairperson of the Departmental Committee on Finance and National Planning)

Question on the amendment proposed;

There being no debate arising;

Question on the amendment put and agreed to.

Clause 3 as amended - agreed to.

Title - agreed to.

Clause 1 - agreed to.

(iii) The Public Service Superannuation Scheme (Amendment) Bill (National Assembly Bill No. 33 of 2026)

Clause 3 - amendment proposed –

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Repeal and replacement of section 5 of Cap. 189A.

3. The principal Act is amended by deleting section 5 and substituting therefor the following new section—

Membership of the Fund.

5. (1) A person shall be a member of the Fund if the person—

(a) at the commencement of this Act, is employed in the public service on permanent and pensionable establishment and—

(i) has not attained the age of forty-five years;

(ii) has attained the age of forty-five years and opts, within three months of such commencement or such longer period as the Cabinet Secretary may, by notice in the *Gazette*, prescribe, that this Act shall apply to him;

(b) joins the public service on or after the commencement of this Act on a permanent and pensionable establishment; or

(c) is engaged by the public service on a fixed-term contract and opts to be a member of the Fund for purposes of gratuity management.

(2) The law to be applied with respect to the retirement benefits of a person in the public service at the commencement of this Act who does not, where required, opt for the application of this Act under subsection (1)(a), shall be the law in force when that period of service commenced.

(3) A member, other than a deferred member or a member who has retired and has opted to be paid benefits under section 28, who for any reason

leaves the public service shall cease to be a member of the Fund.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Repeal and replacement of section 5 of Cap. 189A.

3. The principal Act is amended by deleting section 5 and substituting therefor the following new section—

Membership of the Fund.

5. (1) A person shall be a member of the Fund if the person—

(d) at the commencement of this Act, is employed in the public service on permanent and pensionable establishment and—

(iii) has not attained the age of forty-five years;

(iv) has attained the age of forty-five years and opts, within three months of such commencement or such longer period as the Cabinet Secretary may, by notice in the *Gazette*, prescribe, that this Act shall apply to him;

(e) joins the public service on or after the commencement of this Act on a permanent and pensionable establishment; or

(f) is engaged by the public service on a fixed-term contract and opts to be a member of the Fund for purposes of gratuity management.

(2) The law to be applied with respect to the retirement benefits of a person in the public service at the commencement of this Act who does not, where required, opt for the application of this Act under subsection (1)(a), shall be the law in force when that period of service commenced.

(3) A member, other than a deferred member or a member who has retired and has opted to be paid benefits under section 28, who for any reason leaves the public service shall cease to be a member of the Fund.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Repeal and replacement of section 5 of Cap. 189A.

3. Section 5 of the principal Act is amended—

(a) In subsection (1) by inserting the following new paragraph immediately after paragraph (b)—

"(c) is engaged by the public service on a fixed-term contract and opts to be a member of the Fund for purposes of gratuity management."

(b) In subsection (3) by inserting the words "a deferred member or" immediately after the words "other than".

(Hon. Omboko Milemba)

Proposed amendment dropped;

Clause 3 as amended - agreed to.

Clause 4 - amendment proposed –

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Repeal and replacement of section 6 of Cap. 189A.

4. The principal Act is amended by deleting section 6 and substituting therefor the following new section—

Mandatory contribution to the Fund.

6. (1) A member employed on permanent and pensionable establishment shall contribute to the Fund at the rate of not less than seven and a half percent which shall be deducted from his monthly pensionable emoluments:

Provided that where the employer fails to deduct or remit a member's contribution, the sum may be recovered in the subsequent months and a penalty at the rate of the return of the Fund for the previous financial year shall be payable by the employer.

(2) The employer shall contribute for each member of the Fund at the rate of at least fifteen percent of the member's monthly pensionable emoluments:

Provided that where the employer fails to remit a contribution in any month, a penalty at the rate of the return of the Fund for the previous financial year shall apply on the unpaid amount.

(3) The Cabinet Secretary may, by notice in the *Gazette*, vary the rates in subsections (1) and (2) after consultations with the members and the Board.

(4) The employer's contributions under subsection (2) with respect to the Public Service Commission, the Teachers Service Commission and the disciplined services shall be a direct charge on the Consolidated Fund.

(5) The employer shall not later than ten working days after the end of the month in which the contributions are due, remit an amount

comprising the member's and the employer's contribution to the Fund.

(6) In addition to the contributions specified in subsections (1) and (2), an employer shall take out and maintain a life insurance policy that has disability benefits in favour of every member of the Fund, for a minimum of five times of the member's annual pensionable emoluments.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Repeal and replacement of section 6 of Cap. 189A.

4. The principal Act is amended by deleting section 6 and substituting therefor the following new section—

Mandatory contribution to the Fund.

6. (1) A member employed on permanent and pensionable establishment shall contribute to the Fund at the rate of not less than seven and a half percent which shall be deducted from his monthly pensionable emoluments:

Provided that where the employer fails to deduct or remit a member's contribution, the sum may be recovered in the subsequent months and a penalty at the rate of the return of the Fund for the previous financial year shall be payable by the employer.

(2) The employer shall contribute for each member of the Fund at the rate of at least fifteen percent of the member's monthly pensionable emoluments:

Provided that where the employer fails to remit a contribution in any month, a penalty at the rate of

the return of the Fund for the previous financial year shall apply on the unpaid amount.

(3) The Cabinet Secretary may, by notice in the *Gazette*, vary the rates in subsections (1) and (2) after consultations with the members and the Board.

(4) The employer's contributions under subsection (2) with respect to the Public Service Commission, the Teachers Service Commission and the disciplined services shall be a direct charge on the Consolidated Fund.

(5) The employer shall not later than ten working days after the end of the month in which the contributions are due, remit an amount comprising the member's and the employer's contribution to the Fund.

(6) In addition to the contributions specified in subsections (1) and (2), an employer shall take out and maintain a life insurance policy that has disability benefits in favour of every member of the Fund, for a minimum of five times of the member's annual pensionable emoluments.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 4 as amended - agreed to.

Clause 5 - amendment proposed –

THAT, Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Repeal and replacement of section 7 of Cap. 189A.

5. The principal Act is amended by deleting section 7 and substituting therefor the following new section—

Additional voluntary contributions.

7. (1) Subject to such guidelines as the Board may, from time to time issue, a member may make additional voluntary contributions to the Fund.

(2) Subject to any guidelines issued under subsection (1), a member may—

(a) instruct the employer to deduct the additional voluntary contribution from his monthly salary; or

(b) remit additional voluntary contribution directly to the Fund.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Repeal and replacement of section 7 of Cap. 189A.

5. The principal Act is amended by deleting section 7 and substituting therefor the following new section—

Additional voluntary contributions.

7. (1) Subject to such guidelines as the Board may, from time to time issue, a member may make additional voluntary contributions to the Fund.

(2) Subject to any guidelines issued under subsection (1), a member may—

(a) instruct the employer to deduct the additional voluntary contribution from his monthly salary; or

(b) remit additional voluntary contribution directly to the Fund.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 5 as amended - agreed to.

Clause 6 - amendment proposed –

THAT, the Bill be amended by deleting Clause 6.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Bill be amended by deleting Clause 6.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 6 - deleted

Clause 7 - amendment proposed –

THAT, the Bill be amended by deleting Clause 7.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Bill be amended by deleting Clause 7.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 7 - deleted

Clause 8 - amendment proposed –

THAT, the Bill be amended by deleting Clause 8.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Bill be amended by deleting Clause 8.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 8 - deleted

Clause 9 - amendment proposed –

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of title to Part III of Cap. 189A.

9. The principal Act is amended by deleting the title to Part III and substituting therefor the following new title—

PART III—THE BOARD OF TRUSTEES OF THE PUBLIC SERVICE SUPERANNUATION FUND

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of title to Part III of Cap. 189A.

9. The principal Act is amended by deleting the title to Part III and substituting therefor the following new title—

PART III—THE BOARD OF TRUSTEES OF THE PUBLIC SERVICE SUPERANNUATION FUND

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 9 as amended - agreed to.

Clause 10 - agreed to

Clause 11 - amendment proposed –

THAT, the Bill be amended in Clause 11—

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

Amendment of section 10 of Cap. 189A;

(b) in paragraph (a), by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

"(1) There is established a board of trustees of the Fund to be known as Public Service Superannuation Fund Board of Trustees, which shall consist of—

(a) a Chairperson who shall be appointed by the Cabinet Secretary and who—
   (i) has a bachelor's degree in human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law or any other relevant field;
   (ii) has an aggregate of at least ten years' experience, ten of which should have been served in a senior management position in a relevant field; and
   (iii) is not in the service of any employers' or worker's representatives or any person affiliated to any of the organizations represented on the Board.

(b) one person nominated by the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;

(c) one person nominated by the Secretary to the Teachers Service Commission;

(d) one person nominated by the Secretary to the Public Service Commission;

(e) one person nominated by the Secretary to the National Police Service Commission;

(f) one person nominated by the Kenya National Union of Teachers;

(g) one person nominated by the Kenya Union of Post Primary Education Teachers

(h) one person nominated by the Union of Kenya Civil Servants;

(i) one person nominated by employees of the Disciplined Services;

(j) two independent persons who are not public officers appointed by the Cabinet Secretary; and

(k) the Chief Executive Officer appointed under section 20, who shall be an *ex-officio* member with no voting rights."

(c) in paragraph (b), by inserting the following new subsections immediately after the proposed subsection (1B)—

(1C) The Trustees shall be appointed by the Cabinet Secretary through a notice in the *Gazette*.

(1D) The Cabinet Secretary shall, in appointing the Board of Trustees under subsection (1), ensure that not more than two-thirds of the appointees are of the same gender and that the appointments reflect an appropriate mix of qualifications and the regional and ethnic diversity of Kenya.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended in Clause 11—

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

Amendment of section 10 of Cap. 189A;

(b) in paragraph (a), by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

(1) There is established a board of trustees of the Fund to be known as Public Service Superannuation Fund Board of Trustees, which shall consist of—

(l) a Chairperson who shall be appointed by the Cabinet Secretary and who—

(i) has a bachelor's degree in human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law or any other relevant field;

(ii) has an aggregate of at least twenty years' experience, ten of which should have been served in a senior management position in a relevant field; and

(iii) is not in the service of any employers' or worker's representatives or any person affiliated to any of the organizations represented on the Board.

(m) one person nominated by the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;

(n) one person nominated by the Secretary to the Teachers Service Commission;

(o) one person nominated by the Secretary to the Public Service Commission;

(p) one person nominated by the Secretary to the National Police Service Commission;

(q) one person nominated by the Kenya National Union of Teachers;

(r) one person nominated by the Kenya Union of Post Primary Education Teachers

(s) one person nominated by the Union of Kenya Civil Servants;

(t) one person nominated by employees of the Disciplined Services;

(u) two independent persons who are not public officers appointed by the Cabinet Secretary; and

(v) the Chief Executive Officer appointed under section 20, who shall be an *ex-officio* member with no voting rights; and

(c) in paragraph (b), by inserting the following new subsections immediately after the proposed subsection (1B)—

(1C) The Trustees shall be appointed by the Cabinet Secretary through a notice in the *Gazette*.

(1D) The Cabinet Secretary shall, in appointing the Board of Trustees under subsection (1), ensure that not more than two-thirds of the appointees are of the same gender and that the appointments reflect the regional and ethnic diversity of Kenya.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Further amendment proposed—

THAT, Clause 11 of the Bill be amended in paragraph (a) in the proposed new section 10(1)(a) by deleting subparagraph (ii) and substituting therefor the following new subparagraph—

"(ii) has an aggregate of at least ten years' experience in a senior management position in a relevant field;"

(Hon. Omboko Milemba)

Proposed amendment dropped;

Clause 11 as amended - agreed to.

Clause 12 - amendment proposed –

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new Clause—

Amendment of section 13 of Cap. 189A.

12. Section 13 of the principal Act is amended—

(a) in subsection (1), by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Chairperson and the Trustees appointed under section 10 shall hold office for a term of four years and may be eligible for re-appointment for one further term subject to satisfactory performance.

(b) in subsection (2), by deleting paragraph (c) and substituting therefor the following new paragraphs—

(c) (c) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(d) (ca) is convicted of an offence involving dishonesty, fraud, corruption, misappropriation of public funds or an economic crime under any written law; or".

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new Clause—

Amendment of section

12. Section 13 of the principal Act is amended—

13 of Cap. 189A.

(a) in subsection (1), by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Chairperson and the Trustees appointed under section 10 shall hold office for a term of five years and may be eligible for re-appointment for one further term subject to satisfactory performance.

(b) in subsection (2), by deleting paragraph (c) and substituting therefor the following new paragraphs—

(c) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(ca) is convicted of an offence involving dishonesty, fraud, corruption, misappropriation of public funds or an economic crime under any written law; or".

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 12.

(Hon. Omboko Milemba)

Proposed amendment dropped;

Clause 12 as amended - agreed to.

Clause 13 - amendment proposed –

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new Clause—

Amendment of section 18 of Cap. 189A.

13. The principal Act is amended by deleting section 18 and substituting therefor the following new section—

Remuneration of Trustees.

18. The Chairman and the Trustees shall be paid such sitting allowances or other remuneration for expenses as resolved every three years by the members at an Annual General Meeting, with the approval of the Cabinet Secretary.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new Clause—

Amendment of section 18 of Cap. 189A.

13. Section 18 of the principal Act is amended by inserting the words "on the advise of the Salaries and Remuneration Commission" immediately after the word "approve".

(Hon. Omboko Milemba)

Proposed amendment dropped;

Clause 13 as amended - agreed to.

Clause 14 - amendment proposed –

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new Clause—

Amendment of section 20 of Cap. 189A.

14. Section 20 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsections—

(2) A person shall qualify for appointment as a Chief Executive Officer, if such person—

(a) holds a bachelor's degree in pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law, human resource or any other relevant field from a university recognized in Kenya;

(b) has at least ten years work experience in a relevant field;

(c) has served in a position of senior management for a period of at least five years;

(d) meets the requirements of Chapter Six of the Constitution; and

(e) is approved by the Retirement Benefits Authority as a fit and proper person to manage the affairs of the Fund.

(2A) The Chief Executive Officer shall hold office for a term of five years and shall be eligible for reappointment for one further term upon satisfactory performance.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new Clause—

Amendment of section 20 of Cap. 189A.

14. Section 20 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsections—

(2) A person shall qualify for appointment as a Chief Executive Officer, if such person—

(f) holds a bachelor's degree in pension administration, actuarial science, banking, insurance, finance, accounting, economics, auditing, law, human resource or any other relevant field from a university recognized in Kenya;

(g) has at least ten years work experience in a relevant field;

(h) has served in a position of senior management for a period of at least five years;

(i) meets the requirements of Chapter Six of the Constitution; and

(j) is approved by the Retirement Benefits Authority as a fit and proper person to manage the affairs of the Fund.

(2A) The Chief Executive Officer shall hold office for a term of five years and shall be eligible for reappointment for one further term upon satisfactory performance.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 14 as amended - agreed to.

Clause 15 - amendment proposed –

THAT, the Bill be amended by deleting Clause 15.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 15.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 15 - deleted

Clause 16 - amendment proposed –

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new Clause—

Amendment of section 25 of Cap. 189A

16. The principal Act is amended by deleting section 25 and substituting therefor the following new section—

Vesting of benefits.

25. The benefits derived from the contributions made by a member and the employer together with the accrued interest thereon shall immediately vest in the member.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new Clause—

Amendment of section 25 of Cap. 189A

16. The principal Act is amended by deleting section 25 and substituting therefor the following new section—

Vesting of benefits.

25. The benefits derived from the contributions made by a member and the employer together with the accrued interest thereon shall immediately vest in the member.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 16 as amended - agreed to.

Clause 17 - amendment proposed –

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new Clause—

Amendment of section 26 of Cap. 189A

17. The principal Act is amended by deleting section 26 and substituting therefor the following new section—

Withdrawal before retirement.

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26. A member may withdraw the accrued retirement savings on leaving employment before retirement in accordance with the Retirement Benefits Act and regulations made thereunder.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new Clause—

Amendment of section 26 of Cap. 189A

17. The principal Act is amended by deleting section 26 and substituting therefor the following new section—

Withdrawal before retirement.

Cap. 197.

26. A member may withdraw the accrued retirement savings on leaving employment before retirement in accordance with the Retirement Benefits Act and regulations made thereunder.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 17 as amended - agreed to.

Clause 18 - amendment proposed –

THAT, the Bill be amended by deleting Clause 18 and substituting therefor the following new Clause—

Amendment of section 27 of Cap. 189A

18. The principal Act is amended by deleting section 27 and substituting therefor the following new section—

Withdrawal on retirement.

27. (1) Notwithstanding the provisions of section 26, a member shall be entitled to make withdrawals in accordance with section 28 where the member retires—

(a) on attaining the age of sixty years, or where his exact date of birth is not known, on the 1st July in the year in which his sixtieth birthday is deemed by the Board to occur, which shall be the normal retirement age;

(b) on attaining the age of fifty years;

(c) before attaining the age of fifty years in accordance with the terms and conditions of his employment;

(d) from the disciplined services, on completion of service of a period exceeding twelve years but not exceeding twenty years after the officer, gives at least one month's notice in writing of his intention to retire;

(e) on the abolition of his office; or

(f) on the advice of a Medical Board appointed by the Director of Medical Services certifying that the member is no longer mentally or physically capable of carrying out the functions of his office.

(2) The Medical Board may at the request of the employer review the fitness of a member who retires under subsection (1)(f) and where the Medical Board certifies that the member is then mentally and physically capable of carrying out the functions of his office, the member may re-enter the Fund upon securing another employment with the employer.

(3) The proof of age of a retiring member for the purposes of subsection (1) shall be the birth certificate submitted by such member at the time of joining the service.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 18 and substituting therefor the following new Cause—

Amendment of section 27 of Cap. 189A

18. The principal Act is amended by deleting section 27 and substituting therefor the following new section—

Withdrawal on retirement.

27. (1) Notwithstanding the provisions of section 26, a member shall be entitled to make withdrawals in accordance with section 28 where the member retires—

(g) on attaining the age of sixty years, or where his exact date of birth is not known, on the 1st July in the year in which his sixtieth birthday is deemed by the Board to occur, which shall be the normal retirement age;

(h) on attaining the age of fifty years;

(i) before attaining the age of fifty years in accordance with the terms and conditions of his employment;

(j) from the disciplined services, on completion of service of a period exceeding twelve years but not exceeding twenty years after the officer, gives at least one month's notice in writing of his intention to retire;

(k) on the abolition of his office; or

(l) on the advice of a Medical Board appointed by the Director of Medical Services certifying that the member is no longer mentally or physically capable of carrying out the functions of his office.

(2) The Medical Board may at the request of the employer review the fitness of a member who retires under subsection (1)(f) and where the Medical Board certifies that the member is then mentally and physically capable of carrying out the functions of his office, the member may re- enter the Fund upon securing another employment with the employer.

(3) The proof of age of a retiring member for the purposes of subsection (1) shall be the

birth certificate submitted by such member at the time of joining the service.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 18 as amended - agreed to.

Clause 19 - amendment proposed –

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new Clause—

Amendment of section 28 of Cap. 189A

19. Section 28 of the principal Act is amended—

(a) in the proviso to subsection (1) by deleting the word "Scheme" appearing immediately after the words "contributions made into the" and substituting therefor the word "Fund";

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

"(a) monthly or quarterly withdrawals from an Income Drawdown Plan; or"

(c) in subsection (3)—

(i) in paragraph (a)(i) by deleting the word "Government" appearing immediately before the words "debt due to the" and substituting therefor the word "employer"; and

(ii) in paragraph (b) by deleting the word "Government" appearing immediately before the words "debt due to the" and substituting therefor the word "employer".

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new Clause—

Amendment of section 28 of Cap. 189A

19. Section 28 of the principal Act is amended—

(c) in the proviso to subsection (1) by deleting the word "Scheme" appearing immediately after the words "contributions made into the" and substituting therefor the word "Fund";

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

"(a) monthly or quarterly withdrawals from an Income Drawdown Plan; or"

(c) in subsection (3)—

(iii) in paragraph (a)(i) by deleting the word "Government" appearing immediately before the words "debt due to the" and substituting therefor the word "employer"; and

(iv) in paragraph (b) by deleting the word "Government" appearing immediately before the words "debt due to the" and substituting therefor the word "employer".

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 19 as amended - agreed to.

Clauses 20, 21, 22, 23 and 24 - agreed to

Clause 25 - amendment proposed –

THAT the Bill be amended by deleting Clause 25 and substituting therefor the following new Clause—

Repeal and replacement of section 36 of Cap. 189A.

25. The principal Act is amended by deleting section 36 and substituting therefor the following new section—

Appointment and functions of

36. (1) The Board shall appoint a manager of the Fund who shall, in accordance with the Retirement Benefits Act—

the Manager.

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(a) develop an investment strategy for the Fund for the approval of the Board;

(b) invest and manage the assets of the Fund in accordance with the provisions of this Act and the Retirement Benefits Act;

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(c) maintain books of account on all transactions relating to the Fund; and

(d) provide regular information on investment strategy, market returns and other performance indicators to the Board for the benefit of members of the Fund.

(2) The terms of the manager shall be determined by the Board and set out in a written instrument:

Provided that the period of service of the manager shall not exceed three years but may be renewed subject to satisfactory performance.

(3) A manager shall be entitled to an annual management fee not exceeding zero-point two percent of the value of assets of the Fund under their management.

(4) The Fund may, subject to the approval of the Retirement Benefits Authority, engage a manager at a fee exceeding the fee prescribed under subsection (3).

(5) Despite the provisions of subsection (1), the Board may directly manage not more than fifteen percent of the assets of the Fund, on condition that it satisfies to the Retirement Benefits Authority that—

(a) the persons responsible for the management of the assets possess the qualifications, experience and competence prescribed by the Authority;

(b) the Fund has adequate investment management systems, governance arrangements and internal controls; and

(c) the Fund complies with such other requirements as may be prescribed.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 25 as amended - agreed to.

Clause 26 - amendment proposed –

THAT the Bill be amended by deleting Clause 26 and substituting therefor the following new Clause—

Amendment of section 37 of Cap. 189A.

37. Section 37 of the principal Act is amended by—

(a) renumbering the existing provision as subsection (1);

(b) inserting the following new subsections after subsection (1)—

(2) The terms of appointment of a custodian shall be determined by the Board and set out in a written instrument:

Provided that the period of service of a custodian shall not exceed three years but may be renewed subject to satisfactory performance,

(3) A custodian shall be entitled to an annual fee not exceeding zero-point zero two percent of the value of assets of the Fund.

(4) The Fund may, subject to the approval of the Retirement Benefits Authority, engage a custodian at a fee exceeding the fee prescribed under subsection (3).

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 26 and substituting therefor the following new Clause—

Amendment of section 37 of Cap. 189A.

37. Section 37 of the principal Act is amended by—

(a) renumbering the existing provision as subsection (1);

(b) inserting the following new subsections after subsection (1)—

(2) The terms of appointment of a custodian shall be determined by the Board and set out in a written instrument:

Provided that the period of service of a custodian shall not exceed three years but may be renewed subject to satisfactory performance,

(3) A custodian shall be entitled to an annual fee of not exceeding zero-point zero one percent of the value of assets of the Fund.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 26 as amended - agreed to.

Clause 27 - amendment proposed –

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new Clause—

Insertion of new section 38A in Cap. 189A.

25. The principal Act is amended by inserting the following new section immediately after section 38—

Annual General Meeting of the Fund.

38A. (1) The Board shall, within six months of the end of a financial year of the Fund, convene a general meeting of the members.

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(2) The general meeting shall be conducted in accordance with the provisions of the Retirement Benefits Act and the regulations prescribed under this Act.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new Clause—

Insertion of new section 38A in Cap. 189A.

25. The principal Act is amended by inserting the following new section immediately after section 38—

Annual General Meeting of the Fund.

38A. (1) The Board shall, within six months of the end of a financial year of the Fund, convene a general meeting of the members.

(2) The general meeting shall be conducted in accordance with the provisions of the Retirement Benefits Act and the regulations prescribed under this Act.

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(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 27 as amended - agreed to.

Clause 28 - amendment proposed –

THAT, the Bill be amended by deleting Clause 28 and substituting therefor the following new Clause—

Repeal and replacement of section 39 of Cap. 189A.

28. The principal Act is amended by deleting section 39 and substituting therefor the following new section—

Administrative expenses of the Fund.

39. (1) The Board shall meet the administrative expenses of the Fund from the Fund.

(2) The administrative expenses referred to in subsection (1) shall not exceed one percent of the total assets of the Fund.

(3) The Board shall open an account into which the funds to be used for defraying the administrative expenses shall be paid.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 28 and substituting therefor the following new Clause—

Repeal and replacement of section 39 of Cap. 189A.

28. The principal Act is amended by deleting section 39 and substituting therefor the following new section—

Administrative expenses of the Fund.

39. (1) The Board shall meet the administrative expenses of the Fund from the Fund.

(2) The administrative expenses referred to in subsection (1) shall not exceed one percent of the total assets of the Fund.

(3) The Board shall open an account into which the funds to be used for defraying the administrative expenses shall be paid.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 28 as amended - agreed to.

Clause 29 - agreed to

Clause 30 - amendment proposed –

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause—

Amendment of section 41 of Cap. 189A.

30. Section 41 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Board shall maintain a reserve account of the Fund into which shall be deposited—

(a) any special contribution paid into the Fund by an employer for the purpose of improving the benefits of the members; and

(b) any income of the Fund that the Board determines should be set aside to stabilise the returns to members subject to a maximum of ten percent of such income:

Provided that no money shall be drawn out of the reserve account except as directed by the Board.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause—

Amendment of section 41 of Cap. 189A.

30. Section 41 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Board shall maintain a reserve account of the Fund into which shall be deposited—

(c) any special contribution paid into the Fund by an employer for the purpose of improving the benefits of the members; and

(d) any income of the Fund that the Board determines should be set aside to stabilise the returns to members subject to a maximum of ten percent of such income:

Provided that no money shall be drawn out of the reserve account except as directed by the Board.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 30 as amended - agreed to.

Clause 31 - amendment proposed –

THAT, Clause 31 of the Bill be amended—

(a) by deleting paragraph (a);

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

"(c) in subsection (3) by—

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

(a) the payment of the Board expenses, employees' salaries, allowances and other charges in respect of the staff of the Board; and

(ii) deleting the word "Scheme" in paragraph (f) and substituting therefor the word "Fund"."

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Clause 31 of the Bill be amended—

(a) by deleting paragraph (a);

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

"(c) in subsection (3) by—

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

(b) the payment of the Board expenses, employees' salaries, allowances and other charges in respect of the staff of the Board; and

(iv) deleting the word "Scheme" in paragraph (f) and substituting therefor the word "Fund"."

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 31 as amended - agreed to.

Clause 32 - amendment proposed –

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new Clause—

Amendment of section 44 of Cap. 189A.	**32**. Section 44 of the principal Act is amended in subsection (2) by inserting the words "and an auditor appointed by the Board" immediately after the expression "Public Audit Act (Cap. 412B)".

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new Clause—

Amendment of section 44 of Cap. 189A.	**32**. Section 44 of the principal Act is amended in subsection (2) by inserting the words "and an auditor appointed by the Board" immediately after the expression "Public Audit Act (Cap. 412B)".

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 32 as amended - agreed to.

Clause 33 - agreed to

Clause 34 - amendment proposed –

THAT, the Bill be amended by deleting Clause 34.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 34.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 34 - deleted

Clause 35 - amendment proposed –

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new Clause—

Repeal and replacement of section 50 of Cap. 189A.

35. The principal Act is amended by deleting section 50 and substituting therefor the following new section—

Right to retirement benefits before commencement of this Act.

50. (1) The right to retirement benefits of a member who was, as at 1st January 2021, already covered under any other pension scheme existing before 1st January 2021 and whose benefit were payable under the Pensions Act the Pensions Act and the Widows and Children Pensions Scheme Act, for the duration of pensionable service before 1st January 2021, shall accrue under that pension scheme.

(2) The National Treasury shall—

(a) determine the value of benefits relating to service before the commencement of the Fund through an actuarial valuation as at the date of joining the Fund;

(b) revalue the benefits determined under paragraph (a) at a rate of five percent per year or such other rate as may be determined by an actuary from 1st January 2021 up to the date of payment or transfer

to the Fund, provided that such rate shall not disadvantage the member or reduce the accrued benefits; and

(c) within six (6) months of the commencement of this Act, issue a letter recognizing accrued benefits as at 31st December 2020.

(3) Notwithstanding subsection (1) and (2) or the provisions of any other written law, the National Treasury may transfer the accrued benefits to the Fund to be administered and paid to the member in accordance with the provisions of sections 27 and 28 of this Act.

(4) Where a transfer is made under subsection (3), the transferred benefits shall be credited to the member's retirement savings account and the National Treasury may phase such transfer, during which any outstanding balance shall continue to be revalued at the rate prescribed in subsection (2)(b).

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new Clause—

Repeal and replacement of section 50 of Cap. 189A.

35. The principal Act is amended by deleting section 50 and substituting therefor the following new section—

Right to retirement benefits before commencement of this Act.

50. (1) The right to retirement benefits of a member who was, as at 1st January 2021, already covered under any other pension scheme existing before 1st January 2021 and whose benefit were payable under the Pensions Act the Pensions Act and the Widows and Children Pensions Scheme

Act, for the duration of pensionable service before 1st January 2021, shall accrue under that pension scheme.

(2) The National Treasury shall—

(a) determine the value of benefits relating to service before the commencement of the Fund through an actuarial valuation as at the date of joining the Fund;

(b) revalue the benefits determined under paragraph (a) at a rate of five percent per year or such other rate as may be determined by an actuary from 1st January 2021 up to the date of payment or transfer to the Fund, provided that such rate shall not disadvantage the member or reduce the accrued benefits; and

(c) within six (6) months of the commencement of this Act, issue a letter recognizing accrued benefits as at 31st December 2020.

(3) Notwithstanding subsection (1) and (2) or the provisions of any other written law, the National Treasury may transfer the accrued benefits to the Fund to be administered and paid to the member in accordance with the provisions of sections 27 and 28 of this Act.

(4) Where a transfer is made under subsection (3), the transferred benefits shall be credited to the member's retirement savings account and the National Treasury may phase such transfer, during which any outstanding balance shall continue to be revalued at the rate prescribed in subsection (2)(b).

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 35 as amended - agreed to.

Clause 36 - amendment proposed –

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Amendment of section 55 of Cap. 189A.

36. Section 55 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

(c) the establishment of a post-retirement medical fund, a mortgage facility and such other retirement products or benefits as may be provided by the Fund subject to the approval of the Retirement Benefits Authority.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Amendment of section 55 of Cap. 189A.

36. Section 55 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

(c) the establishment of a post-retirement medical fund, a mortgage facility and such other retirement products or benefits as may be provided by the Fund subject to the approval of the Retirement Benefits Authority.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 36 as amended - agreed to.

Clause 37 - amendment proposed –

THAT, the Bill be amended by deleting Clause 37.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 37.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 37 - deleted

Clause 38 - agreed to

Clause 39 - amendment proposed –

THAT, the Bill be amended by deleting Clause 39.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 39.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 39 - deleted

Clause 40 - agreed to

Clause 41 - amendment proposed –

THAT, the Bill be amended by deleting Clause 41.

(Leader of the Majority Party)

Question on the amendment proposed;

There being no debate arising

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, the Bill be amended by deleting Clause 41.

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 41 - deleted

New Clauses 2A, 2B and 2C proposed-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 2—

Amendment of title to Part II of Cap. 189A.

2A. The title to Part II of the principal Act is amended by deleting the word "SCHEME" and substituting therefor the word "FUND".

Repeal and replacement of section 3 of Cap. 189A.

2B. The principal Act is amended by deleting section 3 and substituting therefor the following new section—

Establishment of the Public Service Superannuation Fund.

3. (1) There is established a Fund to be known as the Public Service Superannuation Fund, which shall vest in and be operated and managed by the Board.

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(2) The Fund shall be a retirement benefits scheme within the meaning of the Retirement Benefits Act.

(3) There shall be paid—

(a) into the Fund, all contributions and any other payments required by this Act to be paid into the Fund; and

(b) out of the Fund, all the benefits and any other payments required under the provisions of this Act to be paid out of the Fund.

Repeal and replacement of section 4 of Cap. 189A.

2C. The principal Act is amended by deleting section 4 and substituting therefor the following new section—

Object and purpose of the Fund.

4. The object and purpose of the Fund shall be to—

(a) pay retirement benefits to members of the Fund;

(b) ensure that every member of the Fund receives his or her retirement benefits as and when they become due;

(c) assist to improve the social security of members of the Fund by ensuring that the members save in order to cater for their livelihood during their retirement; and

(d) establish a uniform set of rules, regulations and standards for the administration and payment of retirement benefits for members of the Fund.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clauses 2A, 2B and 2C be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to;

Motion made and question proposed;

THAT, New Clauses 2A, 2B and 2C be part of the Bill;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to.

New Clauses 2A, 2B and 2C - agreed to.

New Clauses 2A, 2B and 2C proposed-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 2—

Amendment of title to Part II of Cap. 189A.

2A. The title to Part II of the principal Act is amended by deleting the word "SCHEME" and substituting therefor the word "FUND".

Repeal and replacement of section 3 of Cap. 189A.

2B. The principal Act is amended by deleting section 3 and substituting therefor the following new section—

Establishment of the Public Service Superannuation Fund.

3. (1) There is established a Fund to be known as the Public Service Superannuation Fund, which shall vest in and be operated and managed by the Board.

(2) The Fund shall be a retirement benefits scheme within the meaning of the Retirement Benefits Act.

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(3) There shall be paid—

(c) into the Fund, all contributions and any other payments required by this Act to be paid into the Fund; and

(d) out of the Fund, all the benefits and any other payments required under the

provisions of this Act to be paid out of the Fund.

Repeal and replacement of section 4 of Cap. 189A.

2C. The principal Act is amended by deleting section 4 and substituting therefor the following new section—

Object and purpose of the Fund.

4. The object and purpose of the Fund shall be to—

(e) pay retirement benefits to members of the Fund;

(f) ensure that every member of the Fund receives his or her retirement benefits as and when they become due;

(g) assist to improve the social security of members of the Fund by ensuring that the members save in order to cater for their livelihood during their retirement; and

(h) establish a uniform set of rules, regulations and standards for the administration and payment of retirement benefits for members of the Fund.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clauses 2A, 2B and 2C dropped;

New Clause 4A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 4—

Insertion of new section 6A

4A. The principal Act is amended by inserting the following new section immediately after section 6—

in Cap. 189A.

Remittance of gratuity.

6A. An employer shall, upon the written request of an employee engaged on a fixed term contract, remit the employee's monthly accrued gratuity into the employee's retirement savings account.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 4A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 4A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to.

New Clause 4A - agreed to.

New Clause 4A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 4—

Insertion of new section 6A in Cap. 189A.

4. The principal Act is amended by inserting the following new section immediately after section 6—

Remittance of gratuity.

6A. An employer shall, upon the written request of an employee engaged on a fixed term contract, remit the employee's monthly accrued gratuity into the employee's retirement savings account.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 4A dropped;

New Clauses 11A and 11B proposed-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 11—

Amendment of section 11 of Cap. 189A.

11A. Section 11 of the principal Act is amended—

(a) in paragraph (d), by deleting the word "Scheme" appearing immediately after the words "members of the" and substituting therefor the word "Fund"; and

(b) in paragraph (e), by deleting the word "Scheme" appearing immediately after the words "adjustments in the" and substituting therefor the word "Fund".

Amendment of section 12 of Cap. 189A.

11B. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Trustees appointed under section 10 shall be appointed by virtue of their knowledge or experience in matters relating to human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, audit, law or any other relevant field.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clauses 11A and 11B be Read a Second Time;

(Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clauses 11A and 11B be part of the Bill;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to.

New Clauses 11A and 11B - agreed to.

New Clause 11A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 11—

Amendment of section 12 of Cap. 189A.

11A. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Trustees appointed under section 10 shall be appointed by virtue of their knowledge or experience in matters relating to human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, audit, law or any other relevant field.

(Hon. Omboko Milemba)

Proposed New Clause 11A dropped;

New Clauses 11A and 11B proposed-

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 11—

Amendment of section 11 of Cap. 189A.

11A. Section 11 of the principal Act is amended—

(c) in paragraph (d), by deleting the word "Scheme" appearing immediately after the words "members of the" and substituting therefor the word "Fund"; and

(d) in paragraph (e), by deleting the word "Scheme" appearing immediately after the words "adjustments in the" and substituting therefor the word "Fund".

Amendment of section 12 of Cap. 189A.

11B. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Trustees appointed under section 10 shall be appointed by virtue of their knowledge or experience in matters relating to human resource, pension administration, actuarial science, banking, insurance, finance, accounting, economics, audit, law or any other relevant field.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clauses 11A and 11B dropped;

New Clause 12A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 12—

Amendment of section 14 of Cap. 189A.

12A. The principal Act is amended by deleting section 14 and substituting therefor the following new section—

Filling of vacancy.

14. Whenever the office of a Trustee appointed under section 10(1) becomes vacant before the expiry of the Trustee's term of office, the Cabinet Secretary shall, on the recommendation of the nominating body, appoint a person similarly qualified to fill the vacant position.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 12A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 12A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to.

New Clause 12A - agreed to.

New Clause 12A proposed –

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 12—

Amendment of section 14 of Cap. 189A.

12A. The principal Act is amended by deleting section 14 and substituting therefor the following new section

Filling of vacancy.

14. Whenever the office of a Trustee appointed under section 10(1) becomes vacant before the expiry of the Trustee's term of office, the Cabinet Secretary shall, on the recommendation of the nominating body, appoint a person similarly qualified to fill the vacant position.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 12A dropped;

New Clause 13A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 13—

Amendment of section 19 of Cap. 189A.

13A. The principal Act is amended by deleting section 19 and substituting therefor the following new section —

Powers of the Board.

19. (1) In the exercise of its functions, the Board shall be accountable to the employer and to the members of the Fund.

(2) The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, the Board shall have the power to—

(a) control, supervise and administer the assets of the Fund in such manner and for such purposes as best promote the purpose of providing retirement benefits for members of the Fund;

(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Fund;

(c) receive contributions from members and authorize the custody, investment and administration of these contributions and the payment of retirement benefits as provided under this Act;

(d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Fund is established;

(e) subcontract any of its functions to a person or firm with proven experience in the particular function being subcontracted;

(f) give such direction as it may consider necessary to give effect to the provisions of this Act; and

(g) do such other things as are necessary to give effect to the provisions of this Act.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 13A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 13A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clause 13A - agreed to.

New Clause 13A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 13—

Amendment of section 19 of Cap. 189A.

13A. The principal Act is amended by deleting section 19 and substituting therefor the following new section —

Powers of the Board.

19. (1) In the exercise of its functions, the Board shall be accountable to the employer and to the members of the Fund.

(2) The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, the Board shall have the power to—

(a) control, supervise and administer the assets of the Fund in such manner and for such purposes as best promote the purpose of providing retirement benefits for members of the Fund;

(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Fund;

(c) receive contributions from members and authorize the custody, investment and administration of these contributions and the payment of retirement benefits as provided under this Act;

(d) enter into association with such other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Fund is established;

(e) subcontract any of its functions to a person or firm with proven experience in the particular function being subcontracted;

(f) give such direction as it may consider necessary to give effect to the provisions of this Act; and

(g) do such other things as are necessary to give effect to the provisions of this Act.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 13A dropped;

New Clauses 14A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 14—

Amendment of section 21 of Cap. 189A.

14A. Section 21 of the principal Act is amended in the marginal note by deleting the word "Board" and substituting therefor the word "Fund".

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 14A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 14A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clause 14A - agreed to.

New Clause 14A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 14—

Amendment of section 21 of Cap. 189A.

14A. Section 21 of the principal Act is amended in the marginal note by deleting the word "Board" and substituting therefor the word "Fund".

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 14A dropped;

New Clauses 15A and 15B proposed-

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 15—

Amendment of section 23 of Cap. 189A.

15A. Section 23 of the principal Act is amended in subsection (2) by inserting the words "by the Chairperson or the Chief Executive Officer" immediately after the word "authenticated".

Amendment of section 24 of Cap. 189A.

15B. Section 24 of the principal Act is amended in subsection (3) by deleting the word "Government" appearing immediately after the words "in respect of whom the" and substituting therefor the word "employer".

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clauses 15A and 15B be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clauses 15A and 15B be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clauses 15A and 15B - agreed to.

New Clauses 15A and 15B proposed –

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 15—

Amendment of section 23 of Cap. 189A.

15A. Section 23 of the principal Act is amended in subsection (2) by inserting the words "by the Chairperson or the Chief Executive Officer" immediately after the word "authenticated".

Amendment of section 24 of Cap. 189A.

15B. Section 24 of the principal Act is amended in subsection (3) by deleting the word "Government" appearing immediately after the words "in respect of whom the" and substituting therefor the word "employer".

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clauses 15A and 15B dropped;

New Clause 19A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 19—

Amendment of section 29 of Cap. 189A.

19A. Section 29 of the principal Act is amended in subsection (3) by deleting the word "Scheme" appearing immediately before the words "against the" and substituting therefor the word "Fund".

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 19A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 19A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clause 19A - agreed to.

New Clause 19A proposed –

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 19—

Amendment of section 29 of Cap. 189A.

19A. Section 29 of the principal Act is amended in subsection (3) by deleting the word "Scheme" appearing immediately before the words "against the" and substituting therefor the word "Fund".

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 19A dropped;

New Clause 23A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 23—

Repeal and replacement of section 34 of Cap. 189A.

23A. The principal Act is amended by deleting section 34 and substituting therefor the following new section—

Prohibited payments out of the Fund.

34. No payment shall be made out of the Fund—

(a) to the employer without prior written consent of the Retirement Benefits Authority;

(b) to a member while he or she is still in public service; or

(c) to any person as a loan, advance or other similar benefit or payment except as provided under section 28.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 23A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 23A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clause 23A - agreed to.

New Clause 23A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 23—

Repeal and replacement of section 34 of Cap. 189A.

23A. The principal Act is amended by deleting section 34 and substituting therefor the following new section—

Prohibited payments out of the Fund.

34. No payment shall be made out of the Fund—

(a) to the employer without prior written consent of the Retirement Benefits Authority;

(b) to a member while he or she is still in public service; or

(c) to any person as a loan, advance or other similar benefit or payment except as provided under section 28.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 23A dropped;

New Clause 26A proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 26—

Repeal and replacement of section 38 of Cap. 189A.

26A. The principal Act is amended by deleting section 38 and substituting therefor the following new section—

Duty of care.

38. The administrator, manager and custodian shall—

(a) ensure that the Fund is at all times managed or held in accordance with the provisions of this Act, the regulations or guidelines made under this Act and any directions issued by the Retirement Benefits Authority;

(b) take reasonable care to ensure that the management of the Fund or safe keeping of the assets of the Fund is carried out in the best interests of the members;

(c) report to the Board, as soon as is reasonably practicable, any unusual occurrence with respect to the Fund which in their view could adversely affect the rights of the owner of a retirement savings account under the Fund; and

(d) report to the Board, as soon as is reasonably practicable, if the employer is in default if remittance of nay contributions and such remains due for more than ten days.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 26A be Read a Second Time;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 26A be part of the Bill;

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

New Clause 26A - agreed to.

New Clause 26A proposed –

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 26—

Repeal and replacement of section 38 of Cap. 189A.

26A. The principal Act is amended by deleting section 38 and substituting therefor the following new section—

Duty of care.

38. The administrator, manager and custodian shall—

(a) ensure that the Fund is at all times managed or held in accordance with the provisions of this Act, the regulations or guidelines made under this Act and any directions issued by the Retirement Benefits Authority;

(b) take reasonable care to ensure that the management of the Fund or safe keeping of the assets of the Fund is carried out in the best interests of the members;

(c) report to the Board, as soon as is reasonably practicable, any unusual occurrence with respect to the Fund which in their view could adversely affect the rights of the owner of a retirement savings account under the Fund; and

(d) report to the Board, as soon as is reasonably practicable, if the employer is in default if remittance of nay contributions and such remains due for more than ten days.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 26A dropped;

New Clause 40A proposed-

THAT the Bill be amended by inserting the following new Clause after Clause 40—

Insertion on new section 40A in Cap. 197.

40A. The Retirement Benefits Act is amended by inserting the following new section immediately after section 40—

Fees of a manager and custodian.

40A. (1) A manager registered under this Act shall be entitled to an annual fee not exceeding zero point two percent of the value of assets of the Fund under their management.

(2) A custodian registered under this Act shall be entitled to an annual fee not exceeding zero point zero two percent of the value of assets of the Fund.

(3) A registered scheme may, subject to the approval of the Authority, engage a manager or a custodian at a fee exceeding the fee prescribed under subsections (1) and (2).

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 40A be Read a Second Time;

(Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 40A be part of the Bill;

(Leader of the Majority Party)

Debate arising;

Question put and agreed to.

New Clause 40A - agreed to.

New Clause 42 proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 41—

Saving and transition.

42. (1) A member of the Public Service Superannuation Scheme immediately before the commencement of this Act shall be a member of the Public Service Superannuation Fund.

(2) A person who is a member of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to be a member of Board of Trustees of the Fund for the remainder of their unexpired term.

(3) A person who is an employee of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to serve as an employee of the Fund under their respective terms of employment.

(4) All funds, assets and other property which immediately before the commencement of this Act were held by or on behalf of the Public Service Superannuation Scheme shall vest in the Public Service Superannuation Fund.

(3) All rights, duties and liabilities arising under any written law or otherwise, which immediately before the commencement of this Act were accruing, imposed or enforceable by or against the Public Service Superannuation Scheme shall vest in, be imposed on, or be enforceable against the Public Service Superannuation Fund.

(4) Any suit or legal proceedings by or against the Public Service Superannuation Scheme shall continue as if they were instituted by or against the Public Service Superannuation Fund and no such suit, action or legal proceedings shall abate or be terminated by the virtue of the provisions of this Act.

(Leader of the Majority Party)

Motion made and question proposed;

THAT, New Clause 42 be Read a Second Time;

(Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 42 be part of the Bill;

(Leader of the Majority Party)

Debate arising;

Question put and agreed to.

New Clause 42 - agreed to.

New Clause 42 proposed-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 41—

Saving and transition.

42. (1) A member of the Public Service Superannuation Scheme immediately before the commencement of this Act shall be a member of the Public Service Superannuation Fund.

(2) A person who is a member of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to be a member of Board of Trustees of the Fund for the remainder of their unexpired term.

(3) A person who is an employee of the Board of Trustees of the Public Service Superannuation Fund immediately before the commencement of this Act shall continue to serve as an employee of the Fund under their respective terms of employment.

(4) All funds, assets and other property which immediately before the commencement of this Act were held by or on behalf

of the Public Service Superannuation Scheme shall vest in the Public Service Superannuation Fund.

(3) All rights, duties and liabilities arising under any written law or otherwise, which immediately before the commencement of this Act were accruing, imposed or enforceable by or against the Public Service Superannuation Scheme shall vest in, be imposed on, or be enforceable against the Public Service Superannuation Fund.

(4) Any suit or legal proceedings by or against the Public Service Superannuation Scheme shall continue as if they were instituted by or against the Public Service Superannuation Fund and no such suit, action or legal proceedings shall abate or be terminated by the virtue of the provisions of this Act.

(Chairperson, Departmental Committee on Social Protection)

Proposed New Clause 42 dropped;

Clause 2 - amendment proposed –

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a), by—
  (i) inserting the following new definition in proper alphabetical sequence—
    "adherence agreement" means an agreement in writing made between an employer and the Board which forms the basis upon which an employer is admitted to join and participate in the provision of retirement benefits to its employees under the Act;
  (ii) deleting the word "Scheme" in the proposed new definition of "beneficiary" and substituting therefor the word "Fund";
  (iii) deleting the word "Scheme" in the proposed new definition of "deferred member" and substituting therefor the word "Fund";
  (iv) deleting the proposed definition of "employer" and substituting therefor the following new definition—
    "employer" means—
    (a) the Teachers Service Commission;
    (b) the National Police Service Commission or an authorized officer duly appointed by the National Police Service Commission;
    (c) the Public Service Commission or an authorized officer duly appointed by the Public Service Commission;
    (d) any other national government entity that the Cabinet Secretary may determine to be public service for the purposes of this Act; and
    (e) any other entity that the Cabinet Secretary may determine to be an eligible employer for the purposes of this Act.
(b) in paragraph (b), by deleting the word "Scheme" in the proposed new definition of "administrator" and substituting therefor the word "Fund";
(c) inserting the following new paragraphs after paragraph (b)—

(c) deleting the definition of "contribution" and substituting therefor the following new definition—

"contribution" means the amount payable by a member and an employer into the Fund;

(d) in the definition of "Fund", by deleting the expression "section 9" appearing immediately after the words "established under" and substituting therefor the expression "section 3";

(e) in the definition of "member" by deleting the word "Scheme" appearing immediately before the expression "under section 5" and substituting therefor the word "Fund";

(f) deleting the definition of "notional interest";

(g) deleting the definition of "pensionable emoluments" and substituting therefor the following new definition—

"pensionable emoluments" means the basic salary of a member;

(h) deleting the definition of "Scheme".

(Leader of the Majority Party)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Further amendment proposed—

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a), by—

(i) inserting the following new definition in proper alphabetical sequence—

"adherence agreement" means an agreement in writing made between an employer and the Board which forms the basis upon which an employer is admitted to join and participate in the provision of retirement benefits to its employees under the Act;

(ii) deleting the word "Scheme" in the proposed new definition of "beneficiary" and substituting therefor the word "Fund";

(iii) deleting the word "Scheme" in the proposed new definition of "deferred member" and substituting therefor the word "Fund";

(iv) deleting the proposed definition of "employer" and substituting therefor the following new definition—

"employer" means—

(a) the Teachers Service Commission;

(b) the National Police Service Commission or an authorized officer duly appointed by the National Police Service Commission;

(c) the Public Service Commission or an authorized officer duly appointed by the Public Service Commission;

(d) any other national government entity that the Cabinet Secretary may determine to be public service for the purposes of this Act; and

(e) any other entity that the Cabinet Secretary may determine to be an eligible employer for the purposes of this Act.

(b) in paragraph (b), by deleting the word "Scheme" in the proposed new definition of "administrator" and substituting therefor the word "Fund";

(c) inserting the following new paragraphs after paragraph (b)—

(c) deleting the definition of "contribution" and substituting therefor the following new definition—

"contribution" means the amount payable by a member and an employer into the Fund;

(d) in the definition of "Fund", by deleting the expression "section 9" appearing immediately after the words "established under" and substituting therefor the expression "section 3";

(e) in the definition of "member" by deleting the word "Scheme" appearing immediately before the expression "under section 5" and substituting therefor the word "Fund";

(f) deleting the definition of "notional interest";

(g) deleting the definition of "pensionable emoluments" and substituting therefor the following new definition—

"pensionable emoluments" means the basic salary of a member;

(h) deleting the definition of "Scheme".

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 2 as amended - agreed to.

Title - agreed to

Clause 1 - amendment proposed –

THAT, Clause 1 of the Bill be amended by deleting the word "Scheme" appearing immediately after the word "Superannuation" and substituting therefor the word "Fund";

(Leader of the Majority Party)

Proposed amendment dropped;

Further amendment proposed—

THAT, Clause 1 of the Bill be amended by deleting the word "Scheme" appearing immediately after the word "Superannuation" and substituting therefor the word "Fund";

(Chairperson, Departmental Committee on Social Protection)

Proposed amendment dropped;

Clause 1 - agreed to

Bill to be reported with amendments.

11. HOUSE RESUMED - the Third Chairperson in the Chair

(i) The Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026)

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed—

THAT, the Tax Laws (Amendment) Bill (National Assembly Bill No. 65 of 2026) be now read a Third Time.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

(ii) The East African Development Bank Bill (National Assembly Bill No. 33 of 2026)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the East African Development Bank (Amendment) Bill, (National Assembly Bill No. 33 of 2026).

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed—

THAT, the East African Development Bank (Amendment) Bill, (National Assembly Bill No. 33 of 2026) be now read a Third Time.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and **passed.**

(iii) The Public Service Superannuation Scheme (Amendment) Bill (National Assembly Bill No. 33 of 2025)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Public Service Superannuation Scheme (Amendment) Bill (National Assembly Bill No. 33 of 2025)

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed—

THAT, the Public Service Superannuation Scheme (Amendment) Bill (National Assembly Bill No. 33 of 2025) be now read a Third Time.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

12. MOTION – PROGRESS REPORT ON THE KENYA-UNITED KINGDOM DEFENCE COOPERATION AGREEMENT

Motion made and Question proposed—

THAT, this House **adopts** the Progress Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the implementation of resolutions of the House on the British Army Training Unit in Kenya Inquiry and the Kenya-United Kingdom Defence Cooperation Agreement, *laid on the Table of the House on Tuesday, 13th October 2026.*

(Vice-Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

(Change of Chair from Third to Second Chairperson of Committees)

Debate arising;

Mover replied;

Question put and agreed to.

13. MOTION – TENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF EGERTON UNIVERSITY

Motion having been made and Question proposed—

THAT, this House **adopts** the Tenth Report of the Public Investments Committee on Governance and Education on its examination of the audited financial statements of Egerton University for the financial year 2018/2019 to 2023/2024, *laid on the Table of the House on Thursday, 26th February 2026*.

(Chairperson, Public Investments Committee on Governance and Education – 13.10.2026)

Debate interrupted on Tuesday, October 13, 2026 resumed;

There being no Member willing to contribute;

Mover replied;

Question put and agreed to.

14. MOTION – CONSIDERATION OF THE DRAFT PRIVILEGES AND IMMUNITIES (AFRICA FINANCE CORPORATION) ORDER, 2026

Order read;

Order deferred.

15. MOTION – CONSIDERATION OF THE DRAFT PRIVILEGES AND IMMUNITIES (FORD FOUNDATION) ORDER, 2026

Order read;

Order deferred.

16. THE INVESTMENT AND EXPORT PROMOTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2026)

Order for Second Reading read;

Order deferred.

17. THE TOURISM (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2026)

Order for Second Reading read;

Order deferred.

18. THE KENYA ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2026)

Order for Second Reading read;

Order deferred.

19. MOTION – THIRTEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR THREE FUNDS FOR FY 2020/2021 AND 2021/2022

Order read;

Order deferred.

20. MOTION – FOURTH REPORT ON THE STATUS OF IMPLEMENTATION OF THE CONSTITUTION

Order read;

Order deferred.

21. MOTION – REPORT ON INSPECTION VISITS TO CONSTITUENCY OFFICES IN NAKURU COUNTY

Order read;

Order deferred.

22. MOTION – REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF HIGHER LEARNING INSTITUTIONS (EASTERN REGION)

Order read;

Order deferred.

23. MOTION – FIFTH REPORT ON THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS

Order read;

Order deferred.

24. MOTION – NINETEENTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS FOR FIVE FUNDS

Order read;

Order deferred.

And the time being twenty minutes past Eight O'clock, the Second Chairperson of Committees adjourned the House without Question put pursuant to the Standing Orders.

25. HOUSE ROSE – at twenty minutes past Eight O'clock.

MEMORANDUM

The Speaker will take the Chair on,
Thursday, 15th October 2026, at 2:30 p.m.

--x--