



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, AUGUST 02, 2016**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **COMMUNICATION FROM THE CHAIR ON CONSIDERATION OF STATUTORY INSTRUMENTS**

The Speaker conveyed the following Communication –

“Honourable Members,

Whereas Article 94(1) of the Constitution vests the legislative authority of the Republic, at the national level to Parliament, clauses (4) and (5) of the said Article allows Parliament through Acts of Parliament to delegate legislative power to other persons or bodies to make provisions having the force of law in Kenya. The Statutory Instruments Act, 2013 requires such delegated provisions to be subjected, where applicable, to Parliamentary approval. In fulfillment of the provisions of the said Act, persons and bodies exercising delegated powers continue to make and submit to this House various statutory instruments as required under Section 11 of the Statutory Instruments Act, 2013.

Upon submission to the House, the instruments are effectively committed to the Committee on Delegated Legislation for consideration in accordance with Sections 12 and 13 of the Statutory Instruments Act, 2013. The sequence of approval under the Act is however cast in the negative whereby Parliament is not required to approve the whole of the provisions but is only required to disapprove or annul those provisions that it does not agree to.

Honourable Members, as at today, Tuesday, August 2, 2016, the following statutory instruments have been laid on the Table of this House pursuant to Section 11 of the Act and are yet to be concluded:

- i) Legal Notice No. 197 of 2015 on the Mediation (Pilot Project) Rules, 2015 and the Explanatory Memorandum, *laid on the Table of the House on Wednesday, 10<sup>th</sup> February 2016;*

- ii) Legal Notice No. 225 of 2015 on Witness Protection Rules, 2015 and the Explanatory Memorandum, *laid on the Table of the House on Wednesday, 10<sup>th</sup> February 2016*;
- iii) Legal Notice No. 35 of 2016 on the Capital Markets (Licensing Requirements)(General) (Amendment) Regulations, 2016 and the Explanatory Memorandum, *laid on the Table of the House on Tuesday, 12<sup>th</sup> April 2016*;
- iv) Legal Notice No. 36 of 2016 on the Capital Markets (Securities) (Public Officers Listing and Disclosure) (Amendment) Regulations, 2016, and the Explanatory Memorandum, *laid on the Table of the House on Thursday, 12<sup>th</sup> April 2016*;
- v) Legal Notice No. 37 of 2016 on the Capital Markets (Derivatives Markets) Regulations, 2015 and the Explanatory Memorandum, *laid on the Table of the House on Tuesday, 12<sup>th</sup> April 2016*;
- vi) Legal Notice No. 47 of 2016 on the Insolvency Regulations, 2016 and the Explanatory Memorandum, *laid on the Table of the House on Thursday, 14<sup>th</sup> April 2016*;
- vii) Legal Notice No. 62 of 2016 on the Traffic (Registration Plates) Rules, 2016 and the Explanatory Memorandum, *laid on the Table of the House on Tuesday, 7<sup>th</sup> June 2016*;
- viii) Gazette Notice No. 1420 of 2016 on the Code of Corporate Governance Practices for Issuers of Securities to the Public, 2015, and the Explanatory Memorandum, *laid on the Table of the House on Tuesday, 12<sup>th</sup> April 2016*; and
- ix) Gazette Notice No. 1421 of 2016 on the Guidelines on Prevention of Money Laundering and Terrorism Financing in Capital Markets, 2015, and the Explanatory Memorandum, *laid on the Table of the House on Tuesday, 12<sup>th</sup> April 2016*.

Honourable Members, allow me to remind the House that upon committal of these statutory instruments, the Committee on Delegated Legislation is required under the Act to –

- (a) scrutinize the statutory instruments for compliance with the matters specified under Section 13 of the Act together with such other requirements as may exist in the Interpretation and General Provisions Act (*Cap 2 of the Laws of Kenya*) relating to subsidiary legislation;
- (b) confer with the regulation making authority in the manner contemplated under Section 16 of the Act; and
- (c) table a report in the House containing only a resolution that the statutory instrument or a part of it be revoked as contemplated under Section 15 of the Act.

Honourable Members, you may recall that Section 15 of the Statutory Instruments Act, 2013 was amended through the Statute Law (Miscellaneous Amendment) Act of 2015, which amendment introduced a timeline within which the National Assembly is required to consider any statutory instrument laid before it. For clarity, the new Section 15 of the Act provides as follows in sub-section (2)–

*“Where the Committee does not make the report referred to in sub-section (1) **within twenty eight days** after the date of referral of the statutory instrument to the Committee under Section 12, or such other period as the House may, by resolution approve, the statutory instrument shall be deemed to have fully met the relevant considerations referred to in Section 13.”*

Clearly, the twenty-eight days contemplated in the above-mentioned provision in respect of the statutory instruments listed in this communication have expired. Since the Committee has neither reported to this House a proposed annulment of any of the affected statutory instruments nor have they sought any extension of time for consideration of the said statutory instruments as contemplated in the Act, the House is deemed to have had no objection to those statutory instruments and the said statutory instruments have the full force of approval by the House. In this regard, and in accordance with the provisions of the Statutory Instruments Act as read together with Standing Order 210, the Clerk is now required to convey these facts to the respective regulation-making authorities so that they are notified that the instruments have the force of law as no objections have been made by the National Assembly.

Honourable Members, I hasten to add that this guidance does not apply to specific subsidiary legislation where positive approval of the National Assembly or indeed both houses under the specific statutes is mandatory. In such circumstances, the House would not be time bound unless there is an express provision prescribing the period within which the National Assembly or both Houses ought to approve or reject such subsidiary legislation.

Honourable Members, it is worth noting that in contrast to other Committees which have a wide range of mandate, the Committee on Delegated Legislation **is solely charged with the responsibility of considering delegated legislation**. It is in my view that limiting the mandate of this Committee to considering statutory instruments was guided by the principle and nature of urgency within which such instruments ought to be given Parliamentary approval so as to enjoy the benefit of having the full force of law. This House ought not to abdicate this duty conferred on it by the Constitution by delaying consideration and approval of statutory instruments or allowing such instruments to automatically assume clearance by the House by operation of law albeit without scrutiny as may be in the current case. The Chairperson and Members of this Committee are therefore encouraged to embrace the spirit of Standing Order 183 by establishing sub-committees with a view to expediting consideration of statutory instruments within the specified timelines.

The House and officers of the House are accordingly guided.

I thank you.

## 5. PETITIONS

The following Petitions were presented –

- (i) A Petition regarding delays in the issuance of citizenship by registration to immigrants residing in Kenya presented by Nominated Member (Hon. Sunjeev Birdi) on behalf of concerned immigrants residing in Kenya; and,
- (ii) A Petition regarding illegal grazing in Tsavo West National Park presented by the Member for Mwatate (Hon. Andrew Mwadime) on behalf of residents of Mwatate Constituency;

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(1)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015 and the Certificates therein –
  - a) Occupational Safety and Health Fund;
  - b) Child Welfare Society of Kenya;
  - c) Constituencies Development Fund, Embakasi North Constituency;
  - d) Constituencies Development Fund, Kajiado West Constituency; and
  - e) The Jomo Kenyatta Foundation.
- (ii) Report of the Auditor-General on the Financial Statements of Occupational Safety and Health Fund for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (iii) The Annual Report and Financial Statements for Higher Education Loans Board for the year 2013/2014; and
- (iv) The Annual Report and Financial Statements for the National Social Security Fund for the year ended 30<sup>th</sup> June, 2014.

*(The Leader of Majority Party)*

- (v) The Mediated Version of the Water Bill (National Assembly Bill No.8 of 2014)

*(Chairperson, Mediation Committee)*

- (vi) The Report of the Departmental Committee on Energy, Communication and Information on the crisis facing the music industry on payments of royalties and review of the legal framework for the music industry.

*(Chairperson, Departmental Committee on Energy, Communication & Information)*

- (vii) The Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on its consideration of the Potato Produce and Marketing Bill (Senate Bill No. 22 of 2014).

*(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)*

7. **NOTICES OF MOTION**

The following Notices of Motions were given –

**Formulation of a Comprehensive Policy to Guarantee Career Advancement, Promotions and Security of Tenure for Public Servants**

(The Hon. Joyce Emanikor, M.P.)

**THAT**, aware that a sufficiently skilled and trained workforce is an essential pillar for attainment of Kenya's Vision 2030; further aware that the number of doctors, accountants, engineers, teachers, nurses, lecturers, scientists and other professionals in the public sector undertaking further studies of specialized skills within or outside the country is on the increase: deeply concerned that quite a number of professionals seemingly get demoralized by the fact that on returning from studies abroad or after undertaking further studies locally they are either deployed to lower positions, placed below supervisors whose skills they exceed or stagnate in the same position they were before furthering their skills; further concerned by the fact that most of them thereafter opt to leave the public service for the private sector, civil society or Non-Governmental Organizations (NGOs) or even migrate abroad in search of greener pastures leading to regrettable brain drain; this House **resolves** that the Government establishes a comprehensive policy to guarantee career advancement, promotions and security of tenure for public servants and officers who undertake to refine their skills through further studies.

8. **THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya Defence Forces (Amendment) Bill (National Assembly Bill No.41 of 2015) be now read a Second Time

*(Leader of the Majority Party – 28.07.2016)*

Debate of the Second Reading having been concluded on Thursday, July 28, 2016;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

9. **MOTION – THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

Motion made and Question proposed –

**THAT**, the Senate Amendments to the the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015) be now considered.

*(Leader of the Majority Party)*

Debate arising;

Mover replied;

Question put and agreed to.

10. **MOTION – THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

Motion made and Question proposed –

**THAT**, the Senate Amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) be now considered.

*(Leader of the Majority Party)*

Debate arising;

Mover replied;

Question put and agreed to.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

- (i) **Consideration of the Senate Amendments to the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015).**

**CLAUSE 2**

**Senate Amendment**

**THAT**, clause 2 of the Bill be amended by deleting the definition of the word “forest owner” and substituting therefore the new definition-

“forest owner” means-

- (a) in the case of a public forest, the government as defined in article 62(1)(g) of the Constitution;
- (b) in the case of a community forest, the community as defined in article 63 of the Constitution; and
- (c) in the case of a private forest, the registered owner of the land as defined in article 64 of the Constitution.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 2 agreed to.

**CLAUSE 5**

**Senate Amendment**

**THAT**, clause 5 be amended-

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

Public Forest Policy

- (b) in sub-clause (1) by inserting the words “county government and” appearing immediately after the words “in consultation with the”; and
- (c) in sub-clause (2) by inserting the words “in consultation with the county government” immediately after the words “forest policy to be reviewed”.
- (d) in sub-clause (2) by deleting the word “national” appearing immediately after the words “the Cabinet Secretary shall cause”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 5 agreed to.

**CLAUSE 6**

**Senate Amendment**

**THAT**, clause 6 be amended-

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

Public Forest Strategy

- (b) in sub-clause (1) by deleting the word “national” appearing immediately after the words “formulate a” and substituting therefor the word “public”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 6 agreed to.

**CLAUSE 8**

**Senate Amendment**

**THAT**, clause 8 of the Bill be amended in paragraph (f) by deleting the word “national” appearing immediately after the words “ceremonial use of” and substituting therefor the word “public”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 8 agreed to.

**CLAUSE 9**

**Senate Amendment**

**THAT**, clause 9 (1) of the Bill be amended-

- (a) in paragraph (f) by deleting the words “Director-General” appearing at the beginning of the paragraph and substituting therefor the words “Chief Conservator of Forests”;
- (b) by deleting sub-paragraph (iv) of paragraph (g) and substituting therefor the following new paragraph “one person nominated by the Council of Governors”;and
- (c) by inserting the following new sub-clause immediately after sub-clause (3)-

(3A) A person shall not be appointed to the Board if the person—

- (a) is convicted of a criminal offence and sentenced to imprisonment by a court of competent jurisdiction for a period exceeding six months without the option of a fine;
- (b) is a member of a governing body of a political party;
- (c) is disqualified under any written law to hold office of director in a public company, corporation or similar organization;
- (d) has previously been removed from public office for contravention of the provisions of the Constitution or any other written law;
- (e) is adjudged bankrupt or enters into a composition or arrangement with his creditors;
- (f) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof;



- (g) is disqualified under any other written law, or his holding office as such is deemed by the Authority as being, in any way, detrimental to the scheme; and
- (h) is disqualified under Chapters Six and Thirteen of the Constitution or any other provisions thereof or any written law.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to clause 9 negatived.

**CLAUSE 14**

**Senate Amendment**

**THAT**, clause 14 of the Bill be amended in-

- (a) sub-clause (1) by deleting the words “Director-General” appearing immediately after the words “shall be a” and substituting therefor the words “Chief Conservator of Forests”;
- (b) sub-clause (3) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.
- (c) sub-clause (4) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.
- (d) sub-clause (5) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 14 agreed to.

**CLAUSE 20**  
**Senate Amendment**

**THAT**, clause 20 of the Bill be amended in sub-clause (4) paragraph (a) by deleting the words “a chairman” and substituting therefor the words “a chairperson”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 20 agreed to.

**CLAUSE 25**  
**Senate Amendment**

**THAT**, clause 25(2) of the Bill be amended in paragraph (c) by deleting the word “national” appearing immediately after the words “tourism in” and substituting therefor the word “public”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 25 agreed to.

**CLAUSE 26**  
**Senate Amendment**

**THAT**, clause 26 of the Bill be amended at subsection (2) by deleting the words “controller and” appearing immediately after the words “Board shall submit to the”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 26 agreed to.

**CLAUSE 36**

**Senate Amendment**

**THAT**, clause 36 of the Bill be amended at sub-clause (2) by deleting the word “national” appearing immediately after the words “declared a” and substituting therefor the word “public”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 36 agreed to.

**CLAUSE 39**

**Senate Amendment**

**THAT**, clause 39 of the Bill be amended at sub-clause (7) by deleting the word “Director-General” appearing immediately after the words “reserve, the” and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 39 agreed to.

**CLAUSE 43**

**Senate Amendment**

**THAT**, clause 43 the Bill be amended by inserting the following new sub-clause immediately after sub-clause (5)-

- (6) The Service shall consider the interests of the local communities in the management of public forests.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 43 agreed to.

**CLAUSE 45**  
**Senate Amendment**

**THAT**, clause 45 of the Bill be amended-

(a) by deleting sub-clause (1) and substituting therefore the sub-clause-

(1) The Service may advertise, receive applications from any person, institution or organization and through a competitive process, approve and enter into an appropriate management agreement for all or part of a public forest.

(b) in sub-clause 2 by inserting the following new paragraph immediately after paragraph (e)-

(e) the benefits which the applicant shall extend to the local community.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 45 agreed to.

**CLAUSE 47**  
**Senate Amendment**

**THAT**, sub-clause (6) of clause 47 of the Bill be amended by deleting the word “Director-General” where it appears and substituting therefor the word “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 47 agreed to.

**CLAUSE 48**  
**Senate Amendment**

**THAT**, clause 48(3) of the Bill be amended in paragraph (f) by deleting the words “Director-General” and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 48 agreed to.

**CLAUSE 49**

**Senate Amendment**

**THAT**, clause 49 (3) be amended in paragraph (b) by deleting the words “Director-General” and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 49 agreed to.

**CLAUSE 50**

**Senate Amendment**

**THAT**, clause 50 (2) of the Bill be amended by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 50 agreed to.

**CLAUSE 51**

**Senate Amendment**

**THAT**, clause 51 of the Bill be amended-

(a) in sub-clause (1) by -

- (i) deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”;

- (ii) deleting the word “Director-General” appearing immediately after the words “ask the” in paragraph (c) and substituting therefor the word “Chief Conservator of Forests”;
- (b) in sub-clause (2) by deleting the words “Director-General” wherever they appear and substituting therefor the words “Chief Conservator of Forests”;
- (c) in sub-clause (3) by deleting the words “Director-General” wherever they appear and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 51 agreed to.

**CLAUSE 53**

**Senate Amendment**

**THAT**, clause 53 of the Bill be amended by inserting the word “employment” immediately after the word “education”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 53 agreed to.

**CLAUSE 62**

**Senate Amendment**

**THAT**, clause 62 of the Bill be amended in-

- (a) sub-clause (1) by deleting the words “Director-General” at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”;
- (b) sub-clause (2) by deleting the word “Director-General” at the beginning of the sub-clause and substituting therefor the word “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 62 agreed to.

**CLAUSE 63**

**Senate Amendment**

**THAT**, clause 63 of the Bill be amended in sub-clause (2) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 63 agreed to.

**CLAUSE 64**

**Senate Amendment**

**THAT**, clause 64 of the Bill be amended in sub-section (3) by deleting the words “section 39(2)” appearing immediately before the words “provisions of” and substituting therefor the words “section 61”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to clause 64 agreed to.

**CLAUSE 72**

**Senate Amendment**

**THAT**, clause 72 of the Bill be amended-

(a) in sub-clause (1) by-

(i) deleting the words “Director-General” appearing immediately after the word “the” and substituting therefor the words “Chief Conservator of Forests”;

(ii) deleting paragraph (b) and substituting therefor the following new paragraph-

(b) public forests;

- (b) inserting the following new sub-clause immediately after sub-clause (1)-
- (1A) The relevant counties will at all times be furnished with pertinent copies of all the relevant documents maintained in the Chief Conservator of Forests register.
- (c) in sub-clause (2) by deleting the words “Director-General” appearing immediately after the words “office of the” and substituting therefor the word “Chief Conservator of Forests”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to clause 72 negatived.

**CLAUSE 75**

**Senate Amendment**

**THAT**, clause 75 be amended by deleting the words “Environmental Management and Co-ordination Act, 1999” appearing in sub-clause (1) immediately after the words “provisions of the” and substituting therefor the words “Environmental Management and Co-ordination Act, 2015”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 75 negatived.

**CLAUSE 77**

**Senate Amendment**

**THAT**, clause 77 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)-

- (aa) The land in section (a) shall not include government settlement schemes already registered before the commencement of this Act;

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;



Debate arising;

Question put and negatived;

Senate amendment to clause 77 negatived.

**The Third Schedule**  
**Senate Amendment**

**THAT**, the Third Schedule to the Bill be amended by-

deleting item 5;

deleting item 9;

deleting item 131;

deleting item 106;

deleting item 107;

deleting item 115;

deleting item 119;

deleting item 200;

deleting item 236;

deleting item 292;

deleting item 278;

deleting item 282;

deleting item 286; and

deleting item 290

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to the Third Schedule negatived.

Considerations to be reported with amendments

**(ii) Senate Amendments to Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)**

**New Clause 9A**  
**Senate Amendment**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 9 —

Procedure  
for  
approval  
by  
Parliament.

- 9A.** (1) The process of approval of an agreement shall commence in the National Assembly.
- (2) The National Assembly shall consider an agreement within sixty days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.
- (3) If both Houses —
- (a) approve the ratification of an agreement; or
  - (b) do not approve the ratification of an agreement;
- the Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.
- (4) Where either the National Assembly or the Senate votes to reject an agreement, the agreement shall be deemed to have been rejected by Parliament and the Speaker of the National Assembly shall, within seven days of the rejection, notify the relevant Cabinet Secretary.
- (5) If within sixty days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate under subsection (2), the National Assembly shall be deemed to have approved the agreement and the Senate shall commence its consideration of the agreement.
- (6) Where the Senate considers an agreement under subsection (5), the Speaker of the Senate shall, within seven days of the decision, notify the relevant Cabinet Secretary.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment on New Clause 9A negatived.

**The Schedule**  
**Senate Amendment**

**THAT**, the Bill be amended in the Schedule by-

- a) Deleting the tenth row that provides for “Genetic material”; and
- b) Deleting the eleventh row that provides for “Genetic resources”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to the Schedule agreed to.

Considerations to be reported with amendments;

12. **HOUSE RESUMED** – The First Chairperson in the Chair

(i) **Consideration of the Senate Amendments to the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015).**

Considerations reported with amendments;

Motion made and Question proposed –

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

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Senate Amendments to the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015) be agreed to with amendments

Question of the Motion deferred to another day

(ii) **Senate Amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)**

Considerations reported with amendments;

Motion made and Question proposed –

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

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Senate Amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) be agreed to with amendments

Question of the Motion deferred to another day.

13. **MOTION – RATIFICATION OF BILATERAL AIR SERVICES AGREEMENTS BETWEEN KENYA, AND VIETNAM AND LIBERIA**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works & Housing on its consideration of the Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Governments of the Socialist Republic of Vietnam and the Republic of Liberia respectively, laid on the Table of the House on Wednesday, 27<sup>th</sup> July, 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Governments of the Socialist Republic of Vietnam and the Republic of Liberia.

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

Debate arising;

Mover replied;

Question of the Motion deferred to another day

14. **THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.64 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 64 of 2015) be now read a Second Time

*(The Leader of the Majority Party)*

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

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

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, August 03, 2016 at 9.30 a.m.

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