



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 07, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table –

i) The Leader of the Majority Party

- a) The Special Audit of the Auditor-General on the Lake Basin Mall Complex in Kisumu under the Lake Basin Development Authority, January 2017;
- b) The Report of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2015 and the certificates therein: -
 - i) Egerton University Investment Company; and
 - ii) Eldoret National Polytechnic.
- c) The Report of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2016 and the certificates therein: -
 - i) Karatina University; and
 - ii) Pwani University.

ii) Hon. Nelson Gaichuhie, Member, Departmental Committee on Finance and Trade

- a) The Report of Departmental Committee on Finance, Planning and Trade on its consideration of a Public Petition on implementation of the 2009 Akilano Akiwumi Tribunal Report on Minimum Living Pension payable to former Members of Parliament who served between 1984 and 2002.

5. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2017)

Order for Second Reading having been read;

Motion having been made and Question proposed -

THAT, the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now read a Second Time.

(Chairperson, Budget and Appropriations Committee)

Mover (Hon. Mutava Musyimi) Replied;

Question Put and agreed to;

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

6. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

Public Service Commission Bill, 2016 at the Committee Stage—

Clause 3 - amendment proposed -

THAT, clause 3 of the Bill be amended by inserting the words “and section 28 of the Kenya Defence Forces Act” immediately after the words “of the Constitution”.

(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clauses 4, 5 & 6 - as amended agreed to

Clause 7 - amendment proposed -

THAT, clause 7 of the Bill be amended in sub-clause (2) by deleting the word “youth”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clauses 8, 9, 10, 11, 12, 13 & 14 - agreed to

Clause 15 - amendment proposed –

THAT, clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (8)–

“(9) The Secretary appointed under subsection (2) shall be a State officer.”

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clauses 16, 17, 18, 19, 20 21, 22, 23, 24, 25 & 26 - agreed to

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended in sub-clause (1) by inserting the words “the authorized officer of” immediately after the words “written request by”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to

Clauses 28, 29 & 30 - agreed to

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be amended–

- (a) in sub-clause (2) by deleting the words “in person”;
- (b) by deleting sub-clause (6).

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to

Clauses 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42– agreed to

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended in sub-clause (3) –

- (a) by deleting the words “the transfer shall not be arbitrary” appearing immediately after the opening sentence; and

(b) by inserting the following new paragraph immediately after paragraph (b)–

“(c) the transfer shall not be arbitrary”

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to

Clause 44 - amendment proposed –

THAT, clause 44 of the Bill be deleted and substituted therefor the following new clause–

“**44.** The Commission shall prescribe the terms and conditions for employment of casual employees within the public service.”

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clauses 45 & 46 - agreed to

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended–

(a) in sub-clause (2)–

(i) by deleting paragraph (iii);

(ii) in paragraph (iv) by deleting the word “fifteen” and substituting therefor the word “ten”;

(b) in sub-clause (3) by inserting the words “paying attention to inclusiveness in terms of gender, Kenya’s diverse communities, persons with disabilities and the youth” immediately after the words “for every position for appointment”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 47 of the Bill be amended–

(a) in sub-clause (2)–

- (i) by inserting the word “general” immediately after the word “possesses” appearing in paragraph (v);
- (ii) by deleting paragraph (vi);
- (iii) by deleting the word “thorough” appearing in paragraph (vii) and substituting therefor the word “an”;
- (b) in sub-clause (3) by deleting the words “three nominees for every position” and substituting therefor the words “a list of nominees”; and
- (c) in sub-clause (4) by deleting the words “for the rejected position or positions”.

(The Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to

Clauses 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 60, 61 & 62 - agreed to

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (2)–

“(3) The Commission shall communicate to an authorized officer or public body on instances of non-compliance with values and principles stipulated in Articles 10 and 232 of the Constitution, and require such compliance within a specified period.

(4) Any authorized officer or public body who refuses, fails or neglects to comply with the national values and principles shall be liable to disciplinary action in accordance with the applicable laws including removal from office.”

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to

Clause 64 - amendment proposed –

THAT, clause 64 of the Bill be amended–

- (a) by inserting the following new sub-clause as sub-clause (1)–

“(1) The power to exercise disciplinary control within the public service shall vest in the Commission”;

- (b) by renumbering the subsequent sub-clauses accordingly.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 64 - as amended agreed to

Clauses 65 & 66 - agreed to

Clause 67 - amendment proposed –

THAT, clause 67 of the Bill be amended in sub-clause (1)–

- (a) by deleting the word “inflicted” and substituting therefor the word “imposed”; and
- (b) by inserting the following new paragraph immediately after paragraph (e)–
“(f) reduction in rank or seniority.”

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 67 - as amended agreed to

Clauses 68, 69, 70, 71, 72, 73 & 74 - agreed to

Clause 75 - amendment proposed –

THAT, clause 75 of the Bill be amended by deleting the words “Guidelines issued by the Commission” and substituting therefor the words “Regulations made by the Commission”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 75 - as amended agreed to

Clauses 76, 77, 78, 79, 80 & 81 - agreed to

Clause 82 - amendment proposed –

THAT, clause 82 of the Bill be amended in paragraph (b) by deleting the words “prescribed in a special retirement scheme” and substituting therefor the words “of the contract”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 82 - as amended agreed to

Clauses 83, 84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102 and 103

- agreed to

New Clause 57A proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 57–

O **57A.**(1) In this Act, “organization of the public service” means the
r organizational structures and establishments of departments or divisions,
g directorates, units, sections and other organizational or governance
n arrangements in the public service.

i
z (2) The Commission shall investigate, monitor and evaluate the organization
a of the public service with respect to any public body and make
t recommendations to the public body, the President and Parliament.

n
o (3) The recommendations of the Commission under subsection (2) may
o include –

- t
h
e
p
u
b
l
i
c
s
e
r
v
i
c
e
.
(a) establishment of any public body including a state department;
(b) amalgamation of any public bodies including a state department;
(c) addition to or subtraction from a department or division, directorate,
unit, section or other organizational arrangement;
(d) naming or renaming of any public body, department or division,
directorate, unit, section or other organizational arrangement; or
(e) abolition of any public body, department or division, directorate,
unit, section or other organizational arrangement.

(4) Where the Commission is vested with the constitutional function to
abolish the public offices that would be subject to a recommendation under
subsection (3), instead of making the recommendation, the Commission shall
take the necessary action.

(5) Where the Commission’s recommendations under subsection (3) (a) are
addressed to the President, such recommendations may be construed to be
recommendations for establishment of an office in the public service within
the meaning of Article 132 (4) (a) of the Constitution.

Motion made and Question proposed –

THAT, the New Clause 10A be read a Second Time

*(Chairperson, Departmental Committee on Administration and National
Security)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 57A be part of the Bill

Question put and agreed to;

INSERTION OF A NEW PART

THAT, the Bill be amended by inserting the following sub-title to the part appearing immediately after clause 30–

“PART V- DELEGATION”

Motion made and Question proposed –

THAT, the New Part V be read a Second Time

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Part V be part of the Bill

Question put and agreed to;

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended–

- (a) by deleting the definition of the term “affirmative action” and substituting therefor the following new definition–

“affirmative action” means any measure designed to overcome or ameliorate an inequity or the systemic denial of opportunities;

- (b) by deleting the definition of the term “authorized officer” and substituting therefor the following new definition–

“authorized officer” in relation to the Commission, means any officer, body or authority appointed by the Commission to perform its delegated functions in a Ministry or State department, or any member of the Commission;

- (c) by deleting the definition of the term “casual service”;

- (d) by deleting the definition of the term “publicise” and substituting therefor the following new definition–
“publicise”, in relation to a document, means to make known to the public, through the national, local media and other lawful means;
- (e) by deleting the definition of the term “reprimand” and substituting therefor the following new definition–
“reprimand” means a form of disciplinary action imposed after formal charges that declares an officer’s conduct improper;
- (f) by deleting the definition of the term “transfer of service” and substituting therefor the following new definition–
“transfer of service” means the movement of appointment of a pensionable employee from one public service organisation to another, which has reciprocal pension arrangements and has been declared a “Public Service” for purposes of preserving the employee’s previous pensionable services; and
- (g) by inserting the following new definition in proper alphabetical sequence–
“casual employee” has the meaning assigned to it in the Employment Act.
(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

FIRST SCHEDULE - agreed to

SECOND SCHEDULE - agreed to

THIRD SCHEDULE - agreed to

FOURTH SCHEDULE - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

7. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 64 of 2015)

Clause 3 - agreed to

Clause 4 - Amendment Proposed –

THAT, clause 4 of the Bill be amended—

(a) in the proposed section 24B—

(i) in subsection (1), by—

(a) deleting the words “on conviction to a fine” in the proposed paragraphs (a) and (b) and substituting therefor the words “to a monetary penalty”;

(b) deleting the words “on conviction to an additional fine” in the proposed paragraph (c) and substituting therefor the words “to an additional monetary penalty”;

(ii) in subsection (2), by—

(a) deleting the word “fine” appearing immediately after the words “before imposing a” and substituting therefor the words “monetary penalty”;

(b) deleting the words “seven days” and replacing therefor with the words “fourteen days”;

(c) deleting the word “fines” appearing immediately after the word “prescribed” and substituting therefor the words “monetary penalty”;

(iii) in subsection (3), by—

(a) deleting the word “fine” appearing immediately before the words “is prescribed under” and substituting therefor the words “monetary penalty”;

(b) deleting the word “fine” appearing immediately after the expression “section, such” and substituting therefor the word “penalty”;

(c) deleting the word “ten” in paragraph (b);

(d) deleting the word “fine” appearing in paragraph (c) and substituting therefor the words “monetary penalty”;

(iv) by deleting subsection (4) and substituting therefor the following new subsection (4)—

“(4) A monetary penalty imposed on a person under this section shall be a debt due to the Centre and shall, after it becomes due, be recoverable at any time through proceedings in a court of competent jurisdiction”;

(b) in the proposed section 24C, by—

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

- (ii) inserting the word “or” immediately after the word “institution” appearing in paragraph (a);
- (iii) inserting the words “instruction or” immediately before the word “direction” appearing in paragraph (b);
- (iv) inserting the words “or individuals” immediately after the word “individual|” appearing in paragraph (c);
- (v) deleting paragraph (d) and substituting therefor the following new paragraph—
“(d) issue an order to a competent supervisory authority requesting the suspension or revocation of a license, registration, permit or authorization of a specified reporting institution whether entirely or in a specified capacity or of any director, principal, officer, agent or employee of the reporting institution”;
- (vi) inserting the following new subsection immediately after the renumbered subsection (1)—
“(2) Before taking administrative action imposed against any person or reporting institution under this section, the Centre shall give the person or reporting institution a written notice of not less than fourteen days requiring the person or institution to show cause as to why the prescribed administrative action should not be taken”.

*(Hon. Nelson Gaichuhie, Member, Departmental Committee on Finance,
Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - Amendment Proposed –

THAT, Clause 5 of the Bill be amended by inserting new paragraphs immediately after paragraph (b) as follows-

- (c) inserting the words “public administration, management, international relations” immediately after the word “law” appearing in paragraph (a) of subsection (4);
- (d) deleting the words “seven years work experience in the relevant field” appearing in paragraph (b) of subsection (4) and substituting therefor the words “ten years work experience in the relevant field, of which at least three shall be in senior management”

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clauses 6 & 7 - agreed to

Clause 8 - Amendment Proposed –

THAT, clause 8 be amended in paragraph (a) by deleting paragraph (c) of the proposed new subsection (2) and substituting therefor the following paragraph—

“(c) taking all decisions of the Centre in the exercise, discharge and performance of the Centre’s objectives, powers, functions and duties”.

(Hon. Nelson Gaichuhie, Member, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clauses 9 & 10 - agreed to**Clause 11** - Amendment Proposed –

THAT, clause 11 be amended in the proposed section 31 by inserting the words “specific act or” immediately before the word “function” appearing in subsection (3).

(Hon. Nelson Gaichuhie, Member, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clauses 12,13,14,15 & 16 - agreed to**Clause 17** - Amendment Proposed –

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

Amendment of section 49 of Cap 59B. **17.**Section 49 of the principal Act is amended—

(a) in subsection (1) by—

- (i) deleting the word “Director” wherever it appears and substituting therefor the word “Director-General.”
- (ii) inserting the following new paragraphs immediately after paragraph (h)—

- (ha) the Director General of the National Intelligent Service;
- (hb) the Director, Asset Recovery Agency;.”
- (b) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) the members under paragraphs (b) to (i) may attend in person or through a designated representative.”

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - agreed to

NEW CLAUSES - **NEW CLAUSES PROPOSED**

New Clause 19 - **New Clause 19 Proposed**

THAT, the Bill be amended by inserting new clause 19, 20, 21 and 22 immediately after clause 18 as follows-

19. Section 53 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection-

- (1) There is established a body to be known as Assets Recovery Agency, which shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of-
 - (a) suing and being sued;
 - (b) holding and alienating movable and immovable property;
 - (c) borrowing and lending money;
 - (d) doing and performing all such other acts or things as may be lawfully done by a body corporate.

Motion made and Question proposed –

THAT, the proposed New Clause 19 be read a Second Time

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 19 be part of the Bill

Question put and agreed to

New Clause 20 - New Clause 20 Proposed

THAT, the Bill be amended by inserting new clause 19, 20, 21 and 22 immediately after clause 18 as follows-

20. The principal Act is amended by inserting a new section immediately after section 53 as follows-

Staff **53A** (1) Despite the provisions of section 53, the agency may, for the proper
of discharge of its functions, appoint professional and technical staff and other
the staff, upon such terms and conditions as the Attorney General, in consultation
Agen with the Salaries Remuneration Commission, approve.
cy.

(2) The staff referred to in subsection (1) may include deputy directors, assistant directors, forensic and financial investigators, asset managers and other staff as the Agency may determine.

(3) In determining the terms and conditions of service for the Agency Director and staff, the Attorney General shall be guided by the following principles-

(a) that asset recovery falls in a strategic sector in the administration of justice process of the country and the nature of the service entailed requires commensurate compensation; and

(b) that the nature of the operations of the Agency requires probity, integrity and incorruptibility.

(4) The Agency shall, with the approval of the Cabinet Secretary for finance, establish a suitable social security scheme for the Agency Director and staff of the Agency.

(5) For the purposes of their functions under the Act, the Agency Director, certified forensic and financial investigators, shall have all the powers, privileges and immunities of a police officer in addition to any other powers they may have under the Act.

(6) Any public officer who is transferred or seconded to the Agency under section 53(4) shall be regarded as a member of staff of the Agency and subject to the control and direction of the Agency.

(7) The Agency may, with the approval of the attorney General, make regulations for the better management, administration and operations of the Agency.

Motion made and Question proposed –

THAT, the proposed New Clause 20 be read a Second Time

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 20 be part of the Bill

Question put and agreed to

New Clause 21 - New Clause 21 Proposed

THAT, the Bill be amended by inserting new clause 19, 20, 21 and 22 immediately after clause 18 as follows-

21. Section 54 of the principal Act is amended by inserting a new subsection immediately after subsection (1) as follows-

(1A) Notwithstanding any provisions in any other written law, all cases of recovery of the proceeds of crime or benefits accruing from any predicate offence in money laundering, shall be handled by the Agency, in accordance with this Act.

Motion made and Question proposed –

THAT, the proposed New Clause 21 be read a Second Time

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 21 be part of the Bill

Question put and agreed to

New Clause 22 - New Clause 22 Proposed

THAT, the Bill be amended by inserting new clause 19, 20, 21 and 22 immediately after clause 18 as follows-

22. The principal Act is amended by inserting new sections 54A,54B,54C,54D,54E and 54F immediately after section 54 as follows-

Funds of the Agency y. **54A.**(1) Parliament shall allocate adequate funds to the Agency to enable the Agency perform its functions under the Constitution, this Act and any other written law and the budget shall be a separate vote in accordance with Article 249 (3) of the Constitution.

(2) The funds of the Agency shall consist of -

- (a) monies provided for by Parliament for the purposes of the Agency;
- (b) a percentage of the total proceeds recovered or realized from any property seized or forfeited to the Government, as may be prescribed, from time to time, with the approval of the Cabinet Secretary for finance;
- (c) such monies or assets as may accrue to the Agency in the course of the exercise of its powers or the performance of its functions under this Act; and
- (d) all monies from any other source provided, donated or granted to the Agency towards the achievement of the objects of the Agency.

(3) The Agency shall not accept any grant, gift, donation or bequests made on condition that the Agency performs any function or discharges any duty or obligation other than duties under the Constitution or this Act.

(4) The Agency shall disclose any grants, gifts, donations or bequests made to it in each financial year.

(5) The Agency Director shall, subject to the law, be charged with the responsibility of accounting for state monies received or paid out or on account of the Agency.

(6) The receipts, earnings or accounts of the funding and balance of the funding at the close of each financial year, shall not be paid into the Consolidated Fund, but shall be retained for the purposes of the Agency.

Bank accounts. **54B.** The Agency shall open and maintain such bank accounts as are necessary for the exercise of the functions of the Agency.

Estimates of expenditure . **54C.** (1) The financial year of the Agency shall be the period of twelve months beginning first July and ending on the thirtieth June in each year.

(2) The Agency shall within three months before the commencement of the financial year, prepare annual estimates of the expenditure of the Agency for that financial year.

(3) The annual estimates shall make provisions for all the estimated expenditure of the Agency for the financial year concerned and in particular, shall provide for –

- (a) the payment of salaries, allowances and other charges in respect of the Agency Director and other staff of the Agency;
- (b) the payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Agency;
- (c) the maintenance of the buildings and grounds of the Agency;
- (d) the funding of training, research and development of activities of the Agency; and
- (e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Agency may deem expedient.

(4) The annual estimates shall make provisions for all estimated expenditure of the Agency for the financial year to which they relate, including of reserve fund to provide for contingency in the event of an unforeseen increase in expenditure and other emergencies not contemplated at the time of making the estimates.

(5) The Agency shall review the estimates forwarded under subsections (2) and (3) and may make such alterations thereto as it may consider necessary, and shall forward the same to the National Assembly for approval.

(6) Upon approval of the estimates by the National Assembly, all monies from time to time required for the purposes of this Act shall be paid from the Consolidated Fund into the Agency's bank account.

Accounts
and
audit.

54D. (1) The Agency shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Agency.

(2) Within a period of three months after the end of each financial year, the Agency shall submit to the Auditor-General the accounts of the Agency in respect of that year together with a –

- (a) statement of the income and expenditure of the Agency during that year; and
- (b) statement of the assets and liabilities of the Agency on the last day of that financial year.

(3) The annual accounts of the Agency shall be prepared, audited and reported upon in accordance with the provisions of the Constitution and the Public Audit Act.

Annual report s. **54E.** (1) The Agency shall within four months after the end of each financial year, make a report on its activities and operations during the financial year, and submit the report to the Attorney-General.

(2) The Attorney- General shall within fourteen days after receipt of the report from the Agency, submit the report the President.

The common seal of the Agency. **54F.** (1) The common seal of the Agency shall be such device as may be determined by the Agency Director.

(2) The common seal of the Agency shall be kept in such custody as the Agency Director shall direct and shall not be used except on the order of the Director.

(3) The common seal of the Agency when affixed to a document and duly authenticated shall be judicially and officially noticed and unless the contrary is proved, any necessary order or authorization of the Agency under this section shall be presumed to have been duly given.

Motion made and Question proposed –

THAT, the proposed New Clause 22 be read a Second Time

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 22 be part of the Bill

Question put and agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

8. HOUSE RESUMED – The Second Chairperson in the Chair

(i) The Public Service Commission Bill (National Assembly Bill No. 36 of 2016)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee of the Whole House in its Report on Consideration of The Public Service Commission Bill (National Assembly Bill No. 36 of 2016)

(The Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Question put and agreed to.

Question for Agreement with the Report and Question for Third Reading to be Put tomorrow.

(ii) The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 64 of 2015)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee of the Whole House in its Report on Consideration of The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 64 of 2015).

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

Debate arising;

Question put and agreed to.

Question for Agreement with Report and Question for Third Reading to be Put tomorrow.

9. MOTION – ADOPTION OF THE REPORT ON RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE UNITED STATES OF AMERICA

Motion before the House:-

THAT, this House adopts the Report of the Departmental Committee on Health on the Ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United States of America concerning Cooperation in Threat Reduction Biological Engagement Programs, laid on the Table of the House on Tuesday, November 22, 2016, and pursuant to the provisions of section 8 of the Treaty Making and

Ratification Act, 2012, approves the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United States of America concerning Co-operation in Threat Reduction Biological Engagement Programs.

Order Deferred to another Day.

10. THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)

Order for Second Reading made.

Motion made and Question Proposed:-

THAT, the Prevention of Torture Bill (National Assembly Bill No. 47 of 2016) be read a Second Time.

(The Leader of the Majority Party)

Debate Arising;

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February 08, 2017 at 9.30am.

--X--