



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

**ORDER PAPER**

WEDNESDAY, MARCH 18, 2015 AT 2.30 P.M

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)

8. **COMMITTEE OF THE WHOLE**

- \* **THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, (SENATE BILL NO. 5 OF 2014)**

(Sen. (Prof.) Kithure Kindiki)

9. \*\*\* **THE PUBLIC FUNDRAISING BILL (SENATE BILL NO. 28 OF 2014)**  
(Chairperson of the *Ad hoc* committee on Legislation on Harambee)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 12<sup>th</sup> March, 2015)*

*(Division)*

10. \*\*\* **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)**  
(Chairperson, *Ad hoc* Committee on Legislation on Royalties accruing from Natural Resources)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 12<sup>th</sup> March, 2015)*

11. \*\* **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2014)**  
(The Senate Majority Leader)

*(Second Reading)*

*(Subject to Constitutional deadline of 27<sup>th</sup> May, 2015)*

...../Bill

12. **\*\*** THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2014)  
(The Senate Majority Leader)  
(Second Reading)  
(Subject to Constitutional deadline of 27<sup>th</sup> May, 2015)
13. **\*\*** THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL  
(NATIONAL ASSEMBLY BILL NO. 42 OF 2013)  
(The Senate Majority Leader)  
(Second Reading)
14. **\*\*** THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)  
(The Senate Majority Leader)  
(Second Reading)
15. **\*\*\*** THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)  
BILL (SENATE BILL NO. 20 OF 2014)  
(Chairperson of the Standing Committee on Labour and Social Welfare)  
(Second Reading)
16. **\*** THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT)  
BILL (SENATE BILL NO. 30 OF 2014)  
(Sen. (Prof.) John Lonyangapuo)  
(Second Reading)
17. **\*\*\*** THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE  
BILL NO. 32 OF 2014)  
(Chairperson of the Standing Committee on Education)  
(Second Reading)

## KEY

**\* \* \* \***

■ Denotes a Majority /Minority Party Bill

**\* \* \***

■ Denotes a Committee Bill

**\*\***

■ Denotes a National Assembly Bill

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■ Denotes any other Bill

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**NOTICE OF AMENDMENT**

**\* THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, (SENATE  
BILL NO. 5 OF 2014)**  
(Sen. (Prof.) Kithure Kindiki)

a) **NOTICE** is given that Sen. (Prof.) Peter Anyang' Nyong'o, intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**CLAUSE 8**

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

(a) deleting sub-section 4(b) of the proposed new section 6A and inserting therefor the following new sub-section-

(b) research and promotion of the use of local raw materials for the manufacture of alcohol.

(b) deleting sub-section 4(c) of the proposed new section 6A .

b) **NOTICE** is given that the Chairperson of the Standing Committee on National Security and Foreign Relations, intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by inserting the words "except for sections 33 and 42, which shall come into operation upon the expiry of nine months from the date of publication" immediately after the words "date of publication".

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in paragraph (e) by-

(a) deleting the words 'licence importers of alcoholic drinks and' appearing in the proposed new paragraph (eb); and

(b) inserting the following new paragraph immediately after the proposed new paragraph (ef) -

(eg) publish annually in at least one newspaper of national circulation and on the authority's website an up to date list of all approved alcoholic drinks and the active ingredients used in the manufacture of such drinks.

**CLAUSE 16**

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

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

...../Amendments

(b) in subsection (1) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) that where the premises in respect of which the application is made are located at least three hundred metres from any nursery, primary, secondary or other learning institution for persons under the age of eighteen years the persons in those premises do not-

- (i) interfere with learning in the institution; or
- (ii) encourage, expose or promote the consumption of alcohol to persons enrolled in the institution.

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

(c) by inserting the following new subsection immediately after subsection (2) –

(3) The County Committee shall not grant a licence for the sale of an alcoholic drink to be consumed on the premises unless the applicant has taken measures to sound-proof the premises.

#### **CLAUSE 20**

**THAT** clause 20 of the Bill be deleted and substituted with the following new clause -

20. Section 17 of the principal Act is amended –

(a) in subsection (3) by deleting the words “the District Committee” appearing at the beginning of the subsection and substituting therefore the words “the County Committee”;

(b) by inserting the following new subsections immediately after subsection (3)-

(3A) A licence for the sale of an alcoholic drink to be consumed in the premises in which it is sold shall specify the maximum number of people to be admitted into the premises at any given time.

(3B) A person licensed to sell an alcoholic drink to be consumed in the premises in which it is sold shall not at any time admit more persons than those prescribed in the licence.

(3C) A person who contravenes subsection (3B) commits an offence.

(c) by deleting subsection (4).

#### **CLAUSE 24**

**THAT** clause 24 of the Bill be deleted and substituted with the following new clause-

24. Section 24 of the principal Act is deleted.

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) by deleting paragraph (b) of subsection (2) and inserting therefor the following new paragraph-

(b) the alcoholic drink previously known as chang'aa, or a fortified wine or any other distilled alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles of the kind specified in paragraph (a).

**CLAUSE 29**

**THAT** clause 29 of the Bill be amended –

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

(b) by inserting the following new subsections immediately after subsection 3-

(3A) Despite subsection (3), where an alcoholic drink is packed in a can, the statement and health warning referred to in subsection (2) shall comprise not less than 30% of the total surface area of the package.

(3B) The statement and health warning referred to in subsection (2) shall consist of not less than the character and font size stipulated under paragraph (2) of the Second Schedule which shall appear on the area of the principle display panel.

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

(ba) in subsection (4) by deleting the words “on every successive fifty packages of each brand of the alcoholic drink” appearing immediately after the words “as is possible”.

**CLAUSE 30**

**THAT** clause 30 of the Bill be deleted.

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended in the proposed new subsection (2) by deleting paragraphs (a) and (b).

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended in subparagraph (ii) of paragraph (a) by deleting the words “in the Fourth Schedule or” appearing immediately after the words “therefor the words”.

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended in the proposed new subsection (1A) –

- (a) by deleting paragraph (a);
- (b) in paragraph (b) by deleting the words “ the hours of 6:00 a.m. and 10:00 p.m.” appearing immediately after the words “any electronic media” and substituting therefor the words “the hours of 6:00 a.m. and 8:30 p.m.”

**CLAUSE 35**

**THAT** clause 35 of the Bill be deleted.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)-

- (c) inserting the following new subsections immediately after subsection (2) –
  - (3)The Cabinet Secretary shall not appoint a person as an authorized officer under this Act if the person -
    - (a) has, within the last five years, been convicted of an offence under this Act or any other law dealing with alcohol or drug abuse regulation and has been sentenced to a term of imprisonment exceeding six months; or
    - (b) is a shareholder or assignee of an outlet that sells or manufactures alcoholic drinks.
  - (4) A person proposed for appointment as an authorized officer under subsection (1) shall, before accepting the appointment, make a full disclosure to the Cabinet Secretary of any information under subsection (3).

**CLAUSE 43**

**THAT** clause 43 of the Bill be amended-

- (a) in the proposed new Third Schedule –
  - (i) in the second column of paragraph (1), by deleting subparagraphs (a) and (b) and substituting therefor the words “at any hour”;
  - (ii) in the second column of paragraph (2), by deleting the words “during the hours of 5:00 p.m. to 8:30 p.m.” appearing immediately after the words “day of the week” and substituting therefor the words “at any hour”;

- (iii) in the second column of paragraph (3), by deleting the words "during the hours of 10:00 a.m. to 8:30 p.m." appearing immediately after the words "day of the week" and substituting therefor the words "at any hour"; and
- (iv) in the second column of subparagraph (a) of paragraph (5), by deleting subparagraphs (a) and (b) and substituting therefor the words "on any day of the week at any hour".

(b) by deleting the proposed new Fourth Schedule.

### ***NEW CLAUSE***

**THAT** the Bill be amended by inserting the following new clause immediately after clause 40-

Prior Regulations to be brought into conformity with Act	40A. (1) The Cabinet Secretary shall review any Regulations made pursuant to section 68 prior to the coming into force of this Act so as to bring such Regulations into conformity with this Act. (2) The Cabinet Secretary shall, within sixty days after the coming into force of this Act, submit the Regulations referred to in subsection (1) to Parliament for approval.
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APPENDIXSTATEMENTSI. REQUEST

The Senator for Nyeri County (Sen. Mutahi Kagwe) to request for a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations on foreign missions located in Kenya Government owned premises.

II. STATEMENTS TO BE ISSUED

- a) The Chairperson of the Standing Committee on Education to issue a Statement on riots at The Eldoret University on the 18<sup>th</sup> February, 2015 and attempts by politicians to oust the University's Vice Chancellor, (Prof.) Teresa Akenga as well as ethnic composition of staff in Public Universities (Sen. (Dr.) Boni Khalwale);
- b) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on number of senior citizens receiving Government cash transfers (Sen. David Musila);
- c) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement on Malka Daka irrigation scheme in Isiolo County (Sen. Fatuma Dullo);
- d) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a Statement on security in villages along the border of West Pokot and Turkana Counties (Sen. (Prof.) John Lonyangapuo);
- e) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a Statement on long term measures to stamp out cattle rustling in Kainuk and West Pokot County in general (Sen. (Prof.) John Lonyangapuo);
- f) The Chairperson of the Standing Committee on Education to issue a Statement on the failure by the Government to make regulations pursuant to section 95 (1) (a) of the Education Act, 2013 (Sen. (Prof) Wilfred Lesan).

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