



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, OCTOBER 19, 2016 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As listed in the Appendix)
6. Notices of Motion
7. Statements (As listed in the Appendix)
8. **MOTION** - (Chairperson Sessional Committee on Devolved Government)

THAT, the Senate adopts the Report of the Sessional Committee on Devolved Government on the Appeals for Transfer of Functions by various County Government laid on Table of the Senate on Tuesday, 18th October, 2016.

(Resumption of Debate interrupted on Tuesday, 18th October, 2016)
(Division)

9. ***THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL)**
(AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)
(Sen. Fatuma Dullo)

(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)

10. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**
(Sen. Martha Wangari)

(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)

11. *****THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**
(The Senate Majority Leader)

(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)

..... /Bill

12. ***THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2016)**
(Sen. Beatrice Elachi)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 11th October, 2016)
(Division)
13. **COMMITTEE OF THE WHOLE**
***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**
(Sen. Daniel Karaba)
(Resumption of Debate interrupted on Wednesday, 5th October, 2016)
(Division)
14. **COMMITTEE OF THE WHOLE**
***THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILLS NO. 17 OF 2014)**
(Sen. Judith Sijeny)
(Resumption of Debate interrupted on Tuesday, 19th July, 2016)
(Division)
15. **COMMITTEE OF THE WHOLE**
*****THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**
(The Senate Majority Leader)
16. ***THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)**
(Sen. Mutula Kilonzo Jnr.)
(Second Reading)
17. ****THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**
(Chairperson, Standing Committee on National Security and Foreign Relations)
(Second Reading)
18. *****THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2013)**
(The Senate Majority Leader)
(Second Reading)
19. *****THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**
(The Senate Majority Leader)
(Second Reading)
20. **MOTION** - (The Senate Majority Leader)
THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 1st November, 2016.

..... /Motion

NOTICE

The Senate resolved on 10th February, 2016 as follows:-

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

KEY

- ******* ■ Denotes a Majority /Minority Party Bill
- ***** ■ Denotes a National Assembly Bill
- **** ■ Denotes a Committee Bill
- *** ■ Denotes any other Bill

NOTICES OF AMENDMENTS**A. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**

(Sen. Daniel Karaba)

NOTICE is given that Senator Danson Mwazo intends to move the following amendment to the County Governments (Amendment) Bill, 2016, at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be deleted and substituted with the following new clause-

Amendment
to the Third
Schedule of
No.17 of 2012

2. The Third Schedule of the County Governments Act is amended-

- a) in paragraph 6 by deleting the words "Wundanyi Urban Area" and substituting therefor the words, "Mwatate Urban Area".
- b) in paragraph 20 by deleting the words "Kerugoya Urban Area" and substituting therefor the words, "Kutus Urban Area".

B. *THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILLS NO.17 OF 2014)

(Sen. Judith Sijeny)

NOTICE is given that Sen. Judith Sijeny, intends to move the following amendments to the Reproductive Health Care Bill, 2014, at the Committee Stage-

CLAUSE 3

THAT clause 3 be amended-

- (a) in paragraph (a) by deleting the words "the women" appearing immediately after the words "rights for" and substituting therefor the words "every person";
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph-
 - (c)create an enabling environment for the reduction in maternal morbidity, child morbidity and child mortality rate;
- (d) in paragraph (d) by deleting the words "women and children" appearing immediately after the words "services to" and substituting therefor the words "every person".

CLAUSE 4

THAT Clause 4 be deleted and substituted with the following clause-

4. The National and County Governments shall ensure accessibility of family planning services including contraceptive methods, counseling, and free information and education

...../ *Amendments*

CLAUSE 5

THAT Clause 5 be deleted and substituted with the following clause-

5. (1) The County Governments shall ensure availability of information and education on natural family planning methods.
- (2) Every health care provider prescribing a contraceptive method shall provide relevant information to the person to whom the prescription is being given as to its advantages and disadvantages and ensure informed consent.
- (3) A health care provider who provides family planning services shall collate relevant data and forward it to the board under the cover of confidentiality

CLAUSE 6

THAT clause 6 be amended by-

- (a) deleting the heading appearing immediately before clause 6 and substituting therefor the following new heading –

ASSISTED REPRODUCTION

- (b) deleting the word “stable” appearing immediately after the words “means a”.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following clause-

Provision of
assisted
reproduction
services.

7. (1) Every person has a right to assisted reproduction.

(2) The national and county governments shall provide affordable, accessible, acceptable and quality assisted reproduction services.

(3) Assisted reproduction services shall be offered by a person qualified and licensed by the respective regulatory bodies.

(4) For purposes of assisted reproduction services-

- (a) the health care provider shall before commencement of treatment, give the parties seeking treatment specific information about their medical condition, the available medical treatment options, the risks, the success rate, cost of treatment and the facilities where that treatment options are available;
- (b) the assisted reproduction health care provider shall provide professional counselling to patients about the implications and chances of success of assisted reproduction and shall also inform the patients of the advantages, disadvantages and cost of the procedures;
- (c) the health care provider and the health facility shall ensure there is preservation and promotion of the health, safety, and dignity of the parties; and

...../ **Amendments**

- (d) the health care provider shall give all concerned parties relevant information to enable them make an informed choice and give informed consent before undertaking any assisted reproduction service.

CLAUSE 8

THAT clause 8 be amended by deleting paragraph (c) and substituting therefor the following paragraph-

- (c) in the prescribed form.

CLAUSE 9

THAT clause 9 be deleted.

CLAUSE 10

THAT clause 10 be deleted

CLAUSE 11

THAT clause 11 be amended-

- (a) in paragraph (c) by-
 - (i) deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph-
 - (i) is above twenty - one years of age;
 - (ii) deleting sub-paragraph (iv);
- (b) by deleting paragraph (e) and substituting therefor the following new paragraph-
 - (e) the commissioning parents agree to meet expenses for the surrogate mother's prenatal care regimen consisting of sensible diet, prenatal vitamins, regular visits to her obstetrician, and hormonal support as prescribed by the obstetrician or medical providers at the in vitro fertilization clinic.

CLAUSE 12

THAT clause 12 be amended by deleting the words "the provisions of section 10 satisfied" and substituting therefor the words "deposited in the assisted reproduction facility together with all relevant medical documents".

CLAUSE 13

THAT the Bill be amended by deleting clause 13 and substituting therefor the following clause-

13.(1) A surrogate parenthood agreement may be terminated -

- (a) by a termination of pregnancy that may be carried out in terms of the provisions of this Act;
- (b) before implant of the fertilized embryo in the surrogate mother's womb; or
- (c) in case there arises a dispute between commissioning parents before the fertilized embryo is implanted in the surrogate mother.

(2) If a genetic test proves that the child born out of a surrogacy arrangement does not bear the intended genes, the parties shall go through an arbitration process to determine who takes up the parental rights.

(3) If a surrogacy agreement is terminated in accordance with sub-section (1), the commissioning parents shall have a right of first claim to the child born out of the surrogacy arrangement and should they not desire to exercise their right to first claim, the child shall be placed in the care of a charitable children's institution.

(4) In the event of termination of the surrogacy agreement pursuant to sub-section (1) and the commissioning parents do not wish to exercise the right under sub-section (2), the commissioning parents shall have no further duties or responsibilities under this agreement.

CLAUSE 14

THAT clause 14 be deleted.

CLAUSE 15

THAT clause 15 be deleted.

CLAUSE 16

THAT clause 16 be amended by deleting paragraph (d) and substituting therefor the following paragraph-

(d) midwives

CLAUSE 17

THAT clause 17 be amended by deleting all the words appearing immediately after the words "government shall" and substituting therefor the words "ensure access to the highest attainable standard and quality of ante-natal, intra-partum, post-partum, neo-natal and post-natal services".

CLAUSE 19

THAT the Bill be amended by deleting clause 19 and substituting therefor the following clause-

19.(1) A pregnancy may be terminated by a trained health professional, where in the opinion of the trained health professional-

...../ *Amendments*

- (a) there is need for emergency treatment;
 - (b) the pregnancy would endanger the life or health of the mother; or
 - (c) there exists a substantial risk that the fetus would suffer from a severe physical or mental abnormality that is incompatible with life outside the womb.
- (2) Trained health professionals shall offer non-directive counselling, before and after the termination of a pregnancy.
- (3)** Termination of pregnancy shall be performed by a trained health professional.

CLAUSE 20

THAT the Bill be amended by deleting clause 20 and inserting therefor the following clause-

20. Subject to the provisions of this Act, termination of pregnancy may takeplace-

- (a) with the consent of the pregnant woman;
- (b) in the case of a pregnant minor, after consultation with the minor's parents, guardian or such other persons with parental responsibility over the said minor, provided that the best interest of the minor shall prevail; or

(c) in the case of a person living with mental disability-

- (i) after consultation with the parents, guardian or such other persons with parental responsibility over the said person; or
- (ii) where the person is in an institution, the senior most health care provider shall give consent and the best interest of the person living with mental disability person shall prevail.

CLAUSE 21

THAT clause 21 be deleted and substituted with the following clause-

Termination of Pregnancy. **21.** Termination of pregnancy on demand is not permitted unless as provided for under this Act.

CLAUSE 22

THAT clause 22 be deleted and substituted with the following clause-

22. The health care facilities offering reproductive health care services shall meet the minimum medical standards.

CLAUSE 23

THAT clause 23 be deleted and substituted with the following clause-

23. There shall be at least one county referral hospital in every County, which shall be well equipped to offer quality reproductive health services.

CLAUSE 24

THAT clause 24 be deleted and substituted with the following clause-

24. The County Government shall ensure that every county has-

- (a) a functional referral system;
- (b) at least five ambulances in every county referral hospital;
- (c) a well equipped pharmacy in every county referral hospital.

CLAUSE 25

THAT clause 25 be deleted.

CLAUSE 26

THAT clause 26 be deleted.

CLAUSE 28

THAT clause 28 be deleted and substituted with the following clause-

28. Breach of confidentiality by a health practitioner shall be dealt with by the relevant health professional regulatory body.

CLAUSE 29

THAT clause 29 be deleted.

CLAUSE 30

THAT clause 30 be deleted.

CLAUSE 31

THAT clause 31 be deleted.

CLAUSE 32

THAT clause 32 be deleted.

CLAUSE 33

THAT clause 33 be deleted.

CLAUSE 34

THAT clause 34 be deleted and substituted with the following clause-

34. Adolescent friendly reproductive health services shall include age-appropriate –

- (a) mentorship;
- (b) spiritual and moral guidance;
- (c) counseling on-
 - (i) relationships;
 - (ii) abstinence;
 - (iii) consequence of unsafe abortion;
 - (iv) sexually transmitted infections and HIV/AIDS;

- (v) substance and drug abuse; and
- (vi) prevention of pregnancy.
- (d) training in livelihood and life skills;
- (e) vocational trainings; and
- (f) such other health services as the Cabinet Secretary shall determine.

CLAUSE 35

THAT clause 35 be amended by –

- (a) re-numbering the existing provision as sub-clause (1);
- (b) in the new sub-clause (1) by deleting the words “and adolescents” appearing immediately after the words “female genital mutilation”;
- (c) inserting the following new sub-clause immediately after sub-clause (1)-
(2) All persons who get health complications as a result of forced or voluntary genital mutilation shall access treatment from any health care provider without discrimination.

CLAUSE 36

THAT clause 36 be amended-

- (a) in subsection (2), by deleting paragraphs (b) and (c);
- (b) in subsection (4)-
by deleting the words “and child health care” appearing at the end of paragraph (e) and substituting therefor the words “health care rights”.
- (c) by inserting the following new paragraphs immediately after paragraph (f)-
 - (fa) collate data and carry out research to monitor and evaluate progress on the implementation of laws, rules, guidelines and policies of reproductive health care rights;
 - (fb) develop policies to protect all persons from practices that violate their reproductive health rights; and

CLAUSE 37

THAT clause 37 be amended-

- (a) in subsection (1) by deleting paragraphs (a) to (n) and substituting therefor the following new paragraphs-
 - a) a chairperson appointed by the Board from among its members;
 - b) the Principal Secretary, responsible for Health or a person designated by the Principal Secretary;
 - c) the Principal Secretary responsible for Education or a person designated by the Principal Secretary;
 - d) a representative of the County Governments appointed by the Council of County Governors;
 - e) the Director of the National Coordinating Agency for Population and Development;
 - f) a representative nominated by the Kenya Medical Practitioners and

...../ **Amendments**

- g) Dentists Board, who shall be either an obstetrician, gynecologist or pediatrician;
- h) a pharmacist nominated by the Pharmacy and Poisons Board;
- i) a representative of the Nursing Council of Kenya;
- j) a representative of faith-based organizations appointed by the Inter-religious Council of Kenya;
- k) two persons representing civil society organizations working in the area of reproductive health care appointed by the Law Society of Kenya; and
- l) two young persons, of either gender, representing the youth with a proven record of knowledge, experience and commitment to advocacy for reproductive health care, one of whom must be a person living with disability, nominated by the Cabinet Secretary.

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

(2)A person shall not be eligible for nomination under sub-section (1), if that person does not fulfil the requirements of Chapter Six of the Constitution.

(c) in subsection (3), by deleting paragraph (e).

CLAUSE 41

THAT clause 41 be deleted.

CLAUSE 42

THAT clause 42 be deleted.

CLAUSE 43

THAT clause 43 be deleted.

CLAUSE 44

THAT clause 44 be deleted.

CLAUSE 45

THAT clause 45 be deleted.

CLAUSE 46

THAT clause 46 be deleted.

CLAUSE 47

THAT clause 47 be deleted.

CLAUSE 48

THAT clause 48 be deleted.

CLAUSE 49

THAT Clause 49 be deleted and substituted with the following clause-

...../ *Amendments*

49. The Cabinet secretary shall in consultation with the Board and other regulatory health bodies make regulations or any other statutory instrument necessary to promote the objects of this Act.

CLAUSE 50

THAT Clause 50 be deleted.

CLAUSE 51

THAT Clause 51 be deleted.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 6

NEW CLAUSE 6A

Consent

6A. (1) An assisted reproduction health care provider shall not perform any treatment or procedure of assisted reproduction without the consent in writing of all the parties seeking assisted reproduction services.

(2) An assisted reproduction health care provider shall not freeze any human embryos without specific instructions and consent in writing from all the parties seeking assisted reproduction in respect of what should be done with the gametes or embryos in case of death or incapacity of any of the parties.

(3) An assisted reproduction health care provider and facility shall not use any human reproductive material to create an embryo or use an in vitro embryo for any purpose without the specific consent in writing of all the parties to whom the assisted reproduction facility relates.

(4) The consent of any of the parties obtained under in-vitro fertilization may be withdrawn at any time before implantation of the embryos or the gametes to the woman's uterus.

NEW CLAUSE 6B

Conditions
for
assisted
reproducti
on

6B. A trained health professional specializing in in-vitro fertilization shall before carrying out any procedure ensure that-

- (a) consent to the collection and use of gametes is obtained from the gamete provider;
- (b) in cases where the gamete provider is deceased, the gamete provider had given their consent for the use of the gametes before their demise;
- (c) gametes to be used for the procedure have been stored for less than ten years after being obtained from a gamete provider;

...../ *Amendments*

- (d) the donor has been medically tested for such diseases as may be prescribed and all other communicable diseases which may endanger the health of the parents, surrogate or child;
- (e) all parties to the agreement are aware of the rights of a child born through the use of assisted reproduction service; and
- (f) information about clients, donors and surrogate mothers is kept confidential unless with the consent of the person to whom the information relates, or in a medical emergency.

NEW CLAUSE 6C

Register

6C. (1)(a) A register with information on full names of the donor, physical characteristics of the donor, ethnic origin, family medical history, interests, hobbies and skills of the donor shall be kept at all assisted reproduction facility.

(b) The register shall be strictly confidential.

(2) A donor shall remain anonymous to both the person using the gametes and the child born out of the use of the donated gametes.

(3) A donor shall not acquire any parental responsibility to the child born out of the use of the donated gametes.

(4) Parties using a donated egg or sperm have a right to choose their donor should they wish to do so.

(5) A donor shall not receive any form of compensation for the use of their donated gametes.

(6) An assisted reproduction health specialist shall provide information to the donor to allow the donor make an informed decision.

NEW CLAUSE 6D

Limitations

6D. The following limitations shall apply to assisted reproduction services-

- (a) gametes shall not be used in research except with the consent of the gamete provider;
- (b) an assisted reproduction health specialist shall not use, supply or export a gamete except with the written consent of the donor and in a manner consistent with the donor's consent;
- (c) gametes shall not be used in assisted reproduction treatment if the gamete provider is deceased unless the gamete provider had given consent to the use of gametes before death; and
- (d) an assisted reproduction health professional shall not use a gamete to create an embryo if the assisted reproduction health specialist has knowledge that the donor is a close family member of the recipient to avoid genetic complications.

NEW CLAUSE 12A

Legal fees

THAT the Bill be amended by inserting the following new clause immediately after clause 12-

12A. (1) Each party shall have a different lawyer and the agreement shall be witnessed by different persons to protect each party's interest.

(2) Any legal fees to the surrogate mother shall be paid by the commissioning parents.

(1) Before the signing of the surrogacy agreement, the parties and their respective lawyers shall be present at the signing of the informed consent in the presence of a qualified medical practitioner, who shall explain to the parties the implications of the surrogacy agreement.

NEW CLAUSE 13ASurrogate
parenthoo
d
agreement

THAT the Bill be amended by inserting the following new clauses immediately after clause 13-

13A. A valid surrogate parenthood agreement shall provide that-

- (a) any child born of a surrogate mother in accordance with the agreement is for all purposes the legal child of the commissioning parent or parents from the moment of conception;
- (b) the surrogate mother shall not terminate the pregnancy except as provided or by law;
- (c) the surrogate mother is obliged to hand the child over to the commissioning parent or parents as soon as is reasonably possible after the birth;
- (d) the commissioning parents shall not reject or discriminate against the child under any circumstances;
- (e) the surrogate mother, her spouse, partner or relative shall have no right of parenthood or care of the child;
- (f) the surrogate mother, her spouse, partner or relative shall have no right of contact with the child unless provided for in the agreement between the parties;
- (g) the surrogate parenthood agreement shall not be terminated after the artificial fertilisation of the surrogate mother has taken place; and
- (h) a child born to a surrogate mother shall have no claim for maintenance or succession against the surrogate mother, her spouse, partner, the surrogate mother's relative or surrogate mother spouse's relative.

...../ **Amendments**

NEW CLAUSE 13B

Obligations

13B. In the event of multiple pregnancies, the obligations of the surrogate mother and the commissioning parents remain as provided in this Act.

NEW CLAUSE 13CCitizenship
of child

13C.(1) The commissioning parents shall be named as the parents of the child in the birth notification, birth certificate and any other official document that requires the names of the parents of the child.

(2) The child shall acquire the citizenship of the commissioning parents in line with Article 14(1) of the Constitution of Kenya.

Compensat
ion**NEW CLAUSE 13D**

13D.(1) Subject to subsection (2), a person may not in connection with a surrogate parenthood agreement give or promise to give to any person, or receive from any person, a reward or compensation in cash or in kind.

(2) A promise or agreement for the payment of any compensation to a surrogate mother or any other person in connection with a surrogate parenthood agreement or the execution of such an agreement is not enforceable, except a claim for –

- (a) compensation for expenses that relate directly to the artificial fertilization and pregnancy of the surrogate mother, the birth of the child and post-delivery complications;
- (b) loss of earnings suffered by the surrogate mother as a result of the surrogacy; or
- (c) insurance to cover the surrogate mother for any acts that may lead to death or disability brought about by the pregnancy.

THAT the Bill be amended by inserting the following new clauses immediately after clause 17-

NEW CLAUSE 17A

17A. The National and County governments shall provide free ante-natal care, delivery services and post-partum care.

17B. The county governments shall ensure access to-

- (a) emergency obstetric and gynecological emergency services; and
- (b) information and treatment of –
 - (i) communicable and non-communicable diseases of pregnancy;
 - (ii) sexually transmitted infections; and
 - (iii) reproductive tract infections.

...../ **Amendments**

NEW PART

THAT the following new part be inserted immediately after Part IV-

PART IVA-- ACCESS TO REPRODUCTIVE HEALTH CARE SERVICES FOR PERSONS LIVING WITH DISABILITIES

NEW CLAUSE 18A

Right to
reproducti
ve health
rights

18A. The County Executive Member for the time being in charge of health shall-

- (a) provide physical access and resolve transportation and proximity issues to clinics, hospitals and places where public health education is provided, contraceptives are sold or distributed or other places where reproductive health services are provided;
- (b) increase access to information and communication materials on sexual and reproductive health in braille, large print, simple language, sign language and pictures;
- (c) provide continuing education and inclusion of rights of persons with disabilities among health care providers; and
- (d) undertake activities to raise awareness and address misconceptions among the general public on the stigma and their lack of knowledge on the sexual and reproductive health needs and rights of persons living with disabilities.

NEW CLAUSE 18B

Sterilization

18B. Sterilization shall not be carried out to persons with mental disability

NEW CLAUSE 19A

Duty to
refer

That the Bill be amended by inserting the following new clause immediately after clause 19-

NEW CLAUSE 19A

19A. (1) A trained health professional who has a conscientious objection to the termination of pregnancy as envisaged under this Act has a legal duty to refer the pregnant woman to a trained health professional who is willing to provide this service except in case of emergency treatment.

(2) A trained health professional in subsection (1) who does not refer a pregnant woman as provided, commits an offence and is liable to three years imprisonment or a fine of one million Shillings or to both fine and imprisonment.

That the Bill be amended by inserting the following new clause immediately after clause 21-

...../ *Amendments*

NEW CLAUSE 21A

21A. A trained health professional shall provide post-abortion care for cases of incomplete abortion and related complications.

NEW CLAUSE 21B

Data

21B. A trained health professional who prescribes termination of pregnancy and post-abortion care shall collate the data and forward it to the board in confidentiality.

That the Bill be amended by inserting the following new clause immediately after clause 34-

NEW CLAUSE 34A

34A.In the provision of adolescent friendly reproductive health services-

Consent

- (a) parental consent shall be required for adolescents aged below 18 years;
- (b) due consideration shall be made on issue of parental consent to children as provided for under section 119 of the Children's Act;
- (c) due consideration shall be made as to the provision of age-appropriate information, education and reproductive health services.

NEW CLAUSE 34BAdolescent
- friendly
facility

34B.(1) An adolescent friendly health care facility shall-

- (a) provide adolescent-friendly reproductive health services; and
- (b) facilitate the provision to adolescents of confidential, comprehensive, non-judgmental and accessible reproductive health services.

(2) A health care provider from whom reproductive health services are sought by an adolescent is obligated to refer the adolescent to a qualified person for provision of the necessary services.

CLAUSE 2

THAT clause 2 be deleted and substituted therefor with the following clause -

In this Act-

"access to" means the ability of an individual to obtain or receive appropriate, safe, accountable, effective, quality health information and services;

"adolescent" means any person aged between ten and eighteen years;

"adolescent-friendly reproductive health services" means reproductive health services that are accessible, age-appropriate, and safe for adolescents and are designed to attract interest and sustain adolescent motivation to utilize such services;

...../ **Amendments**

"antenatal care" includes the correct diagnosis of pregnancy, followed by periodic examinations, screening and management of complications during pregnancy;

"authorized facility" means a facility authorized by the Medical Practitioners and Dentists Board for the purposes of this Act;

"assisted reproduction" means a technique that is used to attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body, and

transferring the gamete or the embryo into the reproductive tract;

"assisted reproduction facility" means any premises used for procedures related to assisted reproduction;

"board" means the Board of Directors established under section 4;

"cabinet Secretary" means the Cabinet Secretary for the time being responsible for health;

"child" has the meaning assigned to it in the Children's Act;

"clinical officer" means a person registered as a clinical officer under the Clinical Officers (Training, Registration and Licensing) Act;

"commissioning parents" means a married couple of opposite gender who seek the help of a surrogate mother to bear them a child through artificial insemination;

"contraception" means the deliberate prevention of pregnancy by measures that prevent the normal process of ovulation, fertilization and implantation;

"contraceptive methods" refers to the means by which deliberate prevention of pregnancy is achieved by use of devices, drugs, or surgery;

'emergency obstetric care' means the basic and comprehensive life-saving interventions performed to treat major birth complications, "emergency treatment" means treatment immediately necessary to preserve life or prevent a permanent disability;

"family planning" means the conscious effort by a person to plan for and attain the person's desired number of children and to regulate the spacing and timing of the births of the children with the use of contraceptives or natural family planning;

"female genital mutilation" means female genital mutilation as defined in the Prohibition of Female Genital Mutilation Act;

Cap 62B

"health care provider" means any person or institution that has been authorized to deliver health care services;

"health regulatory bodies" refer to an institution authorized by law to regulate the practice of medicine or health care provision;

"in vitro fertilization means" means the process by which an ovum is fertilised by a sperm outside the body;

"informed choice" means a voluntary decision by a patient to use or not to use a reproductive health care service, after receiving adequate information regarding the options, risks, advantages and disadvantages of that service;

"informed consent" means consent obtained freely, without threats or improper inducement, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient;

"intra-partum services" means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period from onset of labour to the completed delivery of the newborn and the completed delivery of the placenta;

"life skills education" means a structured programme of needs and outcomes based on participatory learning that aims to increase positive and adaptive behavior by assisting individuals to develop and practice psycho-social skills that minimize risk factors and maximize protective factors;

"maternal care" includes health care of a woman during pregnancy, childbirth and forty two days after childbirth;

"medical practitioner" means a person registered under the Medical Practitioners and Dentist Act, Cap 253;

"natural family-planning" means a method of planning or avoiding pregnancies by observation of the natural signs and symptoms of the fertile and infertile phase of the menstrual cycle;

"neonatal services" means the correct diagnosis of, screening and management of complications in the first four weeks of life;

"parent" means a biological parent, an adoptive parent of a child, a commissioning parent, or a legal guardian;

"post abortion care" means the correct diagnosis and management of incomplete abortion and related complications;

...../ **Amendments**

"post-natal" means the first six weeks after birth;

"post-natal services" means the correct diagnosis, followed by periodic examinations, screening and management of complications in the first six weeks after birth;

"post-partum" means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period immediately after the complete delivery of a newborn and the placenta;

"pregnancy" means the presence of a foetus in the womb;

"provider-initiated health care" means the provision of care or testing to ensure public health or advancement of medicine;

"referral services" means the process of seeking appropriate treatment in which a health worker at one level of the health system, having insufficient resources to manage a condition, seeks the assistance of an adequately resourced facility;

"reproductive health" means a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes;

"reproductive rights" include the right of all individuals to attain the highest standard of sexual and reproductive health and to make informed decisions regarding their reproductive lives free from discrimination, coercion or violence;

"right to safe motherhood" means the right to access information and quality service by women throughout pregnancy and childbirth with the desired outcome of a live and healthy mother and baby;

"surrogacy" means the process of a woman carrying and giving birth to a baby for another woman and man who want to have a child, but are unable to have a child;

"termination of pregnancy" means ending a pregnancy before the foetus is viable;

"tier of care" refers to the organization of devolved healthcare services into: community health services, primary care services, county referral services and national referral services; and

"trained health professional" means a registered clinical officer, a registered nurse and a registered midwife who has acquired the relevant skills for decision-making and provision of reproductive health services.

LONG TITLE

THAT the long title of the Bill be amended by deleting the words "free from discrimination, coercion and violence" appearing immediately after the words "regarding reproduction".

C. *THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Senate Majority Leader)

- a) **NOTICE** is given that Sen. Lenny Kivuti, the Chairperson to the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

CLAUSE 9

THAT clause 9 be amended-

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

(c) approval of national physical development plans on recommendation of Parliament; and

- (b) in paragraph (e) by inserting the words "in consultation with National Land Commission and county governments." immediately after the words "levels of planning".

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

- (b) advising the Cabinet Secretary on formulating national physical planning policies, guidelines and standards.

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

- (b) approving county physical development plans on recommendation of the county assembly;

CLAUSE 22

THAT clause 22 of the Bill be amended by deleting sub-clause (3) and substituting therefore the following new sub-clause-

- (3) Upon incorporation of the proposed changes by the National Physical Planning Consultative Forum, the plan shall be submitted to the Cabinet Secretary who shall cause it to be placed before Parliament for approval.

CLAUSE 29

THAT clause 29 of the Bill be amended by deleting sub-clause (1) and substituting therefore the following new sub-clause-

...../ *Amendments*

(1)The National Director of Physical Planning shall, with the approval of the Cabinet Secretary and in consultation with the county governments prepare regional plans and part development plans for national projects and programmes.

CLAUSE 37

THAT clause 37 of the Bill be amended by deleting sub-clause (2) and substituting therefore the following new sub-clause-

(2)The county executive committee member in charge of physical planning shall submit the completed county physical development plan to the governor who shall cause it to be laid before the county assembly for approval.

CLAUSE 45

THAT the Bill be amended in clause 45 by-

- (a) numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the new sub-clause (1)-

The county executive committee member in charge of physical planning shall submit a copy of the approved local physical development plan to the national land commission for their record.

CLAUSE 68

THAT clause 68 of the Bill be amended by inserting the following new paragraph immediately after paragraph (l)-

(m)National Director of Physical Planning.

CLAUSE 71

THAT clause 71 of the Bill be amended in paragraph (c) by deleting the words "Kenya Institute of Planners" appearing immediately after the words "physical planner nominated by the" and substituting therefor the words "Physical Planners Registration Board".

CLAUSE 87

THAT the Bill be amended by deleting clause 87.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence-

"amenity" means physical attributes which contribute and enhance quality of the environment and enjoyment of the permitted use;

"base map" means a plan that delineates the planning area that depicts the spatial representation of natural and man made features;

...../ *Amendments*

“county physical development plan” means a plan for the area or part thereof of a county and has the same meaning as the County Spatial Plan contemplated under section 107(1) (c) of the County Government Act 2012;

“land” has the meaning assigned to it under Article 260 the Constitution;

“local physical development plan” means a plan for the area or part thereof of a city, municipal, town or urban council and includes a plan with reference to any trading or marketing centre;

“national physical development plans” means a plan prepared to provide a national spatial development framework for the territory of Kenya as defined in Article 5 of the Constitution and includes regional physical development plans;

“regional physical development plan” means a plan prepared to provide spatial development framework for two or more counties and includes part development plans for national projects and programmes.

Long title

THAT the Bill be amended by deleting the long title and substituting therefor the following new title-

A Bill for an Act of Parliament to give effect to Article 66(1) and the Fourth Schedule of the Constitution and to make provisions for planning, use, regulation and development of land and for connected purposes.

b) NOTICE is given that Sen. Mutula Kilonzo Junior intends to move the following amendments to the Physical Planning Bill, 2015, at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “and management of” and substituting therefor the words “land use”;
- (c) in paragraph (c) by deleting the words “physical planning and” appearing immediately after the words “the regulation of”;
- (d) in paragraph (g) by deleting the words “planning authorities” appearing immediately after the words “the relationship between” authorities responsible for regulating land use in Kenya”.

CLAUSE 4

THAT clause 4 of the Bill be amended in the introductory clause by deleting the words “physical planning or” appearing immediately after the words “engaged in”.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 7

THAT the Bill be amended by deleting clause 7.

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

The National Land Commission shall, in relation to the matters set out in this Act –

- (a) pursuant to Article 67(2)(h) of the Constitution, monitor and have oversight responsibilities over land use planning throughout the country;
- (b) prepare and submit to Parliament, reports on the status of land use planning;
- (c) prepare general principles and guidelines on land use planning and coordinate planning by counties;
- (d) recommend a national land use policy to the cabinet secretary;
- (e) publish and publicize the status of national land use planning report pursuant to Article 35(3) of the Constitution;
- (f) encourage use of traditional dispute resolution mechanisms in land use planning; and
- (g) conduct research related to land use planning and natural resources.

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (d).

CLAUSE 10

THAT the Bill be amended by deleting clause 10.

CLAUSE 11

THAT the Bill be amended by deleting clause 11.

CLAUSE 12

THAT the Bill be amended by deleting clause 12.

CLAUSE 13

THAT the Bill be amended at clause 13 by-

- (a) deleting the word "physical" appearing immediately after the words "policy on" in paragraph (a);
- (b) deleting paragraph (b); and
- (c) deleting paragraph (c).

CLAUSE 15

THAT the Bill be amended by deleting clause 15.

CLAUSE 16

THAT the Bill be amended by deleting clause 16.

CLAUSE 17

THAT clause 17 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause-
 - (1) The Cabinet Secretary shall be responsible for the preparation of the National Land Use Plan.
- (b) in sub-clause (2) by deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use".

CLAUSE 18

THAT clause 18 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by -
 - (i) deleting the words "Physical Development" appearing immediately after the word "the" in the introductory clause and substituting therefor the words "Land Use";
 - (ii) deleting the words "physical development" appearing immediately after the words "of national" in paragraph (e) and substituting therefor the words "land use".

CLAUSE 19

THAT clause 19 of the Bill be amended in sub-clause (1) by-

- (a) deleting the introductory clause and substituting therefor the following new clause –

In preparing a National Land Use Plan, the Cabinet Secretary shall –
- (b) deleting paragraph (c).

CLAUSE 20

THAT clause 20 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) A Land Use Plan shall include –

- (a) an objective of the plan;

- (b) situation analysis including –

- (i) an analysis of the state of land development in Kenya; and

- (ii) the relevant studies and reports concerning land use in Kenya;

- (c) policies, strategies and measures necessary to optimize opportunities and potentials and resolve challenges relating to land use planning in Kenya;

- (d) maps and plans showing current and anticipated land use patterns;

- (e) an implementation framework;

- (f) a monitoring and evaluation strategy; and

- (g) such other information as may be necessary.

- (b) in sub-clause (2) by deleting the words “National Director of Physical Planning” appearing at the beginning of the sub-clause and substituting therefor the words “Cabinet Secretary”;

- (c) in sub-clause (3) by deleting the words “Physical Development” appearing immediately after the words “preparation of the” and substituting therefor the words “Land Use”;

- (d) in sub-clause (4) by deleting the words “Physical Development” appearing immediately after the words “within which a” and substituting therefor the words “Land Use”;

CLAUSE 21

THAT clause 21 be amended –

- (a) in sub-clause (1) by deleting the words “Physical Development” wherever they appear in the sub-clause and substituting therefor the words “Land Use”;

- (b) in sub-clause (2) by deleting the words “Physical Development” appearing immediately after the words “about the National” and substituting therefor the words “Land Use”.

CLAUSE 22

THAT clause 22 of the Bill be amended–

...../ *Amendments*

- (a) in sub-clause (1) by deleting the words "National Physical Planning Consultative Forum for comments" appearing immediately after the words "Plan to the" and substituting therefor the word "Cabinet for approval".
- (b) by deleting sub-clause (2);
- (c) by deleting sub-clause (3);
- (d) by inserting the following new subclause immediately after subclause (3) –
 - (3A) The Cabinet Secretary shall, within thirty days of approval by the Cabinet, submit the land use plans to Parliament for consideration and approval.
- (e) by deleting the sub-clause appearing immediately after sub-clause (3) and substituting therefor the following new sub-clause-
 - (4) The Cabinet Secretary shall, within fourteen days the approval of the plan by Parliament, publish the approved plan in the *Gazette* and in at least two newspapers of national circulation.

CLAUSE 23

THAT clause 23 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –
 - (1) The national government and county governments shall base the preparation of inter-county land use plans, integrated county land use plans, city land use plans, urban area land use plans and sectoral plans on the National Land Use Plan.
- (b) In sub-clause (2) by deleting the words "Physical Development" appearing immediately after the words "lack of a National" and substituting therefor the words "Land Use".

CLAUSE 24

THAT clause 24 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words "Physical Development" appearing immediately after the words "implementation of a National" and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by deleting the words "Physical Development" wherever they appear in the sub-clause and substituting therefor the words "Land Use".

CLAUSE 25

THAT clause 25 of the Bill be amended -

- (a) in sub-clause (1) by deleting the words "regional physical development" appearing immediately after the words "formulate a regional" and substituting therefor the words "an inter-county land use".

- (b) in sub-clause (2) by deleting the words "Regional Physical" appearing immediately after the words "shall form a" and substituting therefor the words "Inter-County Land Use".
- (c) in sub-clause (3) by-
 - (i) deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) A person nominated by the Cabinet Secretary with knowledge and experience in matters relating to land use planning.;
 - (ii) deleting the word "physical" appearing immediately after the words "responsible for" and substituting therefor the words "land use".
- (d) by inserting the following new paragraph immediately after clause (4)-
 - (4A) The members of the Inter-County Land Use Development Committee shall elect a chairperson from amongst themselves.
- (e) in sub-clause (4) by deleting the words "regional joint physical" appearing immediately after the word "the" and substituting therefor the words "inter-county land use".
- (f) in sub-clause (5) by deleting the words "The National Director of Physical Planning" appearing at the beginning of the sub-clause and substituting therefor the words "The Cabinet Secretary".

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting the words "A Regional Physical Development" appearing in the introductory clause and substituting therefor the words "Inter-County Land Use".

CLAUSE 27

THAT clause 27 of the Bill be amended by –

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause –
 - (1) The Inter-County Land Use Planning Committee preparing an inter-county land use plan shall publish a notice of intention to prepare a plan in the gazette and in at least two newspapers of national circulation.
- (b) deleting the words "Regional Physical Planning Joint" appearing immediately after the words "constitution of the" in sub-clause (2) and substituting therefor the words "Inter-County Land Use";
- (c) deleting the words "Regional Physical Development" appearing immediately after the words "complete the" in sub-clause (3) and substituting therefor the words "Inter-County Land Use";

- (d) deleting the words "Regional Physical Development" appearing immediately after the words "preparation of the" in sub-clause (4) and substituting therefor the words "Inter-County Land Use."

CLAUSE 28

THAT Clause 28 of the Bill be amended by-

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause –
 - (1) Within thirty days of the completion of an inter-county land use plan, the inter-county land use committee shall public a notice in the gazette and in at least two newspapers of national circulation informing the public that the plan is available at the places and times designated in the notice for inspection and that any interested person may comment on the content of the plan
- (b) in sub-clause (2) deleting the words "Regional Physical Planning Joint" appearing immediately after the words "constitution of the" in sub-clause (2) and substituting therefor the words "Inter-County Land Use;
- (c) deleting sub-clause (3); and
- (d) in sub-clause (4) by deleting the words "National Physical Planning Liaison Committee" appearing immediately after the words "decision of the" and substituting therefor the words "Inter-County Land Use Committee".

CLAUSE 29

THAT clause 29 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –
 - (1) The County Executive Committee members of all counties participating in the inter-county land use plan shall separately approve the plan and submit the same to the respective county assemblies.
- (b) y deleting sub-clause (2) and substituting therefor the following new sub-clause-
 - (2) within thirty days of the approval of the Inter-County Land Use Plan by the respective county assemblies, the Governors of the relevant counties shall jointly publish the approved Inter-County Land Use Plan in the *Gazette* ;
- (c) by deleting sub-clause (3); and
- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clause-
 - (4)The published Inter-County Land Use Plan shall be deposited with the relevant County Executive Committee Member.

CLAUSE 30

THAT the Bill be amended by deleting clause 30 and substituting therefor the following new clause–

- (1) In addition to the national land use plan, the inter-county land use plan shall inform the preparation of a county land use plan or urban area plan for the county governments within the planning area covered by the inter-county land use plan.
- (2) Where the National Land Use Plan and an Inter-County Land Use plan have not been approved, county governments may prepare other land use plans which will be incorporated into the National Land Use Plan or the relevant Inter-County Land Use Plan after they have been prepared and approved.

CLAUSE 31

THAT the Bill be amended by deleting clause 31 and substituting therefor the following new clause –

31. At least three months before the end of a financial year, every county executive committee member responsible for land use planning in a county covered by an inter-county land use plan shall submit a report on the implementation of the inter-county land use plan to the National Land Commission and the Cabinet Secretary for their purposes.

CLAUSE 32

THAT clause 32 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “prepare a county” and substituting therefor the words “land use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause –
 - (2) Each county land use plan shall be in conformity with the National Land Use Plan and any relevant Inter-County Land Use plan.
- (c) in sub-clause (3) by deleting the words “physical development” appearing immediately after the words “in charge of” and substituting therefor the words “land use”;
- (d) in sub-clause (4) by deleting the words “physical development” appearing immediately after the words “the county” and substituting therefor the words “land use”

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

CLAUSE 34

THAT the Bill be amended by deleting clause 34.

CLAUSE 35

THAT the Bill be amended by deleting clause 35.

CLAUSE 36

THAT the Bill be amended by deleting clause 36.

CLAUSE 37

THAT the Bill be amended by deleting clause 37.

CLAUSE 38

THAT the Bill be amended by deleting clause 38.

CLAUSE 39

THAT the Bill be amended by deleting clause 39.

CLAUSE 40

THAT the Bill be amended by deleting clause 40.

CLAUSE 41

THAT the Bill be amended by deleting clause 41.

CLAUSE 42

THAT the Bill be amended by deleting clause 42.

CLAUSE 43

THAT the Bill be amended by deleting clause 43.

CLAUSE 44

THAT the Bill be amended by deleting clause 44.

CLAUSE 45

THAT the Bill be amended by deleting clause 45.

CLAUSE 46

THAT the Bill be amended by deleting clause 46.

CLAUSE 47

THAT clause 47 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words "or the National Physical Planning Consultative Forum" appearing immediately after the words "National Government";
- (b) in sub-clause (2) by deleting the words "physical development" appearing immediately after the words "area until a" and substituting therefor the words "land use";

...../ **Amendments**

- (c) in sub-clause (3) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (d) in sub-clause (4) by deleting the word "planning" wherever it appears in the sub-clause and substituting therefor the words "land use";
- (e) by deleting sub-clause (6) and substituting therefor the following new sub-clause –

(6) A land use plan prepared for special land use area shall undergo the process of approval in accordance with section 112 of the County Governments Act"

CLAUSE 49

THAT clause 49 of the Bill be amended–

- (a) in paragraph (a) by deleting the word "physical" appearing immediately after the words "ensure orderly" and substituting therefor the words "land use";
- (b) in paragraph (e) by deleting the word "physical" appearing immediately after the words "participation in" and substituting therefor the words "land use".

CLAUSE 50

THAT clause 50 of the Bill be amended–

- (a) in paragraph (d) by deleting the word "physical development" appearing immediately after the words "of approved" and substituting therefor the words "land use";
- (b) in paragraph (f) by deleting the word "physical development" appearing immediately after the words "the approved" and substituting therefor the words "land use".

CLAUSE 51

THAT clause 51 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word "planning" wherever it appears and substituting therefor the words "land use";
- (b) in sub-clause (3) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";
- (c) in sub-clause (4) by deleting the word "planning" appearing immediately after the words "sub-section (3) the" and substituting therefor the words "land use";
- (d) in sub-clause (5) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";

- (e) in sub-clause (6) by deleting the word "planning" appearing immediately after the word "the" and substituting therefor the words "land use";

CLAUSE 52

THAT clause 52 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word "planning" wherever it appears and substituting therefor the words "land use";
- (b) in sub-clause (2) by deleting the word "planning" appearing immediately after the words "required by the" and substituting therefor the words "land use";
- (c) in sub-clause (4) by deleting the word "planning" appearing immediately after the words "consent to the" and substituting therefor the words "land use";
- (d) in sub-clause (5) by deleting the word "planning" appearing immediately after the words "granted by" and substituting therefor the words "land use".

CLAUSE 53

THAT clause 53 of the Bill be amended in –

- (a) in sub-clause (1) by deleting the word "planning" appearing immediately after the words "provided to the" and substituting therefor the words "land use";
- (b) in sub-clause (2) by deleting the word "planning" appearing immediately after the words "so by the" and substituting therefor the words "land use".

CLAUSE 54

THAT clause 54 of the Bill be amended in sub-clause (2) by deleting the word "planning" appearing immediately after the words "permission from the" and substituting therefor the words "land use";

CLAUSE 55

THAT clause 55 of the Bill be amended in –

- (a) in sub-clause (1) by –
 - (i) deleting the word "planning" appearing immediately after the words "development permission a" appearing in the introductory clause and substituting therefor the words "land use";
 - (ii) deleting the words "physical development" appearing immediately after the words "relevant approved" in paragraph (a) and substituting therefor the words "land use";
- (b) in sub-clause (2) by deleting the word "planning" appearing immediately after the words "development permission the" appearing in the introductory clause and substituting therefor the words "land use";
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause –
 - (3) An applicant or an interested party that is aggrieved by the decision of the land use authority regarding an application for development permission may appeal to the Environment and Land Court

CLAUSE 56

THAT clause 56 of the Bill be amended–

- (a) in sub-clause (1) by deleting the word “planning” appearing immediately after the word “a” at the beginning of the sub-clause and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “planning” appearing immediately after the “a” at the beginning of the sub-clause and substituting therefor the words “land use”;
- (c) in sub-clause (3) by deleting the word “planning” wherever it appears in the sub-clause and substituting therefor the words “land use”.

CLAUSE 62

THAT clause 62 of the Bill be amended in sub-clause (1) by deleting the words “physical development” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”;

CLAUSE 63

THAT clause 63 of the Bill be amended in sub-clause (2) by deleting the words “physical development” appearing immediately after the words “any regional” and substituting therefor the words “land use”;

CLAUSE 64

THAT clause 64 of the Bill be amended in sub-clause (2) by deleting the words “physical development” appearing immediately after the word “All” at the beginning of the sub-clause and substituting therefor the words “land use”.

PART VI

THAT the Bill be amended by deleting Part VI.

CLAUSE 86

THAT the Bill be amended by deleting clause 86 and substituting therefor the following new clause–

| | |
|-----------------------|---|
| Dispute resolution | 86. Unless otherwise provided in this Act, all disputes relating to land use planning shall be heard and determined by the Environment and Land Court. |
|-----------------------|---|

CLAUSE 87

THAT the Bill be amended by deleting clause 87.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule.

SECOND SCHEDULE

THAT the Second Schedule to the Bill be amended-

- (a) in the heading by deleting the word "INTER-COUNTY" appearing immediately after the word "NATIONAL" and substituting therefor the word "REGIONAL"; and
- (b) in paragraph 12 by deleting the words "county director" appearing immediately after the words "refer it to" appearing in paragraph (2).

THIRD SCHEDULE

THAT the Third Schedule to the Bill be deleted.

FOURTH SCHEDULE

THAT the Fourth Schedule to the Bill be amended -

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

DEVELOPMENT CONTROL

- (b) in paragraph 2(a), by deleting the word "physical" appearing immediately after the words "by approved" and substituting therefor the words "land use";
- (c) in paragraph 5(a), by deleting the word "physical" appearing immediately after the words "an approved" and substituting therefor the words "land use";
- (d) in paragraph 6(e), by deleting the word "physical" appearing immediately after the words "relevant approved" and substituting therefor the words "land use";
- (e) in paragraph 7(b), by deleting the word "physical" appearing immediately after the words "relevant approved" and substituting therefor the words "land use";

CLAUSE 2

THAT Clause 2 of the Bill be amended by-

- (a) by deleting the definition of the term "land use planning" and substituting therefor the following new definition -

"land use planning" refers to the discipline which seeks to order and regulate land use in an efficient and ethical way;

- (b) deleting the definition of the word "local physical planning development plan";
- (c) deleting the definition of the word "National Director of Physical Planning";
- (d) deleting the definition of word "physical planning";
- (e) in the definition of planning authority by deleting the word "planning" and substituting therefor the word "land use".

CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the word "physical" appearing immediately after the words "cited as the" and substituting therefor the words "Land Use".

APPENDIX

1. PAPER

The Business of the Senate for the coming week.

(The Senate Majority Leader)

2. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on mining of ballast by a Chinese company COVEC in south Maragoli (Sen. George Khaniri);
- b) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the fate of tea farmers who lost money in the collapse of Imperial Bank and Chase Bank (Sen. (Prof.) Wilfred Lesan);
- c) The Chairperson, Standing Committee on Education to issue a statement on leadership crisis at Moi University (Sen. Stephen Sang);
- d) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on Kenyan refugees from Uganda who have been camping at the Senate gate since Monday, 10th October, 2016 (Sen. Moses Wetang'ula);
- e) The Senate Majority Leader on Business of the Senate for the coming week.
