



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 24, 2016

1. The House assembled at thirty minutes past two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – The Deputy Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

(i) **Hosting of the East African Legislative Assembly (EALA) Inter- Parliamentary Games Tournament by the Parliament of Kenya**

"Honourable Members, the Parliament of Kenya will be hosting the 7thEALA Inter-Parliamentary Games Tournament between 4th and 10th December, 2016 at the Mbaraki Sports Club, Mombasa. The sporting disciplines to be competed include Football, Netball, Volleyball, Athletics, Golf and Tug-of-War.

Honourable Members, the planned sporting activities will offer Members an opportunity to interact and share experiences while exploring their diverse abilities in the selected disciplines. Members are encouraged to participate in the activities of their choice. In this regard, interested Members are hereby called upon to register and confirm attendance with the Office of the Clerk to facilitate preparations.

Honourable Members, it is my hope that we will all find time to engage and actively participate in the activities.

I thank you."

(ii) **Leaders Retreat on Peaceful Elections, National Cohesion and Unity for Socio-Economic Development organized by the National Assembly in collaboration with KEPSA**

Honourable Members, I wish to bring to your attention that the Kenya Private Sector Alliance and the National Assembly have organized a Leaders' Retreat on Peaceful Elections, National Cohesion and Unity for Socio-Economic Development to be held in Mombasa from 1st to 3rd December, 2016. The said retreat is similar to one that

was held in December 2012, ahead of the 2013 General Elections. Just like the inaugural Retreat, this year's retreat takes cognizance of the fact that, if not properly managed, the electioneering process, which is often characterized by intensified campaigns and political tension, may threaten the country's stability and undermine investor confidence in the country. The retreat therefore seeks to provide a platform for leaders to follow up on the issues deliberated upon in the 2012 during the build-up to the 2013 general elections and share on strategies for ensuring that the 2017 general elections are not only peaceful but also held in a manner that would guarantee national cohesion and unity for socio-economic development.

Honourable Members, participants in this year's retreat are drawn from the Presidency; the cabinet; the Presidium of both houses of Parliament; the Chief Justice; all county Governors; the Committee of County Executives; the Committee of County Assemblies; development partners represented in the country; business leaders from different sectors; leaders of political parties and all agencies charged with elections, being the Independent Electoral and Boundaries Commission (IEBC), the registrar of political parties, security agencies and supreme court judges, among others.

Honourable Members, there is no doubt that this year's Leaders' Retreat comes at the most opportune time, when Kenya's ease of doing business index has improved from 136 in 2015 to 108 this year, an economic achievement that must be fervently guarded. I therefore take this opportunity to invite all Members to attend this important retreat, which will take place at Leisure Lodge Beach and Golf Resort in Diani, Mombasa. Members and Staff of Parliament will depart Nairobi for Mombasa on Thursday, 1st December, 2016 and return on Saturday, 3rd December, 2016.

It is my sincere hope that all Members will find time to attend this important meeting and be part of the collaborative efforts geared towards ensuring peaceful elections for socio-economic and political stability and posterity of our nation.

I Thank You!"

(iii) **The 10th East African Legislative Assembly (EALA) Inter-Parliamentary Relations Seminar in Nanyuki**

"Honourable Members, as you may be aware, Members of the East African Legislative Assembly (EALA) have been in the country for the Assembly's Plenary Sitzings. Thereafter, Parliament of Kenya will host the 10th Series of Inter-Parliamentary Relations Seminar, also christened as 'Nanyuki 10' from 30th November to 2nd December 2016. Participants in the Seminar will be drawn from Members of the EALA; fifteen (15) Members from each of the national Parliaments of the partner states of the East African Community (EAC); respective Ministries for EAC Affairs; the European Union and EAC Ambassadors accredited to the EAC in Kenya; the EAC Secretariat; AWEPA; the Civil Society and the academia from the region.

Honourable Members, there is no doubt that the meeting, which is convened under theme: 'Good Governance and Poverty Reduction in East Africa' will provide a platform for participants to candidly engage in discussions on the earmarked key elements of the objectives, fundamental and operational principles of the Treaty for the establishment of the East African Community. These elements are democracy and good governance; the rule of law and respect for human rights; and peaceful resolution of disputes and conflicts between and within the partner states.

Honourable Members, I encourage Honourable Members, particularly Chairpersons of House Committees and Members of the Committee on Regional Integration to take the event in to consideration and find time to participate in this important seminar. The venue for the Seminar and related logistical arrangements will be communicated to the Members in due course.

I thank you."

5. MESSAGE ON DECISION OF THE SENATE ON THE PARLIAMENTARY SERVICE (SENATE MONITORING AND EVALUATION) (PROCEDURES FOR MANAGEMENT OF FUNDS) REGULATION, 2016

The Speaker conveyed the following Message –

"Honourable Members, I wish to report to the House that I have received a letter from the Senate dated , 23rd November, 2016, regarding the decision of the Senate on the Parliamentary Service (Senate Monitoring And Evaluation) (Procedures for Management of Funds) Regulation, 2016.

Honourable Members, The letter states that the said Regulations were tabled in the Senate on 4th October, 2016 and committed to the Sessional Committee on Delegated Legislation which in its meeting held on 1st November, 2016 considered and resolved that they be acceded to. This Implies that the Senate did not object to any provision in the regulations. Conversely you will recall that on 17th November, following a report of the Committee on Delegated Legislation ,the National Assembly annulled the regulations entirely.

Honourable Members, Standing Order 211 (3) (b) provides that if the Assembly fails to agree with the Senate resolution, the resolution shall be referred to a joint Committee of Parliament and Standing Order 213 (Appointment of Joint Committees).

Honourable Members, in this respect, the Committee on Selection is hereby directed to expeditiously nominate (15) fifteen Members for appointment to a joint Committee to consider the said regulations.

Thank you".

6. PETITION

The Deputy Speaker conveyed the following Petition on

Alleged Violation of Labour Laws by Bidco Africa Limited

"Honourable Members, Standing Order 225 (2) (b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of a Petition signed by seven (7) citizens of the Republic of Kenya on behalf of former employees of BIDCO Africa Limited commonly referred as BIDCO regarding violation of labour laws.

Honourable Members, the Petitioners alleges that BIDCO Africa Limited has continued to violate labour laws, exercise discrimination in employment, deny employees their right to join worker's union, has failed to offer workmen compensation insurance to its employees as required in law and has failed to honour submission of statutory deductions such as National Social Security Fund and National Health Insurance Fund. The Petitioners pray

that the National Assembly investigates and enquires into the matter and recommends relevant agencies to take appropriate action against BIDCO Africa Limited.

Honourable Members, I am aware that the Departmental Committee on Labour and Social Welfare is considering a similar Petition on alleged violation of labour laws by BIDCO Africa Company which was presented by the Member for Kiambu Constituency, the Hon. Jude Njomo, MP. I urge the Committee to consider this Petition alongside that other earlier one. The Committee is requested to consider the Petition and report its findings to the Petitioners and the House in accordance with Standing Order 227 (2).

Thank you".

7. **STATEMENT**

In accordance with the Speaker's communication of October 14, 2015, the following Chairpersons appraised the House on the status of Petitions before the respective Committees -

- (i) the Chairperson, Departmental Committee on Administration and National Security on the petition Alleged re-emergence of militia and Mungiki in Kiambu County;
- (ii) the Chairperson, Departmental Committee on Administration and National Security on the petition Delayed issuance of citizenship;
- (iii) the Chairperson, Departmental Committee on Administration and National Security on the petition regarding the removal and revocation of the appointment of Mr. David Mulato as the Chief of Dakabaricha Location in Saku Constituency; and,
- (iv) the Chairperson, Departmental Committee on Environment and Natural Resources on the petition regarding Human Wildlife conflict.

8. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) Performance Report of the Independent Policing Oversight Authority (IPOA) for the period January to June, 2016;
- (b) The Budget Policy Statement, 2017;
- (c) The Division of Revenue draft Bill, 2017;
- (d) The County Allocation of Revenue draft Bill, 2017; and
- (e) The Medium Term Debt Management Strategy, 2017

(The Majority Party Whip)

- (f) The report of the Departmental Committee on Environment and Natural Resources on the Petition By Hon. Sarah Korere, MP on Behalf of Residents of Laikipia North Sub-County regarding human wildlife conflict.

(Chairperson, Departmental Committee Environment and Natural Resources)

- (g) Report of Departmental Committee on Energy, Communication and Information on its consideration of the Information, Communication Technology Practitioners Bill, 2016

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

9. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provision of Standing Order 44(2)(a), the Majority Party Whip issued a Statement regarding the Business of the House for the week commencing Tuesday, November 29, 2016.

10. THE PENAL CODE (AMENDMENT) BILL NATIONAL ASSEMBLY BILL NO.13 OF 2016)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Penal Code (Amendment) Bill (National Assembly Bill No.13 of 2016) be now read a Second Time

(Chairperson, Joint Committee on National Cohesion & Equal Opportunity – 22.11.2016)

Debate on the Motion having been concluded on Wednesday November 23, 2016;
Question put and agreed to;

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

11. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE'S AMENDMENTS TO THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Senate's Amendments to the Health Bill (National Assembly Bill No. 14 of 2015)

(Chairperson, Departmental Committee Health)

Debate arising;

Mover replied;

Question put and agreed to;

12. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) The Insurance (Amendment) Bill (National Assembly Bill No. 28 of 2016)

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended in the proposed section 19A, by deleting the words “except where the person is exempted in accordance with this Act” appearing in subsection (1).

(Vice Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clauses 4, 5, 6, 7, 8, 9 & 10 - as amended agreed to

Clause 11 - amendment proposed –

THAT, clause 11 of the Bill be deleted.

(Vice-Chairperson of the Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to

New Clause proposed –

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

Amendment of
section 3A of
Cap.487.

3. Section 3A of the principal Act is amended by inserting the following paragraphs immediately after paragraph (h)—

“(ha) educate the public regularly on the right to independently select an under writer or broker from a list of underwriters or brokers licensed by the Authority;

(hb) regulate the business of bancassurance offered by banks in the same manner as the ordinary insurance business including capital requirements and disclosures.”

(The Leader of Majority Party)

Proposed amendment withdrawn

New Clause 13 proposed –

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

Amendment of
section 71 of
Cap. 487.

13. The principal Act is amended by inserting the following new section immediately after section 71—

Choice of
insurer for
loans.

71A. (1) A bank shall—

- (a) inform a loanee, in writing of, the right to select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;
- (b) inform a loanee in writing of the option to forfeit the right to select an underwriter or broker;
- (c) not prescribe an underwriter or broker to a loanee, unless, the loanee forfeits in writing the right to select an underwriter or broker; and
- (d) update the list of licensed brokers or underwriters regularly and ensure that underwriters or brokers under statutory management are excluded from the list.

(2) A bank that contravenes the provisions of subsection (1) commits an offence and shall upon conviction be liable to a fine not exceeding five million shillings.

(The Leader of Majority Party)

Proposed amendment withdrawn

Title - agreed to

Clause 2 - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

(ii) The Universities (Amendment) Bill (National Assembly Bill No. 66 of 2015)

Clause 2 - amendment proposed –

THAT clause 2 of the Bill be amended by—

- (a) deleting paragraph (b) ;
- (b) deleting paragraph (d)
- (c) inserting the following new paragraphs immediately after paragraph (d) —

“(e) by deleting the definition of the word “programmes accreditation” and substituting therefor the following new definition—

“programme accreditation” means the process by which the Commission formally recognizes an academic programme of a University, including a foreign university”

“(f) by deleting the definition of the word “quality assurance” and substituting therefor the following new definition—

“quality assurance” means the employment of various measures and mechanisms developed to assess, maintain and enhance standards”

“(g) in the definition of the word—

- (i) "sponsor" by inserting the words "including the government" immediately after the word "person" ;and
- (ii) "technical university" by deleting the words "an institute of".
- (d) by inserting the following new definitions in proper alphabetical sequence—
 - "academic programme" means the design of learning content which includes the intention, the structure of the content, the delivery mode, academic resources and assessment modes";
 - "instrument of accreditation" means the Charter or Letter of Interim Authority, accreditation report and proposal establishing the university"

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Proposed amendments in (f) on definition of "quality assurance" and (d) on definition of "instrument of accreditation" withdrawn;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed -

THAT clause 2 of the Bill be amended by—

- (a) deleting paragraph (c);
- (b) inserting the following new definitions in their proper alphabetical sequence—
 - "instrument of accreditation" means the Charter or Letter of Interim Authority establishing a university issued under this Act;
 - "quality assurance" means the employment by a university of various measures and mechanisms developed by the Commission to assess, maintain and enhance standards of programmes offered by a university.

(Hon. Kimani Ichnung'wa)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

Clause 2 - as amended agreed to

Clause 3 - amendment proposed -

THAT clause 3 of the Bill be deleted and substituted with the following new clause—

Amendment of section 5 of No. 42 of 2012. Section 5 of the principal Act is amended in subsection (1) by deleting paragraph (l) and substituting therefor the following new paragraph—
(l) accredit, approve and review academic programs mounted by universities in Kenya

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Proposed amendment withdrawn.

Further amendment proposed -

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

Amendment of section 5 of No. 42 of 2012. 3. Section 5 of the principal Act is amended—
(a) in subsection (1) by deleting the word “accredit” appearing in paragraph (l) and substituting therefor the word “approve”;

(b) by inserting the following new subsection immediately after subsection (2A) —

“(2B).(1) The Commission shall, in approving and inspecting university academic programmes—

(a) analyse and consider the following factors —

- (i) learning content of a programme;
- (ii) purpose and objectives of a programme;
- (iii) structure of a programme;
- (iv) delivery mode of a programme;
- (v) availability of academic resources to implement a programme;
- (vi) mode of assessment of the programme;
- (vii) learning environment of a university;
- (viii) learning facilities of a university; and
- (ix) extra-curricular activities offered by a university.

(b) ensure openness, maintain objectivity and consistency in arriving at its decision.

(2) Despite subsection (1), the Commission may consider any other factor as it may deem fit and may rank each factor assessed to indicate the level of compliance.

(Hon. Kimani Inchung’a)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed –

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

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(1106)

“(4)Section 6 of the principal Act is amended—

(a) in subsection (1) by—

- (i) deleting the word “five” in paragraph (d) and substituting therefor the word “two”
- (ii) inserting the following new paragraph immediately after paragraph (d)—
 - “(da) three members appointed as follows—
 - (i) one Vice Chancellor representing Public Universities nominated by Vice Chancellors of public universities in a forum of the Vice Chancellors of public universities convened by the Cabinet Secretary;
 - (ii) one Vice Chancellor representing Private Universities nominated by Vice Chancellors of private universities in a forum of the Vice Chancellors of private universities convened by the Cabinet Secretary;
 - (iii) one person representing professional bodies nominated by professional bodies in a forum of the professional bodies convened by the Cabinet Secretary; and”

(Departmental Committee on Education, Research and Technology)

Proposed amendment~~withdrawn~~.

Further amendment proposed –

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

Amendment
of section 6
of No. 42 of
2012.

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

Establishment of the Commission. 6. (1) The Commission shall consist of—

(a) a chairperson appointed by the President;

(b) the Principal Secretary in the Ministry for the time being responsible for university education;

(c) the Principal Secretary in the Ministry for the time being responsible for national treasury;

(d) one person appointed by the Cabinet Secretary who is a distinguished academic scholar with at least ten years' experience in university education;

(e) one person nominated by the Federation of Kenya Employers and appointed by the Cabinet Secretary;

(f) one person nominated by chairpersons Councils of public universities in a forum of chairpersons of the Councils of public universities convened by the Cabinet Secretary for that purpose;

(g) one person nominated by chairpersons Councils of

private universities in a forum of chairpersons of the
Councils of private universities convened by the
Cabinet Secretary for that purpose;

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(1107)

(h) the Commission secretary who shall be an ex-officio member.

(2) A person who was serving as a member of the Commission prior to the commencement of this section shall continue to serve as a member for the remainder of his or her unexpired term or for a period not exceeding ninety days after commencement of this section whichever is earlier after which new commissioners shall be appointed in accordance with this section.

(Hon. Kimani Ichung'wa)

Question of the further amendment proposed;

Debate arising;

Amendment to further amendment proposed –

THAT paragraph (d) be further amended by inserting the words “management of” immediately after the words “experience in”

(Hon. Kimani Ichung'wa)

Question of the amendment to further amendment proposed –

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed –

THAT clause 5 of the Bill be amended—

(a) by deleting the proposed sub-section(2) of the proposed new section 5A and substituting therefor the following new subsection(2) —

(2) Despite the provisions of any other law, the recognition, licensing, student indexing, approval or accreditation of any academic programme including postgraduate degrees, diplomas including postgraduate diplomas and other academic certificates offered at a university shall be the exclusive mandate of the Commission to be exercised in accordance with this section at the exclusion of any other person or body.

(b) by deleting the word “shall” appearing in the proposed subsection (3) of the proposed new section 5A and substituting therefor the word “may”.

(c) by inserting the following new subsections immediately after the proposed subsection (3) of the proposed new section 5A—

“(4) Pursuant to section 5(2), the Commission may engage -

- (a) professional bodies and associations to carry out inspection of universities on its behalf;
- (b) the Auditor-General to offer the Commission professional opinion on management and financial positions of a particular university "

(No.133)

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(1108)

"(5) A person who without the authority of the Commission under this Act purports to license, accredit, recognise, audit, inspect, index students or collect a fee or a charge from a university or a student commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years or to both."

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - agreed to.

Clause 7 - amendment proposed –

THAT clause 7 be deleted and substituted with the following new clause—

Amendment of section 20 of No. 42 of 2012.

7. Section 20 of the principal Act is amended—

- (a) in subsection (1) by deleting paragraph (c) and substituting therefor the following new paragraph (c) —
“(c) may develop its new academic programmes for approval by the Commission in accordance with this Act”;
- (b) in subsection (1) by deleting paragraph (e) and substituting therefor the following new paragraph (e) —
“(e) may only award degrees, including postgraduate degrees and honorary degrees”.
- (c) by inserting the following new subsection immediately after subsection (3) —
“(4) A Letter of Interim Authority under section 16 shall apply *mutatis mutandis* to institutions established under subsection (3)”

(Departmental Committee on Education, Research and Technology)

Debate arising;

Proposed amendment withdrawn.

Further amendment proposed –

THAT, clause 7 of the Bill be deleted.

(Hon. Kimani Ichung'wa)

Proposed amendment withdrawn.

(No.133)

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(1109)

Further amendment proposed –

THAT clause 7 be deleted and substituted with the following new clause 7—

Amendment
of Section 20
of No.
42 of 2012.

7. Section 20 of the principal Act is amended—
(a) in subsection (1) by deleting paragraph (c) and substituting
therefor the following new paragraph (c) —
“(c) may develop and mount its new academic programmes
subject to review and approval by the Commission in
accordance with the provisions of this Act.”

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

No.29 2013	of	“(1A) Despite subsection(1) the Commission shall accredit and approve programmes leading to an award of a diploma, including a postgraduate diploma, using the standards and guidelines adopted by the Technical and Vocational Education and Training Authority under the Technical and Vocational Education and Training Act.
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(Hon. Cecilia Ng'etich)

Proposed amendment withdrawn.

Clause 7 - agreed to.

Clause 8 - amendment proposed –

THAT clause 8 of the Bill be deleted;

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, clause 8 of the Bill be deleted.

(Hon. Kimani Ichung'wa)

Proposed amendment dropped.

Clause 8 - deleted

Clause 9 - amendment proposed –

THAT clause 9 of the Bill be deleted

(No.133)

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(1110)

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 9 of the Bill be deleted.

(Hon. Kimani Ichung'wa)

Proposed amendment dropped.

Clause 9 - deleted

Clause 10 - amendment proposed –

THAT clause 10 be amended by deleting paragraph (b)

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clauses 11 & 12 - agreed to.

Clause 13 - amendment proposed –

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

(b) by inserting the following new subsections immediately after subsection (1)

(1A) A students' association shall be governed by a students' council comprising of –

(a) a Chairperson;

(b) a Vice Chairperson who shall be of opposite gender with the Chairperson;

(c) a Treasurer;

(d) a Secretary-General who shall be the secretary to the Council; and

(e) three other members to represent special interests of students.

(1B) Every students' council shall be elected in accordance with this Act and its membership shall—

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(1111)

(a) reflect national diversity; and

(b) have not more than two-thirds of its members being of the same gender.

(1C) For purposes of conducting the election of the members of the student council referred to in subsection (1A), the students' association shall constitute itself into electoral colleges based on either academic departments, schools or faculties, as may be appropriate.

(1D) The students of each electoral college constituted under subsection (1C) shall elect three representatives—

(a) from amongst persons who are not candidates under subsection (1A) ; and

(b) of whom not more than two-thirds shall be of the same gender.

(1E) The representatives of each electoral college shall elect the members of the student council within thirty days of the election under subsection (1C).

(1F) A member of the student council shall hold office for a term of one year and may be eligible for re-election for one final term.

(1G) A person who has held office as a member of the student council of a University for two terms is disqualified from election as a member of the student council of any other University or constituent college in Kenya.

(1H) Every students' association shall, in consultation with the University, formulate and enact rules to govern the conduct of elections including regulation of campaigns, election financing, offences and penalties.

(1I) An election conducted pursuant to this section shall comply with the general principles of the Kenyan electoral system under Article 81 of the Constitution and the rules governing the election of members of the student council.

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, Clause 13 be further amended in the proposed paragraph (b) of the new subsection (1A) by deleting the words “who shall be of opposite gender with the Chairperson” appearing immediately after the words “a Vice Chairperson”

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and negatived;

Question of the negatived amendment put and agreed to;

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(1112)

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

THAT clause 14 of the Bill be deleted;

(Hon. Kimani Ichungw'a)

Clause 14 - deleted.

Clause 15 - amendment proposed –

THAT clause 15 be amended—

(a) in paragraph (b) by deleting the words "issuance of" substitute therefor the words "issue"

(b) be deleting paragraph (c) and substituting therefor the following new paragraph—
"(c) by inserting the words "for approval by the Cabinet Secretary" immediately after the word "offered" in paragraph (d)

(c) by inserting the following new paragraph immediately after paragraph (c) —
"(d) by deleting subsection (6); and

"(e) by deleting subsection (7)"

(Departmental Committee on Education, Research and Technology)

Proposed amendments in paragraph (b) withdrawn;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT clause 15 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph—

(c) by deleting the words "public universities, establish" appearing in paragraph (d) and substituting therefor the words "Chairpersons of Councils of public universities, propose and establish for approval by the Cabinet Secretary and the Auditor-General";

(Hon. Kimani Ichungw'a)

Debate arising;

Question put and agreed to.

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed –

THAT clause 16 of the Bill be deleted

(Hon. Kimani Ichungw'a)

(No.133)

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(1113)

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT clause 16 of the Bill be deleted and substituted with the following new clause—

“(16) Section 56 of the principal Act is amended in —

(a) subsection (1) by—

(i) inserting the word “public” immediately before the word “Universities” appearing in paragraph (a);

(ii) deleting paragraph (e) and substituting therefor the following new paragraph —

“(e) develop career guidance programmes for the benefit of universities and students”

(b) subsection (3) by deleting the word “courses” and inserting the words “academic programmes”.

(Departmental Committee on Education, Research and Technology)

Proposed amendment dropped;

Clause 16 - deleted.

Clause 17 - amendment proposed –

THAT clause 17 of the Bill be amended by deleting the words “university or” and substituting therefore the words “*senate of a university granted a charter or by*”

(Hon. Kimani Ichungw'a)

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to.

NEW CLAUSES

Proposed New Clause 5A - **Amendment proposed –**

THAT the following new clause be inserted immediately after clause 5—

Amendment of section 8 of No. 42 of **5A.** Section 8 of the principal Act is amended in subsection 1 by inserting the following new paragraph immediately after paragraph (a)—
“(aa) is absent from three consecutive meetings of the

2012. Commission without the permission of the Chairperson, or, in the case of the Chairperson, the permission of the Cabinet Secretary."

(Departmental Committee on Education, Research and Technology)

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(1114)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the new Clause 5A be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the New Clause 5A be part of the Bill

Question put and agreed to;

Proposed New Clause 5B - **Amendment proposed -**

THAT the Bill be amended by inserting the following new clauses immediately after clause 5A—

Amendment of section 7 of No. 42 of 2012. **5B.** Section 7 of the principal Act is amended—
(a) in subsection (1) —
(i) by inserting the words "and has at least fifteen years' experience in matters relating to university education" immediately after the words "in Kenya" appearing in paragraph (a);
(ii) by deleting the words "section 6(d), holds a masters degree from a university recognized in Kenya, and at least five years' experience in leadership, management or academia" appearing in paragraph (b) and substituting therefor the words "section 6(e), (f) and (g) holds a masters degree from a university recognized in Kenya and has at least ten years' experience in university education".
(b) by deleting subsection (5).

Amendment of section 11 of No. 42 of 2012. **5C.** Section 11 of the principal Act is amended in subsection (1) by deleting the words "a doctorate degree" appearing in paragraph (a) and substituting therefor the words " a masters degree".

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the New Clause 5B&5C be read a Second Time

Debate arising;

Question put and agreed to.

(No.133)

THURSDAY, NOVEMBER 24, 2016

(1115)

Motion made and Question proposed -

THAT, the New Clause 5B&5C be part of the Bill

Question put and agreed to.

Proposed New Clauses 6A and 6B- - **Amendment proposed -**

THAT the following new clause be inserted immediately after clause 6—

Amendment of section 13 of No. 42 of 2012.	6A. Section 13 of the principal Act is amended in subsection (1) by inserting the words "or a Letter of Interim Authority" immediately after the word "Charter".
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Amendment of section 15 of No. 42 of 2012.	6B. Section 15 of the principal Act is amended in subsection (2) by deleting the words "commence or" appearing in paragraphs (b) and (c).
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(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the New Clauses 6A and 6B be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the New Clauses 6A and 6B be part of the Bill

Question put and agreed to;

Further Proposed New Clause 6A- - **Amendment proposed -**

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

Amendment of section 20 of No. 42 of 2012.	6A. Section 20 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)— (2A) Despite the provisions of Section (1)(d), a public university shall not
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establish a campus or a college in a foreign country without the approval of the Cabinet Secretary in consultation with the Cabinet Secretary for the time being responsible for matters relating to finance.

(Hon. Kimani Ichung'wa)

(No.133)

THURSDAY, NOVEMBER 24, 2016

(1116)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, further New Clause 6A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, further New Clause 6A be part of the Bill;

Question put and agreed to.

Proposed New Clause 10A - **amendment proposed -**

THAT the following new clause be inserted immediately after clause 10—

Amendment of **10A**. Section 34 of the principal Act is amended by inserting the section 34 of words "or Letter of Interim Authority" after the word "Charter".
No. 42 of 2012.

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Motion made and Question proposed -

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

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the proposed New Clause 10A be part of the Bill

Question put and agreed to.

Proposed New Clauses 11A and 11B - **amendment proposed -**

THAT the following new clauses be inserted immediately after clause 11—

Amendment of **11A**. Section 36 of the principal Act is amended —
section 36 of (a) in subsection (1) by inserting the words "in such a manner as

No. 42 of 2012 may be prescribed in guidelines issued by the Cabinet Secretary" immediately after the word "process" in paragraph (d);
(b) by inserting the following new subsections immediately after section (2)—

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"(3) In making appointments under this section the appointing authority shall have regard to the objectives of the development of university education, ensuring that there are balanced competencies, gender equity, and the inclusion of stakeholders, persons with disabilities, the marginalized and other minority groups"

"(4) The provisions of section (8) relating to the vacancy of office of the chairperson and members of the Commission shall apply with necessary modifications to the chairperson and members appointed under subsection (1) (a) and (d)"

"(5)The members of the Council appointed under section 36(1) shall at their first meeting after appointment determine by lot which two of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council"

"(6) The provisions of the First Schedule shall apply with necessary modifications, to the conduct of the business and affairs of the Council"

Amendment of section 38 of No. 42 of 2012. **11B.** Section 38 of the principal Act is amended in subsection (5) by inserting the words "for a period not exceeding three months" immediately after the word "Council".

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed New Clause 11A and 11B be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

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

Question put and agreed to.

Proposed New Clause 13A - **amendment proposed -**

THAT the following new clause be inserted immediately after clause 13—

Amendment of section 51 of No. 42 of — **13A.** Section 51 of the principal Act is amended in section (2) (f) by
(a) inserting the words "or audit" immediately after the word

2012.

"accreditation; and
(b) deleting the word "state" appearing immediately after the words "financial obligations".

(Departmental Committee on Education, Research and Technology)

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(1117)

Proposed amendment in paragraph (b) withdrawn;

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed New Clause 13A be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

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

Question put and agreed to.

Proposed Further New Clause 13A

-

amendment proposed -

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

Amendment of section 51 of No. 42 of 2012.	13A. Section 51 of the principal Act is amended in subsection (2) (f) by deleting the words "state which shall not be published without the prior consent of the university concerned" and substituting therefor the words "which shall be published upon the Commission issuing notice to the university concerned".
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(Hon. Kimani Ichungw'a)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed further New Clause 13A be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

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

Question put and agreed to.

THAT the following new clauses be inserted immediately after clause 15—

Insertion of new sections into No. 42 of 2012. **15A.** The principal Act is amended by inserting the following new sections immediately after section 54—

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(1118)

sections into No. 42 of 2012.

Director of the Fund. **54A.**(1) There shall be a Director who shall be the chief executive officer of the Fund, appointed by the Cabinet Secretary on recommendation of the Board of Trustees of the Fund following a competitive recruitment process, and who shall serve for a term of five years, which may be renewed for one further term.

(2) The Director of the Fund shall be responsible for the day to day management of the affairs of the Fund.

(3) A person shall be qualified for appointment as a Director if such person—

(a) is a Kenyan citizen;

(b) holds a degree or its equivalent from a university recognized in Kenya in the field of banking, education, law, finance, economics or management;

(c) has at least ten years' relevant professional experience in the management of a public or private institution; and

(d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

Staff of the Fund. **54B.** (1) The Fund may employ such other officers and staff as it may deem necessary for the performance of its functions under this Act.

(2) All appointments under this section shall take into account gender equity, ethnic and regional balance in accordance with the Constitution.

Financial provisions **54C.** The provisions relating to the finances of the Commission as set out in sections 31, 32 and 33 shall apply, *mutatis mutandis* to the finances of the Fund.

Insertion of new sections into No. 42 of 2012. **15B.** The principal Act is amended by inserting the following new sections immediately before section 55—

sections into No. 42 of 2012.

Meaning of the word "college" No. 29 of 2013 **54D.** In this Part "college" means an institution established under the Technical and Vocational Education and Training Act, or any other public training institution of higher learning established under an Act of Parliament".

Question of the amendment proposed;

Motion made and Question proposed -

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(1119)

THAT, the proposed New Clauses 15A and 15B be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the new Clause 15A and 15B be part of the Bill;

Question put and agreed to.

Proposed New Clause 16A - amendment proposed -

THAT the Bill be amended by inserting the following new clauses immediately after clause 16 —

*Amendment
of section 61
of No. 42 of
2012.*

16A. Section 61 of the principal Act is amended in subsection (1) by inserting the words "in all its colleges and campuses" immediately after the words "its premises".

*Insertion of a
new section
into No. 42 of
2012.*

*Form of
Instrument of
accreditation.*

16B. The instruments of accreditation shall be in the form prescribed in the Third Schedule to this Act.

*Amendment
of section 69
of No. 42 of
2012.*

16C. Section 69 of the principal Act is amended in subsection (2) by deleting the words "five hundred thousand" and substituting therefor the words "one million".

*Amendment
of section 84
of No. 42 of
2012.*

16D. The principal Act is amended by deleting section 84.

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed New Clauses 16A, 16B, 16C and 16D be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the new Clause 16A, 16B, 16C and 16D be part of the Bill;

Question put and agreed to.

Further proposed New Clauses 16A, 16B and 16C

-

amendment proposed -

THAT the following new clauses be inserted immediately after clause 16—

Insertion
of new
section
69A into
No. 42 of
2012.

16A. The principal Act is amended by inserting the following new section immediately after section 69—

Commis-
sion
may
issue a
notice
to
comply

69A. (1) The Commission may, by notice in writing, require an institution in default of any provision under this Act, regulation, standards and guidelines to comply therewith within a prescribed time and in a prescribed manner.

(2) If any institution served with a notice under sub-section (1) fails to comply therewith, the Commission may close the institution either permanently or until the notice is complied with.

(3) Any person aggrieved by the decision of the Commission under subsection (2) may appeal to the Cabinet Secretary within thirty days of the decision.

Amendment
of section
70 of No. 42
of 2012.

16B. Section 70 of the Principal Act is amended in—

- (a) subsection (1) by inserting the words "with relevant stakeholders" immediately after the word "consultation";
- (b) subsection (2) by deleting the expression "foreign" appearing in paragraph (a)

Amendment of the First Schedule **16C.** The principal Act is amended in the First Schedule by deleting paragraph 4 and substituting therefor the following new paragraph 4—

"(4) The quorum for a meeting of the Commission shall be five members."

(Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the new Clauses 16A, 16B, and 16C be read a Second Time;
Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the proposed further New Clause 16A, 16B and 16C be part of the Bill;
Question put and agreed to.

Proposed New Clause 17A and 17B - amendment proposed -

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

Amendment 17A The First Schedule to the principal Act is amended in paragraph (4) by of the First deleting the words "seven members, who shall include five appointed schedule of members" and substituting therefor the words "the chairperson and three No. 42 of other members".
2012.

(Hon. Kimani Ichungw'a)

Proposed amendment New Clause 17A dropped;

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed New Clause 17B be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the new Clause 17B be part of the Bill;

Question put and agreed to.

NEW SCHEDULES**New Third Schedule - amendment proposed -**

Insertion 17B The principal Act is amended by inserting the following new schedule of new immediately after the second schedule—
schedule

into No
.42 of
2012.

**THIRD SCHEDULE
(s. 15B)****LETTER OF INTERIM AUTHORITY**

Pursuant to section 14 of the Universities Act No.
42 of 2012, this.....day
of.....20.....the Cabinet Secretary has granted
.....(name of university) a Letter of Interim Authority
authorising the university to operate in accordance with the provisions of
sections 15, 16 and 17 of this Act.

Signed

Cabinet Secretary.

CHARTER

Pursuant to section 13 of the Universities Act No. 42 of 2012, this day of.....20.....the Commission accredits(name of university) to be established as a university in accordance with the provisions of this Act.

Signed

Chairperson of the Commission.

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Motion made and Question proposed -

THAT, the proposed New Third Schedule be read a Second Time;

Debate arising;

Amendment proposed -

THAT, the proposed Third Schedule be amended in the "Charter" by deleting the word "Chairperson of the Commission" appearing immediately after the words "signed" and substituting therefor "Cabinet Secretary"

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the proposed New Third Schedule as amended be part of the Bill;

Question put and agreed to.

New Third Schedule- as amended agreed to.

Proposed further New Third Schedule - **amendment proposed -**

THAT, the Principal Act be amended inserting the following new schedule immediately after the second Schedule-

THIRD SCHEDULE

[s. 56A]

INSTITUTIONS EXEMPTED FROM PLACEMENT BY THE BOARD.

1. Kenya Water Institute
2. Kenya Medical Training Institute
3. Kenya Forestry College
4. Utalii College

*(Hon. Kangogo Bowen)*Proposed further NewSchedule Dropped.Title - agreed to.Clause 1 - agreed to.Bill to be reported with amendments;**13. HOUSE RESUMED - the Second Chairperson in the Chair****(i) The Insurance (Amendment) Bill (National Assembly Bill No. 28 of 2016)**Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.*(Vice Chairperson, Departmental Committee on Education, Research & Technology)*Question deferred to another day.**(ii) The Universities (Amendment) Bill (National Assembly Bill No.66 of 2015)**Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.*(Chairperson, Departmental Committee on Education, Research & Technology)*Question deferred to another day.**14. THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.40 OF 2016)**

Order for Second Reading read;

Order deferred to another day.

15. THE NATIONAL HONOURS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.16 OF 2014)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Honours (Amendment) Bill (National Assembly Bill No.16 of 2014) be now read a Second Time;

(Chairperson, Departmental Committee on Administration & National Security)

Debate arising;

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

16. HOUSE ROSE - at thirty minutes to Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, November 29, 2016 at 2.30 p.m.

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