



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, MARCH 24, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. * THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)
(Sen. Martha Wangari)
(First Reading)
9. COMMITTEE OF THE WHOLE
 - * THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2014)
(Sen. (Prof.) Kithure Kindiki)
10. *** THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)
(Chairperson, *Ad hoc* Committee on Legislation on Royalties accruing from Natural Resources)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 19th March, 2015)
(Division)
11. ** THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2014)
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 19th March, 2015)
(Subject to Constitutional deadline of 27th May, 2015)

...../Bill

12. ****** **THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2014)**
 (The Senate Majority Leader)
(Second Reading)
(Subject to Constitutional deadline of 27th May, 2015)
13. ****** **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)**
 (The Senate Majority Leader)
(Second Reading)
14. ****** **THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**
 (The Senate Majority Leader)
(Second Reading)
15. ******* **PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)**
 (Chairperson of the Standing Committee on Labour and Social Welfare)
(Second Reading)
16. ***** **PARLIAMENTARY SERVICE (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2014)**
 (Sen. Kiraitu Murungi)
(Second Reading)
17. ***** **THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2014)**
 (Sen. (Prof.) John Lonyangapuo)
(Second Reading)
18. ******* **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)**
 (Chairperson of the Standing Committee on Education)
(Second Reading)

KEY

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

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

(Sen. (Prof.) Kithure Kindiki)

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

CLAUSE 8

THAT clause 8 of the Bill be amended by –

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

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

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

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

CLAUSE 1

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

CLAUSE 5

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

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

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

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

CLAUSE 16

THAT clause 16 of the Bill be amended –

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

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

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

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

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

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

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

CLAUSE 20

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

20. Section 17 of the principal Act is amended –

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

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

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

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

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

(c) by deleting subsection (4).

CLAUSE 24

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

24. Section 24 of the principal Act is deleted.

CLAUSE 28

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

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

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

CLAUSE 29

THAT clause 29 of the Bill be amended –

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

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

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

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

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

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

CLAUSE 30

THAT clause 30 of the Bill be deleted.

CLAUSE 31

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

CLAUSE 32

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

CLAUSE 33

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

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

CLAUSE 35

THAT clause 35 of the Bill be deleted.

CLAUSE 36

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

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

NEW CLAUSE

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

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

THAT the third schedule of the Bill be amended-

- (a) in the second column of paragraph (1), by deleting subparagraphs (a) and (b) and substituting therefor the words "at any hour";
- (b) in the second column of paragraph (2), by deleting the words "during the hours of 5:00 p.m. to 8:30 p.m." appearing immediately after the words "day of the week" and substituting therefor the words "at any hour";
- (c) in the second column of paragraph (3), by deleting the words "during the hours of 10:00 a.m. to 8:30 p.m." appearing immediately after the words "day of the week" and substituting therefor the words "at any hour"; and
- (d) in the second column of subparagraph (a) of paragraph (5), by deleting subparagraphs (a) and (b) and substituting therefor the words "on any day of the week at any hour".

FOURTH SCHEDULE

THAT the fourth schedule of the Bill be deleted.

APPENDIX**1. STATEMENTS**

- a) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on number of senior citizens receiving Government cash transfers (Sen. David Musila);
- b) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a Statement on the increase of membership fees by the Maendeleo ya Wanawake Organization (Sen. (Prof.) John Lonyangapuo);
- c) The Chairperson of the Standing Committee on Legal Affairs and Human Rights to issue a Statement on simmering hostility and tension between residents of Vihiga and Kisumu Counties over the Vihiga-Kisumu County boundary (Sen. George Khaniri);
- d) The Chairperson Standing Committee on National Security and Foreign Relations to issue a Statement on the security situation in Mandera County (Sen. Billow Kerrow);
- e) The Chairperson of the Standing Committee on Education to issue a Statement on cancellation or withholding of school examination results of 2014 KCSE examination (Sen. Chris Obure);
- f) The Chairperson of the Sessional Committee on Devolved Government to issue a Statement on failure by County Governments to observe guidelines on use of Government vehicles (Sen. (Prof.) John Lonyangapuo).
- g) The Chairperson of the Standing Committee on Health to issue a Statement regarding the state of radiotherapy treatment in the country specifically on the circumstances leading to the suspension of radiotherapy treatment at Kenyatta National Hospital (KNH) on 16th March, 2015 (Sen. Fatuma Dullo).
