



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**THURSDAY, AUGUST 27, 2015 AT 2.30 P.M**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8\*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**

(The Leader of the Majority Party)

**THAT**, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Land Laws (Amendment) Bill (National Assembly Bill No. 55) from **14 to 9** days.

**9\*. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

First Reading

**10\*. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

First Reading

**11\*. THE COMPANIES AND INSOLVENCY LEGISLATION (CONSEQUENTIAL AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2015)**

(The Leader of the Majority Party)

Third Reading

*(Question to be put)*

**12\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Finance Bill (National Assembly Bill No. 27 of 2015)  
(The Chairperson, Departmental Committee on Finance, Planning and Trade)

*(RECOMMITAL)*

*(Clauses 5, 43, 46 and New Clause 35A)*

*(New Clause 35A is subject to Article 114 of the Constitution)*

- (ii) The Excise Duty Bill (National Assembly Bill No. 28 of 2015)  
(The Leader of the Majority Party)

**13\*. MOTION - THE REPORT ON EAST AFRICAN COMMUNITY (EAC) PEACE AND SECURITY PROTOCOL, AND THE MUTUAL PEACE AND SECURITY PACT**

(The Chairperson, Committee on Regional Integration)

**THAT**, this House adopts the Report of the Committee on Regional Integration on East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact, laid on the Table of the House on Wednesday, 29<sup>th</sup> April, 2015 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact.

**14\*. THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**15\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 6 OF 2014)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**16\*. MOTION - THE REPORT ON THE RESETTLEMENT OF SQUATTERS IN MURI; MATHENGETA TUMUTUMU, RIAKANAU; DRAKE & KASEKU FARMS**

(The Chairperson, Departmental Committee on Lands)

**THAT**, this House adopts the Report of the Departmental Committee on Lands on the Resettlement of Squatters in Muri Farm; Mathengeta Tumutumu/Riakanau Farm; and Drake Farm and Kaseku Farm, laid on the Table of the House on Thursday, 12<sup>th</sup> June, 2014.

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**\* Denotes Orders of the Day**

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## N O T I C E S

### I. The Finance Bill (National Assembly Bill No. 27 of 2015)

#### 1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Finance Bill, 2015 at the Committee Stage—

##### CLAUSE 5

**THAT** Clause 5 of the Bill be amended—

- (a) in paragraph (a) by deleting subparagraph (i) and replacing therefor the following subparagraph—
  - (i) by deleting item 46 and tariff numbers “3002.20.00, 3002.30.00, 3003.39.00, 3003.40.00, 3003.90.10, 3003.90.90, 3004.10.00, 3004.20.00, 3004.32.00, 3004.39.00, 3004.40.00, 3004.50.00, 3004.90.00, 3004.90.10 and 3004.90.90”
- (b) in paragraph (b)
  - (i) by inserting the following new items immediately after item 52—
    - 52A. Biogas.
    - 52B. Leasing of biogas producing equipment.
  - (ii) by inserting the following new items immediately after item 55-
    - 56. Inputs or raw materials locally purchased or imported by manufacturers of Agricultural machinery and implements upon approval by the Cabinet Secretary responsible for Industrialization.
    - 57. The supply of taxable goods to Special Economic Zone enterprises, developers and operators licenced under the Special Economic Zone Act.
- (c) by renumbering the second paragraph (b) as (d) and inserting the following new paragraphs immediately after paragraph 22—
  - 23. Supply of sewerage services by a National Government, County Government, any political subdivision thereof or a person approved by the Cabinet Secretary for the time being responsible for water development.
  - 24. The supply of taxable services to Special Economic Zone enterprises, developers and operators licenced under the Special Economic Zone Act.

#### 2. Notice is hereby given that the Member for Gem (Hon. Jakoyo Midiwo), intends to move the following amendments to the Finance Bill, 2015, at the Committee Stage-

##### NEW CLAUSE 35A

**35A.** The Banking Act is amended by inserting the following new sections immediately after section 16A-

Maximum interest rate. **16B.**A bank or a financial institution which has issued a loan or a monetary advance shall charge an interest rate of not more than three per centum of the rate published by the Monetary Policy Committee established under section 4D of the Central Bank Act.

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Minimum interest rate **16C.**A bank or a financial institution shall, on any deposit held in an interest earning account, pay not less than seventy per centum of the base rate published by the Central Bank of Kenya.

*(Amendment is subject to the provisions of Article 114 of the Constitution)*

# I. THE EXCISE DUTY BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2015)

## 1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Excise Duty Bill, 2015 at the Committee Stage—

### CLAUSE 2

**THAT** clause 2 be amended in the definition of “open market value” by deleting the expression “4” and substituting therefor the expression “3”;

### CLAUSE 3

**THAT** clause 3 of the Bill be amended in subclause (2) by deleting the words appearing immediately after the words “price the goods and services” and substituting therefor “according to the Fourth Schedule of the East African Community Customs Management Act.”

### CLAUSE 6

**THAT** clause 6 of the Bill be amended in subclause (6) by deleting the expression “34” and substituting therefor the expression “35”;

### CLAUSE 8

**THAT** clause 8 of the Bill be amended in subclause (1) by deleting the word “twenty-five” and substituting therefor the word “ten”;

### CLAUSE 9

**THAT** clause 9 of the Bill be amended in subclause (6) by deleting the expression “7 of Part III” and substituting therefor the expression “4 of Part II”;

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 22—

Commissioner to notify licensee prior to suspension, revocation, cancellation or refusal of renewal of a licence.

22A. (1) Where the Commissioner seeks to suspend, revoke, cancel or not renew a license under this Act, he or she shall give twenty-one days' notice to the licensee prior to taking the intended action, giving the grounds upon which such intended action shall be taken, and requiring the licensee to remedy any circumstances which may require to be remedied.

(2) The licensee shall, within twenty-one days of receipt of the notice, take action as required by the Commissioner.

(3) The Commissioner shall, within fourteen days, acknowledge in writing the action taken by the licensee or proceed to confirm the effect of the intended notified action.

(4) Upon receipt of such notification of confirmation of the intended action, where the licensee is dissatisfied with the decision of the Commissioner, the licensee may appeal to the Tax Appeals Tribunal within fourteen days of receipt of notification and shall serve the Commissioner with the appeal application within seven days of filing.

(5) The Tax Appeals Tribunal shall hear and determine the appeal without undue delay and its decision shall be binding on the Commissioner.

(6) Any party aggrieved by the decision of the Tax Appeals Tribunal may appeal to the High Court.

**FIRST SCHEDULE**

**THAT** the First Schedule be Bill be amended—

(a) In paragraph 1 by amending the following items in Part 1—

- (i) by deleting the item on "Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit whether or not containing added sugar or other sweetening matter " and the corresponding rate of excise duty
- (ii) by deleting the expression "10" appearing in the column under Rate of Excise Duty and substituting therefor the expression "5" in the description of "Waters and other non-alcoholic beverages not including fruit or vegetable juices";
- (iii) by deleting the item on "Cigarettes containing tobacco or tobacco substitutes" and the corresponding rate of excise duty and replacing it with the following new items—

Plain cigarettes or cigarettes with ex-factory selling price of up to Shs.2,750 per mille	Shs.900 per mille
Soft cup cigarettes with ex-factory selling price of Shs. 2,751 to Shs. 3,750 per mille	Shs.1200 per mille
Soft cup cigarettes with ex-factory selling price of Shs.3,751 to Shs. 4, 750 per mille.	Shs.1,800 per mille
Hinge lid cigarettes or cigarettes with ex-factory selling price of more than Shs.4,750 per mille	Shs.2,800 per mille

- (iv) in the description of "Motor Vehicles of tariff heading 87.02, 87.03 and 87.04—
  - (a) by deleting the expression "150,000" appearing in the column under Rate of Excise Duty and substituting therefor the expression "100,000" ;
  - (b) by deleting the expression "200,000" appearing in the column under Rate of Excise Duty and substituting therefor the expression "150,000";
- (v) by deleting the item on Motor Cycles of tariff 87.11 other than motor cycles ambulances and the corresponding rate of excise duty.
- (b) in paragraph 2 under Part 1 by deleting the words " B is the adjustment factor for the adjustment day calculated as one plus annual average rate of inflation of the preceding financial year" appearing in proposed formula in subparagraph (2) and substituting therefor "B is the adjustment factor for the adjustment day, calculated as the average rate of monthly inflation of the preceding financial year";
- (c) in Part III by—
  - (a) deleting the definition of the term "other fees" and substituting therefor the following new definition—
 

"other fees" includes any fees, charges or commissions charged by financial institutions relating to their licensed financial institutions, but does not include interest on loan or return on loan or an insurance premium or premium based or related commissions;
  - (b) inserting the following new definitions in its proper alphabetical sequence—
 

"rate of monthly inflation in each month" means the movement in the consumer price index number published by the Kenya National Bureau of Statistics for that month when compared to the same month in the preceding year;"

**2. Notice is given that the Member for Kikuyu (Hon. Kimani Ichung'wah), intends to move the following amendments to the Excise Duty Bill, 2015 at the Committee Stage—**

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 19 under Sub-part C —

Notice of  
suspension of  
license.

**"19A.**(1)The Commissioner shall suspend a license issued under this Act upon issuing a seven days notice in writing to the licensed person of the intent to suspend, detailing the grounds for the intended suspension and any remedial measures required to be undertaken by the licensed person.

(2) The Commissioner shall, upon issuing the notice under subsection (1), allow the licensed person a period of twenty-one days to take remedial measures and confirm if the licensed person has complied with the remedial measures within seven days of the expiry of the twenty-one days.

(3) The Commissioner shall, upon the expiry of the period referred to in subsection (2), confirm notice of suspension in writing if the licensed person has not fully undertaken remedial measures required under subsection (1).

(4) A person served with a notice of confirmation to suspend a license under subsection (1) may, by notice in writing and within twenty-one days of the notice, or within such further time as the Commissioner may allow, appeal against the notice of confirmation to suspend the license.

(5)Where a licensed person lodges a notice of appeal in accordance with subsection (4), the Commissioner shall, within fourteen days after receipt of notice, either—

(a) accept the appeal and revoke the notice of confirmation of suspension of the licence;

(b)provide the licensed person with written notice of the action required to be taken before the date specified in the notice to remedy the deficiencies that led to the confirmation of notice of suspension of the license and revoke the confirmation of notice of suspension if the action is taken within the specified time: or

(c) reject the appeal and confirm the notice of suspension.

(6)If the Commissioner fails to take action under subsection (5) within the time specified in that subsection, the notice of confirmation of suspension of the license shall stand revoked.

#### **CLAUSE 21**

**THAT** the Bill be amended in clause 21 by—

(a) deleting the opening phrase in subclause (1) and substituting therefor the following new phrase—

“(1) The Cabinet Secretary shall, by notice in writing detailing the grounds for cancellation of license, cancel the license of a person when—

(b) inserting the following new subclauses immediately after subclause (1)—

“(1A) Despite subsection (1), the cancellation of a license by the Cabinet Secretary shall be preceded by a suspension for a period not exceeding sixty days, or such further period that the Commissioner may determine which shall not exceed one hundred and twenty days.

“(1B) A person served with a notice of cancellation of a license under subsection (1) may, by notice in writing and within fourteen days of the notice, or within such further time as the Cabinet Secretary may allow, appeal against the cancellation of the license if there is new information that was not availed by the licensed person during suspension.

“(1C)Where a licensed person lodges a notice of appeal in accordance with subsection (1B), the Cabinet Secretary shall, within fourteen days after receipt of notice, either—

(a) accept the appeal and revoke the notice of cancellation of the license; or

(b) reject the appeal and confirm the notice of cancellation of the license.

“(1D)If the Cabinet Secretary fails to take action under subsection (1C) within the time specified in that subsection, the notice of cancellation of the license shall stand revoked.

“(1E)A licensed person aggrieved by any decision of the Cabinet Secretary, may appeal to the High Court.

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**I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY( 2015)**

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

*(Thereafter, the House to adjourn without question put)*

**MOTION – (The Leader of the Majority Party)**

**THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, 29<sup>th</sup> September, 2015 in accordance with the Calendar of the Assembly (Regular Sessions).**

**The House resolved on Wednesday, February 11, 2015 as follows:-**

- II. THAT,** notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- III. THAT,** notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.



- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

**Provided that, when the period of Recess proposed by any such motion does not exceed fifteen (15) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.**

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