



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 28, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding**- the Deputy Speaker
4. **MOTION - APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2015/2016**

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for the Financial Year 2015/2016, laid on the Table of the House on Tuesday, April 19, 2016 and in accordance with the provisions of Article 223 of the Constitution, **approves** the issuance of a sum of **Ksh. 25,968,239,099** from the Consolidated Fund to meet the expenditure during the year ending 30<sup>th</sup> June 2016 in respect of the various Votes, as indicated in the Schedule, **subject to:-**

- i) the insertion of a new sub-paragraph (xxv) under Paragraph 30 as follows:  
*(xxv) Increase the recurrent allocation to the Parliamentary Service Commission under the programme of General Administration, Planning and Support Services by Kshs 332 million;*
- ii) Deletion of recommendation on paragraph 30(xiii) *(on page 8)*; and,  
*(Relating to the Capital allocations for the Ministry of Industrialization and Enterprise Development)*
- iii) Deletion of the recommendation on paragraph 31 (v) *(on page 10)*;  
*(Relating to the recurrent allocations for the Salaries and Remuneration Commission)*
- iv) the insertion of a new sub-paragraph (x) under Paragraph 31 as follows:  
*(x) Reduce the current allocation under the Senate Affairs programme meant for Monitoring and Evaluation by Kshs. 332 million; and*

- v) Making consequential adjustments to the Schedule and the totals to reflect the changes, accordingly.
- vi) Effecting the consequential adjustments to Vote 1171 (Ministry of Industrialization and Enterprise Development) and Vote 2081 (Salaries and Remuneration Commission), *to reflect a reduction in the Capital Allocation in Vote 1171 by Ksh.150 million and an increase in the Recurrent Allocation in Vote 2081 by Ksh.150 million).*

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1011	The Presidency		<b>Total</b>	<b>1,460.6</b>	<b>(806.0)</b>	<b>654.6</b>
		0702000	P.2 Cabinet Affairs	276.3	(586.1)	(309.8)
		0703000	P.3 Government Advisory Services	(74.5)	-	(74.5)
		0704000	P.4 State House Affairs	648.6	(129.0)	519.6
		0734000	P.6 Deputy President Services	610.2	(90.9)	519.3
1021	State Department for Interior		<b>Total</b>	<b>5,197.7</b>	<b>1,261.6</b>	<b>6,459.2</b>
		0601000	P.1 Policing Services	694.6	763.0	1,457.6
		0602000	P.2 Planning, Policy Coordination and Support Service	3,979.2	148.6	4,127.8
		0603000	P.3 Government Printing Services	(69.2)	-	(69.2)
		0605000	P.4 Population Management Services	593.0	350.0	943.0
1022	State Department for Coordination of National Government		<b>Total</b>	<b>616.3</b>	<b>(400.0)</b>	<b>216.3</b>
		0604000	P.1 Correctional services	619.0	(388.0)	231.0
		0623000	P.2 General Administration, Planning and Support Services	(2.2)	(12.0)	(14.2)
		0624000	P.3 Betting Control, Licensing and Regulation Services	(0.5)	-	(0.5)
1031	State Department for Planning		<b>Total</b>	<b>(350.2)</b>	<b>(7,108.0)</b>	<b>(7,458.2)</b>
		0706000	P.1 Economic Policy and National Planning	58.3	206.4	264.7
		0707000	P.2 National Statistical Information Services	(29.4)	2.9	(26.5)
		0708000	P.3 Monitoring and Evaluation Services	(0.4)	(0.0)	(0.4)
		0709000	P.4 General Administration Planning and Support Services	(53.3)	(10.0)	(63.3)
		0710000	P.5 Public Service Transformation	(9.5)	2.5	(7.0)
		0711000	P.6 Gender & Youth Empowerment	(316.0)	(7,309.8)	(7,625.8)
1032	State Department for Devolution		<b>Total</b>	<b>470.7</b>	<b>(35.7)</b>	<b>435.0</b>
		0732000	P.3 General Administration, Planning and Support Services	21.8	-	21.8
		0712000	P.7 Devolution Services	91.6	253.5	345.2
		0713000	P.8 Special Initiatives	348.3	337.2	685.6
		0733000	P.9 Accelerated ASAL Development	8.9	(626.5)	(617.6)
1041	Ministry of Defence		<b>Total</b>	<b>(58.8)</b>	<b>34.8</b>	<b>(24.0)</b>
		0801000	P.1 Defence	554.8	34.8	589.6
		0802000	P.2 Civil Aid	-	-	-
		0803000	P.3 General Administration, Planning and Support Services	(613.6)	-	(613.6)
1051	Ministry of Foreign Affairs and International Trade		<b>Total</b>	<b>2,156.7</b>	<b>(198.0)</b>	<b>1,958.7</b>
		0715000	P.2 Foreign Relation and Diplomacy	670.0	(36.0)	634.0
		0714000	P.1 General Administration Planning and Support Services	663.6	(264.0)	399.6

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0716000	P.3 International Trade and Investments Promotion	823.1	102.0	925.1
1061	State Department for Education		<b>Total</b>	<b>(311.1)</b>	<b>(14,007.5)</b>	<b>(14,318.6)</b>
		0501000	P.1 Primary Education	(284.5)	(12,898.4)	(13,182.9)
		0502000	P.2 Secondary Education	(1.3)	(479.5)	(480.8)
		0503000	P.3 Quality Assurance and Standards	(100.9)	(250.6)	(351.5)
		0508000	P.8 General Administration, Planning and Support Services	75.6	(379.0)	(303.4)
1062	State Department of Science and Technology		<b>Total</b>	<b>1,024.6</b>	<b>(940.8)</b>	<b>83.9</b>
		0504000	P.4 University Education	1,366.2	(889.4)	476.8
		0505000	P.5 Technical Vocational Education and Training	(192.3)	(1,375.8)	(1,568.1)
		0506000	P.6 Research, Science, Technology and Innovation	(208.0)	(138.0)	(345.9)
		0507000	P.7 Youth Training and Development	179.0	204.4	383.4
		0508000	P.8 General Administration, Planning and Support Services	(120.3)	1,258.0	1,137.7
1071	The National Treasury		<b>Total</b>	<b>(9,508.4)</b>	<b>13,871.9</b>	<b>4,363.5</b>
		0717000	P.1 General Administration Planning and Support Services	(9,682.5)	1,503.4	(8,179.1)
		0718000	P.2 Public Financial Management	47.4	12,622.1	12,669.5
		0719000	P.3 Economic and Financial Policy Formulation and Management	106.7	(253.6)	(146.9)
		0720000	P.4 Market Competition	20.0	-	20.0
1081	1081 Ministry of Health		<b>Total</b>	<b>409.2</b>	<b>(1,025.2)</b>	<b>(616.0)</b>
		0401000	P.1 Preventive & Promotive Health Services	262.5	193.7	456.2
		0402000	P.2 Curative Health Services	(75.9)	495.4	419.5
		0403000	P.3 Health Research and Development	0.8	-	0.8
		0404000	P.4 General Administration, Planning & Support Services	219.3	(1,427.0)	(1,207.7)
		0405000	P.5 Maternal and Child Health	2.5	(287.2)	(284.7)
1091	State Department for Infrastructure		<b>Total</b>	<b>11,673.4</b>	<b>(1,776.9)</b>	<b>9,896.5</b>
		0202000	P.2 Road Transport	11,673.4	(1,776.9)	9,896.5
1092	State Department for Transport		<b>Total</b>	<b>(0.3)</b>	<b>6,096.0</b>	<b>6,095.7</b>
		0201000	P.1 General Administration, Planning and Support Services	(11.3)	(45.0)	(56.3)
		0203000	P.3 Rail Transport	-	(57.7)	(57.7)
		0204000	P.4 Marine Transport	10.4	1,630.0	1,640.4
		0205000	P.5 Air Transport	(6.8)	4,568.7	4,561.9
		0206000	P.6 Government Clearing Services	7.8	-	7.8
		0216000	P.7 Road Safety	(0.4)	-	(0.4)
1101	Ministry of Environment, Natural Resources and Regional Development Authorities		<b>Total</b>	<b>646.3</b>	<b>1,448.2</b>	<b>2,094.5</b>
		1010000	P.1 General Administration, Planning and Support Services	(65.4)	(12.8)	(78.3)
		1011000	P.2 Environment and Natural Resources Management and Protection	156.9	(1,200.1)	(1,043.2)
		1012000	P.3 Meteorological Services	17.9	(270.0)	(252.1)
		1005000	P.5 Integrated Regional Development	536.9	2,931.1	3,468.0
1102	Ministry for Water and Irrigation		<b>Total</b>	<b>(196.4)</b>	<b>12,952.3</b>	<b>12,756.0</b>
		1001000	P.1 General Administration, Planning and Support Services	(21.0)	(35.0)	(56.0)
		1004000	P.4 Water Resources Management	(29.7)	1,834.6	1,804.8

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1111	Ministry of Lands, Housing and Urban Development	1005000	P.5 Integrated Regional Development	(594.2)	(3,399.1)	(3,993.3)
		0110000	P.4 Irrigation and Drainage Infrastructure	448.6	14,551.9	15,000.4
			<b>Total</b>	<b>(158.7)</b>	<b>(3,539.5)</b>	<b>(3,698.2)</b>
		0101000	P.1 Land Policy and Planning	(108.5)	365.6	257.1
		0102000	P.2 Housing Development and Human Settlement	(8.5)	(157.6)	(166.1)
		0103000	P.3 Government Buildings	(7.5)	(510.0)	(517.5)
		0104000	P.4 Coastline Infrastructure and Pedestrian Access	(2.3)	(57.0)	(59.3)
		0105000	P.5 Urban and Metropolitan Development	(9.8)	(2,949.5)	(2,959.2)
1121	Ministry of Information, Communication and Technology	0106000	P.6 General Administration Planning and Support Services	(22.0)	(231.0)	(253.0)
			<b>Total</b>	<b>(46.1)</b>	<b>5,579.0</b>	<b>5,532.9</b>
		0207000	P.1 General Administration Planning and Support Services	(34.2)	494.7	460.5
		0208000	P.2 Information And Communication Services	3.0	(335.0)	(332.0)
		0209000	P.3 Mass Media Skills Development	(15.0)	(13.5)	(28.5)
1131	Ministry of Sports Culture and Arts	0210000	P.4 ICT Infrastructure Development	-	5,432.8	5,432.8
			<b>Total</b>	<b>1,502.1</b>	<b>(1,380.9)</b>	<b>121.2</b>
		0901000	P.1 Sports	920.0	(1,487.9)	(567.9)
		0902000	P.2 Culture	235.9	107.0	342.9
		0903000	P.3 The Arts	(51.3)	-	(51.3)
		0904000	P.4 Library Services	48.0	-	48.0
1141	Ministry of Labour Social Security and Services	0905000	P.5 General Administration, Planning and Support Services	349.5	-	349.5
			<b>Total</b>	<b>(243.3)</b>	<b>(542.0)</b>	<b>(785.3)</b>
		0906000	P.1 Promotion of the Best Labour Practice	71.8	(169.0)	(97.2)
		0907000	P.2 Manpower Development, Employment and Productivity Management	(95.9)	(70.0)	(165.9)
		0908000	P.3 Social Development and Children Services	(9.5)	(59.5)	(69.0)
		0909000	P.4 National Social Safety Net	(235.7)	(243.5)	(479.2)
1151	Ministry of Energy and Petroleum	0910000	P.5 General Administration Planning and Support Services	26.0	-	26.0
			<b>Total</b>	<b>41.1</b>	<b>18,596.4</b>	<b>18,637.4</b>
		0211000	P.1 General Administration Planning and Support Services	42.6	(90.0)	(47.4)
		0212000	P.2 Power Generation	-	(4,114.9)	(4,114.9)
		0213000	P.3 Power Transmission and Distribution	(2.5)	23,365.9	23,363.4
		0214000	P.4 Alternative Energy Technologies	1.0	(106.3)	(105.3)
1161	State Department for Agriculture	0215000	P.5 Exploration and Distribution of Oil and Gas	-	(458.3)	(458.3)
			<b>Total</b>	<b>(2,190.4)</b>	<b>(14,852.8)</b>	<b>(17,043.2)</b>
		0107000	P.1 General Administration Planning and Support Services	12.8	(182.2)	(169.4)
		0108000	P.2 Crop Development and Management	(1,357.1)	(945.0)	(2,302.1)
		0109000	P.3 Agribusiness and Information Management	(7.5)	1,982.3	1,974.9
1162	State Department for Livestock	0110000	P.4: Irrigation and Drainage Infrastructure	(838.8)	(15,707.9)	(16,546.6)
			<b>Total</b>	<b>116.8</b>	<b>(647.4)</b>	<b>(530.6)</b>
1163	State Department for Fisheries	0112000	P.6 Livestock Resources Management and Development	116.8	(647.4)	(530.6)
			<b>Total</b>	<b>(37.7)</b>	<b>(306.6)</b>	<b>(344.3)</b>
1171	Ministry of	0111000	P.5 Fisheries Development and Management	(37.7)	(306.6)	(344.3)
			<b>Total</b>	<b>402.0</b>	<b>(480.0)</b>	<b>(78.0)</b>

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Industrialization and Entreprise Development	0301000	P.1 General Administration Planning and Support Services	(24.4)	220.0	195.6
		0302000	P.2 Industrial Development and Investments	(35.1)	(275.0)	(310.1)
		0303000	P.3 Standards and Business Incubation	(16.8)	(425.0)	(441.8)
		0304000	P.4 Cooperative Development and Management	478.3	-	478.3
1181	State Department for Commerce and Tourism		<b>Total</b>	<b>(108.0)</b>	<b>(3,409.0)</b>	<b>(3,517.0)</b>
		0306000	P.2 Tourism Development and Promotion	(69.8)	(3,335.3)	(3,405.1)
		0307000	P.3 Trade Development and Promotion	(46.0)	(23.7)	(69.7)
		0308000	P.4 General Administration, Planning and Support Services	7.7	(50.0)	(42.3)
1182	State Department for East African Affairs		<b>Total</b>	<b>(44.3)</b>	<b>(50.0)</b>	<b>(94.3)</b>
		0305000	P.1 East African Affairs and Regional Integration	(44.3)	(50.0)	(94.3)
1191	Ministry of Mining		<b>Total</b>	<b>9.0</b>	<b>(882.3)</b>	<b>(873.3)</b>
		1007000	P.1 General Administration Planning and Support Services	20.6	(23.5)	(2.9)
		1008000	P.2 Resources Surveys and Remote Sensing	(15.3)	(585.2)	(600.5)
		1009000	P.3 Mineral Resources Management	3.7	(273.6)	(269.9)
1251	Office of the Attorney General and Department of Justice		<b>Total</b>	<b>(249.9)</b>	<b>(97.0)</b>	<b>(346.9)</b>
		0606000	P.1 Legal Services	(167.2)	(9.0)	(176.2)
		0607000	P.2 Governance, Legal Training and Constitutional Affairs	(224.4)	(65.0)	(289.4)
		0609000	P.4 General Administration, Planning and Support Services	141.8	(23.0)	118.8
1261	The Judiciary		<b>Total</b>	<b>(939.9)</b>	<b>(861.8)</b>	<b>(1,801.7)</b>
		0610000	P.1 Dispensation of Justice	(939.9)	(861.8)	(1,801.7)
1271	Ethics and Anti- Corruption Commission		<b>Total</b>	<b>645.3</b>	<b>(300.0)</b>	<b>345.3</b>
		0611000	P.1 Ethics and Anti-Corruption	645.3	(300.0)	345.3
1281	National Intelligence Service		<b>Total</b>	<b>1,015.0</b>	-	<b>1,015.0</b>
		0804000	P.1 National Security Intelligence	1,015.0	-	1,015.0
1291	Office of the Director of Public Prosecutions		<b>Total</b>	<b>420.4</b>	<b>(181.0)</b>	<b>239.4</b>
		0612000	P.1 Public Prosecution Services	420.4	(181.0)	239.4
1301	Commission for the Implementation of the Constitution		<b>Total</b>	-	-	-
		0613000	P.1 Implementation of the Constitution	-	-	-
1311	Office of the Registrar of Political Parties		<b>Total</b>	<b>27.7</b>	-	<b>27.7</b>
		0614000	P.1 Registration, Regulation and Funding of Political Parties	27.7	-	27.7
1321	Witness Protection Agency		<b>Total</b>	<b>5.0</b>	-	<b>5.0</b>
		0615000	P.1 Witness Protection	5.0	-	5.0
2011	Kenya National Human Rights Commission		<b>Total</b>	-	-	-
		0616000	P.1 Protection and Promotion of Human Rights	-	-	-
2021	National Land Commission		<b>Total</b>	<b>120.2</b>	<b>(150.0)</b>	<b>(29.8)</b>
			P.13 Land Administration and Management	120.2	(150.0)	(29.8)
2031	Independent Electoral and Boundaries Commission		<b>Total</b>	<b>690.8</b>	<b>(71.0)</b>	<b>619.8</b>
		0617000	P.1 Management of Electoral Processes	690.8	(71.0)	619.8

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
2041	Parliamentary Service Commission		Total	436.0	(1,100.0)	(664.0)
		0721000	P.1 National Legislation, Representation and Oversight	-	-	-
		0722000	P.2 Senate Affairs	397.0	(200.0)	197.0
		0723000	P.3 General Administration, Planning and Support Services	39.0	(900.0)	(861.0)
2042	The National Assembly		Total	300.0	-	300.0
		0721000	P.1 National Legislation, Representation and Oversight	300.0	-	300.0
2051	Judicial Service Commission		Total	-	-	-
		0619000	P.1 General Administration, Planning and Support Services	-	-	-
2061	The Commission on Revenue Allocation		Total	(15.1)	-	(15.1)
		0724000	P.1 Inter-Governmental Revenue and Financial Matters	(15.1)	-	(15.1)
2071	Public Service Commission		Total	(45.5)	(115.0)	(160.5)
		0725000	P.1 General Administration, Planning and Support Services	(36.8)	(115.0)	(151.8)
		0726000	P.2 Human Resource management and Development	(7.4)	-	(7.4)
		0727000	P.3 Governance and National Values	(1.3)	-	(1.3)
2081	Salaries and Remuneration Commission		Total	97.5	-	97.5
		0728000	P.1 Salaries and Remuneration Management	97.5	-	97.5
2091	Teachers Service Commission		Total	6,806.9	(133.0)	6,673.9
		0509000	P.1 Teacher Resource Management	7,960.0	-	7,960.0
		0510000	P.2 Governance and Standards	(46.0)	-	(46.0)
		0511000	P.3 General Administration, Planning and Support Services	(1,107.1)	(133.0)	(1,240.1)
2101	National Police Service Commission		Total	38.0	-	38.0
		0620000	P.1 National Police Service Human Resource Management	38.0	-	38.0
2111	Auditor General		Total	8.5	(247.0)	(238.5)
		0729000	P.1 Audit Services	8.5	(247.0)	(238.5)
2121	Controller of Budget		Total	(51.7)	-	(51.7)
		0730000	P.1 Control and Management of Public finances	(51.7)	-	(51.7)
2131	The Commission on Administrative Justice		Total	-	-	-
		0731000	P.1 Promotion of Administrative Justice	-	-	-
2141	National Gender and Equality Commission		Total	(4.3)	18.2	13.9
		0621000	P.1 Promotion of Gender Equality and Freedom from Discrimination	(4.3)	18.2	13.9
2151	Independent Police Oversight Authority		Total	(23.6)	-	(23.6)
		0622000	P.1 Policing Oversight Services	(23.6)	-	(23.6)
Total Ministerial Expenditure				21,754.1	4,214.2	25,968.2

*(Motion as amended)*

*(Chairperson, Liaison Committee – 20.04.2016 (PM))*

Debate on the Motion having been concluded on Wednesday, April 27, 2016 (Afternoon Sitting);

Question put and agreed to.

5. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

(i) **The Access to Information Bill (National Assembly Bill No. 36 of 2015)**

Clause 3 - agreed to

Clause 4 - amendment proposed -

**THAT**, clause 4 be amended by inserting the following new sub clause immediately after sub clause (5)—

“(5A) This Act—

(a) has effect subject to the Constitution;

(b) applies despite any other existing law, whether or not explicitly repealed or amended by this Act;

(c) applies despite any regulations or other subordinate legislation under any Act.

*(Hon. Priscilla Nyokabi )*

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn.

Further amendment proposed -

**THAT**, clause 4 of the Bill be amended by deleting sub clause (5) and substituting therefor the following new sub clause —

“(5) Nothing in this Act shall limit the requirement imposed under this Act or any other written law on a public entity or a private body to disclose information.”

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed –

**THAT**, clause 5 of the Bill be amended by inserting the words “Subject to section 6” immediately before the words “A public entity shall” in subclause (1).

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - Amendment proposed –

**THAT**, clause 6 of the Bill be amended —

(a) by deleting the opening statement in sub clause (1) and substituting therefor the following new statement—

(i) Pursuant to Article 24 of the Constitution, the right of access to information under Article 35 of the Constitution shall be limited in respect of information whose disclosure is likely to—

(b) in sub clause (1) by—

(ii) inserting the word “or private” immediately after the word “public” in paragraph (f);

(iii) deleting paragraph (h) and substituting therefor the following new paragraph—

“(h) infringe professional confidentiality as recognized in law or by the rules of a registered association of a profession”;

(c) in sub clause (2) by —

(i) inserting the words “covert operations” immediately after the words “military strategy” in paragraph (a);

(ii) deleting the words “or foreign activities” appearing in paragraph (d);

(iii) inserting the following new paragraph immediately after (f) —

*“(g) information obtained or prepared by any government institution that is an investigative body in the course of lawful investigations relating to the detection, prevention or suppression of crime, enforcement of any law and activities suspected of constituting threats to national security.”*

(d) in sub clause (4) by inserting the words “as shall be determined by a Court” immediately after the words “protected interests”.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;



Further amendment proposed –

**THAT**, clause 6 be amended—

(a) in sub clause (1), by—

- (i) deleting paragraph (a) and substituting therefor the following new paragraph—  
“(a) cause substantial prejudice to the national security of Kenya”;

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn.

- (ii) deleting the words “or endanger the safety of life of any person” in paragraph (b);
- (iii) inserting the following new paragraph immediately after paragraph (b)—

“(ba) endanger the safety, health or life of any person”;

Question of the amendments proposed;

Debate arising;

Question put and agreed to;

- (b) in sub clause (2) by inserting the following new paragraph immediately after paragraph (d)—

“(da) information that by international law, or agreement between States or with an international organisation is required to be kept confidential;

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn.

- (c) by inserting the following new sub clause immediately after sub clause (4)—

“(4A) A public entity is not obliged to supply information to a requester if that information is reasonably accessible by other means ”;

- (d) by deleting sub clause (7).

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 -as amended agreed to

Clause 7 - agreed to

Clause 8 - amendment proposed –

**THAT**, clause 8 of the Bill be amended in sub-clause (1) by inserting the words “in writing” immediately after the words “shall be made”.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to

Clause 9 - amendment proposed –

**THAT**, clause 9 be amended, by—

(a) inserting the following new subsection immediately after subsection (2)—

“(2A) As soon as the information access officer has made a decision as to whether to provide access to information, he or she shall immediately communicate the decision to the requester, indicating –

- (a) whether or not the public entity or private body holds the information sought;
- (b) whether the request for information is approved;
- (c) if the request is declined the reasons for making that decision, including the basis for deciding that the information sought is exempt, unless the reasons themselves would be exempt information; and
- (d) if the request is declined, a statement about how the requester may appeal to the Commission”;

(b) deleting sub clause (5).

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed –

**THAT**, clause 10 be amended, by deleting sub clause (4).

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clauses 11, 12 & 13 - agreed to

Clause 14 - amendment proposed –

**THAT**, clause 14 be amended in sub clause (1), by deleting the word “redacted” in paragraph (b) and substituting therefor the word “edited”.

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - agreed to

Clause 16 - amendment proposed –

**THAT**, clause 16 of the Bill be amended in sub clause (4) by deleting the words “to a term not exceeding three years imprisonment” and substituting therefor the words “to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both”.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - agreed to

Clause 18 - amendment proposed –

**THAT**, clause 18 of the Bill be amended—

(a) in sub-clause (1) by deleting the expression “section 7” and substituting therefor the expression, “section 8”;

(b) in sub-clause (3) by deleting the word “two” and substituting therefor the word “one”.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - agreed to

Clause 20 - amendment proposed –

**THAT**, clause 20 be amended by inserting the following new sub clause immediately after sub clause (2)—

“(3) The Commission shall designate one of the Commissioners as “Access to Information Commissioner” with specific responsibility of performing the functions assigned to the Commission under this Act”.

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to

Clauses 21, 22, 23, 24, 25 & 26 - agreed to

Clause 27 - amendment proposed –

**THAT**, clause 27 of the Bill be deleted.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - deleted

Clause 28 - agreed to

New Clause 10A proposed –

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

Methods of  
providing  
access to  
information.

**10A.** (1) Access to information may be given to a requester in one or more of the following forms—

- (a) a reasonable opportunity to inspect the original record containing the information;
- (b) a copy of the record containing information, edited if necessary;
- (c) in the case of a record that is an article or thing from which sounds or visual images are capable of being reproduced, the making of arrangements for the requester to hear those sounds or view the images;

- (d) in the case of information by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, provision by the public body or private body of a written transcript;
  - (e) in the case of information which is held on a computer, or in electronic or machine-readable form, and from which the public entity or private body concerned is capable of producing a printed copy of the information or part of it, by supplying such a copy; or
  - (f) in the case of information available or capable of being made available in computer readable form, by supplying a copy in that form.
- (2) Where the requester has requested access to information in a particular form, access shall be given in that form unless the giving of access to information in that form would—
- (a) unreasonably interfere with the operations of the public entity or private body;
  - (b) be detrimental to the preservation of the information; or
  - (c) involve an infringement of copyright subsisting in a person other than the public entity, private body or the State.
- (3) If a requester with a disability is prevented by that disability from reading, viewing or listening to the information concerned in the form in which it is held by the public entity or private body, the information access officer of the public entity or private body shall, if that requester so requests, take reasonable steps to make the information available in a form in which it is capable of being read, viewed or heard by the requester.
- (4) To the extent, if at all, subsection (2) limits the right to access to information, this is to be read as applying only to the extent strictly necessary to prevent unnecessary disruption of the work of the body providing the information, to avoid detriment to the preservation of the record, or to avoid breach of copyright, as the case may be.

*(Hon. Priscilla Nyokabi)*

Motion made and Question proposed –

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

Question put and agreed to;

Motion made and Question proposed –

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

Debate arising;

Proposed amendment withdrawn.

New Clause 15A proposed –

**THAT**, the following new clause be inserted immediately after clause 15—

Mediation by the  
Commission.

**15A.** (1) Upon receipt of a complaint regarding failure to act, or upon request to review a decision under this Act, the Commission shall, if it considers that the complaint or request appears to be well-founded, endeavour to mediate between the person lodging a complaint or requesting for review, and the holder of the information.

(2) If the mediation contemplated in subsection (1) fails, the Commission may—

(a) if satisfied that there has been an infringement of the provisions of this Act, order—

(i) the release of any information withheld unlawfully;

(ii) payment of compensation;

(iii) any other lawful remedy or redress; or

(b) inform the complainant that, in its opinion, the complaint is not sufficiently serious to merit its further action.

(3) Before making any order under subsection (2)(a) the Commission shall give the entity concerned, and the information access officer the opportunity to be heard.

(4) For the purposes of this section, the Commission may exercise the powers provided for in section 23.

*(Hon. Priscilla Nyokabi)*

Motion made and Question proposed –

THAT, the New Clause 15A be read a Second Time  
Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 15A be part of the Bill

Debate arising;

Proposed amendment withdrawn.

New Clause 26A proposed –

**THAT**, the following new clause be inserted immediately after clause 26—

Offences  
and  
penalties.

**26A.** (1) Any person who knowingly discloses exempt information in contravention of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or both.

(2) It shall be a defence to a charge under subsection (1) that the exempt information disclosed was already in the public domain at the time of disclosure.

(3) An information access officer who—

- (a) refuses to assist a requester who is unable to write to reduce the oral request to writing in the prescribed form and provide a copy to the applicant in accordance with section 8(2);
- (b) refuses to accept a request for information;
- (c) fails to respond to a request for information within the prescribed time; or
- (d) fails to comply with the duty to take reasonable steps to make information available in a form that is capable of being read, viewed or heard by a requester with disability in accordance with section 11(5), commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.

(4) Any person who –

- (a) charges a fee exceeding the actual costs of making copies of such information and supplying them to the applicant;
- (b) fails to respond to a request for information required for the exercise or protection of a right in accordance with the requirements of this Act;
- (c) fails to respond to a request to correct personal information; or
- (d) it having been ascertained that information held is out of date, inaccurate or incomplete, fails within the prescribed time, or within a reasonable time if no time is prescribed, to correct, destroy or delete the information, or to attach a statement to the information in accordance with section 15, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding six months, or both.

(5) Any person who is convicted of an offence under section 18(3) after a request has been made for disclosure of the information in question, with the intention of preventing the disclosure of that information in response to that request is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(6) Any relevant private body that fails to make publicly available the name and contact details of its information access officer or officers commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings.

(7) Any relevant private body that is convicted, or any officer of which is convicted of an offence under this Act, or which, although not convicted is in serious breach of this Act may, after a fair hearing, be debarred from entering into any future contract with government under the Public Procurement and Disposal Act or any Act replacing that Act.

(8) A person who—

- (a) fails to attend before the Commission in accordance with any summons or order issued under subsection 24 (1)(a);
- (b) knowingly gives any false or misleading statement of information to the Commission; or
- (c) causes an obstruction or disturbance in the course of any proceedings before the Commission, commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(9) A person shall not be criminally liable for the disclosure or authorisation of the disclosure made in good faith in reliance on this Act.

(10) A person to whom information is disclosed under this Act, conveys that information to others but who alters the information, or conceals part of the information or misrepresents the information, with intent to deceive, commits an offence, and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

*(Hon. Priscilla Nyokabi)*

Motion made and Question proposed –

THAT, the New Clause 26A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 26A be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 26A - agreed to



**INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new part immediately after section 24—

**PART VA-PROVISIONS ON DELEGATED POWERS**

Regulations.

25. (1) The Cabinet Secretary may, in consultation with the Commission, make regulations, prescribing anything required by this Act to be prescribed or generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for—

- (a) the manner in which applications under this Act shall be made;
- (b) the form in which information requested under this Act shall be supplied;
- (c) the making of an application for personal information by representatives of the person to whom the information relates;
- (d) the measures to be taken by public entities to facilitate the exercise by persons of their rights under this Act;
- (e) the measures to be taken by public entities to ensure that adequate records are created and maintained by the entities;
- (f) the procedures for the making of an application by a complainant for the review by the Commission, of a decision made by a public entity relating to access to information;
- (g) the procedure to be followed by a public entity in consulting with a third party before giving access to information obtained by it from that party;
- (h) the procedures requiring a public entity to ensure that personal information is accurate;
- (i) compensation to be sought by an individual who has suffered damage as a result of the holding of inaccurate information about the individual's personal affairs by a public entity;
- (j) the records that public entities shall be required to keep; or
- (k) such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(3) For the purposes of Article 94 (6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act;
- (b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this section;
- (c) the principles and standards applicable to the delegated power referred to under this section are those found in-
  - (i) the Statutory Instruments Act, 2013;
  - (iv) the Interpretation and General Provisions Act,
  - (iv) the general rules of international law as specified under Article 2(5) of the Constitution; and
  - (v) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

No. 23 of 2013.

Cap 2.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

New Part - agreed to

Schedule - amendment proposed –

**THAT**, the Bill be amended in the Schedule by deleting paragraph 4(2) relating to the Official Secrets Act and substituting therefor the following new subparagraph—

(2). Section 3 of the Official Secrets Act is amended by inserting the following new subsection immediately after subsection (7) —

“(8) The provisions of this section shall apply subject to Article 35 of the Constitution and the law relating to access to information.”

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Schedule - as amended agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended by—

(a) inserting the following new definition in its proper alphabetical sequence —

“State” has the meaning assigned to it under Article 260 of the Constitution”.

(b) by inserting the word “entity” immediately before the word “business” in the definition of the term “public record”.

*(Vice-Chairperson, Departmental Committee on Energy, Communication & Information)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

(a) by deleting the definition of “exempt information” and substituting therefor the following new definition—

“exempt information” means information that may be withheld by a public entity or private body in accordance with section 6;

(b) in the definition of “information access officer”, by inserting the phrase “or private body” immediately after the phrase “public entity”;

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

(c) by deleting the definition of “person” and substituting therefor the following new definition—

“person” includes a company, association or other body of persons whether incorporated or unincorporated;

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn.

(d) by inserting the following new definitions in their proper alphabetical sequence—

“chief executive officer” of a public body or private body means the Principal Secretary in the case of a Government Ministry or Department, managing director in the case of a corporate body, or the person assigned the principal administrative responsibility in any body by whatever title; and

“citizen” means any individual who has Kenyan citizenship, and any private entity that is controlled by one or more Kenyan citizens.

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

6. **HOUSE RESUMED** - The Second Chairperson in the Chair

Bill reported with amendments.

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report, **subject to re-committal of Clause 23 (6).**

*(Hon. Priscilla Nyokabi)*

Question put and agreed to;

7. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Second Chairperson in the Chair

(i) **The Access to Information Bill (National Assembly Bill No. 36 of 2015)**

Clause 23 - amendment proposed-

**THAT**, clause 23 be amended by deleting sub-clause (6).

*(Hon. Priscilla Nyokabi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to

Bill to be reported with amendments.

7. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

Energy Bill, 2015 (National Assembly Bills No.50 of 2015)

Clauses 3 and 4 - agreed to

Clause 5 - amendment proposed –

**THAT**, clause 5 of the Bill be amended in sub-clause (4) by deleting the word “regularly” and substituting therefor the words “after every three years”.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clauses 6, 7 & 8 - agreed to

Clause 9 - amendment proposed –

**THAT**, clause 9 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “Commission”;
- (b) in the heading by deleting the word “Authority” and substituting therefor the word “Commission”;
- (c) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed –

**THAT**, clause 10 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “Commission”;
- (b) by deleting the word “Authority” and substituting therefor the word “Commission” in the opening statement;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - amendment proposed –

**THAT**, clause 11 of the Bill be amended—

- (a) in the marginal note by deleting the word "Authority" and substituting therefor the word " Commission";
- (b) by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission" ;
- (c) by deleting paragraph (l) and substituting therefor the following new paragraph—

"(l) impose such sanctions and fines not exceeding one hundred thousand shillings per violation per day for a maximum of thirty days".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to

Clause 12 - amendment proposed –

**THAT**, clause 12 of the Bill be amended—

- (a) in the marginal note by deleting the word "Authority" and substituting therefor the word " Commission";
- (b) by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";
- (c) in sub-clause (1) by deleting the words "who shall be the secretary of the Board" appearing in paragraph (d).

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

**THAT**, clause 12 of the Bill be amended in sub-clause (2) by inserting the words "social sciences" immediately before the words "or energy" in paragraph (b) –

*(Hon. Sammy Mwaita)*

Question of the further amendment proposed;

Debate arising;

Question of amendment to the amendment proposed;

Debate arising

Question put and agreed to;

Clause 12 - as amended agreed to

Clause 13 - amendment proposed –

**THAT**, clause 13 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

**THAT**, clause 14 of the Bill be amended—

- (a) in the marginal note by deleting the word "Authority" and substituting therefor the word " Commission";
- (b) by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - amendment proposed –

**THAT**, clause 15 of the Bill be amended by deleting the word "Authority" and substituting therefor the word "Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed –

**THAT**, clause 16 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “ Commission”;
- (b) by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed –

**THAT**, clause 17 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - amendment proposed –

**THAT**, clause 18 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –



**THAT**, clause 19 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “ Commission”;
- (b) by deleting the word “Authority” and substituting therefor the word “ Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed –

**THAT**, clause 20 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “ Commission”;
- (b) by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to

Clause 21 - amendment proposed –

**THAT**, clause 21 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed –

**THAT**, clause 22 of the Bill be amended—

- (a) in sub-clause (4) by deleting the word “Authority” and substituting therefor the word “ Commission”;
- (b) in sub-clause (5) by deleting the words “of not less than five hundred thousand shillings or to a term of imprisonment of not less than six months or to both such

- fine and imprisonment" and substituting therefor the words "not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both";
- (c) in sub-clause (6) by deleting the words "of not less than five hundred thousand shillings for each day or part thereof that the obstruction occurs" and substituting therefor the words "not exceeding one hundred thousand shillings for each day or part thereof that the obstruction occurs".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - amendment proposed –

**THAT**, clause 23 of the Bill be amended—

- (a) in the marginal note by deleting the word "Authority" and substituting therefor the word " Commission";
- (b) by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to

Clause 24 - amendment proposed –

**THAT**, clause 24 of the Bill be amended—

- (a) in the marginal note by deleting the word "Authority" and substituting therefor the word " Commission";
- (b) in sub-clause (1) by deleting the word "Authority" and substituting therefor the word " Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - agreed to

Clause 26 - amendment proposed –

**THAT**, clause 26 of the Bill be amended in sub-clause (1) by deleting the words "Institute or the Authority" appearing in paragraph (b) and substituting therefor the words "Agency or the Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to

Clauses 27, 28, 29, 30, 31, 32, 33, 34 & 35 - agreed to

Clause 36 - amendment proposed –

**THAT**, clause 36 of the Bill be amended in sub-clause (4) by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clause 37 - amendment proposed –

**THAT**, clause 37 of the Bill be amended in sub-clause (3) by deleting the words "apply for review" and substituting therefore the word "appeal".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to

Clauses 38 & 39 - agreed to

Clause 40 - amendment proposed –

**THAT**, clause 40 of the Bill be amended—

- (a) in the marginal note by deleting the word “Authority” and substituting therefor the word “ Commission”;
- (b) by deleting the word “Authority” and substituting therefor the word “ Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - as amended agreed to

Clause 41 - amendment proposed –

**THAT**, clause 41 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to

Clauses 42 & 43 - agreed to

Clause 44 - amendment proposed –

**THAT**, clause 44 of the Bill be amended in sub-clause (2) by inserting the words “social sciences” immediately before the words “or energy” in paragraph (b) –

*(Hon. Sammy Mwaita)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clauses 45, 46, 47, 48, 49, 50, 51 & 52 - agreed to

Clause 53 - amendment proposed –

**THAT**, clause 53 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following new marginal note —  
“Establishment of the Nuclear Power, Energy and Petroleum Agency”
- (b) by deleting the words “Energy and Petroleum Institute” appearing in the heading of clause 53;
- (c) in sub-clause (1) by deleting the words “Energy and Petroleum Institute” and substituting therefor the words “Nuclear Power, Energy and Petroleum Agency”;
- (d) in sub-clause (2) by deleting the word “ Institute” and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 53 - as amended agreed to

Clause 54 - amendment proposed –

**THAT**, clause 54 of the Bill be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to

Clause 55 - amendment proposed –

**THAT**, clause 55 of the Bill be amended—

- (a) by deleting the word “Institute” and substituting therefor the word “Agency” wherever it appears;
- (b) by deleting the word “ Institute” in the marginal note and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

- Clause 55 - as amended agreed to
- Clause 56 - agreed to.
- Clause 57 - amendment proposed –

**THAT**, clause 57 of the Bill be amended—

- (a) by deleting the word “Institute” and substituting therefor the word “Agency” wherever it appears;
- (b) by deleting the word “ Institute” in the marginal note and substituting therefor the word “Agency”;
- (c) by inserting the following new paragraph immediately after paragraph (a) —
  - “(aa) the Attorney-General or his representative;
- (d) in paragraph (b) by—
  - (i) deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph—
    - (ii) education, science and technology;
  - (ii) deleting sub-paragraph (iv).
- (e) by deleting paragraph (c) and substituting therefor the following new paragraph—
  - “(c) the Chief-Executive Officer;
- (f) in paragraph (d) by deleting the words “five other members” and substituting therefor the words “four other members who are not in the public sector”.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

- Clause 57 - as amended agreed to
- Clause 58 - agreed to
- Clause 59 - amendment proposed –

**THAT**, clause 59 of the Bill be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 - as amended agreed to

Clause 60 - amendment proposed –

**THAT**, clause 60 of the Bill be amended—

(a) in sub-clause (1) —

- (i) by deleting the words “an Executive Director who shall be the” and substituting therefor the word “a”;
- (ii) by deleting the word “Institute” and substituting therefor the word “Agency”;

(b) in sub-clause (2) by deleting the word “Executive Director” and substituting therefor the word “Chief Executive Officer”;

(c) in sub-clause (3) —

(i) by deleting the word “Executive Director” and substituting therefor the word “Chief Executive Officer” in the opening statement;

(ii) by inserting the words “and related fields” immediately after the words “or energy” in paragraph (b).

(d) in sub-clause (4) by deleting the word “Executive Director” and substituting therefor the word “Chief Executive Officer”;

(e) in sub-clause (5) by deleting the word “Executive Director” and substituting therefor the word “Chief Executive Officer”;

(f) by deleting the word “Executive Director” and substituting therefor the word “Chief Executive Officer” in the marginal note” ;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - as amended agreed to

Clause 61 - agreed to

Clause 62 - amendment proposed –

**THAT**, clause 62 of the Bill be amended by deleting the word “Institute” and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 62 - as amended agreed to

Clauses 63 & 64 - agreed to

Clause 65 - amendment proposed –

**THAT**, clause 65 of the Bill be amended—

(a) by deleting the word “Institute” and substituting therefor the word “Agency”;

(b) by deleting the word “Institute” and substituting therefor the word “Agency” in the marginal note” ;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 65 - as amended agreed to

Clause 66 - amendment proposed –

**THAT**, clause 66 of the Bill be amended by deleting the word “Institute” and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 66 - as amended agreed to

Clause 67 - amendment proposed –

**THAT**, clause 67 of the Bill be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 67 - as amended agreed to

Clause 68 - amendment proposed –



**THAT**, clause 68 of the Bill be amended—

- (a) by deleting the word “Institute” and substituting therefor the word “Agency”;
- (b) by deleting the word “Institute” and substituting therefor the word “Agency” in the marginal note” ;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to

Clause 69 - amendment proposed –

**THAT**, clause 69 of the Bill be amended—

- (a) by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;
- (b) in the marginal note by deleting the word “Institute” and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 69 - as amended agreed to

Clause 70 - amendment proposed –

**THAT**, clause 70 of the Bill be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 70 - as amended agreed to

Clause 71 - amendment proposed –

**THAT**, clause 71 of the Bill be amended by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 71 - as amended agreed to

Clause 72 - agreed to

Clause 73 - amendment proposed –

**THAT**, clause 73 of the Bill be amended in sub-clause (2) by inserting the words “which shall be published in the Gazette” immediately after the words “updates biennially”.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 73 - as amended agreed to

Clauses 74, 75, 76, 77 & 78 - agreed to

Clause 79 - amendment proposed –

**THAT**, clause 79 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Authority” and substituting therefor the word “ Commission”;

(b) by inserting the following new sub-clauses immediately after sub-clause (7) —

“(7A) An applicant aggrieved by a decision of the Tribunal under sub-section (7) may appeal to the High Court against the decision of the Tribunal.

“(7B) Within ninety days after an applicant files an appeal under subsection (7A), the High Court shall hear and determine the appeal.”

“(7C) If the High Court fails to hear and determine the appeal within the period referred to under subsection (7B), the decision of the Tribunal shall be final.

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

Question of the amendment proposed;

Debate arising;

Amendment to the amendment proposed –

**THAT**, clause 79 (7B) be amended by deleting the words “ninety days” and substituting therefor the words “one hundred and twenty days.”

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

Question put and agreed to;

Clause 79 - as amended agreed to

Clause 80 - agreed to

Clause 81 - amendment proposed –

**THAT**, clause 81 of the Bill be amended by deleting the word “Authority” appearing in the opening statement and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 81 - as amended agreed to

Clauses 82 & 83 - agreed to

Clause 84 - amendment proposed –

**THAT**, clause 84 of the Bill be amended in sub-clause (4) by deleting the word “Authority” and substituting therefor the word “Commission”.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 84 - as amended agreed to

Clauses 85, 86, 87 & 88 - agreed to

Clause 89 - amendment proposed –

**THAT**, clause 89 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “of not less than five hundred thousand shillings and if the offence is of a continuing nature, to a further fine of not less than fifty thousand for every day or part of a day during which that offence continues or a jail term of not less than six months” and substituting therefor the words “not exceeding one million shillings and if the offence is of a continuing nature, to a further fine not exceeding one hundred thousand shillings for every day or part of a day up to a maximum of thirty days during which that offence continues, or to imprisonment for a term not exceeding twelve months or to both”;

- (b) in sub-clause (3) by deleting the words "of not less than five hundred thousand shillings and if the offence is of a continuing nature, to a further fine of not less than one million shillings or a jail term of not less than twelve months or both and substituting therefor the words "not exceeding one million shillings and if the offence is of a continuing nature, to a further fine not exceeding one hundred thousand shillings for every day or part of a day up to a maximum of thirty days during which that offence continues, or imprisonment for a term not exceeding twelve months or to both";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 89 - as amended agreed to

Clause 90 - agreed to

Clause 91 - amendment proposed –

**THAT**, clause 91 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 91 - as amended agreed to

Clause 92 - amendment proposed –

**THAT**, clause 92 of the Bill be amended in sub-clause (1) by deleting the word "Authority" and substituting therefor the word "Commission";

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 92 - as amended agreed to

Clause 93 - amendment proposed –

**THAT**, clause 93 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 93 - as amended agreed to

Clause 94 - agreed to

Clause 95 - amendment proposed –

**THAT**, clause 95 of the Bill be amended by—

- (a) deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Commission”;
- (b) deleting the word “Authority” appearing in paragraph (c) and substituting therefor the word “Commission”;
- (c) deleting the word “Authority” appearing in paragraph (d) and substituting therefor the word “Commission”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 95 - as amended agreed to

### **Progress report**

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seeks leave to sit again another day.

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

Question put and agreed to.

8. HOUSE RESUMED - the Fourth Chairperson in the Chair

Progress reported -

THAT, the Committee of the whole House has considered the Energy Bill, 2015 (National Assembly Bills No.50 of 2015) up to Clause 95 and seeks leave to sit again another day.

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

Question put and agreed to.

And the time being minutes past One O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

9. HOUSE ROSE - at ten minutes past One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,  
Thursday, April 28, 2016 at 2.30 p.m.

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