



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 28, 2016

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding-** the Speaker
4. **COMMUNICATION FROM THE CHAIR ON DISCHARGE OF MEMBERS FROM COMMITTEES**

The Speaker conveyed the following Communication:-

"Honourable Members,

Following the passage of the Motion under Order No. 9 regarding the appointment of Members to various committees, I wish to notify the House that I am in receipt of correspondence from the Minority Party Whip in respect of the discharge of the following Members from Committees -

- (i) The Hon. James Opiyo Wandayi to be discharged from the Departmental Committee on Agriculture, Livestock and Cooperatives and the Departmental Committee on Environment and Natural Resources, pending his admission back to the House; and
- (ii) The Hon. Masoud Mwalimu Mwahima to be discharged from the Departmental Committee on Health.

Honourable Members, I wish to emphasize that the Minority Party Whip has indicated that the discharges are necessitated by the need to reorganize Committees and not to punish the two Members. Therefore, pursuant to the provisions of Standing Order 176, the discharges take effect immediately. The affected Members, and Committee Chairs, are accordingly advised.

I thank you".

5. PETITION

The Member for Navakholo (Hon. Emmanuel Wangwe) presented a Petition on behalf of Navakholo residents regarding designation of a recruitment centre by the Ministry of Defence at Navakholo Sub-County.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(2)

6. PAPERS LAID

The following Papers were laid on the Table-

- (a) The Judiciary and Judicial Service Commission (JSC) Budget Estimates for Medium Term Expenditure Framework (MTEF) period 2016/17- 2018/19.
- (b) The Report of the Auditor-General on the Financial Statements of Development Bank of Kenya Limited for the Year ended 31 December 2015.
- (c) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-
 - (i) Multimedia University of Kenya;
 - (ii) Konza Technopolis Development Authority;
 - (iii) National Communications Secretariat;
 - (iv) University of Nairobi;
 - (v) Teachers Service Commission
 - (vi) Kenya Education Management Institute; and
 - (vii) Kenya Trade Network Agency.
- (d) The Budget Summary for the Fiscal Year 2016/2017 and supporting information.
- (e) The Estimates of Revenue Grants and Loans of the Government of Kenya for the year ending 30th June 2017.
- (f) The Estimates of Revenue Grants to and expenditure from the Equalization Fund of the Government of Kenya for the year ending 30th June 2017.
- (g) Programme Based Budget of the National Government of Kenya for the year ending 30th June 2017.

(The Leader of the Majority Party)

- (h) The Report of the Departmental Committee on Land regarding land disputes between Pwani University and Mtaani/Kisumu Ndogo/GTZ Residents; and
- (i) The Report of the Departmental Committee on Land regarding land disputes in Gachembe, Munengi Settlement Scheme, Naivasha Lake Corridors, Kinungi and Isahakia areas in Nakuru County.

(Vice Chair, Departmental Committee on Lands)

7. NOTICE OF MOTION

The following Notice of Motion was given -

NOTICE OF MOTION – ADOPTION OF REPORTS ON LAND DISPUTES IN NAKURU AND KILIFI COUNTIES

(Vice Chair, Departmental Committee on Lands)

THAT, this House adopts the Reports of the Departmental Committee on Land regarding land disputes between Pwani University and Mtaani/Kisumu Ndogo/GTZ Residents; and the land disputes in Gachembe, Munengi Settlement Scheme, Naivasha Lake Corridors, Kinungi and Isahakia areas in Nakuru County, laid on the Table of the House today, Thursday, April 28, 2016.

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, May 03, 2016.

9. **ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Access to Information Bill (National Assembly Bill No.36 of 2015) be now read a Third Time

(Hon. Priscilla Nyokabi – 28.04.2016 (AM))

Debate on the Third Reading having been concluded on Thursday, April 28, 2016 (Morning Sitting);

Question put and agreed to;

Bill read a Third Time and **passed**.

10. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, April 26, 2016.

11. **MOTION - APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES**

Motion made and Question proposed -

THAT, pursuant to the provisions of Standing Orders 175 and 207, and further to the resolution of the House of October 08, 2013 on appointment of Members to respective Committees, this House approves the appointment of the following Members to the Committees specified hereunder:-

(a) Budget and Appropriations Committee;

- 1) The Hon. Mutava Musyimi, M.P.
- 2) The Hon. Abdulaziz Farah, M.P.

- 3) The Hon. Lati Lelelit, M.P.
- 4) The Hon. Moses Ole Sakuda, M.P.
- 5) The Hon. James Gakuya , M.P.
- 6) The Hon. Mary Emaase, M.P.
- 7) The Hon. Benjamin Langat, M.P.
- 8) The Hon. Daniel Nanok, M.P.
- 9) The Hon. Kk Stephen Kinyanjui, M.P.
- 10)The Hon. Tiya Galgalo, M.P.
- 11)The Hon. Phillip Rotino, M.P.
- 12)The Hon. Joseph Barua, M.P.
- 13)The Hon. Moses Kuria, M.P.
- 14)The Hon. Reginalda Wanyonyi, M.P.;
- 15)The Hon. Nelson Gaichuhie, M.P.;
- 16)The Hon. Francis Njenga, M.P.;
- 17)The Hon. Dennis Kariuki, M.P.;
- 18)The Hon. Mohamed Shidiye, M.P.;
- 19)The Hon. Patrick Ole Ntutu, M.P.;
- 20)The Hon. Jackson Kiptanui, M.P.;
- 21)The Hon. Moses Lessonet, M.P.;
- 22)The Hon. Joseph Limo, M.P.;
- 23)The Hon. James K. Bett, M.P.;
- 24)The Hon. Yusuf Hassan, M.P.;
- 25)The Hon. Christopher Nakuleu, M.P.;
- 26)The Hon. Charles Muriuki, M.P.;
- 27)The Hon. Priscilla Nyokabi, M.P.;
- 28)The Hon. Peter Weru Kinyua, M.P.;
- 29)The Hon. Samuel Gichigi, M.P.;
- 30)The Hon. Kathuri Murugi, M.P.;
- 31)The Hon. Jamleck Kamau, M.P.;
- 32)The Hon. Alice Ng'ang'a, M.P.;
- 33)The Hon. Richard Tong'i, M.P.;
- 34)The Hon. Ferdinand Waititu, M.P.;
- 35)The Hon. Bady Bady Twalib, M.P.;
- 36)The Hon. Shakeel Shabbir, M.P. ;
- 37)The Hon. Richard Momoima Onyonka, M.P.;
- 38)The Hon. Edick Omondi Anyanga, M.P.;
- 39)The Hon. Abdullahi Diriye M.P.;
- 40)The Hon. Ben Momanyi Orari, M.P.;
- 41)The Hon. Ababu Namwamba, M.P.;
- 42)The Hon. Maj. Marcus Mutua Muluvi M.P. ;
- 43)The Hon. Jones Mwagogo Mlolwa, M.P.;
- 44)The Hon. Hon. Kenneth Okoth Odhiambo, M.P.;
- 45)The Hon. Ibren Nasra Ibrahim, M.P. ;
- 46)The Hon. Gideon Ochanda Ogolla, M.P.
- 47)The Hon. Dr. David Eseli Simiyu, M.P.
- 48)The Hon. Ahmed Ibrahim Abbass, M.P.
- 49)The Hon. Christopher Omulele, M.P.
- 50)The Hon. Denittah Ghati, M.P.
- 51)The Hon. Abdikadir Ore Ahmed, M.P.

(b) Other Committees -

- 1) Hon. Eng. Stephen Ngare, M.P. - Public Investments Committee;

- 2) Hon. Clement Wambugu, M.P. - Public Accounts Committee;
- 3) Hon. Bitok Kirwa, M.P. - Departmental Committee on Justice and Legal Affairs Committee;
- 4) Hon. Alfred Agoi, M.P. - Regional Integration Committee;
- 5) Hon. Alfred Sambu, M.P. - Departmental Committee on Health;
- 6) Hon. Banticha Jaldesa, M.P. - Departmental Committee on Education, Research and Technology Committee;
- 7) The Hon. Ali Fatuma Ibrahim, M.P. - Departmental Committee on Administration and National Security;
- 8) The Hon. (Dr.) Makali Mulu, M.P. - Departmental Committees on Administration and National Security; and Finance, Planning and Trade;
- 9) The Hon. Charles Nyamai, M.P. - Departmental Committee on Energy, Communication and Information;
- 10) The Hon. Benjamin Andayi, M.P. - Departmental Committees on Justice and Legal Affairs; and Agriculture, Livestock and Co-operatives;
- 11) The Hon. Zuleikha Hassan Juma, M.P. - Joint Committee on Parliamentary Broadcasting and Library;
- 12) The Hon. Willy Baraka Mtengo, M.P. - Departmental Committee on Energy, Communication and Information; and Committee on Regional Integration;
- 13) The Hon. Silverse Lisamula Anami, M.P. - Departmental Committee on Energy, Communication and Information;
- 14) The Hon. Isaac Mwaura, M.P. - Departmental Committee on Environment and Natural Resources;
- 15) The Hon. Richard Makenga Katemi, M.P. - Departmental Committee on Environment and Natural Resources;
- 16) The Hon. Joyce Lay, M.P. - Departmental Committee on Environment and Natural Resources;
- 17) The Hon. John Mbadi, M.P. - Departmental Committee on Finance, Planning and Trade;
- 18) The Hon. Joash Olum, M.P. - Joint Committee on Parliamentary Broadcasting and Library;
- 19) The Hon. Robert Mbui, M.P. - Departmental Committee on Health;
- 20) The Hon. Jared Opiyo Odhiambo, M.P. - Departmental Committee on Health;
- 21) The Hon. Irshadali Sumra, M.P. - Departmental Committee on Labour and Social Welfare;
- 22) The Hon. Omar Mwinyi, M.P. - Departmental Committee on Lands;
- 23) Hon. Rashid Bedzimba, M.P. - Departmental Committee on Transport, Public Works and Housing;
- 24) The Hon. Suleiman Murunga Kasuti, M.P. - Departmental Committee on Defence and Foreign Relations;
- 25) The Hon. Shukra Hussein Gure, M.P. - Committee on Implementation;
- 26) The Hon. Andrew Mwadime, M.P. - Committee on Regional Integration;
- 27) The Hon. Washington George Omondi Mallan, M.P. - Constitutional Implementation Oversight Committee;
- 28) The Hon. John Waluke, M.P. - Committee on Delegated Legislation;
- 29) The Hon. (Dr.) J.W. Nyikal, M.P. - Procedure and House Rules Committee;
- 30) The Hon. James Luswet, M.P. - Catering and Health Club Committee;
- 31) The Hon. Abdulswamad Sheriff, M.P. - Procedure and House Rules Committee;
- 32) The Hon. Millie Odhiambo, M.P. - Constitution Implementation Oversight Committee;
- 33) The Hon. Paul Otuoma, M.P. - Committee on Implementation;
- 34) Hon. Jude Njomo, M.P. to move from Public Accounts Committee to the Departmental Committee on Agriculture, Livestock Co-Operatives;

- 35) Hon. Jacob Waweru, M.P. to move from the Departmental Committee on Education, Research and Technology Committee, to the Departmental Committee Defence and Foreign Relations;
- 36) The Hon. Charles Nyamai, M.P. to move from Committee on Regional Integration to the Departmental Committee on Administration and National Security;
- 37) The Hon. Aisha Jumwa, M.P. to move from the Departmental Committee on Environment and Natural Resources to the Departmental Committee on Agriculture, Livestock and Co-operatives;
- 38) The Hon. Zuleikha Hassan Juma, M.P. to move from the Departmental Committee on Agriculture, Livestock and Co-operatives to the Departmental Committee on Environment and Natural Resources;
- 39) The Hon. Joash Olum, M.P. to move from the Departmental Committee on Finance, Planning and Trade to the Committee on Delegated Legislation;
- 40) The Hon. Hezron Awiti Bollo, M.P. to move from the Departmental Committee on Agriculture, Livestock and Co-operatives, to the Departmental Committee in Finance, Planning and Trade; and
- 41) The Hon. Anyanga Andrew Toboso, M.P. to move from the Departmental Committee on Finance, Planning and Trade, to the Departmental Committee in Agriculture, Livestock and Co-operatives

(Leader of Majority Party)

Debate arising;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

(i) **The Judiciary Fund Bill (National Assembly Bill No. 3 of 2016)**

Clauses 3,4,5,6,7,8,9,10,11,12,13,14,15,16 - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments.

13. **HOUSE RESUMED** - the Second Chairperson in the Chair

The Judiciary Fund Bill (National Assembly Bill No. 3 of 2016)

Bill reported without amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question put and agreed to;

Motion made and Question proposed-

THAT, the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016)_be now read a Third Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

Question put and agreed to

Bill read a Third Time and **passed.**

14. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

(ii) **Energy Bill (National Assembly Bills No. 50 of 2015) at the Committee Stage**

Resumption of Consideration interrupted on Wednesday, April 27, 2016 (Afternoon Sitting)

Clauses 96, 97 and 98 - agreed to

Clause 99 - amendment proposed –

THAT, clause 99 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 99 - as amended agreed to.

Clause 100 - amendment proposed –

THAT, clause 100 of the Bill be amended in sub-clause (2) by deleting the words “of not less than ten thousand shillings for each day or part thereof that the licence or permit is not displayed” and substituting therefor the words “not exceeding one million shillings”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 100 - as amended agreed to.

Clause 101 - amendment proposed –

THAT, clause 101 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Authority” appearing in paragraph (a) and substituting therefor the word “ Commission”;
- (b) in sub-clause (3) by deleting the words “ opinion of the Authority” appearing in paragraph (b) and substituting therefor the words “opinion of the Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 101 - as amended agreed to.

Clauses 102 and 103 - agreed to.

Clause 104 - amendment proposed –

THAT, clause 104 of the Bill be amended in sub-clause (3) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 104 - as amended agreed to.

Clauses 105, 106, 107, 108, 109, 110 and 111 - agreed to.

Clause 112 - amendment proposed –

THAT, clause 112 of the Bill be amended—

- (a) by deleting the word “products” appearing in the marginal note;
- (b) in sub-clause (2) —
 - (i) by deleting the words “or petroleum products” appearing in paragraph (a);

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

- “(b) stores, transports, sells or offers for sale adulterated petroleum;
(c) in sub-clause (3) by deleting the word “products”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 112 - as amended agreed to.

Clause 113 - amendment proposed –

THAT, clause 113 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 113 - as amended agreed to.

Clause 114 - amendment proposed –

THAT, clause 114 of the Bill be amended in sub-clause (3) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 114 - as amended agreed to.

Clause 115 - amendment proposed –

THAT, clause 115 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 115 - as amended agreed to.

Clause 116 - amendment proposed –

THAT, clause 116 is amended-

(a) by renumbering the existing provision as clause 116(1);

(b) by inserting the following new sub-clause-

“(2) In the exercise of functions under subsection (1), the Cabinet Secretary shall make regulations for-

(a) provision of national petroleum strategic stocks for period of a hundred and eighty days to be drawn in cases of severe energy supply interruption; and

(b) the sites designated to store the petroleum strategic stocks.

(3) In this section, “severe energy supply interruption” means a national energy supply shortage which the Cabinet Secretary determines—

(a) is, or is likely to be, of significant scope and duration, and of an emergency nature;

(b) may cause major adverse impact on national safety or the national economy; or

(c) results, or is likely to result, from—

(i) an interruption in the supply of imported petroleum products,

(ii) an interruption in the supply of domestic petroleum products, or

(iii) sabotage or an act of God.

(Hon. Ababu Namwamba)

Proposed amendments dropped *(Member not present)*

Clause 116 - agreed to.

Clauses 117 and 118 - agreed to.

Clause 119 - amendment proposed –

THAT, the Bill be amended in clause 119(1) by deleting the word “refills” appearing immediately before the word “rebrands” in paragraph (m).

(Leader of Majority Party)

Proposed amendment withdrawn

Clauses 119 & 120 - agreed to.

Clause 121 - amendment proposed –

THAT, clause 121 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 and Information)

Question of the amendment proposed –

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, the Bill be amended in clause 121 by inserting the following new paragraphs immediately after paragraph (y)—

“(ya) prescribing safety precautions in the filling of LPG cylinders and mechanisms of ensuring the traceability of cylinders in order to protect the cylinder owners”;

“(yb) prescribing the process of licensing of persons intending to engage in LPG business including the retail, wholesale and importation of LPG cylinders;

(Leader of Majority Party)

Proposed further amendment withdrawn

Clause 121 - as amended agreed to.

Clause 122 - amendment proposed –

THAT, clause 122 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 122 - as amended agreed to.

Clause 123 - amendment proposed –

THAT, clause 123 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 123 - as amended agreed to.

Clause 124 - amendment proposed –

THAT, clause 124 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 124 - as amended agreed to.

Clause 125 - agreed to.

Clause 126 - amendment proposed –

THAT, clause 126 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 126 - as amended agreed to.

Clause 127 - agreed to.

Clause 128 - amendment proposed –

THAT, clause 128 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 128 - as amended agreed to.

Clause 129 - amendment proposed –

THAT, clause 129 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Authority” and substituting therefor the word “Commission”;
- (b) in sub-clause (2) by deleting the words “of not less than five thousand shillings for each day or part thereof that the licence or permit is not displayed” and substituting therefor the words “not exceeding one million shillings”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 129 - as amended agreed to.

Clause 130 - amendment proposed –

THAT, clause 130 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 130 - as amended agreed to.

Clause 131 - amendment proposed –

THAT, clause 131 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 and Information)

Question of the amendment proposed –
Debate arising;

Question put and agreed to;

Clause 131 - as amended agreed to.

Clause 132 - amendment proposed –

THAT, clause 132 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 and Information)

Question of the amendment proposed –
Debate arising;

Question put and agreed to;

Clause 132 - as amended agreed to.

Clause 133 - agreed to.

Clause 134 - amendment proposed –

THAT, clause 134 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” appearing in the opening statement and substituting therefor the word “ Commission”;

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

Question of the amendment proposed –
Debate arising;

Question put and agreed to;

Clause 134 - as amended agreed to.

Clause 135 - amendment proposed –

THAT, clause 135 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 135 - as amended agreed to.

Clause 136 - amendment proposed –

THAT, clause 136 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 136 - as amended agreed to.

Clause 137 - amendment proposed –

THAT, clause 137 of the Bill be amended by deleting the word "Authority" and substituting therefor the word "Commission";

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 137 - as amended agreed to.

Clause 138 - amendment proposed –

THAT, clause 138 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 138 - as amended agreed to.

Clause 139 - amendment proposed –

THAT, clause 139 of the Bill be amended in sub-clause (2) by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 139 - as amended agreed to.

Clause 140 - amendment proposed –

THAT, clause 140 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 140 - as amended agreed to.

Clause 141 - agreed to.

Clause 142 - amendment proposed –

THAT, clause 142 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 142 - as amended agreed to.

Clause 143 - agreed to.

Clause 144 - amendment proposed –

THAT, clause 144 of the Bill be amended in the opening statement by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 144 - as amended agreed to.

Clause 145 - amendment proposed –

THAT, clause 145 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 145 - as amended agreed to.

Clause 146 - agreed to.

Clause 147 - amendment proposed –

THAT, clause 147 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 147 - as amended agreed to.

Clause 148 - amendment proposed –

THAT, clause 148 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 148 - as amended agreed to.

Clause 149 - amendment proposed –

THAT, clause 149 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 149 - as amended agreed to.

Clause 150 - amendment proposed –

THAT, clause 150 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in sub-clause (2) by deleting the words “and permits” appearing in the opening statement;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 150 - as amended agreed to.

Clause 151 - amendment proposed –

THAT, clause 151 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 151 - as amended agreed to.

Clause 152 - amendment proposed –

THAT, clause 152 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 152 - as amended agreed to.

Clause 153 - amendment proposed –

THAT, clause 153 of the Bill be amended—

- (a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;
- (b) in sub-clause (7) by deleting the words “of not less than one hundred thousand shillings for each day or part thereof during which the offence continues” 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 153 - as amended agreed to.

Clause 154 - amendment proposed –

THAT, clause 154 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 154 - as amended agreed to.

Clause 155 - amendment proposed –

THAT, clause 155 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 155 - as amended agreed to.

Clause 156 - amendment proposed –

THAT, clause 156 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 156 - as amended agreed to.

Clause 157 - amendment proposed –

THAT, clause 157 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 157 - as amended agreed to.

Clause 158 - amendment proposed –

THAT, clause 158 of the Bill be amended—

- (a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;
- (b) in sub-clause (4) by deleting the words “of not less than twenty five thousand” and substituting therefor the words “not exceeding fifty thousand”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 158 - as amended agreed to.

Clause 159 - amendment proposed –

THAT, clause 159 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 159 - as amended agreed to.

Clause 160 - amendment proposed –

THAT, clause 160 of the Bill be amended in sub-clause (3) by deleting the word “Authority” appearing in paragraph (a) and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 160 - as amended agreed to.

Clause 161 - amendment proposed –

THAT, clause 161 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 161 - as amended agreed to.

Clauses 162 and 163 - agreed to

Clause 164 - amendment proposed –

THAT, clause 164 of the Bill be amended in sub-clause (1) by deleting the word “Authority” appearing in paragraph (d) and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 164 - as amended agreed to.

Clause 165 - amendment proposed –

THAT, clause 165 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 165 - as amended agreed to.

Clause 166 - amendment proposed –

THAT, clause 166 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 166 - as amended agreed to.

Clause 167 - amendment proposed –

THAT, clause 167 of the Bill be amended in the proviso by deleting the word “Authority” and substituting therefor the word “Corporation”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 167 - as amended agreed to.

Clause 168 - amendment proposed –

THAT, clause 168 of the Bill be amended in sub-clause (1) by deleting the word “Authority” appearing in paragraph (e) and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 168 - as amended agreed to.

Clause 169 - amendment proposed –

THAT, clause 169 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 169 - as amended agreed to.

Clause 170 - amendment proposed –

THAT, clause 170 of the Bill be amended in sub-clause (6) by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 170 - as amended agreed to.

Clauses 171 and 172 - agreed to

Clause 173 - amendment proposed –

THAT, clause 173 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 173 - as amended agreed to.

Clause 174 - amendment proposed –

THAT, clause 174 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 174 - as amended agreed to.

Clause 175 - amendment proposed –

THAT, clause 175 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 175 - as amended agreed to.

Clause 176 - amendment proposed –

THAT, clause 176 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 176 - as amended agreed to.

Clause 177 - amendment proposed –

THAT, clause 177 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 177 - as amended agreed to.

Clause 178 - amendment proposed –

THAT, clause 178 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 178 - as amended agreed to.

Clause 179 - amendment proposed –

THAT, clause 179 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 179 - as amended agreed to.

Clause 180 - amendment proposed –

THAT, clause 180 of the Bill be amended in sub-clause (3) by deleting the word “Authority” and substituting therefor the words “licensing authority”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 180 - as amended agreed to.

Clauses 181 and 182 - agreed to.

Clause 183 - amendment proposed –

THAT, clause 183 of the Bill be amended in sub-clause (3) by deleting the words “of not less than two hundred thousand shillings or a term of imprisonment of not less than one year or to both” and substituting therefor the words “not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years or to both”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 183 - as amended agreed to.

Clauses 184, 185 and 186 - agreed to.

Clause 187 - amendment proposed –

THAT, clause 187 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 187 - as amended agreed to.

Clause 188 - amendment proposed –

THAT, clause 188 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 188 - as amended agreed to.

Clauses 189 and 190 - agreed to.

Clause 191 - amendment proposed –

THAT, clause 191 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 191 - as amended agreed to.

Clause 192 - amendment proposed –

THAT, clause 192 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 192 - as amended agreed to.

Clause 193 - amendment proposed –

THAT, clause 193 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 193 - as amended agreed to.

Clause 194 - amendment proposed –

THAT, clause 194 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 194 - as amended agreed to.

Clause 195 - amendment proposed –

THAT, clause 195 of the Bill be amended in sub-clause (2) by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 195 - as amended agreed to.

Clauses 196, 197, 198, 199, 200, 201, 202, 203, 204, 205 and 206 - agreed to.

Clause 207 - amendment proposed –

THAT, clause 207 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 207 - as amended agreed to.

Clauses 208, 209, 210 and 211 - agreed to.

Clause 212 - amendment proposed –

THAT, clause 212 of the Bill be amended by deleting the words “of not less than fifty thousand shillings” and substituting therefor the words “not exceeding five hundred thousand shillings”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 212 - as amended agreed to.

Clause 213 - agreed to.

Clause 214 - amendment proposed –

THAT, clause 214 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 214 - as amended agreed to.

Clause 215 - amendment proposed –

THAT, clause 215 of the Bill be amended—

- (a) by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;
- (b) in sub-clause (3) by deleting the words “of not less than two hundred and fifty thousand shillings or to a term of imprisonment of not less than nine months or to both” and substituting therefor the words “not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 215 - as amended agreed to.

Clause 216 - amendment proposed –

THAT, clause 216 of the Bill be amended in sub-clause (2) by deleting the words “of not less than on hundred thousand shillings or to a term of imprisonment of not less than six months or to both” and substituting therefor the words “not exceeding five hundred thousand shillings or to imprisonment for a term of not exceeding two years or to both”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 216 - 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

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

Question put and agreed to.

15. **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) Bill up to Clause 216 and seeks leave to sit again today

(Leader of Majority Party)

Question put and agreed to.

House resumed to enable the Leader of Majority Party to Table Reports (d), (e), (f), and (g) under Papers Laid in page 467

16. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson of the Committees

The ENERGY Bill (National Assembly Bill No. 50 of 2015)

Resumption of Consideration -

Clause 217 - amendment proposed -

THAT, clause 217 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 and Information)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 217 - as amended agreed to.

Clause 218 - amendment proposed –

THAT, clause 218 of the Bill be amended—

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

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

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 218 - as amended agreed to.

Clause 219 - amendment proposed –

THAT, clause 219 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 219 - as amended agreed to.

Clause 220 - amendment proposed –

THAT, clause 220 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 220 - as amended agreed to.

Clauses 221, 222, 223 and 224 - agreed to.

Clause 225 - amendment proposed –

THAT, clause 225 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 225 - as amended agreed to.

Clause 226 - agreed to

Clause 227 - amendment proposed –

THAT, clause 227 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 227 - as amended agreed to.

Clause 228 - amendment proposed –

THAT, clause 228 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 228 - as amended agreed to.

Clause 229 - amendment proposed –

THAT, clause 229 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 229 - as amended agreed to.

Clause 230 - amendment proposed –

THAT, clause 230 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 230 - as amended agreed to.

Clause 231 - amendment proposed –

THAT, clause 231 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 231 - as amended agreed to.

Clause 232 - amendment proposed –

THAT, clause 232 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 232 - as amended agreed to.

Clause 233 - amendment proposed –

THAT, clause 233 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in sub-clause (4) —

(i) by deleting the word “and” appearing in paragraph (f);

(ii) by inserting the following new paragraphs immediately after paragraph (g) —

“(ga) consultancy services;

“(gb) construction services”;

“(gc) hospitality services”;

“(gd) transport services”;

“(ge) security services”;

“(gf) clearing and forwarding services”; and

“(gh) inspection services”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 233 - as amended agreed to.

Clause 234 - amendment proposed –

THAT, clause 234 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 234 - as amended agreed to.

Clause 235 - amendment proposed –

THAT, clause 235 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 235 - as amended agreed to.

Clause 236 - agreed to.

Clause 237 - amendment proposed –

THAT, clause 237 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

(b) by deleting the words “of not less than one hundred thousand shillings or to a term of imprisonment of not less than six months or to both” and substituting therefor the words “not exceeding ten million shillings or imprisonment for a term not exceeding five years or to both”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 237 - as amended agreed to.

Clause 238 - amendment proposed –

THAT, clause 238 of the Bill be amended in paragraph (b) by deleting the word “Authority” and substituting therefor the word “Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 238 - as amended agreed to.

Clauses 239 and 240 - agreed to.

Clause 241 - amendment proposed –

THAT, clause 241 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 241 - as amended agreed to.

Clause 242 - agreed to.

Clause 243 - amendment proposed –

THAT, clause 243 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Institute” appearing in paragraph (d) and substituting therefor the word “Agency”;
- (b) in sub-clause (2) by deleting the word “Authority” appearing in paragraph (f) and substituting therefor the word “ Commission”;

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 243 - as amended agreed to.

Clauses 244, 245 and 246 - agreed to.

Clause 247 - amendment proposed –

THAT, clause 247 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 and Information)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 247 - as amended agreed to.

Clause 248 - amendment proposed –

THAT, clause 248 of the Bill be amended by deleting the words “of not less than one million shillings” and substituting therefor the words “not exceeding one hundred thousand shillings”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 248 - as amended agreed to.

Clause 249 - agreed to.

Clause 250 - amendment proposed –

THAT, clause 250 of the Bill be amended by deleting the word “unless” appearing immediately after the words “energy infrastructure”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 250 - as amended agreed to.

Clause 251 - amendment proposed –

THAT, clause 251 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “ the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “ Energy Act”;

(b) in sub-clause (2) —

(i) by inserting the words “the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “Cabinet Secretary under the provisions of the Energy Act” appearing in paragraph (a);

(ii) by inserting the words “the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “under the provisions of the Energy Act” appearing in paragraph (b);

(iii) by inserting the words "the Kenya Nuclear Electricity Board Order, 2013" immediately after the words "Energy Act" appearing in paragraph (f);

(c) by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 251 - as amended agreed to.

Clause 252 - agreed to.

New Clauses

New Clause 115A - amendment proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 115 —

Permission by
LPG cylinder
owner.

115A. (1) A licensee shall fill LPG in cylinder with the permission of the cylinder owner.

(2) A licensee shall not alter the branding, deface, damage, repair or submit for maintenance an LPG cylinder without the permission of the LPG cylinder owner.

(Leader of Majority Party)

Proposed amendment withdrawn.

New Clause 193A -Amendment proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 193—

Liability of
licensee to
compensate
for outages.

193A.(1) Subject to subsection (2), a licensee shall be liable to compensate a consumer where due to power outages, the consumer—

(a) incurs financial loss;

(b) suffers from physical injuries; or

(c) any other case as may be determined under this Act or any written law.

(2) Subsection (1), shall apply to power outages that exceed a cumulative three hours within a twenty-four hour period, where the licensee has not issued a twenty-four hours prior notice.

(3) Where a consumer incurs financial loss, the licensee shall compensate the consumer by incorporating the compensation into the consumer's bill by way of a subsidy which shall be an amount equivalent to the loss incurred as presented by the consumer and agreed by the licensee.

(4) The amount paid as compensation under subsection (3), shall not be less than the amount the consumer would have paid the licensee, for power consumed for the period during which there was a power outage.

(Hon. Abdulswamad Nassir)

Motion made and question proposed –

THAT, New Clause 193A be read a Second Time –

(Hon. Abdulswamad Nassir)

Debate arising;

Question put and agreed to;

Amendment to the Amendment proposed –

THAT, Clause New Clause 193A be amended by inserting the following new sub-clause immediately after sub-clause (4)-

(5) For avoidance of doubt, the licensee shall not be liable to pay any compensation pursuant to subsection (2) if the failure, poor quality or irregularity of the supply of electricity was caused by third party interference of the licensee's electric supply lines or inevitable accidents or *force majeure*.

(Hon. Abdulswamad Nassir)

Debate arising;

Question of the amendment put and agreed to;

Further Amendment proposed -

THAT, Clause 193A be further amended in the proposed new sub-clause (5) by inserting the words "or is so minimal as to not materially affect the quality or value of the supply" immediately after the words "*force majeure*".

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

Debate arising;

Question of the further amendment put and negatived;

Motion made and Question proposed;

THAT, the New Clause 193A be part of the Bill

Question put and agreed to;

New Clause 193A - as amended agreed to.

SCHEDULES

First Schedule - Amendment proposed

THAT, the First Schedule to the Bill be amended—

(a) in the heading by deleting the word "AUTHORITY" and substituting therefor the word "COMMISSION";

(b) by deleting the words " THE BOARD OF THE ENERGY AND PETROLEUM INSTITUTE" appearing in the heading and substituting therefor the words "THE BOARD OF THE NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY";

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to:

First Schedule - as amended agreed to.

Second Schedule - Amendment proposed

THAT, the Second Schedule to the Bill be amended—

(a) by deleting the words "ENERGY AND PETROLEUM INSTITUTE" appearing in the heading and substituting therefor the words "NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY";

(b) by deleting the word " Institute" wherever it appears and substituting therefor the word "Agency";

(c) by deleting the word "AUTHORITY" appearing in the heading and substituting therefor the word "COMMISSION";

(d) by deleting the word " Authority" wherever it appears and substituting therefor the word "Commission";

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to:

Second Schedule - as amended agreed to.

Third Schedule - Amendment proposed

THAT, the Third Schedule to the Bill be amended—

- (a) in paragraph 1 by deleting the word “Authority” and substituting therefor the word “Commission”;
- (b) by deleting paragraph 4 and substituting therefor the following new paragraph—
“4”. Nuclear Power, Energy and Petroleum Agency.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Third Schedule - as amended agreed to.

Fourth Schedule - Amendment proposed

THAT, the Fourth Schedule to the Bill be amended—

- (a) in the heading by deleting the word “AUTHORITY” and substituting therefor the word “COMMISSION”;
- (b) by deleting the marginal note in paragraph (a) and substituting therefor the following new marginal note—

“ Re-establishment of the Energy Regulatory Commission”;

- (c) in paragraph 1—

- (i) by deleting sub-paragraph (a) and substituting therefor the following new sub-paragraph—

“(a) The Energy Regulatory Commission established under section 9 shall be the successor to the Energy Regulatory Commission established by the Energy Act (now repealed) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Energy Regulatory Commission existing at the commencement of this Act shall be automatically and fully transferred to the Energy Regulatory Commission and any reference to the Energy Regulatory Commission in any contract or document shall, for all purposes, be deemed to be a reference to the Energy Regulatory Commission established under section 9.

- (ii) by deleting sub-paragraph (e);
- (iii) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(d) in paragraph 2 by inserting the following new paragraphs immediately after paragraph (b)—

“(bb)The persons who at the commencement of this Act are the Chairperson and members of the Energy Tribunal shall become the Chairperson and members of the Energy and Petroleum Tribunal respectively, as the case may be, for the remainder of their tenure in accordance with their appointment under the repealed Act.

“(cc) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or members of the Energy and Petroleum Tribunal as the case may be, as if they were appointed under section 26.

“(dd) Every person who at the commencement of this Act is an employee of the Energy Tribunal, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the Energy and Petroleum Tribunal on the same terms and conditions.

(e) by deleting paragraph 4 and substituting therefor the following new paragraph—

4. NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY.

Nuclear Power,
Energy and
Petroleum
Agency to be
the successor
to Kenya
Nuclear
Electricity
Board.

(1)The Agency shall be the successor to the Kenya Nuclear Electricity Board under the Kenya Electricity Board Order, 2012 and subject to this Act, all rights, duties, obligations, assets and liabilities of the Kenya Nuclear Electricity Board at the commencement of this Act, shall be automatically and fully transferred to the Nuclear Power, Energy and Petroleum Agency and any reference to the Kenya Nuclear Electricity Board shall for all purposes, be deemed to be a reference to the Nuclear Power, Energy and Petroleum Agency established under section 53.

(2)The persons who at the commencement of this Act are the Chairperson and Board Members of the Kenya Nuclear Electricity Board shall become Chairperson and Directors of the Board respectively, as the case may be, of the Agency for the remainder of their tenure in accordance with their appointment under the repealed Order.

(3) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or Directors of the Board, as the case may be, as if they were appointed under section 57.

(4) Every person who at the commencement of this Act is an employee of the Kenya Nuclear Electricity Board, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the Nuclear Power, Energy and Petroleum Agency.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Fourth Schedule - as amended agreed to.

Fifth Schedule - agreed to.

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended—

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

"customer" means any person supplied or entitled to be supplied with electrical energy or petroleum;

- (b) by deleting the definition of the term "Institute" and substituting therefor the following new definition—

"Agency" means the Nuclear Power, Energy and Petroleum Agency established under section 53 of this Act;

- (c) by deleting the words " the Authority" in the definition of the term "licensing authority" and substituting therefor the words "the Commission";

- (d) by deleting the word "Authority" in the definition of the term "minimum operational stocks" and substituting therefor the word "Commission";

- (e) by deleting the word "Authority" in the definition of the term "tariff" and substituting therefor the word "Commission";

- (f) by deleting the word "Authority" in the definition of the term "undertaking" and substituting therefor the word "Commission";

- (g) in the definition of the term "bulk supply" by deleting the word "upply" appearing immediately after the words "enabling the" and substituting therefor the word "supply";

- (h) in the definition of the term "distributed generation" by inserting the word "which" immediately after the words "any one of"; and

- (i) in the definition of the term "distribution system" by deleting the word "distribution" appearing immediately after the words "for the delivery".

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

Question of the amendment proposed –

Debate arising;

Question of the amendment put and agreed to;

Further amendment-

THAT, the Bill be amended by inserting the following new definition in its proper alphabetical sequence —

"LPG cylinder owner" means a person who has purchased or paid a deposit for the purchase of an LPG cylinder from a person licensed to engage in LPG business including the retail and importation of LPG cylinders under the relevant law;

(Leader of Majority Party)

Further amendment withdrawn

Clause 2 - as amended agreed to.

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

17. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

The Energy Bill (National Assembly Bill No. 50 of 2015)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Energy Bill (National Assembly Bill No. 50 of 2015) be now read a Third Time

(The Leader of the Majority Party)

Debate arising;

Question of the Third Reading deferred to another day

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

18. **HOUSE ROSE** - at thirty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, May 03, 2016 at 2.30 p.m.

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