



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, APRIL 28, 2016 AT 9.30 A.M**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. MOTION - APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2015/2016**

(The Chairperson, Liaison Committee)

**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) **Deleting recommendation on paragraph 30(xiii) (on page 8); and,**  
***(Relating to the Capital allocations for the Ministry of Industrialization and Enterprise Development)***
- iii) **Deleting the recommendation on paragraph 31 (v) (on page 10);**  
***(Relating to the recurrent allocations for the Salaries and Remuneration Commission)***

...../iv.

- 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.150million and an increase in the Recurrent Allocation in Vote 2081 by Ksh.150million).*

*(Motion as amended)*

*(Question to be put)*

#### **9\*\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Access to Information Bill (National Assembly Bill No. 36 of 2015)  
(The Hon. Priscilla Nyokabi, M.P.)
- (ii) The Energy Bill (National Assembly Bill No. 50 of 2015)  
(The Leader of the Majority Party)

#### **10\*\*. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)** (The Leader of the Majority Party)

Second Reading

*(Resumption of debate interrupted on Wednesday, April 27, 2016 – Morning Sitting)*

#### **11\*. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)** (The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

#### **12\*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)** (The Leader of the Majority Party)

Second Reading

**13\*. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**14\*. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)*

**15\*. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

**\*\* Denotes Bill with Constitutional Timeline**

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...../Schedule

# APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR 2015/2016

## SCHEDULE

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	-	-	-

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		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
		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		<b>Total</b>	<b>646.3</b>	<b>1,448.2</b>	<b>2,094.5</b>

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Environment, Natural Resources and Regional Development Authorities	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
		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
1111	Ministry of Lands, Housing and Urban Development		<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)
		0106000	P.6 General Administration Planning and Support Services	(22.0)	(231.0)	(253.0)
1121	Ministry of Information, Communication and Technology		<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)
		0210000	P.4 ICT Infrastructure Development	-	5,432.8	5,432.8
1131	Ministry of Sports Culture and Arts		<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
		0905000	P.5 General Administration, Planning and Support Services	349.5	-	349.5
1141	Ministry of Labour Social Security and Services		<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)
		0910000	P.5 General Administration Planning and Support Services	26.0	-	26.0
1151	Ministry of Energy		<b>Total</b>	<b>41.1</b>	<b>18,596.4</b>	<b>18,637.4</b>

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	and Petroleum	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)
		0215000	P.5 Exploration and Distribution of Oil and Gas	-	(458.3)	(458.3)
1161	State Department for Agriculture		<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
		0110000	P.4: Irrigation and Drainage Infrastructure	(838.8)	(15,707.9)	(16,546.6)
1162	State Department for Livestock		<b>Total</b>	<b>116.8</b>	<b>(647.4)</b>	<b>(530.6)</b>
		0112000	P.6 Livestock Resources Management and Development	116.8	(647.4)	(530.6)
1163	State Department for Fisheries		<b>Total</b>	<b>(37.7)</b>	<b>(306.6)</b>	<b>(344.3)</b>
		0111000	P.5 Fisheries Development and Management	(37.7)	(306.6)	(344.3)
1171	Ministry of Industrialization and Enterprise Development		<b>Total</b>	<b>402.0</b>	<b>(480.0)</b>	<b>(78.0)</b>
		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)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		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>-</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>	<b>-</b>	<b>-</b>	<b>-</b>
		0613000	P.1 Implementation of the Constitution	-	-	-
1311	Office of the Registrar of Political Parties		<b>Total</b>	<b>27.7</b>	<b>-</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>-</b>	<b>5.0</b>
		0615000	P.1 Witness Protection	5.0	-	5.0
2011	Kenya National Human Rights Commission		<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</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
2041	Parliamentary Service Commission		<b>Total</b>	<b>436.0</b>	<b>(1,100.0)</b>	<b>(664.0)</b>
		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		<b>Total</b>	<b>300.0</b>	<b>-</b>	<b>300.0</b>
		0721000	P.1 National Legislation, Representation and Oversight	300.0	-	300.0
2051	Judicial Service Commission		<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>
		0619000	P.1 General Administration, Planning and Support Services	-	-	-
2061	The Commission on Revenue Allocation		<b>Total</b>	<b>(15.1)</b>	<b>-</b>	<b>(15.1)</b>
		0724000	P.1 Inter-Governmental Revenue and Financial Matters	(15.1)	-	(15.1)
2071	Public Service		<b>Total</b>	<b>(45.5)</b>	<b>(115.0)</b>	



Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Commission					<b>(160.5)</b>
		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		<b>Total</b>	<b>97.5</b>	-	<b>97.5</b>
		0728000	P.1 Salaries and Remuneration Management	97.5	-	97.5
2091	Teachers Service Commission		<b>Total</b>	<b>6,806.9</b>	<b>(133.0)</b>	<b>6,673.9</b>
		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		<b>Total</b>	<b>38.0</b>	-	<b>38.0</b>
		0620000	P.1 National Police Service Human Resource Management	38.0	-	38.0
2111	Auditor General		<b>Total</b>	<b>8.5</b>	<b>(247.0)</b>	<b>(238.5)</b>
		0729000	P.1 Audit Services	8.5	(247.0)	(238.5)
2121	Controller of Budget		<b>Total</b>	<b>(51.7)</b>	-	<b>(51.7)</b>
		0730000	P.1 Control and Management of Public finances	(51.7)	-	(51.7)
2131	The Commission on Administrative Justice		<b>Total</b>	-	-	-
		0731000	P.1 Promotion of Administrative Justice	-	-	-
2141	National Gender and Equality Commission		<b>Total</b>	<b>(4.3)</b>	<b>18.2</b>	<b>13.9</b>
		0621000	P.1 Promotion of Gender Equality and Freedom from Discrimination	(4.3)	18.2	13.9
2151	Independent Police Oversight Authority		<b>Total</b>	<b>(23.6)</b>	-	<b>(23.6)</b>
		0622000	P.1 Policing Oversight Services	(23.6)	-	(23.6)
<b>Total Ministerial Expenditure</b>				<b>21,754.1</b>	<b>4,214.2</b>	<b>25,968.2</b>

## N O T I C E S

### I. THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)

- 1) Notice is given that Hon. Jackson Kiptanui, Vice-Chairperson of the Departmental Committee on Energy, Communication and Information intends to move the following amendment to the Access to Information Bill 2015 (National Assembly Bills No. 36) at the Committee Stage—

#### CLAUSE 2

**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”.

#### CLAUSE 4

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

“(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.”

#### CLAUSE 5

**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).

#### CLAUSE 6

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

- (a) by deleting the opening statement in subclause (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 subclause (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 subclause (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 subclause (4) by inserting the words “as shall be determined by a Court” immediately after the words “protected interests”.

**CLAUSE 8**

**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”.

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended in subclause (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”.

**CLAUSE 18**

**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”.

**CLAUSE 27**

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

**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.

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Cap 2.

## **SCHEDULE**

**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.”

- 2) **Notice is given that the Member for Nyeri County (Hon. Priscilla Nyokabi), intends to move the following amendments to the Access to Information Bill, 2015 at the Committee Stage—**

## **CLAUSE 2**

**THAT**, clause 2 be amended—

- (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”;
- (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;

- (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.

#### **CLAUSE 4**

**THAT**, clause 4 be amended by inserting the following new subclause immediately after subclause (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.

#### **CLAUSE 6**

**THAT**, clause 6 be amended—

- (a) in subclause (1), by—

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

- (b) in subclause (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;

- (c) by inserting the following new subclause immediately after subclause (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 subclause (7).

### **CLAUSE 9**

**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 subclause (5).

### **CLAUSE 10**

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

### **NEW CLAUSE**

**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.

#### **CLAUSE 14**

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



**NEW CLAUSE**

**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.

**CLAUSE 20**

**THAT**, clause 20 be amended by inserting the following new subclause immediately after subclause (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".

**NEW CLAUSE**

**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 fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

## II. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)

### 1) Notice is given that Chairperson of the Departmental Committee on Energy, Communication and Information intends to move the following amendments to the Energy Bill, 2015 (National Assembly Bills No. 50) at the Committee Stage—

#### CLAUSE 2

**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”.

#### **CLAUSE 5**

**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”.

#### **CLAUSE 9**

**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”;

**CLAUSE 10**

**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;

**CLAUSE 11**

**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”.

**CLAUSE 12**

**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).

**CLAUSE 13**

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

**CLAUSE 14**

**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”;

**CLAUSE 15**

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

**CLAUSE 16**

**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"

**CLAUSE 17**

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

**CLAUSE 18**

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

**CLAUSE 19**

**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";

**CLAUSE 20**

**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";

**CLAUSE 21**

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

**CLAUSE 22**

**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”.

**CLAUSE 23**

**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”;

**CLAUSE 24**

**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”;

**CLAUSE 26**

**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”;

**CLAUSE 36**

**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”;

**CLAUSE 37**

**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”.

**CLAUSE 40**

**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”;

**CLAUSE 41**

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

**CLAUSE 53**

**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”;

**CLAUSE 54**

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

**CLAUSE 55**

**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”;



**CLAUSE 57**

**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”.

**CLAUSE 59**

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

**CLAUSE 60**

**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" ;

**CLAUSE 62**

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

**CLAUSE 65**

**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" ;

**CLAUSE 66**

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

**CLAUSE 67**

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

**CLAUSE 68**

**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" ;

**CLAUSE 69**

**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” ;

**CLAUSE 70**

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

**CLAUSE 71**

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

**CLAUSE 73**

**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”.

**CLAUSE 79**

**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.

**CLAUSE 81**

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

**CLAUSE 84**

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

**CLAUSE 89**

**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";

**CLAUSE 91**

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

**CLAUSE 92**

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

**CLAUSE 93**

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

**CLAUSE 95**

**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";

**CLAUSE 99**

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

**CLAUSE 100**

**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".

**CLAUSE 101**

**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";

**CLAUSE 104**

**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";

**CLAUSE 112**

**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".

**CLAUSE 113**

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

**CLAUSE 114**

**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";

**CLAUSE 115**

**THAT**, clause 115 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 121**

**THAT**, clause 121 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 122**

**THAT**, clause 122 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 123**

**THAT**, clause 123 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 124**

**THAT**, clause 124 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 126**

**THAT**, clause 126 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 128**

**THAT**, clause 128 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

**CLAUSE 129**

**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".

**CLAUSE 130**

**THAT**, clause 130 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 131**

**THAT**, clause 131 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 132**

**THAT**, clause 132 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 134**

**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";

**CLAUSE 135**

**THAT**, clause 135 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 136**

**THAT**, clause 136 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 137**

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

**CLAUSE 138**

**THAT**, clause 138 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 139**

**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";

**CLAUSE 140**

**THAT**, clause 140 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 142**

**THAT**, clause 142 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 144**

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

**CLAUSE 145**

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

**CLAUSE 147**

**THAT**, clause 147 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 148**

**THAT**, clause 148 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 149**

**THAT**, clause 149 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 150**

**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;

**CLAUSE 151**

**THAT**, clause 151 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 152**

**THAT**, clause 152 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 153**

**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 therefore that the obstruction occurs”.

**CLAUSE 154**

**THAT**, clause 154 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 155**

**THAT**, clause 155 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 156**

**THAT**, clause 156 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 157**

**THAT**, clause 157 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 158**

**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”.

**CLAUSE 159**

**THAT**, clause 156 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 160**

**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”;

**CLAUSE 161**

**THAT**, clause 161 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 164**

**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";

**CLAUSE 165**

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

**CLAUSE 166**

**THAT**, clause 166 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

**CLAUSE 167**

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

**CLAUSE 168**

**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";

**CLAUSE 169**

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

**CLAUSE 170**

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

**CLAUSE 173**

**THAT**, clause 173 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

**CLAUSE 174**

**THAT**, clause 174 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

**CLAUSE 175**

**THAT**, clause 175 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

**CLAUSE 176**

**THAT**, clause 176 of the Bill be amended in sub-clause (1) by deleting the word "Authority" and substituting therefor the word "Commission";

**CLAUSE 177**

**THAT**, clause 177 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 178**

**THAT**, clause 178 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 179**

**THAT**, clause 179 of the Bill be amended in sub-clause (1) by deleting the word "Authority" and substituting therefor the word " Commission";

**CLAUSE 180**

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

**CLAUSE 183**

**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".

**CLAUSE 187**

**THAT**, clause 187 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 188**

**THAT**, clause 188 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 191**

**THAT**, clause 191 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 192**

**THAT**, clause 192 of the Bill be amended by deleting the word "Authority" appearing in the opening statement and substituting therefor the word " Commission";

**CLAUSE 193**

**THAT**, clause 193 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 194**

**THAT**, clause 194 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 195**

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

**CLAUSE 207**

**THAT**, clause 207 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 212**

**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".

**CLAUSE 214**

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

**CLAUSE 215**

**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".

**CLAUSE 216**

**THAT**, clause 216 of the Bill be amended in sub-clause (2) 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 five hundred thousand shillings or to imprisonment for a term of not exceeding two years or to both".

**CLAUSE 217**

**THAT**, clause 217 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 218**

**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”;

**CLAUSE 219**

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

**CLAUSE 220**

**THAT**, clause 220 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 225**

**THAT**, clause 225 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 227**

**THAT**, clause 227 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 228**

**THAT**, clause 228 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 229**

**THAT**, clause 229 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 230**

**THAT**, clause 230 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 231**

**THAT**, clause 231 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 232**

**THAT**, clause 232 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 233**

**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”.

**CLAUSE 234**

**THAT**, clause 234 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 235**

**THAT**, clause 235 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “ Commission”;

**CLAUSE 237**

**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”.

**CLAUSE 238**

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

**CLAUSE 241**

**THAT**, clause 241 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 243**

**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";

**CLAUSE 247**

**THAT**, clause 247 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word " Commission";

**CLAUSE 248**

**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".

**CLAUSE 250**

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

**CLAUSE 251**

**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";

**FIRST SCHEDULE**

**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";

**SECOND SCHEDULE**

**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";

**THIRD SCHEDULE**

**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.

**FOURTH SCHEDULE**

**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.

**2) Notice is given that the Leader of the Majority Party, Hon. Aden Duale, M.P., intends to move the following amendments to the Energy Bill, 2015 at the Committee Stage—**

**CLAUSE 2**

**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;

### **NEW CLAUSE**

**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.

### **CLAUSE 119**

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

### **CLAUSE 121**

**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;

### **3) Notice is given that the Member for Budalangi, (Hon. Ababu Namwamba), intends to move the following amendments to the Energy Bill, 2015 at the Committee Stage—**

### **CLAUSE 116**

**THAT**, clause 116 is amended-

(a) by inserting 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.

**4) Notice is given that the Member for Baringo Central (Hon. Sammy Mwaita) intends to move the following amendments to the Energy Bill, 2015 (National Assembly Bills No. 50) at the Committee Stage—**

**CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in sub-clause (2) by deleting the words “in the fields of engineering, physical sciences, law, finance, environmental studies, economics or energy” appearing in paragraph (b).

**CLAUSE 44**

**THAT**, clause 44 of the Bill be amended in sub-clause (2) by deleting the words “in the fields of engineering, physical sciences, law, finance, economics or energy” appearing in paragraph (b).

**5) Notice is given that the Member for Mvita (Hon. Abdulswamad Nassir), intends to move the following amendments to the Energy Bill, 2015 at the Committee Stage—**

**INSERTION OF A NEW CLAUSE**

**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.

(5) Where due to power outages, a consumer suffers from physical injuries the licensee shall compensate the consumer in a manner determined by the Court.

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**The House resolved on Wednesday, February 10, 2016 as follows:-**

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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...../Notice Paper

# NOTICE PAPER

Tentative business for

Thursday (Afternoon), April 28, 2016

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday (Afternoon), April 28, 2016:-

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

(The Chairperson, Committee on Selection)

**B. COMMITTEE OF THE WHOLE HOUSE**

The Judiciary Fund Bill (National Assembly Bill No. 3 of 2016)  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

**C. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**D. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**E. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

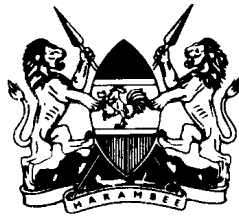
Second Reading

**F. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, APRIL 28, 2016 AT 2.30 P.M**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. MOTION - APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES**

(The Chairperson, Committee on Selection)

**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.

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

The Judiciary Fund Bill (National Assembly Bill No. 3 of 2016)  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

**10\*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**11\*. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**12\*. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**13\*. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**  
**\*\* Denotes Bill with Constitutional Timeline**

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## N O T I C E S

### The House resolved on Wednesday, February 10, 2016 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
  
  - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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# NOTICE PAPER

Tentative business for

Tuesday, May 03, 2016

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Tuesday, May 03, 2016:-

**A. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)  
(The Leader of the Majority Party)
- (ii) The Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015)  
(The Leader of the Majority Party)

**B. SPECIAL MOTION - APPROVAL OF FINANCING FOR THE DEVELOPMENT OF THE SECOND CONTAINER TERMINAL, PHASE II**

(The Leader of the Majority Party)

**C. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, April 28, 2016 – Afternoon Sitting)*

**D. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, April 28, 2016 – Afternoon Sitting)*

**E. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, April 28, 2016 – Afternoon Sitting)*

**F. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, April 28, 2016 – Afternoon Sitting)*

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