



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, JULY 02, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

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

8*. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.05 OF 2015)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

(Question to be put)

9*. MOTION - ESTABLISHMENT OF INTENSIVE CARE & BLOOD TRANSFUSION UNITS IN EVERY CONSTITUENCY

(The Hon. Abdul Rahim Dawood, M.P.)

THAT, aware that the Country has been experiencing a series of fatal emergency situations that necessitate the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donations in critical emergency situations are crucial to saving lives; this House **urges** the Government to consider setting up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.

(Question to be put)

10*. COMMITTEE OF THE WHOLE HOUSE

The County Allocation of Revenue Bill (Senate Bill No.05 of 2015)

(The Chairperson, Budget and Appropriations Committee)

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Securities and Investment Analysts Bill (National Assembly Bill No. 21 of 2014)
(The Chairperson, Departmental Committee on Finance, Planning and Trade)

(Resumption of consideration interrupted on Wednesday, July 01, 2015 – Afternoon Sitting)
(To commence from Clause 25)

- (ii) The Water Bill (National Assembly Bill No.8 of 2014)
(The Leader of the Majority Party)

12*. THE SPECIAL ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2015)

(The Leader of the Majority Party)

Second Reading

13*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2013

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Paper No. 3 of 2013 on the National Productivity Policy, laid on the Table of the House on Wednesday, July 17, 2013.

14*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2013

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Paper No. 4 of 2013 on the Employment Policy and Strategy for Kenya, laid on the Table of the House on Tuesday, September 17, 2013.

15*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2013

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Paper No. 2 of 2013 on the National Industrial Training and Attachment Policy, laid on the Table of the House on December 3, 2013.

16*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 5 OF 2014

(The Chairperson, Departmental Committee on Administration and National Security)

THAT, this House adopts the Sessional Paper No. 5 of 2014 on the National Policy for Peacebuilding and Conflict Management, laid on the Table of the House on Thursday, July 31, 2014.

17*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2014

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Paper No. 2 of 2014 on the National Social Protection Policy, laid on the Table of the House on Tuesday, June 17, 2014.

...../18*.

18*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2014

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

THAT, this House adopts the Sessional Paper No. 4 of 2014 on the Governance, Justice, Law and Order Sector (GJLOS) Policy, laid on the Table of the House on Thursday, February 12, 2015.

19*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 9 OF 2013

(The Chairperson, Joint Committee on National Cohesion and Equal Opportunity)

THAT, this House adopts the Sessional Paper No. 9 of 2013 on the National Cohesion and Integration, laid on the Table of the House on Thursday, July 31, 2014.

*** Denotes Orders of the Day**

N O T I C E S

I. THE SECURITIES AND INVESTMENT ANALYSTS BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2014)

- (i) Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Securities and Investments Analysts Bill, 2014 at the Committee Stage—

CLAUSE 1

THAT, clause 1 be amended by deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”.

CLAUSE 2

THAT, clause 2 be amended—

(a) in subclause (1),—

- (i) by deleting the definition of “ Disciplinary Board”;
- (ii) in the definition of “Institute”, by deleting the words “Securities and Investments” and substituting therefor the words “Investment and Financial”;
- (iii) by deleting the definition “Registration Board”;
- (iv) by inserting the following new definitions in their proper alphabetical sequence—

“Disciplinary Committee” means the Committee established under section 27;

“Registration Committee” means the registration and quality assurance committee established under section13 of this Act;”

- (b) in subclause (2), by inserting the words “if he does not seek registration or” immediately after the words “not registered” in paragraph (a).

CLAUSE 3

THAT, clause 3 be amended in subclause (1) by deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”.

CLAUSE 4

THAT, clause 4 be amended—

(a) in subclause (1), by—

- (i) deleting the word “is” appearing after the word “registered” and substituting therefor the words “under section 16 of this Act as”;
- (ii) deleting the acronym “IA” and substituting therefor “FA”;

(b) in subclause (2),—

- (i) paragraph (a), by—
 - a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;
 - b. deleting the acronym “FCSIA” and substituting therefor “FCIFA”;
- (ii) paragraph (b), by—
 - a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;
 - b. deleting the acronym “CSIA” and substituting therefor “CIFA”;
- (iii) paragraph (c), by—
 - a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;
 - b. deleting the acronym “ACSIA” and substituting therefor “ACIFA”;

CLAUSE 6

THAT, clause 6 be amended—

- (a) in sub clause (1) by deleting the words “securities and investments” and substituting therefor the words “investment and financial analysts profession”;
- (b) in sub clause (3) by—
 - (i) deleting the words “Securities and Investments” and substituting therefor the words “Investment and Financial”;
 - (ii) by deleting the phrase “Hon FCSIA” and substituting therefor the phrase “Hon FCIFA”.

CLAUSE 7

THAT, clause 7 be amended in subclause (1) by deleting the word “matter” before the word “provided” and substituting therefor with the word “manner”.

CLAUSE 8

THAT, clause 8 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b) by inserting the word “ethical” before the word “practice”;
- (c) in paragraph (e) by deleting the words “financial, securities and investments” and substituting therefor the words “investment and financial”;
- (d) in paragraph (g) by inserting the words “ and integrity” immediately after the word “ethics”.

CLAUSE 10

THAT, clause 10 (1) be amended by deleting the word “boards” and substituting therefor the word “committees”.

CLAUSE 12

THAT, clause 12 be amended by inserting the following new subclause immediately after subclause (1)—

“(1A) The Secretary shall be the Chief executive officer of the Institute.”

CLAUSE 13**THAT**, clause 13 be amended—

(a) in subclause (1), by—

(i) deleting the word “board” and substituting therefor the word “committee”;

(ii) deleting the words “ Registration and Quality Assurance Board” and substituting therefor the words “Registration Committee”;

(b) in subclause (2), by—

(i) deleting the word “Board” and substituting therefor the word “Committee”;

(ii) inserting the word “for” immediately after the word “responsible” appearing in paragraph (b);

(c) in subclause (3), by—

(i) deleting the word “Board” and substituting therefor the word “Committee”;

(ii) deleting the words “financial securities and investments” and substituting therefor the words “investment and financial in paragraph (a);

(d) in subclause (4) by deleting the word “Board” and substituting therefor the word “Committee”;

(e) in subclause (5) by deleting the word “Board” and substituting therefor the word “Committee”;

(f) in subclause (6) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;

(g) in subclause (7) by deleting the word “Board” and substituting therefor the word “Committee”;

(h) in subclause (8) by deleting the word “Board” and substituting therefor the word “Committee”;

(i) in subclause (9) by deleting the word “Board” and substituting therefor the word “Committee”;

(j) in subclause (10) by deleting the word “Board” and substituting therefor the word “Committee”;

CLAUSE 14**THAT**, clause 14 be amended—

(a) in subclause (1), by—

(i) deleting the words “ financial, securities and investment” and substituting therefor the words “investment and financial” ;

(ii) deleting the word “Board” and substituting therefor the word “Committee”;

- (b) in subclause (2) by deleting the words " financial, securities and investment" and substituting therefor the words " investment and financial";
- (c) in subclause (3) by deleting the word " Board" and substituting therefor the word " Committee";
- (d) in subclause (5) by deleting the words "one million" and substituting therefor the words "two hundred thousand".

CLAUSE 15

THAT, clause 15 be amended—

- (a) in subclause (1) by deleting the words "financial, securities and investment" and substituting therefor the words " investment and financial";
- (b) by deleting the word "Board" wherever it occurs and substituting therefor the word "Committee".

CLAUSE 16

THAT, clause 16 be amended—

- (a) in subclause (1)—
 - (i) by deleting the words "securities and investment" and substituting therefor the words " investment and financial";
 - (ii) by inserting the following new paragraph immediately after paragraph (b)—

"(c) has satisfied the requirements of Chapter Six of the Constitution;"
- (b) in subclause (3), by—
 - (i) deleting the word "Board" wherever it occurs and substituting therefor the word "Committee";
 - (ii) deleting the words " financial, securities and investment "in paragraph (b) and substituting therefor the words " investment and financial".

CLAUSE 17

THAT, clause 17 be amended—

- (a) in subclause (1) by—
 - (i) inserting the following new paragraphs immediately after paragraph (c) in subclause (1)—

"(ca) if such person does not meet the requirements of Chapter Six of the Constitution;

(cb) if such person sits and fails the annual ethics and integrity test administered by the Institute;"
 - (ii) deleting the word "Board" in paragraph (d) and substituting therefor the word "Committee";
- (b) in subclause (2), by deleting the word "Board" and substituting therefor the word "Committee";
- (c) in subclause (3), by deleting the word "Board" and substituting therefor the word "Committee";

CLAUSE 18

THAT, clause 18 be amended by—

- (a) deleting the word “Board” in subclause (1) and substituting therefor the word “Committee”;
- (b) deleting the word “Board” in subclause (2) and substituting therefor the word “Committee”;
- (c) deleting the word “Board” in subclause (6) and substituting therefor the word “Committee”;

CLAUSE 19

THAT, clause 19 be amended by—

- (a) deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (b) inserting the following new paragraph immediately after paragraph (c) in subclause (1)—

“(d) if such person does not meet the requirements of Chapter Six of the Constitution;

CLAUSE 20

THAT, clause 20 be amended in subclause (1), by—

- (a) deleting the words “ financial, securities and investment” and substituting therefor the words “ investment and financial”;
- (b) deleting the word “Board” and substituting therefor the word “Committee”.

CLAUSE 21

THAT, clause 21 be amended—

- (a) by deleting the phrase “financial, securities and investment” wherever it occurs and substituting therefor the phrase “ investment and financial”;
- (b) in subclause (1) by deleting the word “securities” appearing in paragraph (c).

CLAUSE 22

THAT, clause 22 be amended in subclause (1) by deleting the word “Board” and substituting therefor the word “Committee”.

CLAUSE 23

THAT, clause 23 be amended in subclause (1) by deleting the word “Board” and substituting therefor the word “Committee”.

CLAUSE 24

THAT, clause 24 be amended by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

CLAUSE 26

THAT, clause 26 be amended in subclause (1)—

- (a) by deleting the words “securities, financial and investment” and substituting therefor the words “ investment and financial”;
- (b) by deleting paragraph (p) and substituting therefor the following paragraph—

“(p) is an employee of an institution whose license is granted under the Capital Markets Act or any applicable law in Kenya and fails to keep the funds of a client in a separate account or fails to use such funds for purposes for which they are intended.”

CLAUSE 27

THAT, clause 27 be amended—

- (a) in subclause (1) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (b) in subclause (2) by deleting the word “Board” and substituting therefor the word “Committee”;
- (c) in subclause (3)—
 - (i) in paragraph (a) by—
 - a. deleting the word “four” and substituting therefor the word “three”;
 - b. inserting the words “who meets the minimum qualifications of a full member of the Institute in good standing with at least ten years’ experience in the profession,” immediately after the word “ chairperson”;
 - (ii) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) one nominated by the Institute of Certified Public Secretaries of Kenya;”
 - (iii) by inserting the following new paragraphs immediately after paragraph (d)—

“(e) one nominated by the Capital Markets Authority;

“(f) one nominated by the cabinet Secretary in charge of the National Treasury.”
- (d) in subclause (5) by deleting the word “Board” and substituting therefor the word “Committee”;
- (e) in subclause (6) by deleting the word “Board” and substituting therefor the word “Committee”;
- (f) in subclause (7) by deleting the word “Board” and substituting therefor the word “Committee”;
- (g) in subclause (8) by deleting the word “Board” and substituting therefor the word “Committee”;
- (h) in subclause (9) by deleting the word “Board” and substituting therefor the word “Committee”;

CLAUSE 29

THAT, clause 29 be amended—

- (a) in subclause (1), by—
 - (i) deleting the word “Board” and substituting therefor the word “Committee
 - (ii) deleting the words “one hundred” paragraph (f) and substituting therefor the words “five hundred”.
- (b) in subclause (2) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (c) in subclause (3) by deleting the word “Board” and substituting therefor the word “Committee”;
- (d) in subclause (4) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (e) in subclause (5) by deleting the word “Board” and substituting therefor the word “Committee”;
- (f) in subclause (6) by deleting the word “Board” and substituting therefor the word “Committee”;

CLAUSE 30

THAT, clause 30 be amended by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

CLAUSE 31

THAT, clause 31 be amended by deleting the words “securities and investment” and substituting therefor the words “investment and financial”.

NEW PART

THAT, the Bill be amended by introducing a new PART IVA- FINANCIAL PROVISIONS immediately after Part IV.

PART IVA— FINANCIAL PROVISIONS

Funds of the Institute

31A. The funds of the Institute shall consist of —

- (a) such fees, monies or assets as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (b) such gifts as may be given to the Institute; and
- (c) all monies from any other source provided for or donated to the Institute.

Financial year

31B. Unless otherwise provided, the financial year of the Institute shall be the period for twelve months ending on the thirty-first day of December in each year.

Annual estimates

31C. (1) At least three months before the commencement of each financial year, the Institute shall cause to be prepared estimates of revenue and expenditure for that year.

(2) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(3) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Institute.

(4) Within a period of four months from the end of each financial year, the Council shall submit to its auditors the accounts of the Institute for audit.

(5) Within six months before the end of the financial year, the Council shall lay the audited accounts before the annual general meeting of its members together with any reports made by the auditors.

CLAUSE 34

THAT, clause 34 of the Bill be deleted.

CLAUSE 35

THAT, clause 35 be amended—

- (a) in subclause (1) by deleting the words “Securities and Investment” wherever they occur and substituting therefor the words “Investment and Financial”;

- (b) in subclause (4) by deleting the word “five” and substituting therefor the word “one”.

CLAUSE 39

THAT, clause 39 be amended by deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”.

FIRST SCHEDULE

THAT, the First Schedule be amended in paragraph 1 by deleting subparagraph (3) and substituting therefor the following new subparagraph—

“(3) A person who holds the office of chairperson is not eligible for re- election until after the expiry of a period of at least two years since he or she vacated the office.”

THIRD SCHEDULE

THAT, the Third Schedule of the Bill be amended-

- (a) in the heading by deleting the words “ REGISTRATION AND QUALITY ASSURANCE BOARD” and substituting therefor the words “REGISTRATION COMMITTEE”;
- (b) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

FOURTH SCHEDULE

THAT, the Fourth Schedule of the Bill be amended-

- (a) in the heading by deleting the words “DISCIPLINARY BOARD” and substituting therefor the words “DISCIPLINARY COMMITTEE”;
- (b) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

FIFTH SCHEDULE

THAT, the Fifth Schedule of the Bill be amended by deleting the words “securities and investment” and substituting therefor the words “investment and financial” in paragraph 1.

LONGTITLE

THAT, the long title of the Bill be amended by deleting the words “Securities and Investment” wherever they occur and substituting therefor the words “Investment and Financial”.

TITLE TO THE BILL

THAT, the title of the Bill be amended by deleting the words “SECURITIES AND INVESTMENTS” and substituting therefor the words “INVESTMENT AND FINANCIAL”.

- (ii) **Notice is given that the Leader of the Majority Party (The Hon. Aden Duale), intends to move the following amendments to the Securities and Investments Analysts Bill, 2014 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 be amended in subclause (2), by inserting the words “if he does not seek registration or” immediately after the words “not registered” in paragraph (b).

CLAUSE 6

THAT, clause 6 be amended in sub clause (1) by inserting the word “profession” immediately after the words “securities and investments”.

CLAUSE 8

THAT, clause 8 be amended by deleting paragraph (a).

CLAUSE 13

THAT, clause 13 be amended in subclause (2), by inserting the following new paragraph immediately after paragraph (d)—

“(da) one person nominated by the Capital Markets Authority”;

CLAUSE 20

THAT clause 20 be amended by inserting the following new subclauses immediately after subclause (1)—

“(1A) A person who is a certified professional and holds a valid certificate from a recognized certifying body shall be exempt from the requirements of practicing as a certified financial, securities and investment analyst set out in subsection (1), **subject to such person meeting the requirements of the Institute and registering as a member of the Institute.**

(1B) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

CLAUSE 21

THAT, clause 21 (2) be amended by deleting the words “does not practice as a financial, securities and investment analysts by reason only of carrying on the work of an investment consultant or an investment advisor of a financial consultant” and substituting therefor the words “may only undertake the work of an investment consultant or investment advisor or a financial consultant in the course of practicing their profession.”

CLAUSE 26

THAT, clause 26 be amended by deleting paragraph (p) and substituting therefor the following new paragraph—

“(p) is an employee of an institution whose license is granted under the Capital Markets Act and licensing regulations, permits handling of client’s funds, fails to keep the funds of a client in a separate banking account or to use such funds for purposes for which they are intended.”

CLAUSE 27

THAT, clause 27 be amended in subclause (3) by inserting a new paragraph immediately after paragraph (d)—

“(e) one nominated by the Capital Markets Authority;

CLAUSE 29

THAT, clause 29 be amended in subclause (1) paragraph (f) by deleting the words “one hundred thousand” and substituting therefor the words “one million”.

CLAUSE 32

THAT, clause 32 be amended by deleting the words “Examinations Board” wherever they occur and substituting therefor the words “Registration Board”.

CLAUSE 34

THAT, clause 34 be amended by deleting the word “Examinations Board” wherever they occur and substituting therefor the words “Registration Board”.

II. THE WATER BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2014)

1. **Notice is given that the Chairperson of the Departmental Committee on Environment and Natural Resources, intends to move the following amendments to the WaterBill, 2014 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 be amended by –

- (a) deleting the word “Regulatory” appearing in the definition of the word “Authority”;
- (b) deleting the definition of “county water servicers providers”;
- (c) deleting the words “Regulatory Authority or a county government executive” appearing in the definition of the word “inspector” and substituting therefor the words “or the Regulatory Board”;
- (d) deleting the definition of the word “licensee” and substituting therefor with the following new definition –

“licensee” means a water service provider licensed by the Regulatory Board under this Act;
- (e) deleting the definition of the phrase “national importance”;
- (f) deleting the definition of the phrase “National Land Commission”;
- (g) deleting the definition of the phrase “National public water works”;
- (h) deleting the word “Regulatory Authority” appearing in the definition of the word “peri-urban water services” and substituting therefor with the words “Regulatory Board”;
- (i) by deleting the definition of the word “Regulatory Board”;
- (j) deleting the definition of the word “Regulatory Authority” and substituting therefor the following new definition –

“Regulatory Board” means the Water Services Regulatory Board established under section 68;

(k) deleting the word “Authority” appearing in the definition of “rural water services” and substituting therefor with the word “Board”;

(l) deleting the definition of the word “strategic importance”;

(m) deleting the definition of the word “transboundary waters” and substituting therefor with the following new definition—

“transboundary waters” means water resources shared between Kenya and another State”;

(n) deleting the word “Regulatory Authority” appearing in the definition of the word “urban water services” and substituting therefor with the words “Regulatory Board”;

(o) deleting the words “and includes transboundary water resources within the territorial jurisdiction of Kenya” appearing in the definition of “water resource” and substituting therefor with the words “and includes sea water and transboundary waters within the territorial jurisdiction of Kenya”;

(p) inserting the words “or storage” immediately after the words “the supply” appearing in the definition of “water services”;

(q) deleting the words “the county government executive or the Regulatory Authority” appearing in the definition of the word “water services provider” and substituting therefor with the words “the Regulatory Board”;

(r) deleting the word “board” appearing in the definition of the word “water works development boards” and substituting therefor the word “agencies”; and

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

“water resource management” means the conservation, including soil and water conservation, protection, development and utilization of water resources.”

CLAUSE 4

THAT, clause 4 be amended by deleting the word “Regulatory Authority” and substituting therefor the word “Regulatory Board”.

CLAUSE 8

THAT, clause 8 be amended —

(a) by deleting subclause (1) and substituting therefor the following new sub clause—

“(1) A national public water works means a water works which has been designated by the Cabinet Secretary, by notice published in the Gazette, as a national public water works based on the fact that —

(a) the water resource on which it depends is of a cross county in nature;

- (b) it is financed out of the national government's share of national revenue pursuant to the provisions of the Public Finance Management Act, 2012;
 - (c) it is intended to serve a function of the national government; or
 - (d) it is intended to serve a function which by agreement between the national and county government has been transferred to the national government"; and
- (b) in sub clause (3) by deleting the words "from a basin water resources committee provided for under section 23 or ".

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 8 —

Administration of National
Water Resources.

8A. Every person has the right to access water resources, whose administration is the function of the national government as stipulated in the Fourth Schedule to the Constitution.

National Water Resource
Strategy.

8B. (1) The Cabinet Secretary shall, within one year of the commencement of this Act and every five years thereafter, following public participation, formulate a national water resource strategy.

(2) The object of the Water Resource Strategy shall be to provide the Government's plans and programs for the protection, conservation, control and management of water resources.

(3) The Water Resources Strategy shall contain, among other things, details of —

- (a) existing water resources and their defined riparian areas;
- (b) measures for the protection, conservation, control and management of water resources and approved land use for the riparian area;
- (c) minimum water reserve levels at national and county levels;
- (d) institutional capacity for water research and technological development;
- (e) functional responsibility for national and county governments in relation to water resources management and
- (f) any other matters the Cabinet Secretary considers necessary.

(4) The Cabinet Secretary shall—

- (a) prepare and issue an annual report on the state of national water resource strategies in Kenya; and
- (b) may direct any lead agency to prepare and submit to it a report on the state of national water resources under the administration of that lead agency.

(5) The Cabinet Secretary shall review the Water Resource Strategy every three years.

CLAUSE 9

THAT, clause 9 be amended by deleting the word “Regulatory” appearing in sub clause (1).

CLAUSE 10

THAT, clause 10 be amended by—

- (a) deleting the words “ in consultation with the National Land Commission” appearing in paragraph (b);
- (b) inserting the word “made under this Act” immediately after the word “regulations” appearing in paragraph “(c)”; and
- (c) deleting the words “for issuance by basin water resources committees” appearing in paragraph (f).

CLAUSE 12

THAT, clause 12 be amended—

- (a) in sub clause (1) by deleting the word “Management” appearing before the word “Board”;
- (b) in sub clause (3) by deleting the word “Management” appearing before the word “Board”; and
- (c) in sub clause (4) by deleting the word “Management” appearing before the word “Board”; and

CLAUSE 13

THAT, clause 13 be amended by—

- (a) deleting the word “Management” appearing in the marginal note; and
- (b) deleting the word “Management” appearing before the word “Board”.

CLAUSE 14

THAT, clause 14 be amended—

- (a) by deleting the word “Management” appearing in the marginal note;
- (b) in sub clause (1) by deleting the word “Management” appearing before the word “Board”; and
- (c) in sub clause (2) by deleting the word “Management” appearing before the word “Board”.

CLAUSE 15

THAT, clause 15 be amended—

- (a) in sub clause (1) by deleting the word “Management” appearing before the word “Board”; and
- (b) by deleting the word “Management” wherever it appears in sub clause (4).

CLAUSE 16

THAT, clause 16 be amended by deleting the word “Management” appearing before the word “Board”;

CLAUSE 24

THAT clause 24 be amended—

(a) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) a representative of each county government whose area falls within the basin; and

(b) by deleting sub clause (2) and substituting therefor the following new sub clause—

(2) The Cabinet Secretary shall, by notice in the Gazette appoint the chairperson from amongst the members appointed under subsection (1) (a), who shall hold office for a period of three years.

CLAUSE 25

THAT, the Bill be amended by deleting clause 25 and inserting the following new clause 25—

Functions of the basin
water resources
committees.

25. The powers and functions of the basin water resources committee shall be to advise the Authority, at the respective regional office, concerning—

- (a) conservation, use and apportionment of water resources;
- (b) the grant, adjustment, cancellation or variation of any permit;
- (c) protection of water resources and increasing the availability of water;
- (d) annual reporting to the users of its services and the public on water issues and their performance within the basin area;
- (e) collection of data, analyzing and managing the information system on water resources;
- (f) review of the basin area water resources management strategy;
- (g) facilitation of the establishment and operations of water resource user associations;
- (h) flood mitigation activities;
- (i) information sharing between the basin area and the Authority
- (j) the equitable water sharing within the basin area through water allocation plans; and
- (k) any other matter related to the proper management of water resources.

CLAUSE 29

THAT, clause 29 be amended in sub clause (1) by deleting the word “four” appearing in paragraph (e) and substituting therefor the word “five”.

CLAUSE 30

THAT, clause 30 be amended in sub clause (1) by—

- (a) inserting the words “and flood control” immediately after the word “storage” appearing in paragraph (a);
- (b) renumbering paragraph (e) as paragraph (f);
- (c) inserting the following new paragraph immediately after paragraph (d)—
 - (e) undertake on behalf of the national government strategic water emergency interventions during drought; and
- (d) inserting the words “and flood control” immediately after the word “storage” appearing in paragraph (f).

CLAUSE 40

THAT, clause 40 be amended by inserting the following new sub clause immediately after clause (2)

—
“(3) Where there is an agreement between the Authority and a water resources users’ association, the Authority may make available a portion of the water use charges to be used for financing such regulatory activities as the water resources users association has agreed to undertake on behalf of the Authority.”

CLAUSE 62

THAT, clause 62 be amended by-

- (a) deleting sub clause (1) and substituting therefor the following new sub clause—
 - (1) The Cabinet Secretary shall, within one year of the commencement of this Act and every five years thereafter, following public participation, formulate a Water Services Strategy.
- (b) inserting the following new sub clause immediately after sub clause (5)
 - (6) The Cabinet Secretary shall review the Water Services Strategy every three years.

CLAUSE 63

THAT, clause 63 be amended—

- (a) by deleting the word “boards” appearing in the marginal note and substituting therefor the word “agencies”;
- (b) by deleting subclause (1) and substituting therefor the following new sub clause—
 - “(1) The Cabinet Secretary may, by notice in the Gazette, establish one or more waterworks development agencies and define the geographical area of jurisdiction of each such agency”; and
- (c) in sub clause (2) by deleting the words “ water works development boards” and substituting therefor the words “water works development agencies”.

CLAUSE 64**THAT**, clause 64 be amended—

- (a) by deleting the word “boards” appearing in the marginal note and substituting therefor the word “agencies”;
- (b) in sub clause (1) by deleting the words “ water works development board” and substituting therefor the words “water works development agency”; and
- (c) in sub clause (2) by deleting the words “ water works development boards” and substituting therefor the words “water works development agencies”.

CLAUSE 65**THAT**, clause 65 be amended—

- (a) by deleting the word “boards” appearing in the marginal note and substituting therefor the word “agencies”; and
- (b) by deleting the words “water works development boards” and substituting therefor the words “water works development agencies”.

CLAUSE 66**THAT**, the Bill be amended by deleting clause 66 and inserting the following new clause 66—

Powers and
functions of the
water works
development
agency.

66. The powers and functions of the waterworks development agency shall be to—

- (a) undertake the development, maintenance and management of the national public water works within its area of jurisdiction;
- (b) until such a time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located, operate the waterworks and provide water services as a water service provider;
- (c) provide reserve capacity for purposes of providing water services where pursuant to section 101, the Regulatory Board orders the transfer of water services functions from a defaulting water services provider to another licensee;
- (d) provide technical services and capacity building to such county governments and water services providers within its area as may be requested; and
- (e) provide to the Cabinet Secretary technical support in the discharge of his or her functions under the Constitution and this Act.

CLAUSE 67**THAT**, the Bill be amended by deleting clause 67 and inserting the following new clause 67—

Handover
of completed works.

67. (1) As soon as possible, following the commissioning of the waterworks, the waterworks development agency shall enter into an agreement with the county government, the joint committee or authority of the county governments within whose area of jurisdiction the water works is located, jointly with the water service provider within whose area of supply the water works are located for the use by the joint committee, authority or water services provider, as the case may be, of the water works to provide water services.

(2) The agreement shall make provision for the assumption by the county government, the joint committee, authority or water services provider of the responsibility for the repayment of any loans or liabilities of the waterworks and until full repayment of the loans and discharge of any outstanding liabilities, ownership of the waterworks shall remain in the waterworks development agency.

(3) In the event that the county government, the joint committee, the authority or water services provider defaults in the repayment of any outstanding loans arising from the development, rehabilitation or maintenance of the works, the waterworks development agency may petition the Regulatory Board to declare a default and order the transfer of the water services provider's functions to the waterworks development agency, to exercise such functions until full repayment of the loan.

CLAUSE 68

THAT, clause 68 be amended by—

- (a) deleting the heading and substituting therefor the following new heading —
“The Water Services Regulatory Board”;
- (b) deleting the words “Regulatory Authority” appearing in the marginal note and substituting therefor the words “Regulatory Board”;
- (c) deleting the words “Water Services Regulatory Authority” appearing in sub clause (1) and substituting therefor the words “Water Services Regulatory Board”; and
- (d) deleting the words “Regulatory Authority” appearing in sub clause (2) and substituting therefor the words “Regulatory Board”.

CLAUSE 69

THAT, clause 69 be amended in sub clause (1) by deleting the words “Regulatory Authority” and substituting therefor with the words “Regulatory Board”.

CLAUSE 70

THAT, clause 70 be amended by—

- (a) deleting the words “Regulatory Authority” appearing in the marginal note and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” appearing in sub clause (1) and substituting therefor the words “Regulatory Board”; and
- (c) deleting the words “Regulatory Authority” appearing in sub clause (2) and substituting therefor the words “Regulatory Board”.

CLAUSE 71

THAT, clause 71 be amended by—

- (a) deleting the words “Regulatory Authority” appearing in the marginal note and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” wherever it appears in sub clause (1) and substituting therefor the words “Regulatory Board”;

- (c) deleting the words "Regulatory Authority" wherever it appears in sub clause (2) and substituting therefor the words "Regulatory Board"; and
- (d) deleting the words "Regulatory Authority" appearing in sub clause (3) and substituting therefor the words "Regulatory Board".

CLAUSE 72

THAT, the Bill be amended by deleting clause 72 and inserting the following new clause 72—

Accreditation.

72. (1) A person shall not be licensed as a water service provider unless such person makes an application under this section to the Regulatory Board and submits a copy of the application to the county government, within whose area of jurisdiction it intends to provide water services.

(2) Prior to determination of the application, the Regulatory Board shall publicise the application and shall take into consideration the views of stakeholders including the county government, within whose area of jurisdiction the applicant intends to provide water services.

(3) The Regulatory Board shall issue a licence if the applicant meets the accreditation requirements.

CLAUSE 73

THAT, clause 73 be amended by—

- (a) deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "Regulatory Board";
- (b) deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board"; and
- (c) deleting the words "Regulatory Authority" appearing in sub clause (4) and substituting therefor the words "Regulatory Board".

CLAUSE 74

THAT, clause 74 be amended —

(a) in sub clause (1) by—

- (i) deleting the words "Regulatory Authority may, after notification to the relevant county government executive," and substituting therefor the words "Regulatory Board may, ";
- (ii) deleting the words "Regulatory Authority" appearing in paragraph (a) and substituting therefor the words "Regulatory Board" ;
- (iii) deleting the "Regulatory Authority" appearing in paragraph (c) and substituting therefor the words "Regulatory Board" ;

- (b) by deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board" ; and
- (c) by deleting the words "Regulatory Authority" appearing in sub clause(4) and substituting therefor the words "Regulatory Board" .

CLAUSE 75

THAT, clause 75 be amended by—

- (a) deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board" ;
- (b) deleting the words "Regulatory Authority" appearing in sub clause (3) and substituting therefor the words "Regulatory Board" ;
- (c) deleting subclause (4) and inserting the following new sub clause—

"(4) A company intending to be licensed as a water service provider shall submit to the Regulatory Board its memorandum and articles of association that conform to the guidelines developed and approved by the Regulatory Board."; and
- (d) inserting the following new sub clause immediately after sub clause (4) –

"(5) The Regulatory Board shall make regulations on the standard of water to be supplied by water service providers licensed under this section."

CLAUSE 77

THAT, clause 77 be amended in sub clause (2) by deleting the word "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 78

THAT, clause 78 be amended by deleting paragraph (b) and renumbering the existing paragraphs.

CLAUSE 80

THAT, clause 80 be amended by —

- (a) deleting the words "Regulatory Authority" appearing in the marginal note and substituting therefor the words "Regulatory Board";
- (b) deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "Regulatory Board" ; and
- (c) deleting the words "Regulatory Authority" wherever it appears in sub clause(2) and substituting therefor the words "Regulatory Board" .

CLAUSE 83

THAT, clause 83 be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) A person shall not provide water services except under a license issued by the Regulatory Board, upon submission of an application and such supporting documents as the Board may require"; and

- (a) deleting the words "Regulatory Authority" appearing in sub clause(3) (c) and substituting therefor the words "Regulatory Board".

CLAUSE 84

THAT, clause 84 be amended—

- (a) by deleting sub clause (1) and substituting therefor the following new sub clause—

(1) An application for the licence, under section 83 (1) shall be made in the prescribed form to the Regulatory Board;

- (b) in sub clause (2) by—

- (i) deleting the words "county government executive or the Regulatory Authority as the case may be" substituting therefor the words
- (ii) deleting the words "Regulatory Authority" appearing in paragraph (a) and substituting therefor the words "Regulatory Board";
- (iii) deleting paragraph (g) and substituting therefor the following new paragraph—

"(g) any other information required by the Regulatory Board.";

- (c) by deleting sub clause (4) and substituting therefor the following new sub clause—

"(4) The Regulatory Board shall have discretion to grant or refuse to grant an application for a licence submitted under subsection (1).";

- (d) in sub clause (5) –

- (i) by deleting the words "a county government executive or Regulatory Authority " and substituting therefor the words "Regulatory Board";and
 - (ii) by deleting paragraph (g) and substituting therefor the following new paragraph—
- "(g) the applicant has met any other requirements which the Regulatory Board may consider necessary for the efficient provision of the services to be provided under the licence.";

CLAUSE 85

THAT, the Bill be amended by deleting clause 85 and inserting the following new clause 85—

Application for a licence
subject to public
consultation.

85. (1) An application for a licence shall be subject to public participation.

(2) Any person opposed to the grant of a licence may object in writing to the Regulatory Board.

(3) The Regulatory Board shall make a determination on an application for a licence within six months after the applicant lodges the application.

(4) The Regulatory Board shall notify the applicant and the objector of its decision and, in the event of the rejection of an application or objection, of the reasons for the decision.

(5) An applicant or objector may, if aggrieved by the decision of the Regulatory Board, appeal to the Tribunal within thirty days of the date of the notification of the decision.

(6) Where the Regulatory Board does not determine the application within six months of receipt of the application, any fee charged by the Regulatory Board under section 84(3) shall be refunded to the applicant.

CLAUSE 86

THAT, clause 86 be amended –

- (a) in sub clause (2) by deleting the words “ A county government or the Regulatory Authority” and substituting therefor the words “The Regulatory Board”; and
- (b) by deleting sub clause (3) substituting therefor the following new sub clause—

“(3) As a condition of the licence, a licensee shall, within twelve months of receipt of the licence, or such other longer period as the Regulatory Board may determine, formulate and present to the Regulatory Board, a development plan for extending services to persons not receiving water services within such licensee’s area of operation, a time frame for the implementation of the plan and a resource mobilization strategy.”

CLAUSE 87

THAT, clause 87 be amended by—

- (a) deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) A licensee shall pay to the Regulatory Authority, as the case may be, on issue of the licence and at prescribed intervals thereafter, such licence fees as the Regulatory Board may determine”; and

- (b) deleting the words “Regulatory Authority” appearing in sub clause (2) and substituting therefor the words “Regulatory Board”.

CLAUSE 88

THAT, clause 88 be amended in sub clause (1) by —

- (a) deleting the words “or any county legislation” appearing in paragraph (a); and
- (b) deleting the words “county government or the Regulatory Authority” appearing in paragraph (b) and substituting therefor the words “the Regulatory Board”.

CLAUSE 90

THAT, clause 90 be amended by deleting the words “Regulatory Authority” and substituting therefor the words “Regulatory Board”.

CLAUSE 91

THAT, clause 91 be amended—

- (a) in sub clause (1) by inserting the words “or public partnerships” immediately after the words “public private partnerships”; and
- (b) in sub clause (2) by deleting the words “ the respective county government or the Regulatory Authority” and substituting therefor the words “the Regulatory Board”.

CLAUSE 92

THAT, clause 92 be amended by—

- (a) deleting the words “Regulatory Authority” appearing in sub clause (3) and substituting therefor the words “Regulatory Board” ; and
- (b) deleting the words “Regulatory Authority” appearing in sub clause (4) and substituting therefor the words “Regulatory Board”.

CLAUSE 93

THAT, clause 93 be amended in sub clause (1) by deleting the words " A county government executive or the Regulatory Authority" and substituting therefor the words "The Regulatory Board".

CLAUSE 95

THAT, the Bill be amended by deleting clause 95 and inserting the following new clause 95—

Clustering of areas of
water service provision

95. (1) The Regulatory Board may, on the application of the licensees —

(a) permit the joint provision, by two or more licensees, of water services on such terms as it may approve; or

(b) permit the transfer of a water service, or a part thereof, from one licensee to another licensee.

(2) Where it appears necessary to the Regulatory Board, for the purpose of securing a commercially viable water service, it may, by notice in the Gazette, order a joint provision of water services or a transfer of water service and vary the relevant licenses accordingly.

(3) An order made under this section may make such incidental, consequential and supplementary provision as the Regulatory Board considers necessary for the purpose of carrying out the order.

(4) The Cabinet Secretary in consultation with the Regulatory Board shall make rules setting out circumstances under which the provision of joint water services may be ordered.

(5) A licensee aggrieved by the provisions of the order may appeal to the Tribunal.

CLAUSE 96

THAT, clause 96 be amended by—

(a) deleting the words "Acounty government executive or the Regulatory Authority, as the case may be," wherever it appears in sub clause (1) and substituting therefor the words "The Regulatory Board" ;

(b) deleting the words "a county government executive or the Regulatory Authority, as the case may be," appearing in sub clause (2) and substituting therefor the words "the Regulatory Board" ; and

(c) deleting the words "a county government executive or the Regulatory Authority" appearing in sub clause (3) and substituting therefor the words "Regulatory Board" .

CLAUSE 97

THAT, clause 97 be amended by—

(a) deleting sub clause (1) and substituting therefor the following new sub clause—

"(1) Subject to any regulations made under this Act, the Regulatory Board may direct a licensee to provide water services, outside its area of water services jurisdiction."; and

(b) deleting the words "Regulatory Authority" appearing in paragraph (b) of sub clause (6) and substituting therefor the words "Regulatory Board" .

CLAUSE 98

THAT, the Bill be amended by deleting clause 98 and inserting the following new clause 98—

Supply of bulk
water.

98. (1) A person shall not supply water in bulk to a water services provider without a licence issued by the Regulatory Board.

(2) A water service provider may enter into an agreement with any other licensee or water services provider on terms and conditions to be approved by the Regulatory Board—

(a) for the supply of water in bulk for a specific period; or

(b) where the supply is to be given by a water services provider, either within or outside the area of service of that water services provider.

(3) Where it appears to the Regulatory Board that—

(a) it is expedient for—

(i) any licensee or water services provider to give the supply of water in bulk to another licensee or water service provider;

(ii) the other licensee or water services provider to take such supply;
and

(b) giving and taking of such a supply cannot be secured by agreement,
the Regulatory Board may, by order served on the parties, require the licensees concerned to give and take the supply of water in bulk for such a period and on such terms as the Regulatory Board may specify.

CLAUSE 99

THAT, clause 99 be amended by—

(a) deleting the words “a county government executive or the Regulatory Authority” wherever it appears in sub clause (1) and substituting therefor the words “the Regulatory Board” ;

(b) deleting sub clause (2) and substituting therefor the following new sub clause —

“(2) If, after inquiry, the Regulatory Board is satisfied that there has been failure on the part of the licensee, the Regulatory Board may impose a special regulatory regime on the water services provider for the purpose of remedying the default”; and

(c) deleting the words “Regulatory Authority” appearing in sub clause (3) and substituting therefor the words “Regulatory Board”.

CLAUSE 100

THAT, clause 100 (1) be amended by—

(a) deleting the words “Regulatory Authority” appearing in sub clause (1) and substituting therefor the words “Regulatory Board”;

- (b) deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board";
- (c) deleting the words "Regulatory Authority" appearing in sub clause (3) and substituting therefor the words "Regulatory Board"; and
- (d) deleting the words "Regulatory Authority" appearing in sub clause (4) and substituting therefor the words "Regulatory Board".

CLAUSE 101

THAT, clause 101 be amended by—

- (a) deleting the words "If the Regulatory Authority is satisfied that, notwithstanding the imposition of measures under a special regulatory regime, the default has not been remedied and is not likely to be remedied by the licensee, it shall subject to the Public Finance Management Act with the consent of the" appearing in sub clause (1) and substituting therefor the words "If the Regulatory Board is satisfied that, notwithstanding the imposition of measures under a special regulatory regime, the default has not been remedied and is not likely to be remedied by the licensee, it shall subject to the Public Finance Management Act in consultation with"; and
- (b) deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board".

CLAUSE 103

THAT, clause 103 be amended by—

- (a) deleting the words " of a County Government Executive or the Regulatory Authority, as the case may be," appearing in sub clause (1) and substituting therefor the words "the Regulatory Board"; and
- (b) deleting the words "a county government executive or the Regulatory Authority" and substituting therefor the words "the Regulatory Board".

CLAUSE 104

THAT, clause 104 be amended by—

- (a) deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "Regulatory Board"; and
- (b) deleting the words "Regulatory Authority" appearing in sub clause (2) and substituting therefor the words "Regulatory Board".

CLAUSE 105

THAT, clause 105 be amended in sub clause (2) by deleting the words "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 106

THAT, clause 106 be amended —

- (a) in sub clause (1) by deleting the words “Regulatory Authority” appearing in (d) and substituting therefor the words “Regulatory Board”;and
- (b) by deleting the words “Regulatory Authority” appearing in sub clause (5)and substituting therefor the words “ Regulatory Board”.

CLAUSE 107

THAT, clause 107 be amended by —

- (a) deleting the words “A county government executive or the Regulatory Authority” appearing in sub clause (1)and substituting therefor the words “The Regulatory Board”;and
- (b) deleting the words “a county government executive or the Regulatory Authority” appearing in sub clause (2)and substituting therefor the words “the Regulatory Board”.

CLAUSE 109

THAT, clause 109 be amended by —

- (a) deleting the words “Regulatory Authority” appearing in the marginal note and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” appearing in sub clause (1)and substituting therefor the words “Regulatory Board”;
- (c) deleting the words “Regulatory Authority” appearing in sub clause (2)and substituting therefor the words “Regulatory Board”;and
- (d) deleting the words “Regulatory Authority” appearing in sub clause (4)and substituting therefor the words “Regulatory Board”.

CLAUSE 110

THAT, clause 110 be amended by —

- (a) renumbering clause 110 (1) as clause 110; and
- (b) deleting the words “Regulatory Authority” and substituting therefor the words “Regulatory Board”.

CLAUSE 111

THAT, clause 111 be amended in sub clause (1) by deleting the word “mechanism” and substituting therefor the word “institution”.

CLAUSE 112

THAT, clause 112 be amended by inserting the following new paragraph immediately after paragraph (c) —

“(d) research activities in the area of water resources management and water services, sewerage and sanitation.”

CLAUSE 114

THAT, clause 114 be amended —

- (a) by renumbering clause 114 as clause 114 (1);
- (b) in sub clause (1) —

- (i) by inserting the words “the national governmentand” immediately after the word “in consultation with” appearing in paragraph (c); and
- (ii) inserting the following new paragraphs immediately after paragraph (f) —
 - (g) receive grants for onward lending to water services providers, counties , and communities towards water services and water resources management projects for the underserved areas and urban poor,
 - (h) establish and manage subsidiary funds as may be necessary for sustainable financing towards water services and water resource management; and
 - (i) in collaboration with relevant institutions develop incentive programmes for water resources management including disaster management, climate change adaptation and mitigation.
- (c) inserting the following new sub clauses immediately after sub clause (1) —
 - “(2)The provisions of subsection (1) (g) shall only apply to water service providers, counties and communities, who can afford the repayment of the funds advanced, and profits thereof used to finance water services and water resources management projects for the underserved areas and urban poor.
 - (3) The Board of Trustees of the fund shall, following public consultation, Gazette the criteria for qualification for funding from the Fund taking account of considerations of equity and may from time to time following public consultation review the criteria.”

CLAUSE 115

THAT, clause 115 be amended by —

- (a) renumbering clause 115 as clause 115 (1);
- (b) renumbering paragraph (e) as paragraph (f);
- (c) inserting the following new paragraph immediately after paragraph (d) —
 - “(e) the proceeds of the levy imposed under subsection (2)”;
- (d) inserting a new sub clause immediately after sub clause (1) —
 - “(2) The Cabinet Secretary may, by regulations following public consultation prescribe a levy to be paid by consumers of piped water supplied by licensed water service providers, the proceeds of which shall be paid into the Fund established under section 111.”

CLAUSE 119

THAT, clause 119 be amended by deleting the words “Regulatory Authority” wherever it appears in sub clause (1) and substituting therefor the words “Regulatory Board”.

CLAUSE 123

THAT, clause 123 be amended by deleting the words "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 124

THAT, clause 124 be amended by—

- (a) deleting the marginal and substituting therefor the following new marginal note—
"Funds of the Authority, Regulatory Board, Water Harvesting and Storage Authority and Water Works Development Agencies"; and
- (b) deleting the words "Regulatory Authority, Water Storage Authority, Water Fund and water works development boards" and substituting therefor the words "Regulatory Board, Water Storage Authority, Water Sector Trust Fund, and water works development agencies".

CLAUSE 128

THAT, clause 128 be amended by deleting the words "the Regulatory Authority" and substituting therefor the words "the Regulatory Board".

CLAUSE 129

THAT, clause 129 be amended by deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "Regulatory Board".

CLAUSE 132

THAT, clause 132 be amended by deleting the words "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 133

THAT, clause 133 be amended by —

- (a) deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "the Regulatory Board"; and
- (b) deleting the words "Regulatory Authority" appearing in the proviso to sub clause (2) and substituting therefor the words "the Regulatory Board".

CLAUSE 134

THAT, clause 134 be amended by—

- (a) deleting the words "Regulatory Authority" appearing in paragraph (b) and substituting therefor the words "Regulatory Board"; and
- (b) deleting the words "Regulatory Authority" appearing in paragraph (c) and substituting therefor the words "Regulatory Board".

CLAUSE 135

THAT, clause 135 be amended by —

- (a) deleting the words "Regulatory Authority" appearing in paragraph (a) and substituting therefor the words "Regulatory Board"; and

- (b) deleting the words "Regulatory Authority" appearing in paragraph (c) and substituting therefor the words "Regulatory Board".

CLAUSE 139

THAT, clause 139 be amended by deleting the words "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 140

THAT, clause 140 be amended in sub clause (2) by—

- (a) renumbering paragraph (j) as paragraph (k); and
- (b) inserting the following new paragraph immediately after paragraph (i)—

“(j) rain water harvesting and household water storage.”

CLAUSE 142

THAT, clause 142 be amended by—

- (a) deleting the words "Regulatory Authority" appearing in sub clause (1) and substituting therefor the words "Regulatory Board"; and
- (b) deleting the words "Regulatory Authority" wherever it appears in sub clause (2) and substituting therefor the words "Regulatory Board".

CLAUSE 143

THAT, clause 143 be amended by —

- (a) deleting the words "Regulatory Authority" appearing in paragraph (a) and substituting therefor the words "Regulatory Board"; and
- (b) deleting the words "Regulatory Authority" wherever it appears in paragraph (b) and substituting therefor the words "Regulatory Board"

CLAUSE 144

THAT, clause 144 be amended by deleting the words "Regulatory Authority" and substituting therefor the words "Regulatory Board".

CLAUSE 146

THAT, clause 146 be amended by —

- (a) deleting the words "Water Act, 2001" appearing in sub clause (1) and substituting therefor the words "Water Act, 2002";
- (b) deleting the words "Water Act, 2001" appearing in sub clause (2) and substituting therefor the words "Water Act, 2002"; and
- (c) deleting the words "Water Act, 2001" appearing in sub clause (3) and substituting therefor the words "Water Act, 2002".

CLAUSE 148**THAT**, clause 148 be amended by—

- (a) deleting the words “Regulatory Authority” appearing in the marginal note and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” appearing in sub clause (1) and substituting therefor the words “Regulatory Board”;
- (c) deleting the words “Regulatory Authority” appearing in sub clause (2) and substituting therefor the words “Regulatory Board”; and
- (d) deleting the words “Regulatory Authority” appearing in sub clause (3) and substituting therefor the words “Regulatory Board”.

CLAUSE 150**THAT**, clause 150 be amended by—

- (a) deleting the words “water works development boards” appearing in sub clause (1) and substituting therefor the words “water works development agencies”; and
- (b) deleting the words “water works development boards” appearing in sub clause (2) and substituting therefor the words “water works development agencies”.

CLAUSE 154**THAT**, clause 154 be amended by inserting the following new sub clause immediately after sub clause (4) —

“(5) The provisions of the Environmental Management and Coordination Act, 1999 relating to water resources conservation and protection and water pollution control shall be exercised subject to the relevant provision of this Act and only in the event that the Board has failed or neglected to take appropriate action to exercise its powers and functions under this Act.”

NEW CLAUSES**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 155—

Responsibility of
a county
government.

156. A county government shall subject to sections 70(1) (a) and (b), 117 and 120 of the County Governments Act, 2012—

- (a) give effect to national water services standards and conditions set by the Regulatory Board for purposes of ensuring consumer protection; and
- (b) take into consideration the requirement relating to tariffs gazetted by the Regulatory Board while imposing tariff.

Consequential
amendments.

157. The County Governments Act, 2012—

- (a) be amended in section 117 (1) by inserting the following new paragraph immediately after paragraph (a) —
 - “(aa) comply with the respective policy and standards provided by the National Government”;
- (b) be amended in section 120 by inserting the following new sub clause immediately after sub clause (1) —

“(1A) Notwithstanding subsection (1), a county government or any agency delivering services in the county shall adopt and implement tariffs and pricing policy subject to the existing National Government laws and policies.”

FIRST SCHEDULE

THAT, the First Schedule be amended —

- (a) in clause1 by deleting the words “Regulatory Authority” appearing in paragraph (b) of sub clause (1) and substituting therefor the words “Regulatory Board”; and
- (b) by deleting the words “Regulatory Authority” appearing in clause 14 and substituting therefor the words “Regulatory Board”.

SECOND SCHEDULE

THAT, the Second Schedule be amended by—

- (a) deleting the words “Regulatory Authority” appearing in clause2 and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” wherever it appears in clause3 and substituting therefor the words “Regulatory Board”;
- (c) deleting the words “Regulatory Authority” wherever it appears in clause 5and substituting therefor the words “Regulatory Board”;
- (d) deleting the words “Regulatory Authority” appearing in clause 6 and substituting therefor the words “Regulatory Board”; and
- (e) deleting the words “Regulatory Authority” appearing in clause 7(1) and substituting therefor the words “Regulatory Board”.

THIRD SCHEDULE

THAT, the third schedule be amended by—

- (a) deleting the words “Regulatory Authority” appearing in clause2 (1) and substituting therefor the words “Regulatory Board”;
- (b) deleting the words “Regulatory Authority” wherever it appears in clause5and substituting therefor the words “Regulatory Board”; and
- (c) deleting the words “Regulatory Authority” appearing in clause6(2) and substituting therefor the words “Regulatory Board”.

2. Notice is given that the Member of Parliament for Kiharu Constituency (Hon. Irungu Kangata), intends to move the following amendments to the Water Bill, 2014 at the Committee Stage—

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 61-

Water for Public
Primary Schools.

61A(1) A water service provider shall supply clean and safe water in adequate quantities to every public primary school located in the area where it is licensed.

(2) Subject to subsection (1), a water service provider shall not require a public primary school to pay a charge for water supplied to the school.

(3) It shall be an offence for a water service provider to discontinue the supply of water to a public primary school.

(4) Where an employee or agent of the water service provider, or a person acting or purporting to act on behalf of the water service provider commits an offence under subsection (3), the water service provider and every director or officer of the water service provider who had knowledge of the commission of the offence shall be liable.

(5) A person who commits an offence under subsection (3) shall, upon conviction, be liable to imprisonment for a term of not exceeding twelve months, or a fine not exceeding five hundred thousand shillings or both.

CLAUSE 77

THAT clause 77 be amended by inserting the following new sub-clauses immediately after sub-clause (1) —

“(2A) Subject to subsection (1), at least one member of the board of a water services provider shall be nominated by the Member of Parliament of the constituency in which the water services provider is located and appointed by the board in accordance with the Company's Act.

(2B) A person nominated under subsection (2A) shall serve in the Board for a period of two years, renewable for one further term.”

FOURTH SCHEDULE

THAT the Fourth Schedule be amended in clause (2) by inserting the following new sub-clauses immediately after sub-clause (2) –

“(3) An applicant under sub-section 2 shall pay such fees for abstraction as may be prescribed by the Authority.

(4) The abstraction fees collected shall be distributed as follows—

- (a) fifty percent to the National Government; and
- (b) fifty percent to the County Government.”

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

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

NOTICE PAPER

Tentative business for

Tuesday, July 07, 2015

(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, July 07, 2015:-

A. THE SPECIAL ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, July 02, 2015)

B. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2013 ON THE NATIONAL PRODUCTIVITY POLICY

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Thursday, July 02, 2015)

C. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2013 ON THE EMPLOYMENT POLICY AND STRATEGY FOR KENYA

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Thursday, July 02, 2015)

D. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2013 ON THE NATIONAL INDUSTRIAL TRAINING AND ATTACHMENT POLICY

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Thursday, July 02, 2015)

E. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 5 OF 2014 ON THE NATIONAL POLICY FOR PEACEBUILDING AND CONFLICT MANAGEMENT

(The Chairperson, Departmental Committee on Administration and National Security)

(If not concluded on Thursday, July 02, 2015)

F. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2014 ON THE NATIONAL SOCIAL PROTECTION POLICY

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Thursday, July 02, 2015)

G. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2014 ON THE GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR (GJLOS) POLICY

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

(If not concluded on Thursday, July 02, 2015)

H. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 9 OF 2013 ON THE NATIONAL COHESION AND INTEGRATION

(The Chairperson, Joint Committee on National Cohesion and Equal Opportunity)

(If not concluded on Thursday, July 02, 2015)
