



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, MAY 25, 2017**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding – the Speaker**
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

- (i) **Invitation to the commissioning of the Standard Gauge Railway from Mombasa Railway Terminus to Nairobi Terminus by H.E. The President**

“Honourable Members, as you may be aware, this House has, over the past years, exercised its budget-making power by allocating funds for investment in the expansion and development of the country’s transport infrastructure. One of the flagship infrastructure projects is the Standard Gauge Railway (SGR), which is earmarked to link the Port of Mombasa to the inland Port of Kisumu via Nairobi.

You may also recall that last Session, the Departmental Committee on Transport, Public Works and Housing tabled in this House a Report on the Status of Implementation of the Standard Gauge Railway. True to the Committee’s findings then, the Ministry of Transport, Infrastructure, Housing and Urban Development has notified my Office that the said Phase is complete and ready for commissioning by H.E. the President on Wednesday, May 31, 2017.

Honourable Members, the Ministry has also extended invitation to all Members of the Departmental Committee on Transport, Public Works and Housing. In addition, the Ministry has invited a further thirty (30) Members of this House to join H.E. the President in commissioning this landmark transport project in Kenya. In this regard, Honourable Members desirous of being part of the team that will take the maiden ride are advised to register their names at the Main Reception, Main Parliament Buildings by close of business today, Thursday, May 25, 2017.

I thank you”.

(ii) **Consideration of the two (2) Bills scheduled for the Committee of the Whole House**

“Honourable Members, before we proceed to the next order to consider the Insurance (Amendment) Bill, 2017 and the Finance Bill, 2017 at the Committee stage, I wish to remind the House of the provisions of Article 114(2) of the Constitution and Standing Order 133(2) & (5) relating to amendments. These provisions state as follows -

**Article 114.** (2) *If, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter mentioned in the definition of “a money Bill”, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance.*

**Standing Order 133.**(2) *No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the Bill is to be considered in Committee;*

*(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.*

Honourable Members, in this regard, I have declined to approve several amendments proposed by various Members to the Insurance (Amendment) Bill and the Finance Bill, 2017 that had a “money bill” effect or expanded the scope of the Bill as follows -

- (i) by the Leader of the Majority Party to the Companies Act. I am of the view that the proposed amendments are better placed in the Companies (Amendment) Bill, 2017 which has just been read a First Time today;
- (ii) by the Hon. Benjamin Lang’at, MP relating to the Public Procurement and Asset Disposal Act;
- (iii) by the Hon. Moses Kuria, MP relating to the Alcoholic Drinks Control Act and the Banking Act;
- (iv) by the Hon. Johnson Sakaja, MP relating to the Kenya Deposit Insurance Act;
- (v) by the Hon. KimaniIchung’wah, MP relating to the Betting, Lotteries and Gaming Act;
- (vi) by the Hon. Patrick Musimba, MP relating to the Central Bank of Kenya Act, the Kenya Deposit Insurance Act, the Kenya Information & Communication Act, the Income Tax Act and the VAT Act.

I have only exceptionally allowed amendments relating to the Kenya Deposit Insurance Act and the Proceeds of Crime and Anti-Money Laundering Act being moved by the Committee and the Leader of the Majority respectively, as I am aware that there was sufficient consultation with relevant offices, including public participation, and that they have no “money bill” effect. I therefore caution the Committee of the whole House to be vigilant and observe the provisions of Article 114 of the Constitution in considering the amendments that were approved, as shown in the Order Paper.

I thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2016 and the certificates therein:-
  - (a) Kenya Trade Network Agency;
  - (b) Registration of Certified Public Secretaries Board;
  - (c) Kenya Accountants and Secretaries National Examination Board;
  - (d) Policyholders Compensation Fund; and
  - (e) Kenya Institute of Mass Communication.
- (ii) The 2016/2017 Supplementary Estimates II Programme Based Budget of the National Government of Kenya for the year ending 30<sup>th</sup> June 2017.

*(The Leader of the Majority Party)*

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

Pursuant to the provision of Standing Order 44(2) (a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, May 30, 2017.

7. **THE OCCUPATIONAL THERAPISTS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Occupation Therapists (Training, Registration and Licensing) Bill (National Assembly Bill No.41 of 2016) be now read a Second Time

*(Hon. Leonard Sang)*

Debate on the Second Reading having been concluded on Wednesday, May 24, 2017 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

8. **THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the National Police Service (Amendment) Bill (National Assembly Bill No.43 of 2016) be now read a Second Time

*(Hon. Abdullswamad Shariff Nassir)*

Debate on the Second Reading having been concluded on Wednesday, May 24, 2017 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

9. **THE DIVISION OF REVENUE (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.22 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Division of Revenue Bill (National Assembly Bill No.22 of 2017) be now read a Second Time

*(Chairperson, Budget and Appropriations Committee)*

Debate on the Second Reading having been concluded on Wednesday, May 24, 2017 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

10. **MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)**

Motion made and Question proposed-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Health Bill (National Assembly Bill No.14 of 2015), laid on the Table of the House on Wednesday, May 17, 2017 and approves the mediated version of the Bill

*(Chairperson, Mediation Committee on the Health Bill, 2015 – 24.05.2017)*

Debate on the Motion having been concluded on Wednesday, May 24, 2017 (Afternoon Sitting);

Question put and agreed to;

11. **THE COMPANIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.23 OF 2017)**  
(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

(i) **The Insurance (Amendment) Bill (National Assembly Bill No.17 of 2017)**

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

Clause 14 - amendment proposed -

**THAT** clause 14 of the Bill be deleted and substituted therefor the following new clause –

“**14.** Section 125 of the principal Act is amended by –

(a) deleting the number “(1)” appearing immediately before the words “where an insurer” in the opening statement; and

(b) deleting the word “admitted” appearing in paragraph (b)”.

*(Chairperson, Departmental Committee on Finance, Planning and Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to

New Clause 9A proposed -

**THAT** the Bill be amended by inserting the following new clause immediately after clause 9-

**9A.** Section 41 of the principal Act is amended by inserting the following new subsection (3)-

(3) The following assets shall neither be included in the capital available computation nor be used for the purposes of determining the insurer’s capital adequacy under this section-

- (a) goodwill and other intangible assets that exceed five per cent of total assets;
- (b) deferred tax income or expenses and deferred tax assets;
- (c) assets pledged to support credit facilities obtained by an insurer or other specific purposes;
- (d) assets over their concentration limits;
- (e) all credit facilities granted by an insurer and secured by its own shares;
- (f) prepayments;
- (g) one hundred per cent of fixed assets and computer equipment;
- (h) unsecured loans;
- (i) receivables from insurers;
- (j) merchandise inventory;
- (k) such other assets as may be prescribed.

*(Hon. Nelson Gaichuhie)*

Motion made and Question proposed –

THAT, the New Clause 9A be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 9A be part of the Bill

Question put and agreed to;

New Clause 9B proposed -

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 9A-

**9B.** The principal Act is amended by inserting the following new section-

Admitted  
liabilities

43A (1) For purposes of this Act, a reference to admitted liabilities of an insurer in computing available capital means liabilities shown as current, contingent and prospective liabilities in the accounts of an insurer, and includes, in the case of long term insurance business, the liabilities in respect of policies of long term insurance business.

(2) For purposes of this Act, a reference to admitted liabilities does not include -

(a) liability in respect of a share capital or reserve in lieu of capital approved by the Commissioner;

liability in respect of such matters as the

(b) Commissioner may by notice in writing direct;

(c) tax liability arising from an un-appropriated or undistributed surplus of a statutory fund;

(d) such other liability as may be prescribed.

(3) An insurer shall make adequate provision in the accounts for liabilities in respect of unexpired risks and outstanding or incurred claims including provision for claims incurred but not reported which shall be computed in accordance with a method approved by the Commissioner.

*(Chairperson, Departmental Committee on Finance, Planning and Trade)*

Motion made and Question proposed –

THAT, the New Clause 9B be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 9B be part of the Bill

Question put and agreed to;

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

**(i) The Finance Bill (National Assembly Bill No.16 of 2017)**

Clauses 2 & 3 - agreed to

Clause 4 - amendment proposed -

**THAT** clause 4 of the Bill be amended in paragraph (a) by inserting the following new subparagraph immediately after subparagraph (ii) –

“(iii) by deleting the words “at the beginning of every financial year” in paragraph 2(1) and substituting therefor the words “every two years”

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clauses 5, 6 & 7 - agreed to

Clause 8 - amendment proposed -

**THAT** clause 8 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - deleted

Clause 9 - amendment proposed -

**THAT** clause 9 of the Bill be amended in paragraph (a) by –

(a) deleting subparagraphs (i), (ii) and (iii) and substituting the following new subparagraphs –

- (i) by deleting paragraph 31 – Agricultural pest control products;
- (ii) by deleting the word “blind” appearing in paragraph 39(1)(b) and substituting therefor the word “disabled”;
- (iii) by deleting the following items –
  - 1102.20.00 – Maize (corn) flour;
  - 1101.00.00 – Wheat or meslin flour; and  
ordinary bread;
- (iv) by inserting tariff no. 9619.00.90 diapers immediately after tariff no. 9619.00.10 sanitary towels (pads) and tampons in paragraph 39 (3);
- (v) in paragraph 63 –
  - (a) by inserting the words “equipment and apparatus” immediately after the word “goods”;
  - (b) by inserting the words “with a minimum bed capacity of fifty” immediately after the word “hospitals”.

(b) renumbering subparagraph (iv) as (vi); and

- (i) deleting the proposed paragraph 88; and
- (ii) inserting the following new paragraph immediately after the proposed paragraph 93 -

“94. Transportation of cargo to destinations outside Kenya”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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

(a) by inserting the following new sub-paragraph immediately before paragraph (a)(i) and renumbering accordingly—

- (i) by deleting the words “as approved by the Cabinet Secretary for National Treasury” appearing in paragraph 30A;

(b) by deleting sub-paragraph (iii)(b) and substituting therefor the following new sub-paragraph—



“(b) by inserting the words “with a minimum bed capacity of thirty in the case of public hospitals and two hundred in the case of private hospitals” immediately after the word “facilities”;

(c) in paragraph (a)(iv) by deleting paragraph 89;

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

(iia) by deleting the words “as approved by the Cabinet Secretary for National Treasury” appearing in paragraph 28.

*(Hon. Nelson Gaichuhie)*

***(Proposed amendments (a) and (d) withdrawn)***

Question of the further amendment proposed;

Debate arising;

Proposed amendment (b) withdrawn;

Question on further amendment put and agreed to;

Further amendment proposed -

**THAT**, clause 9 be amended in paragraph (a), by inserting the following new subparagraph immediately after subparagraph (iii)—

(iiiA) in paragraph 66, by inserting the following new sentence immediately after the word “energy”—

“Clean cook stoves” includes clean and energy saving cook stoves with tariff number 7321, as well as their parts and raw materials that are either imported or sourced locally, provided that the stoves meet ISO/IWA 11:2012 standards of tier 2-4 for fuel efficiency, as determined by the Kenya Bureau of Standards.

*(Hon. Ken Okoth)*

Question of the further amendment proposed;

Debate on further amendment arising;

Question on further amendment put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed -

**THAT** clause 10 of the Bill be amended in paragraph (a) –

(a) by deleting subparagraph (i);

(b) by deleting subparagraph (ii) and substituting therefor the following new subparagraph –

“(ii) by inserting the following new paragraphs immediately after paragraph 12 –

“13. The supply of maize (corn) flour, ordinary bread and cassava flour, wheat or meslin flour and maize flour containing cassava flour by more than ten per-cent in weight.

14. Taxable goods supplied to marine fisheries and fish processors upon recommendation by the relevant state department.

15. All inputs and raw materials whether produced locally or imported supplied to manufacturers of agricultural pest control products upon recommendation by the Cabinet Secretary for the time being responsible for agriculture.

16. Agricultural pest control products.”

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clauses 11, 12, 13 14 & 15 - agreed to

Clause 16 - amendment proposed -

**THAT** clause 16 of the Bill be amended by inserting the word “after” immediately before the expression “paragraph 24B”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed -

**THAT** clause 17 of the Bill be amended in paragraph (b) (ii) (b) by inserting the following proviso in the proposed subparagraph (j) -

“provided that the rate of fifteen per cent shall be extended for a further period of five years if the company achieves a local content equivalent to fifty per cent of the ex-factory value of the motor vehicles”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - amendment proposed -

**THAT** clause 18 of the Bill be amended by inserting the words “in subsection (2)” immediately after the word “amended”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - agreed to

Clause 20 - amendment proposed -

**THAT** clause 20 of the Bill be amended by deleting the words “expression “(d)” and substituting therefor the words “paragraph “(d)”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to

Clauses 21, 22 & 23 - agreed to

Clause 24 - amendment proposed -

**THAT** clause 24 of the Bill be amended by deleting the opening statement to paragraph (b) and substituting therefor the following new opening statement –

“(b) inserting the following new paragraph immediately after paragraph (b) –”

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed -

**THAT** clause 25 of the Bill be amended –

- (a) by deleting the proposed subsection (4B) and substituting therefor the following new subsection –

“(4B) The tax withheld under this section shall be remitted to the Commissioner on or before the twentieth day of the month following the month in which the deduction is made.”

- (b) in the proposed subsection (4C) by deleting the words “within fourteen days following the time the withholding was made or ought to have been made” appearing in paragraph (b) and substituting therefor the words “by the twentieth of the month following that in which the deduction was made”.

- (c) by inserting the following new subsection immediately after the proposed subsection (4C) -

“(4D) A person who commits an offence under subsection (4C) is liable on conviction to a penalty of ten per cent of the amount involved”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to

Clause 26 - amendment proposed -

**THAT** clause 26 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - deleted

Rising on a point of order under Standing Order 35, the Member for Makadara (Hon. Benson Mutura) claimed that there was no quorum in the House;

Thereupon, the First Chairperson ordered for the quorum bell to be rang;

At the conclusion of ten minutes, quorum was attained, and Committee stage resumed;

Clause 27 - amendment proposed -

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

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 27 - agreed to

Clause 28 - amendment proposed -

**THAT** clause 28 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 28 - agreed to

Clause 29 - amendment proposed -

**THAT** clause 29 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 29 - agreed to

Clauses 30, 31, 32, 33 & 34 - agreed to

Clause 35 - amendment proposed -

**THAT** clause 35 of the Bill be amended by deleting the words “section 96” and substituting therefor the words “section 96A”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to

Clauses 36, 37 & 38 - agreed to

Clause 39 - amendment proposed -

**THAT** clause 39 of the Bill be amended -

(a) in the opening statement by deleting the words “subsection 4(B)” and substituting therefor the words “subsection (4B)”;

- (b) in the proviso to the proposed subsection (4C) by deleting the words “not be prosecuted” and substituting therefor the words “also be liable to prosecution”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - as amended agreed to

Clause 40 - amendment proposed -

**THAT** clause 40 of the Bill be amended by –

- (a) deleting paragraph (a); and  
(b) deleting the words “or a county government security” in the proposed subsection (3) in paragraph (d).

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - as amended agreed to

Clauses 41, 42, 43, 44 & 45 - agreed to

Clause 46 - amendment proposed -

**THAT** clause 46 of the Bill be amended by deleting the word “Co-operatives” and substituting therefor the word “SACCOS”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to

Clauses 47, 48, 49 & 50 - agreed to

Clause 51 - amendment proposed -

**THAT** the Bill be amended by deleting clause 51 and substituting therefor the following new clause —

Amendment of  
Second Schedule  
to No. 29 of 2016.

51. The Second Schedule to the Miscellaneous Fees and Levies Act, 2016 is amended—

(a) in Part A—

(i) by inserting the words “or Special Economic Zones” immediately after the words “Export Processing Zones” appearing in paragraph (ii);

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

(xxia) goods imported for the construction of liquefied petroleum gas storage facilities as approved by the Cabinet Secretary responsible for liquefied petroleum gas.

(b) in Part B—

(iii) by inserting the following new paragraph immediately after paragraph (v) —

(va) goods imported for the construction of liquefied petroleum gas storage facilities as approved by the Cabinet Secretary responsible for liquefied petroleum gas.

*(Hon. Nelson Gaichuhie)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - as amended agreed to

**New Clause 1A proposed—**

**THAT** the Bill be amended by inserting the following new clause immediately before clause 2 –

Amendment of section  
10 of No. 23 of 2015.

**1A.** Section 10 of the Excise Duty Act, 2013 is amended by deleting the word “annually” and substituting therefor the words “every two years”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 1A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 1A be part of the Bill

Question put and agreed to;

**New Part III proposed -**

**THAT** the heading to “**PART II – VALUE ADDED TAX**” be amended by deleting the words “**PART II**” and substituting therefor the words “**PART III**”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Part III be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Part III be part of the Bill

Question put and agreed to;

**New Part IV proposed –**

**THAT** the heading to “**PART III – INCOME TAX**” be amended by deleting the words “**PART III**” and substituting therefor the words “**PART IV**”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Part IV be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Part IV be part of the Bill

Question put and agreed to;

**New Clause 15A proposed -**

**THAT** the Bill be amended by inserting the following new clause immediately before clause 16 –

Amendment of **15A.** The Second Schedule to the Income Tax Act is amended in paragraph  
Second 24 by inserting the following new subparagraph immediately after  
Schedule to Cap. subparagraph (g) –  
470. “(h) on the construction of transportation and storage facilities for petroleum  
products by the Kenya Pipeline Company Ltd.”

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*



Motion made and Question proposed –

THAT, the New Clause 15A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

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

Question put and agreed to;

**New Clause 17A proposed -**

**THAT** the Bill be amended by inserting the following new clause immediately before clause 18 –

Amendment of section 3  
of No. 29 of 2015.

**17A.** Section 3 of the Tax Procedures Act, 2015 is amended in the definition of the term “tax decision” by deleting the number “49” and substituting therefor the number “48”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 17A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 17A be part of the Bill

Question put and agreed to;

**New Clause 20A proposed –**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 20 –

Amendment  
of section 15A of No.  
29 of 2015.

**20A.** Section 15A of the Tax Procedures Act, 2015 is amended by inserting the following new subsections immediately after subsection (2) –

(3)The registration of the tax representative shall be in the name of the non-resident person being represented.

(4) A person may be a tax representative for more than one non-resident person, in which case the person shall have a separate registration for each non- resident person.

(5)The Commissioner shall issue a PIN to the tax representative.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 20A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 20A be part of the Bill

Question put and agreed to;

**New Clause 25A proposed –**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 25 –

Amendment of  
section 3 of Cap.  
131.

**25A.** Section 3 of the Betting, Lotteries and Gaming Act is amended by deleting subsection (2) and substituting therefor the following new subsection –

“(2) Before the Minister makes an appointment under this section –

(a) he may require the person to be so appointed to declare whether he has any, and if so what, financial interest in any betting undertaking operating in Kenya; and

(b) in the case of a member appointed under paragraphs (a) and (e) of subsection (1), he shall require the nominated members to present clearance certificates from –

- (i) the Kenya Revenue Authority;
- (ii) the Ethics and Anti-Corruption Commission;
- (iii) the Directorate of Criminal Investigation;
- (iv) the National Intelligence Service;
- (v) the Higher Education Loans Board; and
- (vi) a licensed Credit Reference Bureau.”

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H

*(Hon. (Dr.) Patrick Musimba)*

Proposed amendment dropped;

**New Clause 29A proposed -**

**THAT** the following new clause be inserted immediately after clause 29 –

Amendment of  
section 69 of Cap.  
131.

**29A.** Section 69 of the Betting, Lotteries and Gaming Act is deleted and substituted therefor the following new section –

Revenue  
to be paid  
into the  
Consolidat  
ed Fund.

**69.** Save for the taxes provided for under sections 29A, 44A, 55A and 59B, any other moneys received under this Act by or on behalf of the Board by way of fees, shall be paid into the Consolidated Fund.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 29A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 29A be part of the Bill

Question put and agreed to;

**New Clauses 29A and 29B proposed -**

**THAT** the Bill be amended by inserting the following clauses immediately after clause 29 —

Amendment of **29A.** The Marine Insurance Act is amended by inserting the following new section immediately after section 3—  
Cap. 390.

Marine cargo insurance defined. **3A.** A contract of marine cargo insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against the losses incident to any movable property other than ship including money and other valuable securities.

Amendment of **29B.** The Marine Insurance Act is amended by inserting the following new section immediately after section 16—  
Cap. 390.

Insurable interest in marine cargo. **16A.** A person with insurable interest in marine cargo shall place marine cargo insurance with an insurer registered under this Act unless prior exemption has been granted by the Commissioner.  
(Hon. Nelson Gaichuhie)

Motion made and Question proposed –

THAT, the New Clauses 29A and 29B be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 29A and 29B be part of the Bill

Question put and agreed to;

**New Clause 39A proposed -**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 39 –

Amendment of  
section 53 of No.  
10 of 2012.

**39A.** Section 53 of the Kenya Deposit Insurance Act, 2012 is amended by inserting the following new subsection immediately after subsection (2) –  
“(3) The Cabinet Secretary, may under exceptional circumstances, extend the term of receivership, for a further period not exceeding twelve months”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 39A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 39A be part of the Bill

Question put and agreed to;

**New Clause 41A proposed -**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 41 –

Amendment of section  
12 of No. 25 of 2013.

**41A.** Section 12 of the Sports Act, 2013 is amended in subsection 2 by inserting the words “taxes levied under the Betting, Lotteries and Gaming Act” immediately before the word “investments” in paragraph (a).  
(a).

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed –

THAT, the New Clause 41A be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 41A be part of the Bill

Question put and agreed to;

**New Clause 52 proposed -**

**THAT** the Bill be amended by inserting the following clause immediately after clause 51—

Amendment of section  
54 of No. 9 of 2009.

**52.** The Proceeds of Crime and Anti-Money Laundering Act is amended in section 54 by deleting subsection (1A).

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Clause 52 be read a Second Time

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 52 be part of the Bill

Question put and agreed to;

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

13. **HOUSE RESUMED** – the Deputy Speaker Chairperson in the Chair

(i) **The Insurance (Amendment) Bill (National Assembly Bill No. 17 of 2017)**

Bill reported with amendments;

Motion made and Question proposed-

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

*(The Leader of the Majority Party)*

Question deferred to another day;

(ii) **The Finance Bill (National Assembly Bill No. 16 of 2017)**

Bill reported with amendments;

Motion made and Question proposed-

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

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Debate arising;

Amendment proposed –

THAT, the Motion be amended by inserting the words “subject to recommittal of clauses 20, 26, 27, 28 and 29.”

*(The Leader of the Majority Party)*

Question of the amendment deferred to another day;

14. **THE CONSTITUTION OF KENYA (AMENDMENT)(NO. 6) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)**

Order for Second Reading read;

15. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend its sitting until the conclusion of Business appearing under Order No.14.

*(The Minority Party Whip)*

Debate arising;

Rising in his place on a point of order pursuant to Standing Order 35, the Leader of the Majority Party (Hon. Aden Duale) claimed that there was no quorum in the House;

Thereupon, the Deputy Speaker ordered for the quorum bell to be rang;

At the conclusion of ten minutes, no quorum was attained, and therefore the House adjourned;

And the time being fourteen minutes to Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at fourteen minutes to Six O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, May 30, 2017 at 2.30 p.m.

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