



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 29, 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

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

**8*. THE VETTING OF JUDGES AND MAGISTRATES (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2016)**

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

Second Reading

(Question to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

(i) The Division of Revenue Bill (National Assembly Bill No. 4 of 2016)
(The Leader of the Majority Party)

(ii) The Health Bill (National Assembly Bill No.14 of 2015)
(The Leader of the Majority Party)

(Resumption of consideration interrupted on Thursday, March 17, 2016 – Afternoon Sitting)

(To commence from clause 55)

(iii) The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)
(The Leader of the Majority Party)

10*. **MOTION - THE REPORT ON THE MEDIATED VERSION OF THE
STATUTE LAW (MISCELLANEOUS AMENDMENTS)
(NO.2) BILL, 2013**

(The Chairperson, Mediation Committee on the Statute Law
(Miscellaneous Amendments) (No.2), 2013)

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 the Statute Law (Miscellaneous Amendments) (No.2) Bill, laid on the Table of the House on Thursday, 24th March 2016, and **approves** the mediated version of the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013)

11**. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 24, 2016 – Afternoon Sitting)

12**. **THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

Second Reading

13*. **THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 24, 2016 – Afternoon Sitting)

14**. **THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF
2016)**

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

Second Reading

15*. **THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 2 OF 2016)**

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

Second Reading

(Resumption of debate interrupted on Thursday, March 17, 2016 – Morning Sitting)

16. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**

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

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

*** Denotes Orders of the Day**

****Denotes Bill with Constitutional Timeline**

N O T I C E S

I. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

Notice is given that the Chairperson of the Committee on Health, intends to move the following amendments to the Health Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, clause 2 if the Bill, be amended-

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

“abortion” means termination of a pregnancy before the foetus is viable as an independent life outside the womb;

(b) by deleting the definition of “alternative medicine” and substituting therefor the following new definition —

“alternative medicine” means complementary medicine and includes a broad set of health care practices that are not part of Kenya’s tradition and are not integrated into the dominant health care system”;

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

“e-Health” means the combined use of electronic communication and information technology in the health sector including telemedicine”;

(d) by deleting the definition of “therapeutic manipulation” and substituting therefor the following new definition —

“therapeutic manipulation” means handling of genetic material of zygotic or embryonic cells in order to alter, for therapeutic purposes, the function of cells or tissues”;

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

“breastfeeding” means the method of feeding an infant directly from the female breast;

“expressing milk” means the act of extracting human milk from the breast by hand or by pump into a container;

“health care provider” means a person who provides health care services and includes a health care professional”;

"health extension worker" means a health care professional working in health centres in rural and medically underserved areas, where they provide emergency treatment and a range of other health services to patients;

"health system" means an organization of people, institutions and resources, that deliver health care services to meet the health needs of the population, in accordance with established policies".

"lactation stations" means private, clean, sanitary and well-ventilated rooms or areas in the workplace where nursing mothers can wash up, breast feed or express their milk and hygienically preserve it;

"public good" means a good or service whose benefits may be provided to a group at no more cost than that required to provide for one person";

"specialist" means a health professional who is specially trained in a certain branch of his or her profession related to specific services or procedures";

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the words "palliative" immediately after the word "curative" appearing in sub clause (d).

CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the word "palliative" immediately after the words "curative" .

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in sub clause (1) by deleting the words " except elective abortions." appearing in paragraph (a);
- (b) in sub clause (2) by deleting the words "uncomplicated abortion and post-abortion care and in the identification, management and referral of abortion" and substituting therefor the words "manage pregnancy-related complications in women"

CLAUSE 7

THAT, clause 7 of the Bill be amended, by inserting the following new sub clause immediately after sub clause (2) —

"(2A) A health care provider shall not be liable under this section, until the provisions of subsection (2) have been implemented."

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub clause (3), by inserting the word "care" immediately after the word "health".

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting the words “in so far as it is within users” appearing immediately after the words “the duty” and substituting therefor the words “in the absence of any observable incapacity”

CLAUSE 15

THAT, clause 15 of the Bill be amended-

(a) in sub clause (1)-

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

“(a) develop health policies, laws and administrative procedures and programmes in consultation with county governments and health sector stakeholders and the public for the progressive realization of the highest attainable standards of health”;

(ii) by inserting the words “and healthy lifestyle;” immediately after the words “dietetic services” appearing in paragraph (d).

(iii) by inserting the following new paragraph immediately after paragraph (h) -

“(ha) put in place intervention measures to reduce the burden of communicable and non-communicable diseases, emerging and re-emerging diseases, and neglected diseases”;

(iv) by deleting the words “national and county referral” appearing immediately after the words “designation of” in paragraph (j).

(v) by inserting the words “through the established inter-governmental relations mechanisms” immediately before the word “coordinate” appearing in paragraph (o);

(vi) by inserting the words “and specialized” immediately after the word “national” appearing in paragraph (t).

(vii) by inserting the following new paragraph immediately after paragraph (u) –

“(ua) provide policy guidelines and regulations for hospital waste management and conduct of environmental health impact assessment”;

(viii) by inserting the following new paragraph immediately after paragraph (w) –

“(wa) provide policy and training, maintenance of standards and co-ordination mechanisms for the provision of emergency healthcare”;

(b) in sub clause (2), by inserting the words “ in consultation through the established inter-governmental relations mechanisms” immediately after the words “Health” appearing in the opening statement.

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clause -

“(2) The Director General for health shall be recruited by the Public Service Commission through a competitive process, vetted by Parliament and appointed by the President.”

CLAUSE 17

THAT, clause 17 of the Bill be amended by—

(a) deleting paragraph (a) and substituting therefor the following new paragraph -

“(a) be the technical advisor to the Government on all matters relating to health within the health sector”.

(b) by deleting paragraph (j) and substituting therefor the following paragraph -

“(j) provide guidelines for registration, licensing, certification and gazettement of all health facilities”;

CLAUSE 18

THAT, clause 18 of the Bill be amended by inserting the words “in consultation with the Director General” immediately after the words “Cabinet Secretary”.

CLAUSE 20

THAT, clause 20 of the Bill be amended —

(a) in the opening statement by inserting the words “and in consultation through the established inter-governmental relations mechanisms” immediately after the word “Constitution” .

(a) by deleting paragraph (1) and substituting therefor the following new paragraph -

“(l) making due provision and develop criteria to compensate health care facilities for debts arising through failure to secure payment for bills for non-payment of treatment of indigent users”.

CLAUSE 24

THAT, clause 24 of the Bill be deleted.

NEW PARTS

THAT, the Bill be amended by inserting the following new parts immediately after clause 26—

**“PART IIIA – KENYA HEALTH SECTOR INTER-
GOVERNMENTAL CONSULTATIVE FORUM**

Establishment of
Forum.

No.2 of 2012

26A. (1) There is established a Health Sector Inter-Governmental Consultative Forum, in line with the provisions of the Inter-Governmental Relations Act, and any applicable law.

Composition of the
Forum.

(2) The Forum shall comprise of –

- (a) the Director-General for health or a designated representative; and
- (b) each County Director of Health or a designated representative.

Purpose of the Forum.

26B. (1) The Forum shall –

- (a) develop criteria and framework for determining matters requiring intergovernmental consultation; and
- (b) develop inter-governmental agreements for joint implementation of any activities for health service delivery.

Meetings of the Forum.

26C. (1) The Forum shall meet at least twice a year.

(2) The Forum shall regulate the procedures of its meetings.

Conduct of business.

26D. (1) The Forum shall regulate the conduct and regulation of the business and affairs of the Forum.

“PART IIIB – ESTABLISHMENT OF THE KENYA HEALTH HUMAN RESOURCE ADVISORY COUNCIL

Establishment of the
Council.

26E. (1) There is established a Kenya Health Human Resource Advisory Council which shall consist of –

- (a) a chairperson, who shall be appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative designated by the Principal Secretary;
- (c) one person who holds a master's degree in public health nominated by the Council of Governors;
- (d) the Attorney General or a representative designated by the Attorney General;
- (e) the Director-General for health or a representative designated by the Director-General;
- (f) one representative nominated by the Public Service Commission;
- (g) one person nominated by the Intergovernmental Consultative Council;
- (h) one person nominated by the County Public Service Boards;
- (i) three persons nominated by public universities, private universities and mid-level institutions; and
- (k) the Chief Executive Officer.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) acquiring , holding and disposing of movable and immovable property; and
- (c) doing or performing all such other things or acts as may be lawfully done by a body corporate.

Functions of the Council.

26F. (1) The Council shall review policy and establish uniform norms and standards for –

- (i) posting of interns to National Government and County Government facilities;
- (ii) inter county transfer of healthcare professionals;
- (iii) transfer of healthcare professionals from one level of Government to another;
- (iv) the scheme of service for health professionals;
- (v) management and rotation of specialists; and
- (vi) the maintenance of a master register for all health practitioners in the counties.

Powers of the Council.

26G. The Council shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—

- (a) control, supervise and administer the assets of the Council in such manner and for such purpose as best promotes the purpose for which the Council is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organizations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;
- (e) open a banking account or banking accounts for the funds of the Council; and
- (f) invest any funds of the Council not immediately required for its purposes as may be permitted by law for the time being in force.

Chief Executive Officer.

26H. (1) The Public Service Commission shall, through an open, transparent process, recruit a Chief Executive Officer who shall be appointed by the Council.

(3) A person is qualified for appointment as the Chief Executive Officer to the Council if the person—

(a) holds at least a degree in medicine from a university recognized in Kenya, and is registered by the Kenya Medical Practitioners and Dentist Board;

(b) has at least ten years' experience in the practice of medicine, five of which shall be experience at senior management level; and

(c) meets the requirements of Chapter Six of the Constitution;

(4) The Chief Executive Officer shall serve the Council for a term of five years and shall be eligible, subject to satisfactory performance of his or her functions, for reappointment for one further term.

(5) A person shall not be appointed as the Chief Executive Officer or an officer of the Council if such person has any direct or indirect interest in the health sector.

(6) The Chief Executive Officer may be removed from office for gross misconduct, violation of the Constitution or any other law or on any other ground as may be provided for in the contract of employment.

(7) The Chief Executive Officer shall be responsible for the day to day operations of the Council.

Conduct of business and affairs of the Council.

26J. (1) The conduct and regulation of the business and affairs of the Council shall be as provided in the Second Schedule.

(2) Except as provided in the Second Schedule, the Council may regulate its own procedure.

Delegation by the Council.

26K. The Council may, by resolution generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or an agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

Tenure of office.

26L. (1) The chairperson and the members of the Council, other than *ex-officio* members, shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(2) The members of the Council shall be appointed in such a manner that the respective expiry dates of their terms of office fall at different times.

Staff of the Council.

26M. (1) The Council may competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Council.

(2) In the appointment of the staff of the Council, the Council shall comply with the values and principles set out in the Constitution and in particular—

- (a) afford adequate and equal opportunities for appointment and advancement at all levels, of men and women, members of all ethnic groups and persons with disabilities;
- (b) exercise transparency in the recruitment process; and
- (c) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.

Terms and conditions of service.

26N. The staff of the Council shall serve on such terms of service as the Council, on recommendation of the Salaries and Remuneration Commission may determine.

Protection from of liability.

26O. (1) A member of the Council or any person working under the instructions of the Council shall not be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of carrying on the functions of, or exercising of powers conferred upon the Council under this Act.

(2) Despite subsection (1), the Council shall not be relieved of its liability to pay compensation to any person for any injury to him or her, his or her property or to any of his or her interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

Funds of the Council.

26P. The funds of the Council shall comprise—

- (a) such funds as may be appropriated by the Parliament;
- (b) such moneys or assets as may accrue to or vest in the Council in the performance of its functions or the exercise of its powers under this Act or any other written law; and
- (c) all moneys from any other source provided for, donated or lent to the Council.

Financial year.

26Q. The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in every year.

Annual estimates.

26R.(1) The Council shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Council for that financial year.

(2)The annual estimates shall make provision for all the estimated expenditure of the Council for the financial year concerned and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Council;
- (b) payment of pensions, gratuities and other charges in respect of members and other staff of the Council;
- (c) proper maintenance of buildings and grounds of the Council;
- (d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Council; and
- (e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem appropriate.

(3)The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after approval, the Council shall not increase annual estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization by the Cabinet Secretary.

Accounts and audit.

26S. (1) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.

No. 12 of 2003

(2) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

(3) The Council shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Council together with—

- (a) a statement of income and expenditure during the year;
- (b) a statement of the assets and liabilities of the Council as of the last day of that year;
- (c) a cash flow statement for the financial year; and
- (d) any other statements and accounts that may be necessary to fully disclose the financial position of the Council.

Investment of funds.

26T. The Council may, subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance invest any of the funds of the Council in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

CLAUSE 27

THAT, clause 27 of the Bill be deleted and replaced by the following new clause-

Establishment of Authority.

27. (1) There is established an Authority known as the Kenya Health Professions Oversight Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) acquiring , holding and disposing of movable and immovable property; and
- (c) doing or performing all such other things or acts as may be lawfully done by a body corporate.

CLAUSE 28

THAT, clause 28 of the Bill be deleted and replaced by the following new clause-

The Board of the Authority.

28. The Authority shall be administered by a Board which shall consist of –

- (a) a chairperson appointed by the Cabinet Secretary who shall be a health professional who meets the requirements of Chapter six of the Constitution of Kenya;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or a designated representative;
- (c) the Director-General for health or a designated representative;
- (d) the Attorney General or a designated representative;
- (e) two representatives nominated by the health regulatory bodies established under an Act of Parliament;
- (f) two representatives nominated by the health professional associations registered by the Registrar of Societies who are not regulated or registered by any regulatory body;

- (g) one representative from the private sector appointed by the Cabinet Secretary;
- (h) one representative from consumer rights bodies appointed by the Cabinet Secretary; and
- (i) the Chief Executive Officer.

Further amendment (upon re-committal)-

Notice is given that the Chairperson of the Committee on Health, intends to move the following further amendment to Clause 28 of the Bill, if re-committed

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (a) by inserting the following paragraph immediately after paragraph (e)—
 - (da) two representatives nominated by the Council of Governors;
- (b) by deleting the word 'two' and substituting therefor the word 'three' immediately after paragraph (e)
- (c) by inserting the words "appointed by the Authority, through a competitive process and shall be the secretary of the Authority." immediately after the words "officer"

CLAUSE 29

THAT, clause 29 of the Bill be deleted and replaced by the following new clause-
Powers of the Authority.

29. The Board shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, shall have power to—

- (a) control, supervise and administer the assets of the Authority in such manner and for such purpose as best promotes the purpose for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Authority;
- (d) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

- (e) enter into association with other bodies or organizations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purpose for which the Authority is established;
- (f) open a banking account or banking accounts for the funds of the Authority; and
- (g) invest any funds of the Authority not immediately required for its purposes as provided under section 37.

CLAUSE 30

THAT, clause 30 of the Bill -

(a) be deleted and replaced by the following new clause-

Functions of the Authority.

30. (1) The functions of the Authority shall be to-

- (a) maintain a duplicate register of all health professionals working within the Health System;
- (b) promote and regulate inter-professional liaison between statutory regulatory bodies;
- (c) coordinate joint inspections with all regulatory bodies;
- (d) receive and facilitate the resolution of complaints from patients, aggrieved parties and regulatory bodies;
- (e) monitor the execution of respective mandates and functions of regulatory bodies recognized under an Act of Parliament;
- (f) arbitrate disputes between statutory regulatory bodies, including conflict or dispute resolution amongst Boards and Councils; and
- (g) ensure the necessary standards for health professionals are not compromised by the regulatory bodies.

(2) The Cabinet Secretary shall, in consultation with the Authority make regulations generally for the better carrying out of the provisions of this section and without limiting the generality of the foregoing, the Cabinet Secretary shall make regulations to prescribe—

- (h) the manner and form of coordinating joint inspections with all regulatory bodies;
- (i) the procedure for receipt and facilitation of the resolution of complaints from patients, aggrieved parties and regulatory bodies;
- (j) the manner of monitoring the execution of respective mandates and functions of regulatory bodies recognized under an Act of Parliament;
- (k) the mechanisms for arbitration of disputes between statutory regulatory bodies, including conflict or dispute resolution amongst Boards and Authorities; and
- (l) mechanisms to ensure that the necessary standards for health professionals are not compromised by the regulatory bodies.

(b) be amended by inserting the following new clauses immediately after clause 30-

Chief Executive Officer.

30A. (1) The Public Service Commission shall, through an open, transparent process, recruit a Chief Executive Officer who shall be appointed by the Authority .

(2) A person is qualified for appointment as the Chief Executive Officer to the Authority if the person—

(a) holds at least a degree in medicine from a university recognized in Kenya and is registered by the Kenya Medical Practitioners and Dentist Board.

(b) has at least ten years' experience in the practice of medicine, five of which shall be experience at senior management level; and

(c) meets the requirements of Chapter Six of the Constitution;

(3) The Chief Executive Officer shall serve the Authority for a term of five years and shall be eligible, subject to satisfactory performance of his or her functions, for reappointment for one further term.

(4) A person shall not be appointed as the Chief Executive Officer or an officer of the Authority if such person has any direct or indirect interest in the health sector.

(5) The Chief Executive Officer may be removed from office for gross misconduct, violation of the Constitution or any other law or on any other ground as may be provided for in the contract of employment.

(6) The Chief Executive Officer shall be responsible to the Board for the day to day operations of the Authority.

Conduct of business and affairs
of the Authority.

30B. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Third Schedule.

(2) Except as provided in the Third Schedule, the Authority may regulate its own procedure.

Delegation by the Authority.

30C. The Authority may, by resolution generally or in any particular case, delegate to any committee of the Authority or to any member, officer, employee or an agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act.

Staff of the Authority.

30D. (1) The Board may competitively appoint suitably qualified staff as may be necessary for the efficient performance of the functions of the Board.

(2) In the appointment of the staff of the Board, the Board shall comply with the values and principles set out in the Constitution and in particular—

- (a) afford adequate and equal opportunities for appointment and advancement at all levels, of men and women, members of all ethnic groups and persons with disabilities;
- (b) exercise transparency in the recruitment process; and
- (c) ensure competitive recruitment and selection on the basis of personal integrity, competence and suitability.

Terms and conditions of
service.

30E. The staff of the Board shall serve the Board on such terms of service as the Board, on recommendation of the Salaries and Remuneration Commission may determine.

Protection from Liability.

30F. (1) A member of the Board, or an officer, employee or agent of the Authority or any person acting under their direction is not liable for any matter or thing if that matter or thing is done in good faith for executing the functions, powers or duties of the Authority..

(2) Despite subsection (1), the Board shall not be relieved of its liability to pay compensation to any person for any injury to him or her, his or her property or to any of his or her interest caused by the exercise of any power conferred by this Act or by failure, whether wholly or partially, of any works.

Funds of the Authority.

30G. The funds of the Authority shall comprise—

- (a) such funds as may be appropriated by the Parliament;

- (b) such moneys or assets as may accrue to or vest in the Authority in the performance of its functions or the exercise of its powers under this Act of any other written law; and
- (c) all moneys from any other source provided for, donated or lent to the Authority.

Financial year.

30H. The financial year of the Authority shall be the period of twelve months ending on the thirtieth day of June in every year.

Annual estimates.

30I.(1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Authority for that financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of the members of staff or agents of the Authority;
- (b) payment of pensions, gratuities and other charges in respect of members and other staff of the Authority;
- (c) proper maintenance of buildings and grounds of the Authority;
- (d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and
- (e) funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Authority may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after approval, the Authority shall not increase annual estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization by the Cabinet Secretary.

Investment of funds.

30J. The Board may, subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance invest any of the funds of the Authority in securities in which, for the time being, trustees may by law invest funds or in any other securities which the Treasury may, from time to time, approve for that purpose.

Accounts and audit.

No. 12 of 2003

30K. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority.

(2) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act

(3) The Board shall, within three months from the end of the financial year to which the accounts relate, submit to the Auditor-General the accounts of the Authority together with—

- (a) a statement of income and expenditure during the year;
- (b) a statement of the assets and liabilities of the Authority as of the last day of that year;
- (c) a cash flow statement for the financial year; and
- (d) any other statements and accounts that may be necessary to fully disclose the financial position of the Authority.

Relationship with other regulatory bodies.

30L. (1) The obligation to inspect, monitor and evaluate the standard of performance in all the services regulated and professionals engaged in the health sector, both public and private shall be undertaken by the respective regulatory bodies provided that they are not in conflict with the functions of the Authority as stipulated in this Act or under any other written law.

(2) For the avoidance of doubt the regulatory bodies referred to in subsection (1) shall include—

Cap.260

(a) the Clinical officers Authority established under the Clinical Officers Act;

(b) the Nursing Council of Kenya established under the Nurses Act;

Cap.257

(d) the Kenya Medical Laboratory Technicians and Technologists Board established under the Medical Laboratory Technicians and Technologists Act;

Cap. 253A.

(e) the Medical Practitioners and Dentists Board established under the Medical Practitioners and Dentists Act;

Cap.253.

(f) the Radiation Protection Board established under the Radiation Protection Act;

Cap. 243.

(g) the Pharmacy and Poisons Board established under the Pharmacy and Poisons Act;

Cap.244.

the Council of the Institute of Nutritionists and Dieticians established under the Nutritionists and Dieticians Act;

Cap. 253B.

(h) the Public Health Officers and Technicians Council established under the Public Health Officers (Training, Registration and Licensing) Act; and

No. 12 of 2013.

(i) any other body as may be prescribed by the Cabinet Secretary under this Act."

CLAUSE 31

THAT, clause 31 of the Bill be deleted and replaced by the following new clause-

Formation of professional
bodies.

31. Any health professionals seeking to form a professional regulatory body must adhere to the criteria prescribed by the Cabinet Secretary, in consultation with the Authority.

CLAUSE 33

THAT, clause 33 of the Bill be amended in sub clause (1) by deleting the word "weapons" appearing in paragraph (f) and substituting therefor the word "products".

CLAUSE 38

THAT, clause 38 of the Bill be amended-

- (a) in sub-clause (2) by deleting the expression "(a)" appearing at the beginning of the sub-clause.
- (b) by renumbering paragraph (b) as paragraph (a);
- (c) by renumbering paragraph (c) as paragraph (b);
- (d) by renumbering paragraph (d) as paragraph (c);
- (e) by renumbering paragraph (e) as paragraph (d);
- (f) by renumbering paragraph (f) as paragraph (e);

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub clause (1) by inserting a new paragraph immediately after paragraph (l)—

"(m) developing guidelines for the conduct of health impact assessment."

THAT the Bill be amended in **Part VI** by inserting the following new clause immediately after clause 40 —

Lactation
stations in the
workplace.

"41A. (1) All employers shall in the workplace establish lactation stations, which shall be adequately provided with necessary equipment and facilities including handwashing equipment, refrigerators or appropriate cooling facilities, electrical outlets for breast pumps, a small table, comfortable seats the standard of which shall be defined by the Ministry responsible for matters relating to health.

(2) The lactation station shall not be located in the rest rooms.

(3) All employers shall take strict measures to prevent any direct or indirect form of promotion, marketing and or selling of infant formula and or breast substitutes within the lactation stations.

Provision of
break intervals
for nursing
employees.

41B. (1) An employer shall grant all nursing employees break intervals in addition to the regular times off for meals to breastfeed or express milk.

(2) The time intervals referred to in sub section (1) shall include the time it takes an employee to get to and from the lactation station and shall be counted as compensable hours worked provided that such intervals shall not be more than a total of one hour for every eight hour working period.

CLAUSE 41

THAT, clause 41 of the Bill be amended by deleting the opening statement and substituting therefor the following new opening statement -

“There shall be established by an Act of Parliament, legislation to—”

CLAUSE 43

THAT, clause 43 of the Bill be amended —

(a) in sub clause (1) by deleting the word “African”

(b) in sub clause (3) by deleting the word “African”

CLAUSE 48

THAT, clause 48 be amended in sub clause (2) by inserting the word “in” immediately after the word “mentioned”.

CLAUSE 49

THAT, clause 49 be amended, by deleting sub clause (2) and substituting therefor the following new clause—

“(2) In the absence of a donation under subsection (1) (a) or of a contrary direction given by a person whilst alive and upon death the person’s body remains unclaimed under any other law, the spouse or spouses, elder child, parent, guardian, eldest brother or sister of that person, in the specific order mentioned, may, after that person’s death, donate the body or any specific tissue of that person to an institution or a person contemplated in this subsection.”

Further amendment (upon re-committal)-

Notice is given that the Chairperson of the Committee on Health, intends to move the following further amendment to Clause 49 of the Bill, if re-committed

CLAUSE 49

THAT, clause 49 of the Bill be amended in subclause (2) by deleting the word “partner” and substituting therefor the word “spouses”

CLAUSE 52

THAT, clause 52 be amended—

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

“(b) the spouse(s), child, parent, guardian, brother or sister of the deceased, in the specific order mentioned, gave consent thereto;
or ”

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

“(b) in the case where there is no medical practitioner in charge of clinical services, a medical practitioner authorized by the person in charge of such hospital or authorized institution,

authorizes the post mortem examination in writing and in the prescribed manner.”

CLAUSE 54

THAT, clause 54 of the Bill be deleted and replaced by the following new clause—

Health finance.

“54.(1) The Ministry of health shall ensure progressive financial access to universal health coverage by taking measures that include—

- (a) developing mechanisms for an integrated national health insurance system, including making provisions for social health protection and health technology assessment;
- (b) establishing in collaboration with the department responsible for finance oversight mechanism to regulate all health insurance providers;
- (c) developing policies and strategies that ensure realization of universal health coverage;
- (d) determining, during each financial period and in consultation with individual county authorities, cost sharing mechanisms for services provided by the public health system without significantly impeding the access of particular population groups to the system in the areas concerned; and

- (e) defining in collaboration with the department responsible for finance, public financing of health care framework, including annual allocations towards reimbursing all health care providers responding to disasters and emergencies as contemplated under this Act

(2) The Ministry of health shall, in consultation through the established inter-governmental relations mechanisms —

- (a) provide a framework for collaboration with the ministries responsible for finance, planning and any other relevant department to secure health care for vulnerable groups and indigents;
- (b) provide a framework for examining means of optimizing usage of private health services as a result of relieving the burden carried by the publicly financed system; and
- (c) provide a framework for establishing a harmonized common mechanism for coordinating planning and financing and monitoring and evaluation within the health sector."

Further amendment (upon re-committal)-

Notice is given that the Chairperson of the Committee on Health, intends to move the following further amendment to Clause 54 of the Bill, if re-committed

CLAUSE 54

THAT, clause 54 of the Bill be amended in sub clause (1) by deleting the words "cabinet secretary" and substituting therefore the word "department"

CLAUSE 55

THAT, clause 55 be deleted and replaced by the following new clause -

Bank account.

"55 (1) The National Treasury shall, facilitate the opening and maintenance of bank accounts by the county treasuries, for purposes of operationalizing disbursements of conditional grants, donations and any other monies designated for health as may be prescribed, in accordance with the provisions of the Constitution and the Public Finance Management Act.

Act No. 18 of 2012.

(2) Funds identified and designated for health in sub-section (1) shall not be appropriated for any other purpose."

CLAUSE 56

THAT, clause 56 be amended, by inserting the words “and regulation” immediately after the words “development” appearing in sub clause (1).

CLAUSE 59

THAT, clause 59 of the Bill be deleted and replaced by the following new clause —

“Duty of licensees.

59. (1) Institutions licensed under section 57 and private health workers licensed under section 58 shall irrespective of any specific conditions attached to such a licence be bound -

(a) to permit and facilitate inspection at any time by the Authority and regulatory bodies;

(b) to provide emergency services in their field of expertise required or requested either by individuals, population groups or institutions, without regard to the prospect or otherwise of direct financial reimbursement.

(2) Institutions and private health workers shall nevertheless be entitled to compensation under similar terms as contemplated under section 7 of this Act.”

CLAUSE 61

THAT, clause 61 be amended—

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

“(1) There shall be established by the Cabinet Secretary, a National Health Research Committee which shall be a technical committee”.

(b) by deleting the marginal note and substituting therefor the following new marginal note—

“Establishment of the National Health Research Committee”.

CLAUSE 64

THAT, clause 64 of the Bill be amended in sub clause (3) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) set up a national research database”

CLAUSE 66

THAT, clause 66 of the Bill be amended by deleting the words “Third Schedule” and substituting therefor the words “Fourth Schedule”

CLAUSE 72

THAT, clause 72 be amended, by deleting the opening statement, and substituting therefor the following new opening statement —

“The Cabinet Secretary shall, within three years of the operation of this Act, ensure the enactment of legislation that provides for among other things”

CLAUSE 73

THAT, clause 73 be amended—

(a) in sub clause (1), by inserting the word ‘integrated’ immediately after the word “comprehensive”;

(b) in sub clause (2), by inserting the words “ in consultation with the Director General,” immediately after the word “ Cabinet Secretary” .

(c) by inserting the following new sub clause immediately after sub clause (2) —

“(2A) The Cabinet Secretary shall, in consultation with the Director General, prescribe policy guidelines for the establishment of an integrated comprehensive health information management system, which shall include—

- (a) an integrated comprehensive health information system relating to the national government health functions;
- (b) an integrated comprehensive health information system relating to every county and in respect of county functions; and
- (c) the consolidation and harmonization of health information obtained under subsection (a) and subsection (b) ;

- (a) the minimum standards applicable for establishment and maintenance of health information systems;
- (b) a guide on the minimum indices to be captured by each county health information system;
- (c) the mechanism for ensuring inter-connectivity between each county information system and the national system;
- (d) the guiding principles for management and administration of health information banks; and
- (e) any other information on health services, including sources of health financing, human resources available in the health sector.”

CLAUSE 74

THAT, clause 74 be deleted and replaced by the following new clause-

Collaboration.

“74.(1) While the Cabinet Secretary responsible for health shall bear primary responsibility for the implementation of this Act, the respective levels of government and other agencies of government shall collaborate, consult and enter into agreements for the better carrying out of the provisions of this Act.

(2) Without prejudice to sub section (1), the respective levels of government shall collaborate in the implementation of this Act, development of regulations and where necessary in the adaptation of legislation.

CLAUSE 76

THAT, clause 76 be amended, by deleting paragraph (a) and substituting therefor the following new paragraph -

“(a) health workers welfare”;

CLAUSE 78

THAT, clause 78 be amended, by inserting the following new clause immediately after clause 78-

General
penalty

78A. (1) A person convicted of an offence under this Act for which no penalty is provided shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not three months, or to both.

(2) An act or omission which is an offence under this Act or any regulations made hereunder shall, if done by a body corporate, be deemed to be an offence committed by every director, secretary or manager of the body corporate unless proved that the offence was committed without consent or connivance of the director, secretary or manager and that he or she exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

(3) If an offence under this Act or any regulations made hereunder is committed by a partner in a firm, every person who, at the time of the commission of the offence, was a partner in that firm, or was purporting to act in that office shall be deemed to have committed the offence, unless there is proof that the offence was committed without the consent or connivance of the partner and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.”

CLAUSE 79

THAT, clause 79 of the Bill, be amended in the opening statement, by inserting the words “in consultation with the Director General” immediately after the words “Cabinet Secretary”.

FIRST SCHEDULE

THAT, the First Schedule of the Bill, be amended—

- (a) in LEVEL 3 by inserting the words ‘or medical officer with at least two years managerial experience’ immediately after the word “officer.”

(b) in LEVEL 5-

(i) by deleting the words "nursing staff and clinical officers" appearing at the end of paragraph (b) and substituting therefor the words "paramedical staff";

(ii) by deleting paragraph (d);

(c) in LEVEL 6-

by inserting the words "Research centre, provides" immediately before the word "training" appearing in paragraph (b);

(i) by deleting note 2 and substituting therefor the following note-

"2. Level 6 shall be National Referral Hospitals and established in every County."

(ii) by inserting the words "or downgraded" immediately after the word "upgraded" appearing in note (3).

NEW SCHEDULE

THAT, the Bill be amended by inserting the following Schedule immediately after the First Schedule

SECOND SCHEDULE

(s.26 J)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Vacation
of office.

1. A member other than an *ex-officio* member may—

(a) at any time resign from office by notice in writing, in the case of the Chairperson, to the President, and in the case of any other member, to the Cabinet Secretary;

(b) be removed from office by the President or the Cabinet Secretary, as the case may be, if the member—

(i) has been absent from three consecutive meetings of the Council without the permission of the Council;

(ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;

(iii) is convicted of an offence involving dishonesty or fraud;

(iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;

(v) is incapacitated by prolonged physical or mental illness;

- (vi) is found to have acted in a manner inconsistent with the aim and objectives of this Act;
- (vii) fails to comply with the provisions of this Act relating to disclosure; or
- (viii) is otherwise unable or unfit to discharge his or her functions as member of the Council.

Meetings.

2. (1) The Council shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.

(2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.

(3) Unless three quarters of the members otherwise agree, at least fourteen days' notice of a meeting shall be given to every member.

(4) The Chairperson shall preside over all the meetings of the Council or in his absence, the meetings shall be presided over by the vice-chairperson or in both their absences, by a person elected by the Council at the meeting for that purpose.

(5) A decision of the Council shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Council shall be to elect a vice-chairperson.

Quorum.

3. The quorum for the conduct of business of the Council shall be half of the members, and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

Minutes.

4. Minutes of all meetings shall be kept and entered in books kept for that purpose.

Disclosure of interest.

5. (1) If a member is directly or indirectly interested in any matter before the Council and is present at the meeting of the Council at which the matter is the subject of consideration, he or she shall, at the meeting and as soon as practicable after the commencement, disclose that fact and shall be excluded at the meeting at which the matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Allowances of the Council.

6. The Chairperson and members of the Council shall be paid such allowances as the Cabinet Secretary in consultation with the Salaries and Remuneration Commission shall determine.

Powers of the Cabinet Secretary.

7. (1) The Council shall operate under the supervision of the Cabinet Secretary.

(2) Where the Council fails to maintain any prescribed standard in the fulfilment of its functions under this Act, the Cabinet Secretary may give general or special directions to the Council describing the extent of the failure and stating the steps required to remedy the situation.

THIRD SCHEDULE

THAT, the Bill, be amended, by deleting the proposed Second Schedule and substituting therefor the following new Schedule –

THIRD SCHEDULE

(s. 32)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE AUTHORITY

Meetings.

1. (1) The Authority shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.

(2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.

(3) Unless three quarters of the members otherwise agree, at least fourteen days notice of a meeting shall be given to every member.

(4) A meeting shall be presided over by the Chairperson, or in his absence, by the vice-chairperson or in their absences, by a person elected by the Board at the meeting for that purpose.

(5) A decision of the Board shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Board shall be to elect a vice-chairperson.

Quorum.

2. The quorum for meeting shall be five members.

Minutes.

3. Minutes of all meetings shall be kept and entered in books kept for that purpose.

Conflict of interest.

4. A member of the Authority who has a direct or indirect personal interest in a matter being considered or to be considered by the Board shall as soon as reasonably practicable after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Board.

Disclosure of interest
by members of the
Board.

5. A disclosure of interest in a matter shall be recorded in the minutes of the meeting of the Board and the member shall not be present while that matter is being dealt with by the Board and shall not take part in any deliberations or vote relating to the matter.

Remuneration of the
members of the Board

6. The Authority shall pay the members of the Board such allowances and expenses as shall be determined by the Cabinet Secretary.

FOURTH SCHEDULE

THAT, the Bill be amended by deleting the proposed Third Schedule and substituting therefor the following new Schedule –

FOURTH SCHEDULE

(s. 66)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

Meetings.

1. (1) The Committee shall hold at least four meetings in every financial year and not more than four months will elapse between one meeting and the next.

(2) Meetings shall be convened by the Chairperson or in his absence by the vice-chairperson.

(3) Unless three quarters of the members otherwise agree, at least fourteen days notice of a meeting shall be given to every member.

(4) The Chairperson shall preside over all the meetings of the Committee or in his absence, the meetings shall be presided over by the vice-chairperson or in both their absences, by a person elected by the Committee at the meeting for that purpose.

(5) A decision of the Committee shall be by a majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The first order of business of the Committee shall be to elect a vice-chairperson.

Quorum.

7. The quorum for meeting shall be five members.

Minutes.

8. Minutes of all meetings shall be kept and entered in books kept for that purpose.

Conflict of interest.

9. A member of the Committee who has a direct or indirect personal interest in a matter being considered or to be considered by the Committee shall as soon as reasonably practicable after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Committee.

Disclosure of interest
by members of the
Committee.

10. A disclosure of interest in a matter shall be recorded in the minutes of the meeting of the Committee and the member shall not be present while that matter is being dealt with by the Committee and shall not take part in any deliberations or vote relating to the matter.

Remuneration of
Committee members.

11. The Committee shall pay the members of the Committee such allowances and expenses as shall be determined by the Cabinet Secretary.

II. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

Cap. 114 “firearm” has the meaning assigned to it under the Firearms Act;
 “foreign power” means a foreign government, foreign organization or an entity that is directed or controlled by a foreign government or foreign organization;

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) private investigators.”

CLAUSE 11

THAT, clause 11 of the Bill be amended—

(a) in sub clause (1)—

(i) in paragraph (b) by inserting the following new paragraph immediately after paragraph (iv)—

“(v) the National Intelligence Service.”

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

“(f) one member nominated by the Kenya Private Sector Alliance.”

(b) in sub clause (2) in paragraphs (a) and (b) by deleting the expression “subsection (2)” and substituting therefor the expression “subsection (1)”

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (c)—

“(d) has been security-vetted and nothing adverse has been established.”

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (e)—

“(f) it considers that it is not in the national interest to grant a licence.”

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(e) the licensee is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (e)—

“(f) is an agent of foreign power;

(h) is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 46

THAT, clause 46 of the Bill be amended in sub clause (3) by inserting the words “in addition to cancellation of license” immediately after the words “commits an offence and shall”.

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub clause (4) by inserting the words “in addition to cancellation of licence” immediately after the words “commits an offence and shall”.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub clause (3) by inserting the words “Subject to section 45,” immediately before the words “Any information”.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 49—

Powers excludes
police powers.

49A. For the avoidance of doubt, nothing contained in this Part shall be construed as conferring upon a private security service provider, a security guard or a security officer the powers of a police officer or member of a disciplined service.

CLAUSE 50

THAT, clause 50 of the Bill be amended—

(a) in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c)—

“(d) use the names, logos, initials and emblems similar or resembling those of a national security organ or a disciplined service.

(e) use or install equipment that is capable of intercepting or otherwise interfering with another person’s communication; and

(f) use or install such other equipment as the Cabinet Secretary may from time to time prescribe.”

(b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) A person who contravenes this section commits an offence and shall, in addition to cancelation of license, be liable, on conviction, to a penalty prescribed in this Act or any other written law, whichever is higher.”

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 51—

Use of
firearms.

51A. (1) A private security service provider shall not use or allow the use of firearms in the rendering of a security service.

(2) A person who contravenes the provision of this section commits an offence and shall in addition to cancelation of license, be liable on conviction to a penalty prescribed in this Act or any other written law, whichever is higher.

2) Notice is given that the Member for Makadara (Hon. Benson Mutura), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 51-

Possession of
firearms.

51A (1) A private security guard may possess a firearm while on duty, but shall only possess the firearm if the guard—

(a) holds at least a secondary school qualification;

(b) is serving on a written contract;

(c) is in possession of a certificate of good conduct from the Criminal Investigation Department;

- (d) has, at the cost borne by the employer, undergone training for a period not less than six months; and
- (e) has been certified as having no history of drug abuse or mental instability by a Government Medical practitioner.

(2) A private security guard in possession of a firearm pursuant to this section shall return the firearm to the nearest police station for safekeeping whenever he or she is not on duty.

(3) A private security guard who pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any firearm or ammunition commits an offence and is liable, on conviction, to imprisonment for a term exceeding five years or a fine not exceeding five hundred thousand, or to both.

3) Notice is given that the Member for Emuhaya (Hon. (Dr.) Wilber Ottichilo), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 11

THAT, the Bill be amended in clause 11—

(a) in sub clause (1) by—

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

“ (a) a chairperson selected by the selection panel in accordance with the procedure prescribed in the Third Schedule.”

- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) two persons representing the most representative trade union on security related matters, elected in accordance with regulations prescribed by the Cabinet Secretary;”

- (iii) deleting sub clause (d) and substituting therefor the following new paragraph—

“ (d) two persons representing the Federation of Kenya Employers, elected in accordance with regulations prescribed by the Cabinet Secretary;”

- (iv) inserting the following new paragraph immediately after paragraph (d)—

“(da) two persons representing the Kenya Private Sector Alliance, elected in accordance with regulations prescribed by the Cabinet Secretary;”

(b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) Where the position of chairperson becomes vacant, the President shall appoint a replacement from among the short-listed persons considered by the selection panel in accordance with the Third Schedule, giving due consideration to the rankings and comments of the selection panel, if any.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 11—

Selection panel.

11A. (1) For the purposes of this Act, the Cabinet Secretary shall constitute a selection panel comprising a nominee of each of the following bodies—

- (a) the Law Society of Kenya;
- (b) the Kenya Private Sector Alliance; and
- (c) the Federation of Kenya Employers.

(2) The function of the selection panel shall be to nominate persons for appointment as chairperson in accordance with the Third Schedule.

(3) Members of the selection panel shall elect a chairperson and vice-chairperson of the selection panel from among their number.

(4) Subject to the provisions of the Third Schedule, the selection panel shall determine its own procedure.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) holds at least a primary school certificate;

(bb) has attended training in security matters in an institution accredited by the Authority;”

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) An application for renewal under this section shall be made to the Authority in such form and manner as may be prescribed and shall be accompanied by—

- (a) the prescribed application fee; and

(b) evidence of having undertaken training in security matters of not less than a week in the preceding year."

CLAUSE 30

THAT, the Bill be amended by deleting clause 30(2) (e).

CLAUSE 47

THAT, clause 47 of Bill be amended in subclause (5) by inserting the words ", within three months of the commencement of this Act," immediately after the word "shall".

CLAUSE 50

THAT, clause 50 of the Bill be amended—

- (a) in subclause (3) (a) by inserting the words "and tools" immediately after the words "types of equipment";
- (b) in subclause (2) by inserting the words "and private security providers" immediately after the word "Authority".

CLAUSE 52

THAT, clause 52 of the Bill be amended in subclause (2) by deleting the words "five hundred thousand" appearing immediately after the words "not exceeding" and substituting therefor the words "fifty thousand".

CLAUSE 59

THAT, clause 59 of the Bill be amended in subclause (3) by inserting at the end of the subclause the words "and to organize training workshops or seminars for private security providers."

CLAUSE 65

THAT, clause 65 of the Bill be amended in subclause (4) by inserting the words "in at least two daily newspapers of national circulation" at the end of the subclause.

CLAUSE 68

THAT, clause 68 of the Bill be amended in subclause (2) by—

- (a) inserting the following new paragraph immediately after paragraph (d)—
"(da) the provision of protective gear and tools;"
- (b) inserting the following new paragraph immediately after paragraph (e)—
"(f) membership of private security service providers to corporate bodies."

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately after the Second Schedule—

“THIRD SCHEDULE (S. 11A)**PROCEDURE FOR APPOINTING CHAIRPERSON**

1. The selection panel shall, within fourteen days of its convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment for the position of the chairperson under section 11 of this Act.
2. An application under paragraph 1 shall be submitted to the selection panel within twenty-one days of the advertisement and may be made by any qualified person.
3. The selection panel, shall, within seven days of the expiry of the period prescribed under paragraph 2 —
 - (a) consider the applications received under paragraph 2 to determine their compliance with the provisions of the Constitution and this Act; and
 - (b) submit to the National Assembly five suitably qualified persons for nomination as chairperson.
4. The selection panel shall rank and provide comments regarding each of the finalists to the National Assembly.
5. The National Assembly shall, upon receipt of the recommendations of the selection panel under paragraph 3, nominate two persons for appointment as chairperson and shall submit the names of the two nominees for onward transmission to the President.
6. The Cabinet Secretary shall forthwith forward the names of the persons nominated in accordance with paragraph 5 to the President who shall, by notice in the Gazette, appoint the Chairperson.”

- 4) **Notice is given that the Member for Embakasi Central (Hon. John Ndirangu), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—**

CLAUSE 48

THAT, clause 48 be amended by inserting the following new subclause immediately after subclause (1)—

“(1A) An identification document shall not be retained under subsection (1) if the holder of the document requires to use it within the premises, but particulars thereof shall be noted in the register when recording particulars of the holder.”

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

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

Tentative business for

Wednesday (morning), March 30, 2016

(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 Wednesday (morning), March 30, 2016:-

A. PROCEDURAL MOTION – EXTENSION OF DEBATE ON THE BANKING (AMENDMENT) BILL, 2015

(The Hon. Jude Njomo, M.P.)

B. THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.62 OF 2015)

(The Hon. Jude Njomo, M.P.)

Second Reading

(Resumption of debate interrupted on Thursday, March 10, 2016 – Morning Sitting)

(Balance of time – 22 minutes)

C. COMMITTEE OF THE WHOLE HOUSE

The Traffic (Amendment) Bill (National Assembly Bill No. 33 of 2014)

(The Hon. Joseph Lekuton, M.P.)

D. MOTION - ALLOWING PERSONS WITH SERIALIZED WAITING CARDS TO REGISTER AS VOTERS

(The Hon. Ferdinand Wanyonyi, MP)

E. MOTION - DECLARATION OF KAMUKUNJI GROUNDS A PROTECTED NATIONAL MONUMENT

(The Hon. Yusuf Hassan, M.P.)

F. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2015)

(The Hon. (Eng.) Nicolas Gumbo, M.P.)

Second Reading

NOTICE PAPER II

Status of Business before Committees

Wednesday (Afternoon) March 30, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday, March 30, 2016 (Afternoon)***, the Chairpersons of the following Departmental Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees:-

A. Committee on Environment and Natural Resources

B. Committee on Finance, Planning and Trade

C. Committee on Health

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, March 29, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Cabinet Secretaries for Land, Housing and Urban Development; Education, Science and Technology; and The National Treasury* will appear before the following Departmental Committees on Tuesday, March 22, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Lands,	<i>Cabinet Secretary for Land, Housing and Urban Development</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Education, Science and Technology	<i>Cabinet Secretary for Education, Science and Technology</i>	10.00am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Finance, Planning and Trade	<i>Cabinet Secretary for National Treasury</i>	11.30 - 12.30 pm	<i>The Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

AGENDA

(Published pursuant to Standing Order 170E (2))

1. Prayers
2. Communication from the Chairperson(s)

I. Questions under the Departmental Committee on Lands

Questions to the Cabinet Secretary for Land, Housing and Urban Development:

- (i) Question No. 142/2015 by the Member for Saboti (The Hon. David Wafula, M.P.):**

Considering that the majority of land owners including public institutions such as schools and health centres do not possess title deeds for their respective lands in Trans Nzoia County, could the Cabinet Secretary provide details of all land owners with and without title deeds for the land they own in the County, explain reasons behind the

failure by the Government to issue these vital documents for so long and further provide timelines by which the Government will issue title deeds to all rightful land owners in the County?

(ii) Question No. 143/2015 by the Member for Buuri Constituency (The Hon. Kinoti Gatobu, M.P.):

Could the Cabinet Secretary apprise Members on the reasons why Mr. M'Thuranira M'Twarichia Kamoi of Identity Card Number 0978294 and Personal Number 96982 received only his pension upon retirement in 1987 from the Ministry of Works, Housing and Urban Planning but never receives his monthly half salary?

(iii) Question No. 147/2015 by the Member for Ndaragwa (The Hon. Francis Waweru Nderitu, M.P.):

Considering that Ms. Rose Mbithe Mulwa a Director at Sehat Investments Limited of P.O. Box 1273 Code 00502 Nairobi purchased two acres of land LR No. 1160/784 (originally LR 1160/418) in Karen in 1998 from Mr. Douglas Kiereni at Ksh 4.6 million and later sold half an acre to Hon. William Kipsang (former Member of Parliament); in light of the fact that despite Ms. Mulwa continuously paying land rates for the one-and-a-half acre property the land was allegedly illegally and fraudulently transferred in 2005 to Ms. Josephine Akoth Onyango and charged with the Kenya Commercial Bank for Ksh 8.5 million, a loan which was subsequently paid by Ms. Mulwa for fear of losing the land together with interests totaling Ksh 13.5 million; further considering that in 2009, despite pleas from Ms. Mulwa to KCB to stop further transactions on the property since criminal investigations were underway, the Bank went ahead and advanced Ksh 10 million to Ms. Onyango, an amount she has not repaid to-date and which stands at Ksh 17.7 million; bearing in mind that forensic investigations by the (then) Criminal Investigations Department (CID) clearly proved that Ms. Mulwa's signature and company seals together with lawyer Peter Ngoge's signature had been forged in the purported transfer documents; aware that several attempts have been made to evict Ms. Mulwa from the premises by Mr. Ahmed Ahmednasir (former Judicial Service Commission member) and KCB officials; could the Cabinet Secretary apprise Members on the actions the Ministry will take in solving the land dispute and ensuring that justice prevails?

(iv) Question No. 148/2015 by the Member for Matayos (The Hon. Geoffrey M. Odanga, M.P.):

Could the Cabinet Secretary apprise the Committee on the terms of services including the remuneration scheme of Land Control Boards countrywide, explain reasons behind failure to pay members of these Boards such as the one in Busia their sitting allowances for over two years, provide the rationale behind failure to release the Authority to Incur Expenditure (A.I.E.) for allowances, and indicate the timelines within which these payments shall be settled?

(v) Question No. 149/2015 by the Member for Endebess (The Hon. Robert Pukose, M.P.):

Considering that Kingena Farmers' Cooperative Society (formerly known as Ndiema Cherungut & Partners) bought the farm registered as L.R. No. 1112 in Trans-Nzoia County from the Agricultural Development Corporation (ADC) after a public

advertisement dated 3rd August 1971 at a cost of Ksh. 200,000, but as they prepared to occupy the land ADC arbitrarily allocated it to the Ministry of Natural Resources with neither explanations nor refund; could the Cabinet Secretary apprise Members on reasons behind the irregular allocation, reasons behind failure by ADC to either refund the Cooperative's money or give it alternative land, reasons behind failure by the National Land Commission to sufficiently act on the Hon. Gonzi Rai's Report of October 2009, and further facilitate the revocation of Gazette Notice No. 2479 of 25th August 1978?

(vi) Question No. 150/2015 by the Member for Emurua Dikirr (The Hon. Kipyegon Johana Ngeno, M.P.):

Considering that the Oloo'nkoliin Adjudication Section was declared for demarcation in 1986 and all objections conclusively arbitrated by 2006 by the Committee established to oversee the process, could the Cabinet Secretary inform the Committee why the demarcation has taken inordinately long to be executed; and the timelines by which the Ministry intends to have the land demarcated and title deeds issued?

II. Questions under the Departmental Committee on Education, Research and Technology

Questions to the Cabinet Secretary for Education, Science and Technology:

(i) Question by PVT/5/2016 by the Member for Budalang'i (The Hon. Ababu Namwamba, M.P.):

Considering that Nambale High School, the largest educational institution in Busia County with a student population of 1400, posted the best Kenya Certificate of Secondary Education (KCSE) results in the county in 2013 and 2014; and in view of the fact that the school presented 245 KCSE candidates in 2015 but none of them received their results after the Kenya National Examination Council (KNEC) withheld them, could the Cabinet Secretary inform Honourable Members on the fate of the said candidates bearing in mind that KNEC has already conducted and concluded investigations in order to save the concerned students from undue distress and loss of educational opportunities?

(ii) Question by PVT/6/2016 by the Member for Ikolomani (The Hon. Bernard Shinali, M.P.):

Considering that the Government of Kenya continues to remit activity fees for primary and secondary schools through Free Primary Education (FPE) and subsidized secondary education funding respectively, could the Cabinet Secretary explain to the Committee the reasons why County Education Boards (CBEs), especially in Kakamega County, continue to approve the levying of Central Activity Funds on pupils and students in primary and secondary public schools, thereby keeping poor children who cannot pay this and other levies out of school contrary to Article of 53(1)(b) of the Constitution that entitles every child to free and compulsory basic education?

(iii) Question No. 173/2015 by the Member for Homa Bay Town (The Hon. Peter Kaluma, M.P.);

Could the Cabinet Secretary apprise this Committee on the number of Government to Government scholarships offered to our Country by friendly nations since the current Government came into power; how many students have benefited so far from the said scholarships; and what criteria does the Government use to allocate these scholarships to ensure that they are equitably awarded to deserving students?

(iv) Question No. 174/2015 by the Nominated Member (The Hon. Abdinoor Mohamed, M.P.);

Could the Cabinet Secretary state the total number of teachers needed to meet the recommended teacher-students ratio in Northern Kenya; provide reasons behind the stark shortage of teachers in this region; inform Members on the long-term solutions the Government is pursuing in addressing this challenge; and further enlighten Members on how the Ministry intends to handle concerns emanating from the fact that candidates are likely to sit the national examinations without having completed their syllabus due to the aforementioned challenges?

(v) Question No. 175/2015 by the Member for Nakuru Town East (The Hon. David Gikaria, M.P.);

Considering the fact that the Government had issued a directive to schools not to withhold KCSE results from students due to school fees arrears, could the Cabinet Secretary inform the Committee why some schools are still withholding KCSE results contrary to the directive and in particular explain why the results for Beatrice Murugi, a 2012 KCSE candidate in Gatero Girl's Secondary School, Nyahururu, are still being withheld by the school despite attempts by the student to get her results?

III. Questions under the Departmental Committee on Finance, Planning and Trade

Questions to the Cabinet Secretary for National Treasury:

(i) Question No. 167/2015 by the Member for Yatta (The Hon. Francis Mwangangi, M.P.):

Could the Cabinet Secretary appraise the Committee on the current status and progress in converting the Agricultural Finance Corporation (AFC) into a farmers' bank, together with the timelines for the conversion?

(ii) Question No. 168/2015 by the Member for Embakasi South (The Hon. Irshadali M. Sumra, M.P.):

Could the Cabinet Secretary appraise the Committee on the timelines within which depositors who had invested in the now collapsed banks including City Finance Bank, Reliance Bank, Trust Bank, Charterhouse Bank among others will be compensated considering that the Central Bank of Kenya has failed to come up with a clear way forward on the matter and the former bank managers continue to walk scot free yet the depositors who had invested millions in these banks continue to cry for justice?

(iii) Question No. 172/2015 by the Member for Mukurweini (The Hon. Kabando Wa Kabando, M.P.):

Considering that the accumulated illicit capital flight from Kenya hidden in over 40 tax havens around the world amounted to a staggering Ksh566 billion (US\$6.369 billion) as at 2010 according to a Report by Kroll Associates UK Limited which was commissioned by the Government to investigate the matter, could the Cabinet secretary inform the Committee the implementation Status of the said report; the amount of money paid to Kroll Associates UK Limited; how much of the money detailed in the report has been recovered to date; and the measures the Government is taking to ensure compliance and prevent misappropriation and illicit transfers of public finances to tax havens?

(iv) Question No. 172/2015 by the Member for Mukurweini (The Hon. Kabando Wa Kabando, M.P.):

Considering that audit reports have revealed that some multinationals operating in Kenya have been evading taxes through 'Transfer Pricing' contrary to Section 45 of the Anti-Corruption and Economic Crimes Act, 2003, could the Cabinet Secretary provide a detailed report, containing the names of the offending companies, including which sector is most culpable; state exactly how much has been recovered in taxes and penalties and from which period or duration of time; the measures the Government is taking to prevent such blatant tax evasion and ensure that such serious economic crimes are dealt with according to the rule of law?
