



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 05, 2017

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Fourth Chairperson
4. **THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Basic Education (Amendment) Bill (National Assembly Bill No.39 of 2016) be now read a Second Time

(Hon. Grace Kiptui – 01.03.2017)

Debate on the Second Reading having been concluded on Wednesday, March 29, 2017 resumed;

Question put and agreed to;

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

5. **THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Authority for the Campaign Against Alcohol and Drug Abuse (Amendment) Bill (National Assembly Bill No. 34 of 2016) be now read a Second Time

(Hon. Ferdinand Waititu – 01.04.2017)

Debate interrupted on Wednesday, March 01, 2017 resumed;

Mover replied;

Question put and agreed to;

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

6. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee of the Whole House read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

- (i) **The Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016)**

Clause 3 - agreed to.

Clause 4 - amendment proposed –

THAT clause 4 of the Bill be amended—

(a) in sub clause (1)-

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

“(a) the chairperson who shall be elected by the council members from amongst themselves in their first council meeting and appointed by the Cabinet Secretary for health”;

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

“(d) clinical officer elected by members of faculty of Clinical Medicine from Kenya Medical Training College”;

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

“(e) a clinical officer representing private colleges training clinical officers”;

(iv) by deleting paragraph (f) and substituting therefor the following —

“(f) clinical officer representing universities training clinical officers elected amongst the head of department clinical medicine”;

(v) by deleting paragraph (g) and substituting therefor the following —

“(g) a member of the Institute of Certified Public Accountants of Kenya from the public sector”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in sub-clause (2) by deleting the words “Kenya Gazette” appearing in paragraph (g) and substituting therefor the words “official website of the Clinical Officers Council”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 5 - agreed to.

Clauses 6, 7 & 8 - agreed to.

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended in sub-clause (1) by deleting the words “in consultation with the Registrar” appearing immediately after the words “the council.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clause 10 - agreed to.

Clause 11 - amendment proposed –

THAT clause 11 of the Bill be amended —

- (a) in sub-clause (3) by deleting the word “and” appearing immediately after the words “chairperson of the Council” and substituting therefor the word “or.”
- (b) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to.

Clause 12 - agreed to.

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended —

(a) in sub-clause (2) by—

(i) inserting the words ‘or’ immediately after the words “this Act” appearing in paragraph (a);

(ii) inserting the following proviso immediately after paragraph (c)—

“Unless such institution is established or accredited under the Universities Act 2012 or the Technical Vocational Education and Training Act 2013, and is approved and accredited by the Council for that purpose in accordance with this Act”.

(b) by inserting new sub-clauses immediately after sub-clause 3—

“(3a) The Council shall index all students with minimum entry requirements on admission to an approved training institution and the number of students in each class not to exceed the prescribed and approved number by the Council”;

“(3b) The Council shall administer a pre-internship assessment.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - agreed to.

Clause 15 - amendment proposed –

THAT clause 15 of the Bill be amended—

(a) in sub clause (5) by deleting the word “a” appearing immediately after the words “Registrar shall” and substituting therefor the word “as”;

(b) in sub clause (6) by deleting the word “gazette” appearing immediately after the words “publish in the” and substituting therefor the words “official Clinical Officers Council website”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 15 - agreed to.

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be amended in paragraph (a) of sub-clause (2) by deleting the word “of” appearing immediately after the word “hold”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clauses 17, 18 & 19 - agreed to.

Clause 20 - amendment proposed –

THAT clause 20 of the Bill be amended in sub clause (3) by inserting the word “ full time” immediately after the words “ to engage in” appearing in paragraph (b).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

Clause 21 - agreed to.

Clause 22 - amendment proposed –

THAT, clause 22 of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - deleted.

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended by deleting sub clause (5).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to.

Clauses 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, & 34 - agreed to.

New Clause 34 proposed –

THAT the Bill be amended by inserting following new Clause immediately after clause 34-

Amendment of
sections 35A and
35I of Cap 244

35. The Pharmacy and Poisons Act is amended-

(a) in section 35A by deleting the words “The Director of the National Drug Quality Control Laboratory or any member of the Laboratory staff authorized by him” appearing in subsection (5) and substituting therefor the words “ The Board or any person authorized in writing by the Board”

(b) in section 35 I by deleting paragraph (b).

(Hon. Kimani Ichungwa)

Motion made and Question proposed –

THAT, the New Clause 35 proposed be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 35 proposed be part of the Bill;

Question put and agreed to;

New Clause 35 - agreed to.

First Schedule - amendment proposed –

THAT, the first schedule be amended—

- (a) in sub paragraph (6) by deleting the word “numbers” appearing immediately after the words “one of their” and substituting therefor the word “members”;
- (b) in paragraph (2) (ii) by inserting the word “be” immediately after the words “ceases to”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

First Schedule - agreed to.

Second Schedule - agreed to.

Third Schedule - amendment proposed –

THAT, the third schedule of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Third Schedule - deleted.

Fourth Schedule - amendment proposed –

THAT, the fourth schedule of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Fourth Schedule - deleted.

Fifth Schedule - amendment proposed –

THAT the fifth schedule of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Fifth Schedule - deleted.

Sixth Schedule - amendment proposed –

THAT the sixth schedule of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Sixth Schedule - deleted.

Clause 2 - amendment proposed –

THAT clause 2 of the Bill be amended—

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

“clinical officer ” means a person who having successfully undergone prescribed course of training in an approved institution and be a holder of a diploma or degree certificate in clinical medicine and community health”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Title - agreed to.

Clause 1 - amendment proposed –

THAT, clause 1 of the Bill be amended by deleting the word “2016” and substituting therefor the words “2017, and shall come into force on such date as the Cabinet Secretary may, by notice in the gazette appoint”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Proposed amendment withdrawn;

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) The Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No.44 of 2016)

Clause 3 - amendment proposed -

THAT, clause 3 of the Bill be amended in sub-clause (1) by deleting the words “Development and Marketing” and substituting therefor the words “Marketing Promotion”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - agreed to.

Clause 5 - amendment proposed -

THAT, clause 5 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “development and marketing” and substituting therefor the words “marketing promotion”;
- (b) in paragraph (b) by deleting the words “the Ministry for the time being responsible for Trade” and substitute therefor the following words “other relevant agencies”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) advise national and county governments on matters relating to marketing of livestock and livestock products, including apportionment of resources;”
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) liaise with the private sector and other agencies on matters relating to marketing of livestock and livestock products in order to limit duplication of effort and ensure optimal use of available resources;”
- (e) in paragraph (e) by deleting the word “provide” appearing immediately before the words “market access” “and substituting therefor the word “facilitate”;
- (f) in paragraph (f) by deleting the words “development” appearing immediately after the words “national livestock”;
- (g) by deleting paragraph (g) and substituting therefor the following new paragraph—
- (h) coordinate and mobilize resources for investments and promotion of marketing of livestock and livestock products in the country ”

- (i) by deleting paragraph (h);
- (j) by deleting paragraph (i) and substituting therefor the following new paragraph—

“(i) facilitate the marketing of livestock and livestock products through provision of market information intelligence on supply and demand locally and internationally;”
- (k) by deleting paragraph (j) and substituting therefor the following new paragraph—

“(j) in collaboration with Research Institutions conduct studies and research designed to promote value addition and marketing of livestock and livestock products;”
- (l) by deleting paragraph (k) and substituting therefor the following new paragraph—

“(k) promote the adoption of standards best practices and support training in livestock production and processing that support marketing of livestock and livestock products;”
- (m) by deleting paragraphs (l) and (m);
- (n) in paragraph (n) by deleting the word “and”;
- (o) by deleting paragraph (o) and substituting therefor the following new paragraph—

“(o) promote the adoption of standards and best practices in livestock production and processing that supports marketing of livestock and livestock products;”
- (p) in paragraph (p) by deleting the word “by-products”;
- (q) by deleting paragraph (q);
- (r) by deleting paragraph (r) and substituting therefor the following new paragraph—

“(r) develop and rehabilitate livestock marketing infrastructure to facilitate trade in livestock and livestock products;”
- (s) by deleting paragraph (s) and substituting therefor the following new paragraph—

“(s) implement livestock insurance schemes in the country;”
- (t) in paragraph (t) by deleting the words “supervise and strengthen” and substitute therefor the word “support”;
- (u) by inserting a new paragraph immediately after paragraph (t) —

“(ta) collate and disseminate data and information on livestock and livestock products and monitor a data base for use by all stakeholders;
- (v) by deleting paragraphs (u) and (v);
- (w) in paragraph (w) by inserting the words “fees and charges” immediately after the words “governments on levies”;
- (x) by deleting paragraph (x) and substituting therefor the following new paragraph—

“(x) advice the national and county governments on matters relating to policies on marketing of livestock and livestock products;”

(y) in paragraph (y) by inserting the words “in collaboration with county governments” immediately before the words “co-ordinate the promotion”;

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

“(z)facilitate, in liaison with county governments and communities, the establishment of strategic business partnerships;”

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - amendment proposed -

THAT, clause 6 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting paragraphs (d) and (e);

(ii) deleting paragraph (g) and substitute therefor the following new paragraph—

“(g) three persons appointed by the Cabinet Secretary taking into consideration principles of gender and regional balance”

(b) in sub-clause (2) by deleting the word “Cabinet-Secretary” and substituting therefor the word “President”

(c) by deleting sub-clause (3);

(d) in sub-clause (4), by deleting the phrase “ as chairperson or member of the Board under sub-section (1) (a), (i), (j) or (k)” and substitute therefor the phrase “a member of the Board under sub-section (1) (f), (g) and (h)”

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 6 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting paragraphs (d) , (e), (g) and (h); and

(ii) inserting the following paragraph immediately after paragraph (f)—

(fa) four persons appointed by the Cabinet Secretary taking into consideration principles of gender and regional balance”

(b) by deleting sub-clause (2) by deleting the word “Cabinet-Secretary” and substituting therefor the word “President”

(c) in sub-clause (4), by deleting paragraph (b).

(Hon. Abdinoor Mohamed)

Proposed amendment withdrawn;

Clause 6 - as amended agreed to

Clauses 7 & 8 - agreed to.

Clause 9 - amendment proposed -

THAT, clause 9 of the Bill be amended by deleting the words “section 6 (1) (i), (j) and (k) shall hold office for a term of four” and substituting therefor the words “section 6 (1) (f) (g) and (h) shall hold office for a term of three”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clauses 10, 11 & 12 - agreed to.

Clause 13 - amendment proposed -

THAT, clause 13 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) has a minimum of a Bachelor’s degree in the relevant field.”

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - Further amendment proposed

THAT, clause 13 of the Bill be amended—

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

“(b) has a minimum of a Bachelor’s degree in the relevant field and experience of five years.”

(a) in sub-clause (2) by deleting the words “on such terms and conditions of the employment as the Board may determine” and substitute therefor the words “for a term of three years renewable for one further term only”.

(Hon. Abdinoor Mohamed Ali, MP)

Clause 13 - as amended agreed to

Clauses 14, 15, 16, 17, 18, 19 and 20 - agreed to.

Clause 21 - amendment proposed -

THAT, clause 21 of the Bill be amended in paragraph (a) by deleting the word “Parliament” and substituting therefor the word “National Assembly”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clauses 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 & 35 - agreed to.

Schedule - agreed to.

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended by—

(b) deleting the definitions of the following terms and substituting therefor the following definitions—

“livestock “means—

(a) cattle, camel, sheep, goat, pig, poultry, lagomorph, bees;

(b) companion animal, draught animal; and

(c) any other animal which the Cabinet Secretary may by order in the gazette, declare to be livestock for the purpose of this Act;

“livestock product” means—

- (a) a carcass or parts of a carcass of livestock;
 - (b) any product consisting of parts of, or derived from livestock, and includes hides and skins, wool, feather, meat, milk, eggs, honey; and
 - (c) any other product from livestock that the Cabinet Secretary may by order in the Gazette, declare to be a livestock product for the purpose of this Act;
- (b) inserting the following definition of terms in their proper alphabetical sequence—
- “livestock industry” means any activities that involve the production, processing, marketing or distribution of livestock products or services;
- “livestock infrastructure” means structures and facilities serving the livestock economy which includes roads, holding grounds, water points, disease free zones, markets and livestock transport vehicles;
- (c) in definition of “Board” by deleting the words “Development and Marketing” and substituting therefor the words “Marketing Promotion”

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Long Title - amendment proposed -

THAT, the long title of the Bill be amended by deleting the words “Development and Marketing” and substitute therefor the words “Marketing Promotion”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

Title - amendment proposed -

THAT, the title of the Bill be amended by deleting the words “Development and Marketing” and substituting therefor the words “Marketing Promotion”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - as amended agreed to

Clause 1 - amendment proposed -

THAT, Clause 1 of the Bill be amended by deleting the words “Development and Marketing” and substituting therefor the words “Marketing Promotion”.

(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to

7. **HOUSE RESUMED** - the Third Chairperson in the Chair

(i) **The Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016)**

Bill reported with amendments;

Motion made and Question proposed –

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

(Hon. Leonard Sang)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016) be now read a Third Time

(Hon. Leonard Sang)

Question deferred to another day

(ii) **The Livestock and Livestock Products Marketing Promotion Bill (National Assembly Bill No.44 of 2016)**

Bill to be reported with amendments;

Motion made and Question proposed –

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

(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Livestock and Livestock Products Marketing Promotion_Bill (National Assembly Bill No.44 of 2016) be now read a Third Time

(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

Question deferred to another day.

8. **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)**

Order for Second Reading read;

Debate interrupted on Wednesday, March 29, 2017 resumed;

THAT, the Kenya National Examinations Council (Amendment) Bill (National Assembly bill No.42 of 2016) be now read a Second Time

(Hon. Alfred Agoi – 29.03.2017)

Debate interrupted on Wednesday, March 29, 2017 resumed;

(Change of Chair from the Third Chairperson to the Fourth Chairperson)

Mover replied;

Question deferred to another day.

9. **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 Nassir)

Debate arising;

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

10. **HOUSE ROSE** - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, April 05, 2017 at 2.30 p.m.

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