



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 14, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table –

- i) Financial Statement for the East African Community (EAC) Budget for the Financial Year 2017/2018.
- ii) Budget Speech on the presentation of the budget of the East African Community (EAC) to the East African Legislative Assembly.
- iii) Report of the Committee on General Purpose on the EAC Annual Report for the period 2014/2015.
- iv) Report of the Committee on General Purpose on the Draft Estimates (EAC Budget) for the financial year 2017/2018.
- v) Report of the Committee on Agriculture, Tourism and Natural Resources on Waste Management in the EAC Region.
- vi) Report of the Committee on Communication, Trade and Investments on the Single Customs Territory in the EAC Region.
- vii) Report of the East African Legislative Assembly on the Sensitization Activities in EAC partner states, April 21st -2nd May, 2017.
- viii) Report of the Committee on Legal, Rules and Privileges on the consideration of the proposal to amend the Rules of Procedure of the East African Legislative Assembly.
- ix) Report of the Committee on Accounts for the oversight activity of the new EAC Institutions (the EAC Science and Technology Commission and Kiswahili Commission).
- x) Bills raised for the First Reading
 - a) The East African Youth Council Bill, 2017
 - b) The East African Community Cross Border Trade in Professional Service Bill, 2017
 - c) The East African Community Mining Bill, 2016
- xi) Bill passed
 - a) The East African Community Polythene Materials Bill, 2017.

- xii) Resolution of the Assembly to introduce East African Community Integration Education Syllabus in EAC schools.
- xiii) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2016 and the certificates therein:-
 - a) Communication Authority of Kenya; and
 - b) Non-Governmental Organizations Co-ordination Board.

(Leader of the Majority Party)

- xiv) Reports of the Departmental Committee on Lands on:-
 - a) Land Lr No. Mn/Vi/1128-1132 and Lr No. 3666 in Mombasa County; and
 - b) The Petition by residents of Yala regarding displacement from their Ancestral land.

(Chairperson, Departmental Committee on Lands)

- xv) Public Accounts Committee Legacy Report for the Eleventh Parliament.

(Chairperson, Public Accounts Committee)

- xvi) The Special Report of the Public Investment Committee on the inquiry into the completion of the National Social Security Fund's Hazina Trade Centre Office Towers Project and proposed joint Venture Property Development on Kenyatta Avenue in the Nairobi Central Business District and Mavoko Sub-County in Machakos County.

(Chairperson, Public Investments Committee)

5. NOTICES OF MOTION

The following Notices of Motions were given –

- (a) **THAT**, this House adopts the Special Report on the Inquiry into the Completion of the National Social Security Fund's Hazina Trade Centre Office Towers Project and the Proposed Joint Venture Property Development on Kenyatta Avenue in the Nairobi Central Business District and Mavoko Sub-County in Machakos County laid on the Table of the House on Wednesday, June 14, 2017.

(Chairperson, Public Investments Committee)

- (b) **THAT**, this House adopts the Report of the Departmental Committee on Lands on Land Lr No. Mn/Vi/1128-1132 and Lr No. 3666 in Mombasa County laid on the Table of the House on Wednesday, June 14, 2017.

(Chairperson, Departmental Committee on Lands)

6. STATEMENT

The Hon. Sunjeev Birdi, MP issued a statement regarding intimidation of the headmistress of the Oshwal School by the chairman of the Hindu Council of Kenya, Mr. Nitin Malde.

7. PROCEDURAL MOTION - RESOLUTION TO HOLD A SITTING ON THURSDAY MORNING

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Morning Sitting on Thursday, 15th June, 2017 commencing at 10.00 a.m. for purposes of considering urgent Business.

(The Leader of the Majority Party)

Question put and agreed to.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA TRADE REMEDIES BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2017)**

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Kenya Trade Remedies Bill (National Assembly Bill No. 4 of 2017).

(The Hon. David Ochieng, M.P.)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Kenya Trade Remedies Bill (National Assembly Bill No. 4 of 2017) be now read a Third Time

(The Hon. David Ochieng, M.P.)

Question put and agreed to;

Bill read a Third Time and passed.

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE OCCUPATIONAL THERAPISTS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2016)**

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Occupational Therapists (Training, Registration and Licensing) Bill (National Assembly Bill No. 41 of 2016).

(The Hon. Leonard K. Sang, M.P.)

Question put and agreed to;

Motion made and Question proposed –

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

(The Hon. Leonard K. Sang, M.P.)

Question put and agreed to;

Bill read a Third Time and passed.

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2016)**

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Basic Education (Amendment) Bill (National Assembly Bill No. 39 of 2016).

(The Hon. Grace Kiptui, M.P.)

Question put and agreed to;

Motion made and Question proposed –

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

(The Hon. Grace Kiptui, M.P.)

Question put and agreed to;

Bill read a Third Time and passed.

11. **MOTION– ADOPTION OF THE TWENTY FIRST REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE AUDITED ACCOUNTS OF STATE CORPORATIONS**

Motion made and Question proposed –

THAT, this House adopts the Twenty First Report of the Public Investments Committee on the Audited Accounts of State Corporations, laid on the Table of the House on Thursday, May 18, 2017, **subject to:**

- (i) *deletion of Committee's recommendations under paragraph 14 appearing on page 378 of the Report;*
- (ii) *deletion of the Committee's observations and recommendations under paragraph 15 appearing on page 379 of the Report; and*
- (iii) *deletion of Committee's observations and recommendations under paragraph 16 appearing on page 382 of the Report.*

(Chairperson, Public Investments Committee – 13.06.2017)

Debate on the Motion having been concluded on Tuesday, June 13, 2017;

Question put and agreed to.

12. **THE SUPPLEMENTARY APPROPRIATION BILL (NO. 2) (NATIONAL ASSEMBLY BILL NO. 28 OF 2017)**

(Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

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

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) The Nairobi International Financial Centre Bill (National Assembly Bill No. 5 of 2017)

Clause 3 - agreed to

Clause 4 - agreed to

Clause 5 - agreed to

Clause 6 - agreed to

Clause 7 - **amendment proposed –**

THAT, clause 7 of the Bill be amended by –

- (a) deleting the number “(1)” appearing immediately before the words “in order” in the opening statement;
- (b) inserting the word “the” immediately after the word “legal” in paragraph (d); and
- (c) deleting paragraph (i) and substituting therefore the following new paragraph –
“(i) undertake any other activity necessary for the fulfillment of its objectives under this Act”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - **amendment proposed to Sub Clause 1 –**

THAT, clause 8 of the Bill be amended in sub-clause (1) by inserting the following new paragraphs immediately after paragraph (f) –

- “(g) the Commissioner-General of the Kenya Revenue Authority; and
- (h) the Governor of the Central Bank of Kenya”.

(Hon. Kenneth Okoth)

Mover not present in the Chamber;

Proposed amendment Dropped.

Clause 8 - **amendment proposed to Sub Clause 2 –**

THAT, clause 8 of the Bill be amended in sub-clause (2) by deleting the words “any of the following” appearing immediately after the words “level in” in paragraph (b).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - **amendment proposed -**

THAT, clause 9 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause –

“(2) The appointment of members of the Board shall be done in such a manner as to ensure that the terms of the members appointed do not lapse at the same time and that there is continuity of service”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - agreed to

Clause 11 - **amendment proposed -**

THAT, clause 11 of the Bill be amended by –

- (a) deleting the word “legitimate” appearing immediately before the word “disbursements” in paragraph (d); and
- (b) deleting the word “banking” appearing immediately before the word “accounts” and substituting therefor the word “bank” in paragraph (e).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Amendment Dropped by the Mover.

Clause 12 - agreed to

Clause 13 - **amendment proposed -**

THAT, clause 13 of the Bill be amended by –

- (a) deleting the word “consultations” appearing immediately before the words “with the Cabinet Secretary” and substituting therefor the word “consultation”;
- (b) deleting the words “Cabinet Secretary” and substituting therefor the words “Salaries and Remuneration Commission”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - **amendment proposed –**

THAT, clause 14 of the Bill be amended in subclause (3) by deleting the words “any of the following” appearing immediately after the words “level in” in paragraph (b).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - **amendment proposed –**

THAT, the Bill be amended by deleting clause 15 and substituting therefor the following new clause 15 –

“**15.** (1) The Authority may appoint such staff as are necessary for the performance of its functions under this Act.

(2) The staff appointed under subsection (1) shall serve on such terms and conditions of service as the Authority may, in consultation with the Salaries and Remuneration Commission, determine”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - **amendment proposed –**

THAT, clause 16 of the Bill be amended by deleting the word “anything” appearing immediately before the words “done by any member” and substituting therefor the word “thing”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - **amendment proposed –**

THAT, clause 17 of the Bill be amended –
(a) in sub-clause (1) by –

- (i) inserting the words “or her” immediately after the word “his” wherever it appears in paragraph (b);
 - (ii) deleting the word “the” appearing immediately before the word “Act” and substituting therefor the word “this” in paragraph (b); and
 - (iii) deleting the words “when lawfully required to do so” appearing immediately before the words “by a court” in paragraph (c).
- (b) in sub-clause (3) by –
- (i) inserting the words “or her” immediately after the word “his”;
 - (ii) deleting the word “to” appearing immediately before the word “subsection” and substituting therefor the word “of”; and
 - (iii) deleting the word “same” appearing immediately before the words “to any other person” and substituting therefor the words “document, material or information”.
- (c) in sub-clause (4) by -
- (i) deleting the word “an” appearing immediately before the word “imprisonment”; and
 - (ii) deleting the word “to” appearing immediately before the words “a term” and substituting therefor the word “for”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - agreed to

Clause 19 - **amendment proposed to Sub-Clause 1-**

THAT, clause 19 of the Bill be amended in sub-clause (1) –

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph –
“(a) a chairperson appointed by the President with the approval of the National Assembly;”
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph –
“(b) a deputy-chairperson appointed by the President with the approval of the National Assembly;”

(Hon. Kenneth Okoth)

Mover not present in the Chamber;

Amendment Dropped.

Clause 19 - **amendment proposed for new Sub-Clause 1A-**

THAT, clause 19 of the Bill be amended by inserting the following new subclause immediately after sub-clause (1) –

(1A) The Authority shall provide secretariat services to the Council”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - **amendment proposed -**

THAT, clause 20 of the Bill be amended by –

- (a) inserting the word “the” immediately before the word “exercise” in paragraph (a); and
- (b) deleting the word “Parliament” and substituting therefor the words “the National Assembly” in paragraph (c).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - **amendment proposed -**

THAT, clause 21 of the Bill be amended by –

- (a) deleting the words “in Kenya” appearing immediately before the words “invest in trust funds” in subsection (1); and
- (b) deleting the words ‘such bank or banks’ appearing immediately before the words “as it may determine” and substituting therefor the words “any bank” in sub-clause (2).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - agreed to

Clause 23 - **amendment proposed -**

THAT, clause 23 of the Bill be amended in sub-clause (2) by –

- (a) deleting the word “the” appearing immediately before the word “equipment” in paragraph (f); and
- (b) inserting the words ‘payment of’ immediately before the words “any other costs” in paragraph (g).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - **amendment proposed** -

THAT, clause 24 of the Bill be amended in sub-clause (1) by –

- (a) deleting the word “all” appearing immediately before the word “proper”; and
- (b) deleting the word “other” appearing immediately before the word “records”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - agreed to

Clause 26 - **amendment proposed** -

THAT, clause 26 of the Bill be amended by -

- (a) deleting the word “an” appearing immediately before the word “imprisonment” in sub-clause (2); and
- (b) inserting the following new sub-clause immediately after sub-clause (2) –

“(3) Where the offence is committed by a body corporate, the body corporate shall be liable on conviction to a fine not exceeding ten million shillings”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - agreed to

Clause 28 - **amendment proposed** -

THAT, clause 28 of the Bill be amended in sub-clause (8) by inserting the word “are” immediately before the word “necessary” in paragraph (a).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - **amendment proposed -**

THAT, clause 29 of the Bill be amended -

- (a) in sub-clause (1) by deleting the word “license” and substituting therefor the word “licence” appearing immediately after the word “firm’s” in paragraph (d);
- (b) in sub-clause (2) by deleting the words “other than under subsection (1) (d) appearing immediately before the word “suspend”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - agreed to

Clause 31 - agreed to

Clause 32 - **amendment proposed -**

THAT, clause 32 of the Bill be deleted.

(Hon. Kenneth Okoth)

Mover not present in the Chamber;

Amendment Dropped.

Clause 33 - agreed to

Clause 34 - **amendment proposed -**

THAT, clause 34 of the Bill be amended -

- (a) in sub-clause (1) by -
 - (i) deleting the word “persons” appearing immediately before the word “appointed” and substituting therefor the word “members” in the opening statement;
 - (ii) deleting the word “the” appearing immediately before the word “chairperson” and substituting therefor the word “a” in paragraph (a); and
 - (iii) inserting the word “the” immediately before the word “financial” in paragraph (b);
- (b) in sub-clause (3) by inserting the words “a term of” immediately before the word “three”;
- (c) by deleting sub-clause (4) and substituting therefor the following new sub-clause-

“(4) The appointment of members to the Tribunal shall be done in such a manner as to ensure that the terms of the members appointed do not lapse at the same time and that there is continuity of service”.

- (d) in sub-clause (5) by -
 - (i) deleting paragraph (b) and substituting therefor the following new paragraph -
“(b) accepts any position of employment the holding of which conflicts with his or her role in the Tribunal; and
 - (ii) inserting the words “without the permission of the Tribunal” immediately after the word “Tribunal” in paragraph (e);

- (e) in sub-clause (6) –
 - (i) by deleting the word “the” appearing immediately before the word “members”; and
 - (ii) by inserting the words “in consultation with the Salaries and Remuneration Commission” immediately before the words “from time”;
- (f) by inserting the following new sub-clauses immediately after sub-clause (6) –

“(7) The Tribunal shall have jurisdiction to hear and determine appeals against any decision or order of the Authority.

(8) In determining an appeal, the Tribunal may affirm, quash or refer the decision or order back to the Authority for reconsideration”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - agreed to

Clause 36 - **amendment proposed** -

THAT, clause 36 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause -
“(1) The Judicial Service Commission may appoint such staff as are necessary for the performance of the functions of the Tribunal under this Act”; and
- (b) by inserting the words “in consultation with the Salaries and Remuneration Commission” immediately before the words “from time” in sub-clause (2).

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - agreed to

Clause 38 - **amendment proposed** -

THAT, clause 38 of the Bill be amended in sub-clause (2) **by** deleting paragraphs (c), (d) and (e) and substituting therefor the following new paragraphs –

- “ (c) the nature of records to be kept;
- (d) the procedure of giving notice to the parties;
- (e) the fees to be charged; and”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - **amendment proposed** -

THAT, clause 39 of the Bill be amended in sub-clause (2) -

(a) by inserting the word “rights” immediately before the word “benefits” in paragraph (b);

(b) by inserting the following new paragraphs immediately after paragraph (f) -

“(fa) determine any nationalisation or expropriation measures or any restrictions on private ownership;

(fb) designate the repatriation of profits and realisation of investments;

(fc) designate the recruitment, employment and terms of employment of staff, subject to work permit provisions and any international treaty obligations entered into by the

Government in respect of the terms of employment of employees; and

(fd) determine the ownership by persons who are not nationals of, or resident in, Kenya”.

(Hon. Kenneth Okoth)

Mover not present in the Chamber;

Amendment Dropped.

Clause 40 - agreed to

Clause 41 - agreed to

New Clause 32A - **New Clause 32A Proposed**

THAT, the Bill be amended by inserting the following new clause immediately after clause 32 -

Settlement of disputes. **32A.** (1) Where there is a dispute between the Authority and an NIFC firm arising out of or in connection with the rights and benefits conferred by section 32, the dispute shall be settled by arbitration, and, unless otherwise agreed by the parties, by a sole arbitrator, to be appointed by the Registrar of the Nairobi Centre for International Arbitration and any award, order or determination of or by such arbitrator shall be final and binding on all parties.

(2) The dispute referred to the arbitrator appointed by the Registrar under subsection (1) shall be administered in accordance with the Rules for arbitration of the Nairobi Centre for International Arbitration.

(Hon. Aden Duale, Leader of the Majority Party)

Question of the New Clause 32A proposed;

Debate arising;

Question put and agreed to;

Schedule - **amendment to the Schedule proposed** -

THAT, the Schedule to the Bill be amended –

(a) in paragraph 2 by –

(i) deleting the word “of” appearing immediately before the words “the business” in subparagraph (2);

(ii) deleting the word “total” in subparagraph (3); and

(iii) deleting paragraph 8.

(b) in paragraph 3 by inserting the words “does not disclose his or her interest in a contract or any other or who” immediately before the words “benefits” in subparagraph (3);

(c) in paragraph 4 by deleting the words “all instruments or decisions” and substituting therefor the words “instrument or decision”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - **amendment proposed –**

THAT, clause 2 of the Bill be amended by inserting the words “under section 28 (4)” immediately after the word “Authority” in the definition of the term “NIFC firm”.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - agreed to

Clause 1 - agreed to

Bill to be reported **with amendments**.

(ii) The Legal Metrology Bill (National Assembly Bill No. 8 of 2017)

Clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11 - agreed to.

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be amended–

(a) in sub-clause (3) by deleting the word “production” appearing immediately before the word “thereof” and substituting therefor the word “issuance”;

(b) in sub-clause (5) by inserting the words “Legal Metrology” immediately after the word “primary”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to.

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended–

- (a) in sub-clause (4) by inserting the words “Legal Metrology” immediately after the word “primary”;
- (b) in sub-clause (5) by inserting the words “Legal Metrology” immediately after the word “primary”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - amendment proposed –

THAT, clause 14 of the Bill be amended –

- (a) in sub-clause (2) by inserting the words “Legal Metrology” immediately after the word “primary”;
- (b) in sub-clause (5) by deleting the word “forces” and substituting therefor the word “force”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to.

Clauses 15, 16 and 17 - agreed to.

Clause 18 - amendment proposed –

THAT, clause 18 of the Bill be amended –

- (a) by inserting the expression “(3)” immediately before the words “Use for trade does not include use in a case where” appearing immediately after sub-clause (2)(c);
- (b) by inserting the expression “(4)” immediately before the words “Any equipment” appearing immediately before clause 19.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - agreed to.

Clause 20 - amendment proposed –

THAT, clause 20 of the Bill be amended by inserting the words “or her” immediately after the word “his”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

Clause 21 - amendment proposed –

THAT, clause 21 of the Bill be amended by inserting the words “or her” immediately after the word “his”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to.

Clauses 22, 23, 24 & 25 - agreed to.

Clauses 26 - amendment proposed –

THAT, clause 26 of the Bill be amended -

(a) in sub-clause (1) –

- (i) by deleting the word “or” appearing immediately after the word “stamp” in paragraph (a);
- (ii) by deleting the word “or” appearing immediately after the word “stamp” in paragraph (b);
- (iii) by deleting the word “or” appearing immediately after the word “equipment” in paragraph (c);
- (iv) by deleting the word “or” appearing immediately after the word “unjust” in paragraph (d);

(b) in sub-clause (4)–

- (i) by inserting the words “or her” immediately after the word “his”; and
- (ii) by deleting the word “of” appearing immediately after the word “possession”;
- (iii) by deleting the word “or” appearing immediately after the word “Act” in paragraph (a); and

- (iv) by deleting the word “or” appearing immediately after the word “stamped” in paragraph (b).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to.

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended–

- (a) in sub-clause (1) by inserting the words “or she” immediately after the word “he”;

- (b) in sub-clause (4)–

- (i) by inserting the words “or her” immediately after the word “his”; and

- (ii) by inserting the word “a” immediately before the word “denomination”;

- (c) in sub-clause (9)–

- (i) by inserting the words “,the inspector” immediately after the word “her”;
and

- (ii) by inserting the word “a” immediately before the word “fees”.

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to.

Clause 28 - amendment proposed –

THAT, clause 28 of the Bill be amended –

- (a) by inserting the words “or her” immediately after the word “his” wherever it appears; and

- (b) by deleting the words “that person” appearing immediately before the word “commits”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to.

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended –

- (a) by inserting the words “or her” immediately after the word “his”; and

- (b) by deleting the words “and the onus of proving the contrary shall be upon him” appearing at the end of the section.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to.

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended–

(a) in sub-clause (5) –

(i) by inserting the word “who” immediately before the words “uses for trade”;

(ii) by inserting the words “or her” immediately after the word “his”; and

(iii) by deleting the words “he or she” appearing immediately before the word “commits”;

(b) in sub-clause (8) by inserting the words “or her” immediately after the word “his”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to.

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be amended in sub-clause (2) by inserting the words “or her” immediately after the word “his’.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to.

Clause 32 - agreed to.

Clause 33 - amendment proposed –

THAT, clause 33 of the Bill be amended in sub-clause (1) –

(a) by deleting the word “licenses” appearing in paragraph (m) and substituting therefor the word “licences”;

(b) by deleting the word “licenses” appearing in paragraph (r) and substituting therefor the word “licences”; and

(c) by inserting the words “or she” immediately after the word “he” appearing in paragraph (v).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to.

Clause 34 - amendment proposed –

THAT, clause 34 of the Bill be amended in sub-clause (2) by inserting the word “the” immediately before the word “size” appearing in paragraph (b).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to.

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to.

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be amended in sub-clause (1)–

- (a) by deleting the words “(including in particular information as to quantity or capacity)” appearing in paragraph (a) and substituting therefor the words “, including information as to quantity or capacity,”;
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph –
“(c) as to the conditions which shall be satisfied in marking with information as to the quantity of goods made up in the container or on which any goods are made up for sale where those goods are goods on sale of which the quantity of the goods sold is required by any such provision to be made known to the buyer as or before a particular time;”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to.

Clause 36 - agreed to.

Clause 37 - amendment proposed –

THAT, clause 37 of the Bill be amended–

- (a) in sub-clause (1)–

- (i) by inserting the word “a” immediately before the word “quantity” in the opening statement;

- (ii) by inserting the words “or her” immediately after the word “his” appearing in paragraph (a);
 - (iii) by inserting the words “or her” immediately after the word “his” appearing in paragraph (b); and
 - (iv) by inserting the word “a” immediately before the word “quantity” appearing in paragraph (b);
- (b) in sub-clause (2) –
- (i) by inserting the words “or her” immediately after the word “his” wherever it appears; and
 - (ii) by deleting the words “sell or agree” appearing in paragraph (c) and substituting therefor the words “sells or agrees”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to.

Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended –

- (a) in sub-clause (2) by inserting the words “or her” immediately after the word “him”;
- (b) in sub-clause (6) by inserting the words “or she” immediately after the word “he”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to.

Clauses 39 and 40 - agreed to.

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause –

“(2) For the purposes of this section any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net quantity of the goods”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to.

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended -

- (a) in sub-clause (1) by inserting the words “or her” immediately after the word “his” appearing in paragraph (a);
- (b) in sub-clause (3) by deleting the words “(whether any sale or a sale of any particular description)” appearing in paragraph (b)(ii);
- (c) by deleting sub-clause (5) and substituting therefor the following new sub-clause – “(5) For the purposes of this section any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net quantity of the goods”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to.

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended -

- (a) by inserting the words “in the event” immediately before the words “that document” appearing in sub-clause (1);
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause – “(2) For the purposes of this section any statement, whether oral or in writing, as to the weight of any goods shall be taken, unless otherwise expressed, to be a statement as to the net quantity of the goods”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to.

Clauses 44 and 45 - agreed to.

Clause 46 - amendment proposed –

THAT, clause 46 of the Bill be amended –

- (a) in sub-clause (1) by inserting the words “or her” immediately after the word “his” appearing in paragraph (e);
- (b) in sub-clause (3) by deleting the words “(however expressed)” appearing in paragraph (a).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to.

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended in sub-clause (2) by deleting the words “(not being a person under the control of the person charged)” and substituting therefor the words “,not being a person under the control of the person charged,”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to.

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended -

(a) in sub-clause (1) by deleting the words “(whether by way of pre-packaging or otherwise)” appearing in paragraph (a);

(b) in sub-clause (2)–

(i) by deleting the words “of this section” appearing in paragraph (a);

(ii) by deleting the word “that” appearing in paragraph (b); and

(iii) by deleting the words “of this section” appearing in paragraph (b);

(iv) by deleting the word “that” appearing in paragraph (c); and

(v) by deleting the words “of this section” appearing in paragraph (c).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 48 - as amended agreed to.

Clause 49 - amendment proposed –

THAT, clause 49 of the Bill be amended in sub-clause (1) by deleting the words “(whether by way of pre-packaging or otherwise)” appearing in paragraph (a).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 49 - as amended agreed to.

Clause 50 - amendment proposed –

THAT, clause 50 of the Bill be amended by deleting the word “a” appearing immediately before the word “sufficient” in paragraph (a).

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 50 - as amended agreed to.

Clauses 51, 52 and 53 - agreed to.

Clause 54 - amendment proposed –

THAT, clause 54 of the Bill be amended in subsection (4) –

- (a) by inserting the words “Weights and Measures” immediately before the words “Act repealed”; and
- (b) by deleting the expression “67” and substituting therefor the expression “68”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to.

Clause 55 - amendment proposed –

THAT, clause 55 of the Bill be amended -

- (a) in sub-clause (2) –
 - (i) by inserting the word “any” immediately before the words “Deputy Director”; and
 - (ii) by deleting the words “to any” appearing immediately before the words “Assistant Director”.
- (b) in sub-clause (6) –
 - (i) by inserting the words “Weights and Measures” immediately before the words “Act repealed”;
 - (ii) by deleting the expression “67” and substituting therefor the expression “68”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 55 - as amended agreed to.

Clause 56 - amendment proposed –

THAT, clause 56 of the Bill be deleted.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 56 - deleted.

Clause 57 - amendment proposed –

THAT, clause 57 of the Bill be amended –

- (a) in sub-clause (7) –
 - (i) by inserting the word “or her” immediately after the word “him”; and

- (ii) by deleting the words “to him necessary” and substituting therefor the words “necessary to him or her”;
- (b) in sub-clause (8) by inserting the words “or her” immediately after the word “him”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 57 - as amended agreed to.

Clauses 58, 59 & 60 - agreed to.

Clause 61 - amendment proposed –

THAT, clause 61 of the Bill be amended by deleting the words “each commit an offence” and substituting therefor the words “on conviction be considered to have jointly and severally committed an offence”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Clauses 62, 63 & 64 - agreed to.

Clause 65 - amendment proposed –

THAT, clause 65 of the Bill be amended in sub-clause (1) by deleting the word “that” appearing immediately before the words “person shall be liable” and substituting therefor the word “such”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 65 - as amended agreed to.

Clauses 66, 67 & 68 - agreed to.

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended-

- (a) by inserting the following new definition in the proper alphabetical sequence – “Council” means the Council established under section 2D”;
- (b) in the definition of “custodian” by inserting the words “Legal Metrology” immediately after the word “Primary”;
- (c) in the definition of “Institute” by inserting the words “,Kenya established under section 2A” immediately after the word “Administration”;
- (d) in the definition of “International Bureau of Weights and Measures” by deleting the words “*Internationale des Poids et Mesures*” and substituting therefor the words “*Bureau International des Poids et Mesures*”;
- (e) in the definition of “international definition” by deleting the word “of” appearing immediately after the word “Conference” and substituting therefor the word “on”;
- (f) in the definition of “measuring instrument” by deleting the words “length, area, volume, capacity and gauge” and substituting therefor the words “quantities based on the international system of units (SI) and their derivatives”;

- (g) in the definition of “secondary standards” by inserting the words “Legal Metrology” immediately after the word “Primary”.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

NEW PART IA

THAT, the Bill be amended by inserting the following new Part immediately after Part I –

PART IA – THE INSTITUTE OF TRADE STANDARDS ADMINISTRATION, KENYA

New Clause 2A –

Establishment of the Institute. **2A.** (1) There is established an institute known as the Institute of Trade Standards Administration, Kenya.

(2) The Institute is 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) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing money or making investments;
- (d) co-operating with other persons or bodies for the furtherance of the functions of the Institute;
- (e) establishing branches in Kenya for the purpose of promoting the functions of the Institute; and
- (f) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Motion made and question proposed;

THAT, New Clause 2A be read a second time;

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 2A be part of the Bill;

Debate arising;

Question put and agreed to;

New Clause 2A – agreed to.

New Clause 2B –

Powers of the Institute. **2B.** The Institute shall have all the 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 Institute shall have the power to—

- (a) manage, control and administer its assets in such a manner and for such purposes as best promotes the purpose for which the Institute is established;
- (b) open such bank accounts for its funds as may be necessary;
- (c) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
- (d) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Institute's funds not immediately required for the purposes of this Act, as it may determine;
- (e) receive gifts, grants, donations or endowments made to the Institute and make disbursements therefor;
- (f) enter into association with such other bodies or organisations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Institute is established; and
- (g) undertake any activity necessary for the fulfillment of any of its functions.

Motion made and question proposed;

THAT, New Clause 2B be read a second time;

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 2B be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 2B – agreed to.

New Clause 2C –

Functions of **2C.** The functions of the Institute shall be to –
the Institute.

- (a) advance the legal, technical, scientific, practical and general knowledge of persons engaged in the administration of legislation relating to legal metrology, fair trading, consumer protection and Trade Standards Administration;
- (b) promote the sharing of ideas, opinions and experiences between its members;
- (c) promote and encourage courses for the industry;
- (d) provide information on consumer affairs and keep members and all other persons as may be interested aware of and involve them from time to time on any new or proposed legislation which affects the activities or responsibilities of the Institute or which arises as a consequence of Kenya's association with the African Union and any other country and to consult on those matters with such committees of the national or county governments, trade associations or other

bodies;

- (e) promote and encourage research and learning, provide facilities for and to promote and encourage research and learning and to undertake research in all subjects and matters relating to or affecting the administration of this Act and any other legislation or duties which are, or may be administered or undertaken by its members;
- (f) record and preserve and make available the results of research and learning for the benefit of students and all such persons as may be interested;
- (g) develop curricular and examinations, set standards and regulate training and education of candidates for the statutory qualification as an Inspector of Weights and Measures, Trade Standards Officer or Legal Metrology Officer or other professional qualifications of the Institute, or for any or all of the examinations of the Institute;
- (h) appoint examiners and arrange, administer, conduct and control such examinations as may be necessary or desirable to test the knowledge, suitability and competence of persons engaged in, or seeking to be engaged in the administration of this Act or in any other branch of administration, or in any parts, of which any of its members are engaged, and in proper cases, to issue certificates to such persons as may be recommended by such examiners as being worthy and to do all or any of such things jointly or in consultation with any person or body including a State Department;
- (i) promote the attainment of uniformity of practice in all aspects in the administration of legal metrology activities and any other legislation or duties administered or undertaken by its members;
- (j) consider all proposed legislation and take cognizance of all such matters affecting or likely to affect the administration of the statutes under which its members hold office or appointments and to make such representations as may be considered advisable;
- (k) obtain from members and from any other source information relating to matters arising under legislation administered by its members and to disseminate such information among members and stakeholders by means of a journal or by such means as may be found appropriate;
- (l) print and publish, lend and distribute any communications made to or by the Institute or any similar body and any Bills and Acts of Parliament and subject to the consent of the issuing authorities, any official documents or circulars and purchase, reproduce, print, publish and distribute by way of sale or otherwise as the Institute may deem fit of any books, papers, treaties or communications relating to the work of its members;
- (m) establish, uphold, advance and promote the highest standards of competence and practice amongst its members; and
- (n) make donations to any charitable, scientific, cultural or educational objects, institutions or associations.

Motion made and question proposed;

THAT, New Clause 2C be read a second time;

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 2C be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 2C – agreed to.

New Clause 2D –

- Council. **2D.** (1) The Institute shall be managed by a Council which shall comprise of the following members elected at the General Meeting –
- (a) a chairperson;
 - (b) a vice-chairperson;
 - (c) a secretary;
 - (d) an assistant secretary;
 - (e) a treasurer;
 - (f) an assistant treasurer;
 - (g) the Chairperson of the Constituent Committees;
 - (h) each Branch representatives; and
 - (i) the immediate past Chairperson of the Institute who shall be an *ex-officio* member of the Council.
- (2) Each member of the Council shall serve for a term of one year, and shall be eligible for re-election for one further term of one year.

Motion made and question proposed;

THAT, New Clause 2D be read a second time;

Debate arising;

Question put and agreed to;

Motion made and question proposed;

THAT, New Clause 2D be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 2D – agreed to.

New Clause 2D –

- Funds of the Institute. **2E.** The Funds for the Institute shall consist of —
- (a) monies that may accrue to or vest in the Institute in the course of the exercise of its functions under this Act;
 - (b) gifts, grants, donations or endowments as may be given to the Institute;
 - (c) monies that may be borrowed by the Institute for the discharge of its functions;
 - (d) fees for services rendered to any designated institution in terms of a service agreement; and
 - (e) monies from any other source provided for the Institute.

(Chairperson of the Departmental Committee on Finance, Planning and Trade)

14. **HOUSE RESUMED** - the First Chairperson in the Chair

(i) The Nairobi International Financial Centre Bill (National Assembly Bill No. 5 of 2017)

Bill reported with amendments;

Motion made and Question proposed –

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

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

Question put and agreed to;

Question of the Third Reading deferred to another day

(ii) The Legal Metrology Bill (National Assembly Bill No. 8 Of 2017)

Bill reported with amendments;

Motion made and Question proposed –

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

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

Question put and agreed to;

Question of the Third Reading deferred to another day

15. **MOTION – ADOPTION OF THE REPORT ON THE AMENDMENTS TO THE STANDING ORDERS**

Motion made and Question proposed –

THAT, pursuant to provisions of Standing Order 264 and 265, this House adopts the Report of the Procedure and House Rules Committee, laid on the Table of the House on Tuesday, June 13, 2017, and further-

- (i) **approves** the amendments proposed to the Standing Orders as contained in the Schedule of the report;
- (ii) **resolves** that the amendments to the Standing Orders shall, upon approval by the House, take effect at the commencement of the next Parliament; and,
- (iii) in view of the amendment proposed in Standing Order 212B (*Committee on Members' Services and Facilities*), **rescinds** the decision of the House of 14th March, 1967 as amended on 29th November 2011 which established the National Assembly's Catering and Health Services Committee.

(Chairperson, Procedure and House Rules Committee)

Debate arising;

Rising in his place pursuant to the provisions of Standing Order 96, the Member for Butula (the Hon. Michael Onyura) claimed to move that debate be now adjourned;

And the Speaker acceding to the request;
Thereupon Question put and agreed to.

16. **MOTION – THE REPORT OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE ON THE VETTING OF NOMINEE FOR APPOINTMENT AS DIRECTOR GENERAL, FINANCIAL REPORTING CENTRE**

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

Order read;

Order deferred to the next day.

17. **MOTION –ADOPTION OF THE SPECIAL REPORT ON THE IMPLEMENTATION OF THE TOURISM FUND’S RONALD NGALA UTALII COLLEGE PROJECT**

(The Chairperson, Public Investments Committee)

Order read;

Motion made and question proposed;

THAT, this House adopts the Special Report of the Public Investments Committee (PIC) on the implementation of the Tourism Fund Ronald Ngala Utalii College Project in Kilifi County, laid on the Table of the House on Wednesday, 24th May, 2017.

Debate arising;

(Change of Chair from the Hon. Speaker to the Third Chairperson of Committees)

Mover replied;

And the time being thirty minutes past Six O’clock, the Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at thirty minutes past Six O’clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, June 15, 2017 at 10.00 a.m.

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