



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 Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **MESSAGES**

(i) **Referral by H.E. the President of The Finance Bill, 2017**

The Deputy Speaker conveyed the following Message –

“Honourable Members,

You may recall that on May 30, 2017, the National Assembly passed the Finance Bill, 2017. Thereafter, the Bill was presented for Assent to H.E. the President in accordance with the provisions of the Constitution and our Standing Orders. However, H.E. the President, by way of Memorandum, has since referred the Bill back to the National Assembly for reconsideration, pursuant to the provisions of Article 115(1)(b) of the Constitution.

Honourable Members, H.E. the President has expressed reservations to the deletion of Clauses 26, 27, 28 and 29 of the Bill concerning the Betting, Lotteries and Gaming Act (CAP 131). Consequently, the President recommends amendments to the clauses.

Honourable Members, you may recall that section 41 of the Public Finance Management Act and Standing Order 245 provide that the Finance Bill shall be considered and approved not later than ninety (90) days after the passage of the Appropriation Bill. Further, Standing Order 154 requires the National Assembly to consider the President's reservations within twenty one (21) days. In this regard, the Memorandum stands committed to the Departmental Committee on Finance, Planning and Trade for consideration. The Committee should table its report on or before tomorrow morning the 15th June, 2017. In considering the Memorandum, regard will be given to the guidance given by the Speaker in a Communication delivered on July 28, 2015 concerning Consideration of Presidential Memoranda and amendments thereto.

I wish to remind the House and the Committee that only the clauses of the Bill that have reservations ought to be considered. I also direct the Clerk to circulate the memorandum from H.E. the President to all Members so that you can familiarize yourselves with its contents.

Thank you”.

(ii) **The decision of the Senate on the Division of Revenue Bill(National Assembly Bill No. 2 of 2017)**

“Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to convey to the House a Message from the Senate, dated 13th June 2017, regarding the Senate’s **decision** on the Division of Revenue Bill (National Assembly Bill No. 2 of 2017), the effect of which the said Bill stood referred to a Mediation Committee. The Message reads in part, that:-

“...the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) was rejected, at Second Reading, by the Senate on Tuesday, 13th June 2017.”

Accordingly, the Senate appointed the following Senators to represent the Senate in a Mediation Committee to consider the Bill –

1. Sen. Billow Kerrow, MP;
2. Sen. Beatrice Elachi, MP;
3. Sen.(Dr.) Agnes Zani, MP; and
4. Sen. Mutula Kilonzo Junior, MP.

Honourable Members, as you may be aware, this is the second time the Division of Revenue Bill is committed to a Mediation Committee, following the failure by the first Mediation Committee established in April 2017 to develop an agreed version within the thirty days contemplated under Article 113 of the Constitution. This House ought to be alive to the fact that the Division of Revenue Bill is critical to the vertical sharing of revenue between the two tiers of government and ought to be passed at least two months before the end of the subsisting Financial Year as provided for under Article 218 of the Constitution. Indeed this House demonstrated this fact when it resolved on 17th May 2017 to exempt the Bill from the provisions of the Standing Order 141(1), thereby permitting its re-introduction for re-consideration.

In light of the Senate’s decision on the Bill, I have appointed the following Members to represent the National Assembly in the Mediation Committee to attempt, for the second time, to develop an agreed version of the Bill in accordance with the provisions of Article 113 of the Constitution –

1. The Hon. Mutava Musyimi, CBS, MP;
2. The Hon. Mary Emaase, MP;
3. The Hon. Christopher Omulele, MP; and
4. The Hon. Richard Onyonka, MP.

Honourable Members, you will agree with me that any further delay to pass the Division of Revenue would have far-reaching implications on government operations at both levels of government. Cognizant of the scheduled *sine die* recess of the House, I appeal to the Members of the National Assembly appointed to the Mediation Committee to liaise with their Senate counterparts so as to expeditiously embark on the process of possibly developing an agreed version of the Bill that will be passed by both Houses of Parliament. Should the Mediation Committee conclude the process during the recess period, the National Assembly will rise to the occasion and provide an opportunity to consider the Committee’s Report and the Bill thereto, in terms of the provisions of Article 113 of the Constitution.

Thank you”.

5. **PAPER LAID**

The following Paper was laid on the Table –

The Report of the Departmental Committee Finance, Planning and Trade on the vetting for approval of Mr. Saitoti Kimerei Maika, nominee for appointment as the Director-General of the Financial Reporting Centre

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

6. **NOTICE OF MOTION** – (Chairperson, Departmental Committee on Finance, Planning & Trade)

The following Notice was given –

THAT, this House adopts the Report of the Departmental Committee Finance, Planning and Trade on the vetting for approval of Mr. Saitoti Kimerei Maika, nominee for appointment as the Director-General of the Financial Reporting Centre, laid on the Table of the House on Wednesday, June 14, 2017, and pursuant to the provisions of section 25 of the *Proceeds of Crime and Anti-Money Laundering Act*, **approves** the appointment of Mr. Saitoti Kimerei Maika as the Director-General of the Financial Reporting Centre.

7. **THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2017)**
(Hon. Chris Wamalwa)

Order for First Reading read;

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

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

- (i) **The Kenya Trade Remedies Bill (National Assembly Bill No. 4 Of 2017)**

Clauses 3, 4 & 5 - agreed to

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended in subclause (2) by deleting the words “in Article” appearing immediately before the expression “27 and 32” and substituting therefor the words “under Articles”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clauses 7, 8 & 9 - agreed to

Clause 10 - amendment proposed –

THAT clause 10 of the Bill be amended -

- (a) in paragraph (b) by deleting the words “controlling and supervising” and substituting therefor the words “control and supervise”;
- (b) in paragraph (c) by deleting the word “determining” and substituting therefor the word “determine”;
- (c) in paragraph (d) by deleting the word “receiving” and substituting therefor the word “receive”;
- (d) in paragraph (e) by deleting the word “collaborating” and substituting therefor the word “collaborate”;
- (e) by deleting paragraph (f) and substituting therefor the following new paragraph –
“f) open such bank accounts for the funds of the Agency as may be necessary”;
- (f) in paragraph (g) by deleting the word “investing” and substituting therefor the word “invest”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clauses 11 & 12 - agreed to

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended in sub-clause (3) by deleting the word “is” appearing immediately after the word “Agency” and substituting therefor the word “if”.

(Chair, Departmental Committee on Finance, Planning and Trade)

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 by inserting the word “the” immediately before the word “functions”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

PART IV – amendment proposed –

THAT, the heading to PART IV be amended –

- (a) by deleting the word “measures” and substituting therefor the word “measure”; and
- (b) by deleting the word “procedures” and substituting therefor the word “procedure”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Proposed amendment withdrawn by the Mover.

Clauses 16, 17, 18, 19, 20, 21 & 22 - agreed to

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended in sub-clause (5) by deleting the words “the Cabinet” and substituting therefor the words “he or she”.

(Chair, Departmental Committee on Finance, Planning and Trade)

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 - agreed to

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be amended –

- (a) in sub-clause (3) –
 - (i) by inserting the word “to” immediately before the word “deliver”; and
 - (ii) by inserting the word “to” immediately before the word “produce”.
- (b) in sub-clause (4)(b) by inserting the word “a” immediately before the word “court” in subparagraph (ii);
- (c) in sub-clause (5) by inserting the words “or her” immediately after the word “his”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

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 (5) by inserting the words “or herself” immediately after the word “himself” in paragraph (a).

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

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 –

(a) by inserting the word “for” immediately before the word “information” appearing in paragraph (e);

(b) by inserting the following new paragraph immediately after paragraph (h) –

“(i) have powers to close and seal off the premises for further investigation for a period not exceeding fourteen days”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - as amended agreed to

Clause 35 - agreed to

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended in paragraph (b) by deleting the words “mistake common” and substituting therefor the words “a common mistake”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clauses 37, 38, 39, 40 & 41 - agreed to

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended in sub-clause (2) by inserting the word “the” immediately before the word “fulfillment” in paragraph (b).

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - agreed to

New Clause 44 proposed

THAT, the following new clauses be inserted immediately after clause 43—

Amendment
of section
123 of No.
15 of 2015.

44. Section 123 of the Companies Act, 2015 is amended by inserting the following new paragraphs immediately after paragraph (d) —

- “(e) a brother or sister of the director;
- (f) a brother or sister of the spouse of the director; or
- (g) a grandchild of the director; or
- (h) a spouse of any of the persons specified in paragraphs (b), (e), (f) and (g).”

Amendment
of section
135 of No.
15 of 2015.

45. Section 135 of the Companies Act, 2015 is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (f)—

- “(g) the person’s other company directorships, if any.”

Amendment
of section
146 of No.
15 of 2015.

46. Section 146 of the Companies Act, 2015 is amended by—

- (a) deleting subsection (5) and substituting therefor the following new subsection—

“(5) An authorization under subsection (3)(b) may in the case of a public company be given by—

- (a) a majority of members of the board of directors who do not have a personal interest; or
- (b) a majority of the votes of members who do not have a personal interest, in the case of a transaction valued at an amount that is ten percent or more of the value of the assets of the company”;

- (b) inserting the following new subsections immediately after subsection (7) —

“(8) A director or member referred to in this section has a personal interest if the director or member or their family member —

- (a) is a party to the transaction or has material financial interest in the transaction; or
- (b) has material financial interest in the transaction that could be expected to affect their judgment adversely to the company.

(9) An arrangement entered into by a company in contravention of this section and any transaction entered into in accordance with the arrangement, whether by the company or any other person, is voidable at the instance of the company, unless—

- (a) restitution of any money or other asset that was the subject matter of the arrangement or transaction is no longer possible;
- (b) the company has been indemnified in accordance with this section by other persons for the loss or damage suffered by it; or
- (c) rights acquired in good faith, for value and without actual notice of the contravention by a person who is not a party to the

arrangement or transaction would be affected by the avoidance.

(10) Whether or not the arrangement or any such transaction has been avoided, each of the persons specified in subsection (11) is liable—

- (a) to account to the company for any gain that the person has made (directly or indirectly) as a result of the arrangement or transaction; and
- (b) jointly and severally with any other person so liable under this section, to indemnify the company for any loss or damage resulting from the arrangement or transaction.

(11) The persons liable under subsection (10) are—

- (a) any director of the company or of its holding company with whom the company entered into the arrangement in contravention of this section;
- (b) any person with whom the company entered into the arrangement in contravention of this section who is connected with a director of the company or of its holding company;
- (c) the director of the company, or of its holding company, with whom any such person is connected; and
- (d) any other director of the company who authorised the arrangement or a transaction entered into in accordance with such an arrangement.

(12) A director who contravenes this section commits an offence and is liable on conviction to disqualification for a period not exceeding five years.”

Amendment
of section
151 of No.
15 of 2015.

47. Section 151 of the Companies Act, 2015 is amended—

- (a) in subsection (1), by inserting the words “within seventy-two hours” immediately after the words “members of the company” appearing in paragraph (b);
- (b) in subsection (2), by —
 - (i) deleting the words “that exceeds ten percent” and substituting therefor the words “that is ten percent or more”;
 - (ii) deleting the word “made” and substituting therefor the word “disclose”.

Amendment
of section
162 of No.
15 of 2015.

48. Section 162 of the principal Act is amended by—

- (a) deleting subsection (6); and
- (b) deleting subsection (7).

Amendment
of section
308 of No.
15 of 2015.

49. Section 308 of the Companies Act, 2015 is amended by inserting the following new subsection immediately after subsection (7) —

- “(8) Notwithstanding any other provision of this Act, the holders of any class of shares shall be entitled to vote as a group on any variation of the rights

of that class if the variation —

- (a) increases or decreases the number of authorized shares of such class;
- (b) changes any of the rights or preferences of the shares of the class;
- (c) creates a right of the holders of any other shares to exchange or convert their shares into shares of the type or class held by the class;
- (d) changes the shares held by the group into a different number of shares or into shares of another class;
- (e) creates a new class of shares that —
 - (i) has rights or preferences superior or substantially equal to those of the class;
 - (ii) increases the rights and preferences of any class of shares having rights and references substantially equal to or superior to those of such class; or
- (iii) increases the rights and preferences of any class of shares having rights and preferences subordinate to those of such class if such an increase would then make them substantially equal or superior to those of such class;
- (f) limits or denies the existing pre-emptive rights of the shares of such class;
- (g) cancels or otherwise affects accumulated dividends on the shares of such class;
- (h) limits or denies the voting rights of such class; or
- (i) otherwise changes the rights or preferences of the shares held by such class so as to affect them adversely.”

Repeal of
section 344
of No. 15 of
2015.

50. Section 344 of the Companies Act, 2015 is repealed.

Amendment
of section
393 of No.
15 of 2015.

51. Section 393 of the Companies Act, 2015 is amended in subsection (2)—

- (a) by deleting paragraph (a); and
- (b) in paragraph (b), by deleting the words “if the company’s articles contain no such provision”

(The Leader of the Majority Party)

Proposed amendment withdrawn by the Mover;

First Schedule - agreed to

Second Schedule - amendment proposed –

THAT, the Second Schedule to the Bill is amended –

- (a) in paragraph 3 –
 - (i) by deleting the word “above” appearing in subparagraph (6);
 - (ii) by deleting the word “above” appearing in subparagraph (7);
 - (iii) by deleting the word “above” appearing in subparagraph (8);
 - (iv) by deleting the words “or future or current production” appearing immediately before the words “or for circumstances” in subparagraph (10);
 - (v) by deleting the word “the” appearing immediately before the words “this Schedule” in subparagraph (11).
- (b) in paragraph 9 –
 - (i) by inserting the word “the” immediately before the word “dumping” in subparagraph (2)(a); and
 - (ii) by inserting the word “the” immediately before the word “injury” in subparagraph (2)(b);
 - (iii) deleting subparagraph (12) and substituting therefor with the following new subparagraph-

“(12) The Agency may initiate an investigation on its own motion, without having received a written complaint from the affected industry”;
 - (iv) by inserting the following new subparagraph after subparagraph (12) –

“(13) Where the Agency initiates an investigation on its own motion, it shall proceed only if it has sufficient evidence of injury or threat of injury and a causal link to justify the initiation of an investigation”.
- (c) in paragraph 12 –
 - (i) by deleting the word “asks” appearing in subparagraph (4) and substituting therefor the word “requests”;
 - (ii) by deleting the words “access to” appearing in subparagraph (7) and substituting therefor the words “to grant access to the Agency”;
 - (iii) by deleting the words “where practicable” appearing at the end of subparagraph (8).
- (d) in paragraph 13 –
 - (i) by deleting the words “that accounts” appearing in subparagraph (1) (a);
 - (ii) by deleting the words “that accounts” appearing in subparagraph (2).
- (e) in paragraph 18 –
 - (i) by deleting the word “make” appearing immediately before the word “comment” appearing in subparagraph (4);
 - (ii) by inserting the word “for” immediately after the words “Cabinet Secretary” appearing in subparagraph (8).
- (f) in paragraph 30 –
 - (i) by deleting the word “absent” appearing in subparagraph (13)(c) and substituting therefor the word “without”;
 - (ii) by deleting the expression “5%” appearing in subparagraph (15) and substituting therefor the words “five per centum”;
 - (iii) by deleting the expression “15%” appearing in subparagraph (17) and substituting therefor the words “fifteen per centum”;
- (g) in paragraph 31 by deleting the expression “0.5%” appearing in subparagraph (5) and substituting therefor the words “zero decimal five per centum”.
- (h) in paragraph 34 –
 - (i) by deleting the word “absent” appearing in subparagraph (3) and substituting therefor the word “without”; and
 - (ii) by deleting the word “expense” appearing in subparagraph (3) and substituting therefor the word “expend”;

- (iii) by deleting the word “absent” appearing in subparagraph (5) and substituting therefor the word “without”;
- (iv) by deleting the word “employer” appearing in subparagraph (6) and substituting therefor the word “employing”; and
- (v) by deleting the word “expense” appearing in subparagraph (6) and substituting therefor the word “expend”;
- (vi) by deleting the word “expense” appearing in subparagraph (7) and substituting therefor the word “expend”;
- (i) in paragraph 35 by deleting the word “with” appearing in subparagraph (3)(a) and substituting therefor the word “to”;
- (j) in paragraph 42-
 - (i) by deleting the word “normally” appearing in subparagraph (6) (a); and
 - (ii) by deleting the word “normally” appearing in subparagraph (6) (b);
- (k) in paragraph 43 by deleting the word “preserved” appearing in subparagraph (4) and substituting therefor the word “observed”.
- (l) in paragraph 54 by deleting the word “the” appearing immediately before the word “Kenya” in subparagraph (1).

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule - as amended agreed to

Third Schedule - amendment proposed –

THAT, the Third Schedule to the Bill be amended –

- (a) in paragraph 3 by deleting the word “subparagraph” appearing in subparagraph (3)(l) and substituting therefor the word “sub-subparagraph”;
- (b) in paragraph 5 by inserting the word “is” immediately before the word “desirous” appearing in subparagraph (3);
- (c) in paragraph (8) –
 - (i) by deleting the word “may” appearing immediately after the word “shall” in subparagraph (1);
 - (ii) by deleting the word “arguments” appearing in subparagraph (2) and substituting therefor the word “submissions”;
 - (iii) by deleting the word “arguments” appearing in subparagraph (3) and substituting therefor the word “submissions”;
- (d) in paragraph 9 by deleting the word “arguments” wherever it appears in subparagraph (1) and substituting therefor the word “submissions”;
- (e) in paragraph 13 by deleting the expression “19(1)” appearing in the closing statement of subparagraph (6) and substituting therefor the expression “18 (2)”;
- (f) in paragraph 14 by deleting the word “and” appearing at the end of subparagraph (2)(i);
- (g) in paragraph 17 by inserting the word “daily” immediately after the word “two” appearing in subparagraph (6);
- (h) in paragraph 18 by inserting the word “daily” immediately after the word “two” appearing in subparagraph (4);

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Third Schedule - as amended 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 –
“Board” means the Board of the Agency as constituted under section 6”;
- (b) in the definition of “Cabinet Secretary” by deleting the word “international” appearing immediately before the word “trade”;
- (c) in the definition of “domestic like product” by inserting the word “product” immediately after the word “produced”;
- (d) in the definition of “domestic market” by inserting the words “including the EAC as a single customs territory” immediately after the word “country”;
- (e) in the definition of “EAC” –
 - (i) by inserting the word “the” immediately after the word “means”; and
 - (ii) by inserting the words “as a single customs territory” immediately after the word “community”.

(Chair, Departmental Committee on Finance, Planning and Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

(ii) The Basic Education (Amendment) Bill (National Assembly Bill No. 39 Of 2016)

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended in paragraph (b) by—

- (a) inserting the words “conditional capitation funds to facilitate” immediately before the words “the acquisition of”; and
- (b) deleting the word “disposable”.

(Chairperson of the Departmental Committee on Education; Research and Technology,

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended in paragraph (b) by—

- (a) deleting the word “disposable”; and
- (b) inserting the words “and provide a safe and environmentally sound mechanism for disposal of the sanitary towels.” immediately after the words “who has reached puberty”.

(Chairperson of the Departmental Committee on Education; Research and Technology,

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

(iii) The Occupational Therapists (Training, Registration and Licensing) Bill (National Assembly Bill No. 41 of 2016)

Clause 3 - agreed to

Clause 4 - amendment proposed -

THAT, clause 4 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Board” appearing in the marginal note and substituting therefor the word “Council”;
- (ii) deleting paragraph (a) and substituting therefor the following new paragraph—
 - “(a) the Chairperson, appointed by the Cabinet Secretary from among the persons nominated under paragraph (i);”
- (iii) inserting the words “who shall be an *ex officio* member of the Council without a right to vote” immediately after the word “Registrar” appearing in paragraph (c);
- (iv) deleting paragraph (e);
- (v) inserting the words “or his or her representative” immediately after the words “Medical Training College” appearing in paragraph (f);
- (vi) deleting paragraph (g);

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

“(i) six occupational therapists competitively and transparently nominated by the Association, who shall include—

- (a) two occupational therapists employed in the public service one of whom shall be employed in a county government;
- (b) one occupational therapist employed in the private sector;
- (c) one occupational therapist with disability;
- (d) one occupational therapist from the gender least represented in the Council; and
- (e) one occupational therapist employed in a University in Kenya which awards qualifications recognized by the Council.”

(viii) deleting paragraph (j);

(b) in sub-clause (3) by deleting the words “the Cabinet Secretary in consultation with the association” and substituting therefor the words “the Council;”

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

“(4) The Council members referred to in subsection (1) (b), (h) and (i) may attend the Council meetings in person or through their representatives appointed in writing”

(d) deleting sub clause (6);

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

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

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended by deleting paragraphs (b), (c) and (d).

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clauses 14, 15 & 16 - agreed to

Clause 17 - amendment proposed –

THAT, the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

17. There shall be a Registrar of the Council
Appointment of Registrar. who shall be recruited and appointed by the Council
through a competitive and transparent process.

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clauses 18, 19, 20, 21 & 22 - agreed to

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended in sub-clause (2) by deleting the words “member of the society shall pay the Society” and substituting therefor the words “occupational therapist registered under subsection (1) shall pay the Council.”

(Vice-Chairperson of the 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 - agreed to

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended in sub clause (1) by deleting the words “or dietician” appearing in paragraph (c)

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to

Clause 30 - agreed to

Clause 31 - amendment proposed –

THAT, clause 31 of the Bill be amended by deleting the words “Cabinet Secretary” appearing in sub clause (1) and substituting therefor the word “Council”.

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to

Clauses 32, 33, 34 & 35 - agreed to

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended in paragraph (a) by deleting the word “Society” appearing immediately after the words “payable to” and substituting therefor the word “Council”.

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clauses 37, 38, 39 & 40 - agreed to

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended by deleting the words “himself/herself out as being a clinical officer” appearing immediately after the words “or hold” and substituting therefor the words “himself or herself out as being an occupational therapist”.

(Vice-Chairperson of the Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to

New Clause 42 proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 41—

Acting
Registrar.

42. The Chief Occupational Therapist at the Ministry for the time being responsible for matters relating to health shall hold the office of the Registrar until the first appointment is made under section 17.

(Vice-Chairperson of the Departmental Committee on Health)

Motion made and Question proposed;

THAT, the New Clause 42 be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed;

THAT, the New Clause 42 be part of the Bill;

Question put and agreed to;

SCHEDULE - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

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

(i) **The Kenya Trade Remedies Bill (National Assembly Bill No. 4 Of 2017)**

Bill reported with amendments;

Motion made and Question proposed –

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

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

Question put and agreed to;

Question for Third Reading deferred to another day

(ii) **The Basic Education (Amendment) Bill (National Assembly Bill No. 39 of 2016)**

Bill reported with amendments;

Motion made and Question proposed –

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

(Chairperson of the Departmental Committee on Education, Research & Technology)

Question put and agreed to;

Question for Third Reading deferred to another day

(iii) **The Occupational Therapists (Training, Registration and Licensing) Bill (National Assembly Bill No.41 of 2016)**

Bill reported with amendments;

Motion made and Question proposed –

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

(Vice-Chairperson of the Departmental Committee on Health)

Question put and agreed to;

Question for Third Reading deferred to another day.

9. **THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2017)**

Order for Second Reading;

Motion made and Question proposed –

THAT, the Breastfeeding Mothers Bill (National Assembly Bill No.13 of 2017) be now read a Second Time

(Hon. Sabina Chege – 31.05.2017)

Debate interrupted on Wednesday, May 31, 2017 (Morning Sitting) resumed;

Mover replied;

Question deferred to another day

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

10. **HOUSE ROSE** - at ten minutes to One O'clock.

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, June 14, 2017 at 2.30 p.m.

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