



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – SECOND SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 27, 2014**

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

The following Papers were laid on the Table –

- (i) Report of the Committee on Implementation on the Study Visit to the Parliament of Portugal, 12<sup>th</sup>-16<sup>th</sup> May, 2014.

*(Chairperson, Committee on Implementation)*

- (ii) Report of the Kenyan Parliamentary Delegation to the International Parliamentary Conference on the Rights of the Indigenous Peoples, Santa Cruz de la Sierra, Bolivia, 7<sup>th</sup>-9<sup>th</sup>, April, 2014

*(Leader of the Delegation)*

- (iii) The Fourth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders

*(First Chairperson of Committees – Hon. Cheboi)*

6. **STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to Standing Order 44(2)(c), the following Members requested to statements –

- (i) by the Member for Sirisia (Hon. John Waluke) from the Chairperson of the Departmental Committee on Administration and National Security, regarding insecurity in Sirisia Constituency.

- (ii) by the Member for Nyali (Hon. Hezron Awiti) from the Chairperson of the Departmental Committee on Administration and National Security, concerning the housing conditions for the Regular and Administration Police Officers in the country.
- (iii) by the Nominated Member (Hon. Isaac Mwaura) from the Chairperson of the Departmental Committee on Education, Research and Technology, regarding the scrapping of Readers Allowance for the visually impaired teachers in Kenya.
- (iv) by the Member for Bomet Central (Hon. Ronald Tonui) from the Chairperson of the Departmental Committee on Education, Research and Technology, regarding loss of KCSE Certificates in Ruseya Secondary School in Bomet Central Constituency.
- (v) by the Member for Ikolomani (Hon. Benard Shinali) from the Chairperson of the Departmental Committee on Administration and National Security, regarding increased insecurity in Kakamega and Vihiga Counties.
- (vi) by the Member for Kitui East (Hon. Marcus Muluvi) from the Chairperson of the Departmental Committee on Finance, Planning and Trade, regarding delays in distribution of relief food to residents of Nzambani and Mutito Sub-counties in Kitui County.
- (vii) by the Member for North Horr (Hon. Chachu Ganya) from the Chairperson of the Departmental Committee on Administration and National Security, regarding the non-deployment of administrative officers in parts of Marsabit North Sub-county.
- (viii) by the Member for Tigania (Hon. David Karithi) from the Chairperson of the Departmental Committee on Transport, Public Works and Housing, regarding the status of Kunene – St. Anne – Kagaene – Mbeu Road in Tigania West Constituency.
- (ix) by the Member for Homa Bay (Hon. Peter Kaluma) from the Chairperson of the Departmental Committee on Administration and National Security, regarding the alleged killing of the late Mr. Shahid Pervet Butt, a prominent businessman.
- (x) by the Member for Njoro (Hon. Joseph Kiuna) from the Chairperson of the Departmental Committee on Environment and Natural Resources, regarding poaching in our parks and other national reserves and compensation of affected farmers.
- (xi) by Member for Moiben (Hon. Silas Tiren) from the Chairperson of the Departmental Committee on Administration and National Security regarding the living conditions of police officers in Moiben Police Station in Moiben Constituency.
- (xii) by the Member for Naivasha (Hon. John Kihagi) from the Chairperson of the Departmental Committee on Administration and National Security regarding the circumstances that led to the deaths of Master Paul Kiarie Njuguna and Mr. Moses Wanyoike in Naivasha Constituency.

- (xiii) by the Member for Kathiani (Hon. Robert Mbui) from the Chairperson of the Departmental Committee on Education, Research and Technology regarding increased cases of arson in schools
- (xiv) by the Member for Saboti (Hon. David Wafula) from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the Government Policy on training, development and optimal utilization of its staff.
- (iv) by the Member for Ainamoi (Hon. Benjamin Langat) from the Chairperson of the Public Investment Committee regarding the procurement and disposal of scrap metal, scrap cast iron and scrap locomotive materials worth millions of shillings under *stores and inventories* at Kenya Railways Corporation, and the urgent need to cause a special audit to examine the irregularities.

6. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

Third Chairperson of Committees in the Chair

The Finance Bill (National Assembly Bill No. 26 of 2014)

Clause 3 - amendment proposed-

THAT, clause 3 be amended in subparagraph (a)(ii), by-

- (a) deleting the word "paragraph" and substituting therefor the word "paragraphs";
- (b) inserting the following new paragraph immediately after the proposed paragraph (h)-

"(i) compensation for property acquired by the Government for infrastructure development".

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

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 3 - agreed to

Clause 4 - agreed to

Clause 5 - amendment proposed-

THAT, clause 5 be amended by-

- (i) renumbering the proposed amendment to subsection (4) of section 5 as paragraph (a);

- (ii) inserting the following new paragraphs further amending subsection (4) of Section 5 as follows –
- (b) by deleting the words “low income employees in a canteen or cafeteria operated or established by the employer (whether the meals are supplied by the employer or not) within his premises” and substituting therefor the words “employees in a canteen or cafeteria operated or established by the employer or provided by a third party who is a registered taxpayer (whether the meals are supplied in the premises of the employer or the premises of the third party) where the value of the meal does not exceed the sum of forty eight thousand shillings per year per employee”
  - (c) by deleting the definition of “low income employees” appearing in paragraph (g)
- (iii) deleting the proviso to the proposed paragraph (aa) and substituting therefor the following new proviso–
- “Provided that –
- (a) this paragraph shall cease to apply on the 1<sup>st</sup> July, 2015;
  - (b) the period of vacation shall not exceed seven days; and
  - (c) the term “employee” shall include the immediate family members of the employee”.

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

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

“(bb) inserting the following new paragraph immediately after paragraph (h)—

(i) compensation for property acquired by the Government for infrastructure development”

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

Proposed amendment withdrawn;

Clause 6 - agreed to.

Clause 7-9 - agreed to

Clause 10 - amendment proposed-

**THAT**, the clause 10 be deleted and replaced with the following new clause –

Amendment to  
section 34 of  
Cap.470

**10.** Section 34 of the Income Act is amended -

(a) in subsection (1) by inserting the following new paragraph immediately after paragraph (i)-

“(j) tax upon the capital gains of a person charged under section 3(2)(f) shall be charged at the rate of five percent and shall not be subject to further taxation”;

(b) by deleting subsections (1A) and (1B);

(c) in subsection (2), by inserting the words “or natural resource income” immediately after the word “royalty” appearing in paragraph (b);

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed-

**THAT**, the clause 11 be deleted and replaced with the following new clause –

Amendment  
to section 35  
of Cap.470

**11.**Section 35 of the Income Tax Act is amended –

(a) in subsection (1), by –

(i) inserting the words “or natural resource income” immediately after the word “royalty” appearing in paragraph (b);

(ii) deleting paragraph (k);

(b) in subsection (3), by –

(i) inserting the words “or natural resource income” immediately after the word “royalty” appearing in paragraph (g);

(c) deleting subsections (3A) and (3B).

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to.

Clauses 12-14 - agreed to

Clause 15 - amendment proposed-

**THAT**, clause 15 be amended, in the proposed new section 54B, by-

(a) deleting the introductory portion and substituting therefor the following –

“54(B). Every person carrying on a business shall notify the Commissioner of any changes in the following particulars within thirty days of the occurrence of the change –”

(b) inserting the word “trustees” immediately before the word “settlers” appearing in paragraph (b)(iii).

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16-21- Agreed to

Clause 22 - amendment proposed-

**THAT**, clause 22 be deleted and replaced with the following new clause -

Amendment of  
Third Schedule  
to Cap. 470.

**22.** The Third Schedule to the Income Tax Act is amended -

(a) in paragraph 3, by –

(i) deleting the words “other than management or professional fee deductible under paragraph 5(2)(g) of the Ninth Schedule” appearing in subparagraph (a);

- (ii) inserting the words "or natural resource income" immediately after the word "royalty" appearing in subparagraph (b);
- (iii) deleting the words "other than interest which is deductible under paragraph 5(2)(h) of the Ninth Schedule" appearing in paragraph (e)(i);
- (iv) deleting subparagraph (i);
- (v) deleting subparagraph (j); and
- (b) in paragraph 5, by –inserting the words "or natural resource income" immediately after the word "royalty" appearing in subparagraph (g); and
- (c) by deleting paragraph 6.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to.

Clauses 23-25 - agreed to.

Clause 26-27 - agreed to

Clause 28 - amendment proposed-

**THAT**, clause 28 be amended by deleting the words "abuse its dominant position" appearing in the proposed new subsection (2) and substituting therefor the words "be dominant".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to

Clauses 29-33 - agreed to

Clause 34 - amendment proposed-

**THAT**, clause 34 be deleted.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - deleted

Clause 35 - amendment proposed-

**THAT**, clause 35 be deleted.

*(Hon. David Were)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - deleted

Clause 36 - amendment proposed-

**THAT**, clause 36 be deleted.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - deleted

Clause 37 - agreed to

Clause 38 - amendment proposed-

**THAT**, clause 38 be deleted

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38 - deleted



New Clause proposed -

**THAT**, the following new clause be inserted immediately after clause 12-

Amendment of section 42 of Cap 470      12A. Section 42 of the Income Tax Act is amended by inserting the following new subsection immediately after subsection (1)-

“(1A) A foreign tax payable by a person in respect of income derived from performance in a public or private place for the purposes of a participating in any sporting event shall be allowed as a credit against tax chargeable in respect of the person’s ascertainable income”.

*(Hon. Sunjeev Birdi)*

Motion made and Question proposed;

THAT, the New Clause 12A be now read a Second Time;

Question put and agreed to

Motion made and Question proposed;

THAT, the New Clause 12A be part of the Bill

Debate arising;

Question put and negatived.

New Clause proposed -

**THAT**, the following new clause be inserted immediately after clause 22 –

Amendment of Eighth Schedule to Cap.470

**22A.** The Eighth Schedule to the Income Tax Act is amended –

(a) by deleting paragraph 2 and substituting therefor the following new paragraph –

2. Subject to this Schedule, income in respect of which tax is chargeable under section 3(2)(f) is the whole of a gain which accrues to a company or an individual on or after 1<sup>st</sup> January, 2015 on the transfer of property situated in Kenya, whether or not the property was acquired before 1<sup>st</sup> January, 2015.

(b) in paragraph 3, by adding the following new subparagraph immediately after subparagraph (2) -

(3) The gain which is exempt from tax under paragraph 36 of the First Schedule is not chargeable to tax under section 3(2)(f).

(c) in paragraph 6, by adding the following new subparagraph immediately after subparagraph (2)(g) -

(h) by the transfer of an asset between spouses, or former spouses, as part of a divorce settlement or *bona fide* separation agreement;

(d) in paragraph 7, by deleting the words "deemed to be nil" appearing at the end of subparagraph (3) and substituting therefor the words "the market value as determined by the Commissioner";

(e) by deleting Part III.

Motion made and Question proposed;

THAT, the New Clause 22A be now read a Second Time;

Question put and agreed to

Motion made and Question proposed;

THAT, the New Clause 22A be part of the Bill

Debate arising;

Question put and agreed to;

Clause 23-24 - agreed to

New Clause proposed -

**THAT**, the following new clause be inserted immediately before clause 25 under Part III—

Amendment  
of section 6  
of Cap.  
469.

**24A.** Section 6 of the Kenya Revenue Authority Act is amended by deleting subsection (5).

(Chairperson, Committee on Finance, Planning & Trade)

Proposed amendment withdrawn

New Clauses 25A, 25B, 25C and 25E proposed -

**THAT**, the following new Parts be inserted immediately after Part II –

**PART II A – VALUE ADDED TAX**

Insertion of new  
section 25A in  
No. 25 of 2013.

**25A.** The Value Added Tax Act, 2013 is amended by inserting a new section 25A as follows –

Withhold  
ing  
Value  
Added  
Tax.

**25A.**(1) Government Ministries, Departments and agencies shall, on purchasing taxable supplies, withhold six percent of the tax payable thereon at the time of paying for the supplies and remit the same directly to the Commissioner.

(2) Subsection (1) shall not apply to taxable supplies for official aid-funded projects.

(3) For the avoidance of doubt, the withholding of tax under subsection (1) shall not relieve the supplier of taxable supplies of the obligation to account for tax in accordance with this Act and the regulations.

Amendment to  
section 68 of  
No. 25 of 2013.

**25B.** Section 68 of the Value Added Tax Act, 2013 is amended by inserting the following new subsection immediately after subsection (4) –

“(4A) For the avoidance of doubt and despite any other provision of this Act or other written law for the time being in force, the expression “remission of tax” in subsection (4) shall, in the case of an official aid-funded project, be deemed to include express provision in the agreement in respect of that project for the remission of tax on any taxable goods or services supplied for the implementation of the project, where the agreement was concluded before the commencement of this Act:

Provided that a remission to which this subsection applies shall remain in force for a period of five years with effect from the commencement of this subsection”.

Amendment of  
the First  
Schedule to No.  
35 of 2013.

**25C.** The First Schedule to the Value Added Tax Act, 2013 is amended –

(a)in Section A of Part I, by –

- (i) inserting the following tariff numbers and descriptions thereof in item 38 immediately after tariff number 8802.20.00 –

8802.30.00 Aeroplanes and other Aircrafts on unladen weight exceeding 2,000 kgs but not exceeding 15,000 kg.

8802.40.00 Aeroplanes and other Aircraft of unladen weight exceeding 15,000 kgs.

8803.30.00 Other parts of aeroplanes or helicopters.

- (ii) by inserting the following new item immediately after items 46 –

**47.** Tractors.

**48.** Inputs or raw materials supplied to solar equipment manufacturers for manufacture of solar equipment or deep cycle-sealed batteries which exclusively use or store solar power as approved from time to time by the Cabinet Secretary for the National Treasury, upon recommendation by the Cabinet Secretary responsible for energy and petroleum.

- (b) In Part II by inserting the following new paragraph immediately after paragraph 18 –

19. The supply of taxable services in respect of goods in transit.

## **PART II B – CUSTOMS AND EXCISE**

Amend  
ment of  
section  
117A  
of  
Cap47  
2.

**25E.** Section 117A of the Customs and Excise Act is amended by inserting the following new subsection immediately after subsection (5)–

(6) This section shall not apply to goods imported -

- (a) for the implementation of an official aid - funded project;

Cap.179 for official use by a diplomatic mission, institution  
or organization gazetted under the Privileges and  
Immunities Act; or

(b) by the United Nations or its agencies.

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

Question of the amendment proposed;

Debate arising;

Amendment to amendment proposed –

THAT, the proposed paragraph (a) be amended by inserting the words "in which the Cabinet Secretary responsible for Finance has approved" after the word "project"

*(Hon. John Mbadi)*

Question of the further amendment proposed;

Proposed amendment to amendment withdrawn;

Question put and agreed to;

Motion made and Question proposed

THAT, New Clause 25A, B, C & E be now read a Second Time

Question put and agreed to;

Motion made and Question proposed

THAT, New Clause 25A, B, C & E be part of the Bill

Question put and agreed to;

New Clauses 25A, 25B, 25C and 25E – agreed to.

New Clause proposed -

**THAT**, the following new clause be inserted immediately after clause 38 –

Amend  
ment of  
section  
2 of  
No.18  
2012.

**39.** Section 2 of the Public Finance Management Act, 2012 is amended by inserting the following definition in proper alphabetical sequence –

"Government to government loan" means any loan that is negotiated with or covered by any government or national government entity including any government Export Credit Agency (ECA) or investment insurance agency or financial institution that acts as an intermediary between the Government and exporters to facilitate export financing, whether by means of buyer or supplier credit, credit insurance, financial intermediary loans, guarantees, organization for Economic Co-operation and Development (OECD) tied-aid credit or officially supported export credit depending on the mandate granted to such export credit agency by the relevant government for the purpose of facilitating trade and investment between the two countries.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

New Clause proposed -

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 33—

Amendment of  
section 11 of  
Act No.45 of  
2013

**33A.** The National Social Security Act, 2013, is amended in section 11 by deleting subsection (2) and substituting with the following new subsection—

"The quorum for the conduct of meetings of the Board shall be two thirds of the Trustees of whom one shall be a representative of employees and one representative of employers"

*(Chairperson, Committee on Labour and Social Welfare)*

Proposed amendment withdrawn;

New Clauses proposed -

**THAT**, the following new clauses be inserted immediately after clause 33—

Amendment of  
section 6 of No.  
45 of 2013.

**33A.** The National Social Security Fund Act, 2013 is amended in section 6 by—

- (a) inserting the word "two" immediately before the words "most representative" appearing in paragraph (d)(i);
- (b) inserting the word "two" immediately before the words "most representative" appearing in paragraph (d)(ii).

Amendment of  
section 19 of  
No. 45 of 2013.

**33B.** The National Social Security Fund Act, 2013 is amended in section 19 by deleting subsection (2) and substituting therefor the following new subsection—

“(2) Any person who is doing business and is registrable as an employer under this section shall produce proof of registration with the Fund as a pre-condition for renewal of trading or practising licence, and for tendering for the provision of goods, works and services in public institutions”.

*(Hon. Gichigi)*

Proposed amendment withdrawn

New Clause proposed -

**THAT**, the following new clause be inserted immediately after clause 35—

Amendment  
of section 36  
of No. 45 of  
2013.

**35A.** Section 36 of the National Social Security Fund Act, 2013 is amended—

- (a) in subsection (4), by inserting the words “the Fund or” immediately after the words “name from”;
- (b) by deleting subsection (5) and substituting therefor the following new subsection—

“(5) Where the pension is purchased from the Fund or a Registered Insurer, the terms and conditions applicable to such pension including options elected by the member and the determination of any benefits arising on his death, shall be agreed between the member and the Fund or Registered Insurer and shall be set out in writing by the Fund or Registered Insurer”.

*(Hon. Gichagi)*

Motion made and Question proposed;

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

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 35A be part of the Bill.

Debate arising;

Question put and **negatived**;

New Clause 38A proposed –

**THAT** the Bill be amended by inserting the following new Clause after clause 38-

**38A.** The National Social Security Fund Act (No.45 of 2013) is amended in the second schedule by deleting paragraph 7 and substituting therefor the following-

**7.** Notwithstanding any provision of this Act to the contrary, any person who immediately before the commencement of this act is-

- (a) an employee of the previous Fund shall, on the commencement date, continue in office and is deemed to have been employed by the Board established under this Act;
- (b) a member of the Board of Trustees who was in office at the commencement date shall continue in office for the unexpired term.

*(Hon. Gichigi)*

Proposed amendment withdrawn

**Progress Report**

Motion made and Question proposed –

THAT, the Committee of the whole House do report progress and seeks leave to sit again today

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

Question put and agreed to.

12. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

Progress reported

Motion made and Question proposed –

THAT, the House has considered the Finance Bill (National Assembly Bill No.26 of 2014) and seeks leave to sit again today;

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

Question put and agreed to;

Re-committal of Clause 3

Motion made and Question proposed –

THAT, the House does agree with the Committee in the said Report “subject to re-committal of Clause 3”

*(Hon. Gichigi)*

Question put and agreed to;



10. EXTENSION OF SITTING TIME

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30, this House resolves to extend its sitting until conclusion of business appearing on Order No.8

*(The Leader of the Majority Party)*

Question put and agreed to;

6. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

Third Chairperson of Committee in the Chair

The Finance Bill (National Assembly Bill No.26 of 2014)NEW CLAUSE 38A

**THAT** the Bill be amended by inserting the following new Clause after clause 38-

**38A.** The National Social Security Fund Act (No.45 of 2013) is amended in the second schedule by deleting paragraph 7 and substituting therefor the following-

**7.** Notwithstanding any provision of this Act to the contrary, any person who immediately before the commencement of this act is-

(a) an employee of the previous Fund shall, on the commencement date, continue in office and is deemed to have been employed by the Board established under this Act;

(b) a member of the Board of Trustees who was in office at the commencement date shall continue in office for the unexpired term.

*(Hon. David Were)*

Proposed amendment withdrawn

New Clause proposed -

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 38-

Amendment of  
second schedule  
section 7 of Act  
No. 45 of 2013

**38 A.** National Social Security Act, 2013, is amended in the second schedule by inserting the following proviso after paragraph 7-

"Provided that the existing board members shall not be eligible for re- appointment after the expiry of their current term, if they have served more than six years in the board"

*(Hon. Wesley Korir)*

Proposed amendment withdrawn;

Schedule - amendment proposed -

**THAT**, the Schedule be amended-

- (a) in Part I, by inserting the following new definition in its proper alphabetical sequence—

“abandonment or decommissioning” means the process of dismantling well-head production and transportation facilities and the restoration of depleted producing areas in accordance with the requirements of a licence or any written law;

- (b) in Part II by deleting the words “shall prevail” appearing in paragraph 2(1);

- (c) in Part III by deleting paragraph 7(2) and substituting therefor the following—

“(2) If there is any inconsistency between this Schedule and any other provision of the Act in relation to the taxation of a contractor, this Schedule shall prevail”.

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

Proposed amendment withdrawn

- (i) In Paragraph 1 -

- (a) in the definition of “farm-out agreement” by deleting the number “14” appearing immediately after the word “paragraph” and substituting therefor the number “13”;

- (b) by inserting the following new definitions in proper alphabetical sequence -

“de-commissioning plan” means the plan for the decommissioning, abandonment, relocating or removal and if applicable redeployment of wells, flowlines, pipelines, facilities, infrastructure and assets related to upstream petroleum operations;

- (ii) In Paragraph 12 by amended by inserting the words “and gas” immediately after the words “profit oil” wherever they appear

*(Chairperson of the Committee on Energy, Information and Communication)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Schedule - as amended agreed to

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Paragraph 1 – as amended agreed to.

Clause 3 - recommitted

**THAT**, clause 3 be amended in subparagraph (a)(ii), by–

(a) deleting the word “paragraph” and substituting therefor the word “paragraphs”;

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

“(i) compensation for property acquired by the Government for infrastructure development”.

*(Chairperson of the Committee on Energy, Information and Communication)*

Proposed amendment withdrawn

Clause 3 - agreed to

Clause 2 - amendment proposed-

**THAT**, clause 2 be amended by inserting the following proviso at the end of the proposed new definition of “permanent establishment” –

“provided that –

(a) the permanent establishment of the person shall be deemed to include, the permanent establishment of the person’s dependent agent; and

(b) in paragraph (a), the expression “dependent agent” means an agent of the person who acts on the person’s behalf and who has, and habitually exercises authority to conclude contracts in the name of that person”.

*(Hon. David Were)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 2 – as amended agreed to

Clause 1 - amendment proposed-

**THAT**, clause 1 of the Bill be amended –

- (a) in paragraph (a), by deleting the expression "5" and substituting therefor the expression "5, and paragraph (i) of the proviso";
- (b) in paragraph (b), by deleting the expression "34";
- (c) by inserting the following new paragraph immediately after paragraph (c)-
  - (cc) paragraphs (ii) and (iii) of the proviso to section 5; sections 25A, 25B, 25C, 25D, 25E and 39, on publication;
- (d) in paragraph (d), by inserting the expression "22A" immediately after the expression "22".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 1 – as amended agreed to

Title - agreed to

### **Progress Report**

Motion made and Question proposed –

THAT, the Committee of the whole House do report progress and seeks leave to sit again tomorrow

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

Question put and agreed to.

12. **HOUSE RESUMED** - the Deputy Speaker in the Chair

### **Progress reported**

Motion made and Question proposed –

THAT, the House has considered the Finance Bill (National Assembly Bill No.26 of 2014) and seeks leave to sit again tomorrow;

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

Question put and agreed to;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report "subject to re-committal of Clauses 24A and 33A

*(Hon. John Mbadi)*

Question put and agreed to:

12. HOUSE ROSE - at twenty minutes to Eight O'clock.  
\_\_\_\_\_

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

The Speaker will take the Chair on  
Thursday, August 28, 2014 at 2.30 p.m.

---X---