



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – SECOND SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, DECEMBER 03, 2014**

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **COMMUNICATION FROM THE CHAIR ON NOMINATION OF PERSONS FOR APPOINTMENT TO THE CONSTITUENCIES DEVELOPMENT FUND (CDF) BOARD**

The Speaker conveyed the following Communication –

"Hon. Members, pursuant to Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, I wish to notify the House that I have received a letter from the Cabinet Secretary for Devolution and Planning. In the letter, the Cabinet Secretary, in exercise of powers conferred to her under Section 5(2)(d) of the Constituencies Development Fund Act, 2013 nominates the following four person for appointment as members of the CDF Board:-

- (i) The Hon. Elias Mbau;
- (ii) Dr. Mike A. Iravo;
- (iii) Eng. Hilary James Nyaaga; and,
- (iv) Dr. Margaret Jepkirui

Hon. Members, Section 5(5) of the Act requires that upon nomination "The names and the curriculum vitae of the persons nominated to be appointed as members of the Board pursuant to paragraph (d) of subsection (2) shall be submitted to Parliament for approval before appointments are made" by the Cabinet Secretary. Further, Section 5(4) of the Act provides that, and I quote: "The Cabinet Secretary shall appoint the Chairperson of the Board from amongst the four persons appointed in accordance with paragraph (d) of subsection(2)".

Hon. Members, Section 28(5)(e) of the Constituencies Development Fund Act, 2013 provides that, and I quote –

"Consider and report to Parliament with recommendation, names of persons required to be approved by Parliament under this Act".

In this regard, I hereby refer the nominations, including the curriculum vitae of the persons named to the Constituencies Development Fund Committee of this House to undertake the necessary approval hearings.

Hon. Members, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 requires the National Assembly to either approve or reject the nominees within 14 days from the date on which the notification of nomination was given in accordance with Section 5(1) of the same Act. In this regard, I wish to guide the Committee and the House as follows:-

(i) The Committee should notify the nominees and the general public of the time and place for holding the approval hearings in good time. The notification should, therefore, be made immediately; and, (ii) The Committee may thereafter commence the necessary approval hearings and should submit their report to this House on or before 16<sup>th</sup> December, 2014.

I thank you".

5. **MESSAGE FROM H.E. THE SENATE ON THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.31 OF 2013)**

The Speaker conveyed the following Message –

"Honourable Members,

Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard Honourable Members, I wish to report that, I received a Message from the Senate on 2<sup>nd</sup> December, 2014, conveying the decision of the Senate on the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013), which we referred to the Senate after passage by this House on 23<sup>rd</sup> April, 2014.

Honourable Members,

The message states *"THAT, the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013), which was published in the Kenya Gazette Supplement No. 139 of 18<sup>th</sup> October, 2013 as a Bill originating from the National Assembly and passed with amendments by the National Assembly on 23<sup>rd</sup> April, 2014, was passed with amendments by the Senate on Tuesday, 25<sup>th</sup> November, 2014. The message continues that "The Senate now seeks the concurrence of the National Assembly to the amendments made by the Senate to the said Bill".*

Honourable Members, I am aware that the Clerk has since circulated these amendments to all Members in accordance with Standing Order 145. In this regard, these amendments stand committed to the Departmental Committee on Finance, Planning and Trade for consideration. The Committee is expected to submit a report before the amendments are considered by the House. As a matter of procedure, I wish to guide the House that, when the time for reconsideration for the Bill comes, the House will only consider the Senate amendments to the Bill and not the entire Bill.

Thank you".

6. **PAPER LAID**

The following Paper was laid on the Table –

- (i) The Report of the Departmental Committee on Lands on land adjudication issues in Meru and Tharaka-Nithi counties.
- (ii) The Report of the Departmental Committee on Lands on compensation of evictees of Galleria Mall for the expansion of Langata Road
- (iii) The Report of the Departmental Committee on Lands on land issues in Taita Taveta County.
- (iv) The Report of the Departmental Committee on Lands on Banita Settlement Scheme, Nakuru County.
- (v) The Report of the Public Investments Committee on a study visit to the Kingdom of Sweden.
- (vi) The Report of the Public Investments Committee on benchmarking visit to the Republic of Turkey.
- (vii) The Report of the Public Investments Committee on benchmarking visit to the Republic of Namibia.
- (viii) The Report of the Departmental Committee on Defence and Foreign Relations on the International Parliamentarians Seminar on Arms Trade Treaty by the British Group of the Inter-Parliamentary Union.

7. **NOTICES OF MOTIONS** – (Chairperson, Departmental Committee on Lands)

- (i) THAT, this House adopts the Report of the Departmental Committee on Lands on compensation of evictees of Galleria Mall for the expansion of Langata Road, laid on the Table of the House today, Wednesday, December 03, 2014;
- (ii) THAT, this House adopts the Report of the Departmental Committee on Lands on Banita Settlement Scheme, laid on the Table of the House today, Wednesday, December 03, 2014;
- (iii) THAT, this House adopts the Report of the Departmental Committee on Lands on land adjudication issues in Meru and Tharaka Nithi counties, laid on the Table of the House today, Wednesday, December 03, 2014
- (iv) THAT, this House adopts the Report of the Departmental Committee on Lands on land issues in Taita-Taveta County, laid on the Table of the House today, Wednesday, December 03, 2014

8. **NOTICE OF MOTION** – (Hon. Kigo Njenga)

THAT, aware that there has been an increase of alcohol use and abuse in Kenya especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for fending illicit brews especially by school going children; deeply concerned that this is both an environmental and health hazard; this House resolves that the Government, in conjunction with all the relevant authorities, particularly the National Authority for Campaign Against Alcohol and Drug Abuse

(NACADA), institutes and ensures proper disposal of alcoholic containers and organizes recreational activities during school holidays in all constituencies.

9. **PROCEDURAL MOTION – APPROVAL OF A MORNING SITTING**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting on Thursday, December 04, 2014 between 9.30 a.m. and 1.00 p.m. for the purpose of considering Bills and Motions.

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to.

10. **MOTION – ADOPTION OF THE SEVENTEENTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Question put and agreed to.

11. **MOTION – ADOPTION OF THE EIGHTEENTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Second Chairperson in the Chair

(i) **The Scrap Metal Bill (National Assembly Bill No.5 of 2014)**

Clause 3 - agreed to

Clause 4 - amendment proposed –

THAT, clause 4 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 Cabinet Secretary who has at least five years’ experience in the public or private sector”.

(b) by inserting the following new paragraph immediately after paragraph (d)—

“(da) the Principal Secretary of the Ministry for the time being responsible for matters relating to industrialization or a representative”;

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

“(e) the following persons , nominated as follows, and appointed by the Cabinet Secretary—

- (i) one person nominated by the Scrap Metal Dealers Association;
- (ii) one person nominated by the metal cottage industry;
- (iii) one person nominated by the Kenya Association of Manufactures;
- (iv) one person nominated by large utility companies or agencies in charge of infrastructure to be appointed on rotational basis;
- (v) one person nominated by the Consumer Federation of Kenya”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 4 – as amended agreed to.

Clause 5 – agreed to.

Clause 6 - amendment proposed –

THAT, clause 6(1) be amended by—

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

“(a) the appropriate measures and mechanisms for regulating the scrap metal industry in ensuring economic growth, protection of public health and conformity to the principles of environmental stewardship as required by the Basel Convention”;

(b) deleting paragraph (b) and substituting therefor the following new paragraphs—

“(b) the appropriate measures and mechanisms for protecting public interest against vandalism, theft of utility infrastructure and private property;”

“(ba) the methods of attracting investors on the utilization of excess scrap materials and supporting existing users of scrap metal”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 6 – as amended agreed to

Clauses 7 & 8 – agreed to

Clause 9 - amendment proposed -

THAT, clause 9(1) be amended by inserting the words "and is a member of Scrap Metal Dealers Association" immediately after the word "Council"

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clauses 10 to 15 - agreed to.

Clause 16 - amendment proposed -

THAT, clause 16(3) be amended by inserting the words "shall not" immediately after the expression "Subsections (1) and (2)".

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clause 17 - agreed to

Clause 18 - amendment proposed -

THAT, clause 18(3) be amended—

(a) in paragraph (a), by deleting the words "five million shillings" and substituting therefor the words "onemillion shillings";

(b) in paragraph (b), by—

(i) deleting the words "ten million shillings" and substituting therefor the words " five million shillings";

(ii) deleting the words "five years" and substituting therefor the words "three years".

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clauses 19 to 21 - agreed to

Clause 22 - amendment proposed -

THAT, clause 22 be amended in sub clause (2) by deleting the words "ten million" and substituting therefor the words "one million";

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - agreed to

Clause 24 - amendment proposed -

THAT, clause 24 be amended in subclause (2) by—

(a) deleting the words "twenty million" and substituting therefor the words "ten million";

(b) deleting the words "seven years" and substituting therefor the words "three years".

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to.

Clause 25 - agreed to

Clause 26 - amendment proposed -

THAT, clause 26 be amended by deleting subclauses (1), (2) and (3) and substituting therefor the following new subclauses—

"(1) A person shall not export scrap metal in any form.

(2) Notwithstanding subsection (1), the Cabinet Secretary for matters relating to finance, in consultation with the Cabinet Secretary responsible for industrialization and with the recommendation of the Council, may, under such circumstances as may be prescribed, authorize the export of specific scrap metal for a specified period.

(3) Any export allowed under subsection (2) shall—

- (a) be for certain types of non-ferrous metal upon written proof from each of the registered millers in Kenya showing that there is no demand or capacity for the excess volume of scrap available;
- (b) be by a registered licensee, for a specific quantity and period;
- (c) not include scrap lead metal in any form".

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the amendments proposed by the Committee in clause 26 be further amended in the proposed new sub clause (3) by deleting the proposed new sub clause (3) and substituting therefor the following new sub clause (3) –

"(3) a certificate for each consignment shall be issued by the Principal Secretary"

*(Leader of the Majority Party)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Clause 26 – as amended agreed to.

Clauses 27 to 30 – agreed to

Clause 31 – amendment proposed –

THAT, clause 31 be amended by deleting the phrase "one million shillings or to for a term not exceeding one year or to both" and replacing therefor the following words "two hundred thousand shillings or for a term not exceeding three months or to both".

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 31 – as amended agreed to

First Schedule – agreed to

Second Schedule – agreed to



Third Schedule - amendment proposed -

THAT, the Third Schedule be amended by deleting the expression "Fee paid: KSh. 1,000,000.00 for which this License is also the OFFICIAL RECEIPT" and substituting therefor the following new expression—

"Fee paid: scrap dealer – Ksh. 500,000.00,for which this License is also the OFFICIAL RECEIPT"

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the amendments proposed by the Committee in the Third Schedule to be bill be further amended -

- a) by deleting the word "scrap" appearing after the word "paid" and substituting therefor the word "licensed";
- b) B) by deleting the proposed expression "Ksh00,000.00" and substituting therefor the expression "Ksh.250,000.00".

*(Leader of the Majority Party)*

Question of the further amendment proposed -

Debate arising;

Question put and agreed to;

Third Schedule - as amended agreed to.

Fourth Schedule - agreed to

Fifth Schedule - agreed to

Sixth Schedule - amendment proposed -

THAT, the Sixth Schedule be amended by deleting the expression "Fee paid: KSh. 1,000,000.00 for which this License is also the OFFICIAL RECEIPT" and substituting therefor the following new expression—

"Fee paid: scrap dealer – Ksh.500,000.00, for which this License is also the OFFICIAL RECEIPT"

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

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Further amendment proposed;

THAT, the amendments proposed by the Committee on the Sixth Schedule be further amended –

- a) by deleting the word “scrap” appearing immediately after the word “paid” and substituting therefor the word “licensed”;
- b) by deleting the proposed expression “ksh500,000.00” and substituting therefor the expression “Ksh250,000.00”

*(Leader of the Majority Party)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Sixth Schedule – as amended agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended—

- (a) in the definition of “agent” by deleting the word “transact” and substituting therefor the words “ buy or sell”;
- (b) by deleting the definition of the term “collector” and substituting therefor the following new definition—

“collector” means a person appointed by a licensee to operate as a mobile collector in a designated area to gather, collect and buy scrap metal in order to sell to a licensed agent or dealer in quantities that do not exceed three thousand kilograms per transaction;

- (c) by inserting the following new definitions in their proper alphabetical sequence—

“dealer” means a person who buys and sells scrap metal in its original form and excludes any generator or user of such metal as a byproduct;

“miller” means a person who buys scrap metal in its original form for the recycling and processing it into semi-finished or finished products.

- (d) in the definition of “licensed dealer ” by inserting the words “and excludes a person generating or using such metal as a by-product” immediately after the word “business”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the amendments proposed by the Committee on the Clause 2 be further amended by deleting the proposed definition to the word “dealer”

*(Leader of the Majority Party)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Clause 2 – as amended agreed to.

Clause 1 – agreed to

Title – agreed to

Bill to be reported with amendments;

**IN THE COMMITTEE**

The Second Chairperson in the Chair

**(ii) The Kenya Qualifications Framework Bill (National Assembly Bill No.29 of 2014)**

Clause 3 - amendment proposed –

THAT, clause 3 be amended-

(i) by deleting paragraph (b);

(ii) in paragraph (e), by deleting the word “strengthen” and substitution therefor the word “promote”

*(Hon. Jude Njomo)*

Question of the amendment proposed –

Debate arising;

Question put and Negatived;

Further amendment proposed –

THAT clause 3 of the Bill be amended –

(a) in paragraph (a) by inserting the word “National” immediately after the word “Kenya”;  
and

(b) in paragraph (d) by deleting the word “standards” and substituting therefor the word “benchmarks”.

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)–

“(f) facilitate mobility and progression within education, training and career paths.”

*(Hon. George Muchai)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Clause 3 – as amended agreed to.

Clause 4 - amendment proposed –

THAT clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub clause –

“(2) A person who contravenes the provisions of this section commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred thousand shillings or to both.”

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 4 be amended by deleting sub-clause (1) and substituting therefore the following new sub-clause-

(1) An Institution shall not award an national qualification unless such institution -

(a) is recognised or accredited in accordance with this Act, or

(b) is a University accredited in accordance with the universities Act, 2012

*(Hon. Jude Njomo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to

Clause 4 - as amended agreed to.

## **HEADING OF PART II**

THAT the heading of Part II of the Bill be amended by inserting the word "National" immediately after the word "Kenya".

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in sub-clause (1) by inserting the word "National" immediately after the word "Kenya"

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT clause 5 of the Bill be amended in sub-clause (1) by deleting the word "Kenya" and substituting therefor the word "National".

*(Hon. George Muchai)*

Proposed amendment withdrawn;

Clause 5 - as amended agreed to.

Clause 6 - agreed to

Clause 7 - amendment proposed –

THAT clause 7 of the Bill be amended by –

- (a) deleting the word "establish" appearing in paragraph (d) and substituting therefor the word "develop";
- (b) deleting the word "and" appearing at the end of paragraph (h)"
- (c) inserting the following new paragraphs immediately after paragraph (h)–

- “(i) establish standards for harmonization and recognition of national and foreign qualifications;
- (j) build confidence in the national qualifications system that contributes to the national economy;
- (k) provide pathways that support the development and maintenance of flexible access to qualifications;
- (l) promote the recognition of national qualifications internationally; and”

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 7 be amended in sub-clause (1), by-

deleting the word development appearing in paragraph (b) and substitution therefore the word “establishment” withdrawn by the *Hon. Jude Njomo*.

- (i) deleting paragraph (g) and substituting therefore the following paragraph-

“(g) advise, support and collaborate with persons and institutions responsible for awards of national qualifications to promote conformity to national and international standards withdrawn by the *Hon. Jude Njomo*.

- (ii) deleting paragraph (i)

*(Hon. Jude Njomo)*

Question of the further amendment proposed –

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, clause 7 of the Bill be amended–

- (a) by deleting the word “and” appearing at the end of paragraph (h) withdrawn by *Hon. George Muchai*

- (a) by inserting the following new paragraphs immediately after paragraph (h)–

“(i) set standards and benchmarks for qualifications and competencies including skills, knowledge, attitudes and values”;

"(j) define the levels of qualifications and competencies";

"(k) provide for the recognition of attainment or competencies including skills, knowledge, attitudes and values";

"(l) facilitate linkages, credit transfers and exemptions and a vertical and horizontal mobility at all levels to enable entry, re-entry and exit"; and

"(m) conduct research on equalization of qualifications; and.

*(Hon. George Muchai)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Clause 7 – as amended agreed to.

Clause 8 – agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended in sub-clause (1) by deleting-

(a) sub-paragraph (iv) of paragraph (e) and substituting therefor the following new sub-paragraph –

"(iv) one person nominated by an organization representing professional associations in Kenya;"

(b) sub-paragraph (vi) of paragraph (e) and substituting therefor the following new sub-paragraph –

"(vi) one person nominated by an organization representing workers unions; and;"

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT clause 9 of the Bill be amended in sub-clause (1) by -

(a) deleting sub-paragraph(iv) of paragraph (e) and substituting therefor the following new sub- paragraph–

"(iv) one person nominated by an organization representing professional associations in Kenya;" withdrawn by *Hon. George Muchai*)

- (a) deleting sub-paragraph (v) of paragraph (e) and substituting therefor the following new sub- paragraph–

“(v)one person nominated by the most representative employers’ organization;”  
withdrawn by *Hon. George Muchai*)

- (b) by deleting sub-paragraph (vi) of paragraph (e) and substituting therefor the following new sub- paragraph –

“(vi) one person nominated by the most representative workers organization”  
withdrawn by *Hon. George Muchai*).

- (d) by inserting the following new sub-paragraph immediately after sub-paragraph (vi)–

“(vii) one person representing the National Industrial Training Authority”  
  
(*Hon. George Muchai*)

Debate arising;

Question of the further amendment put and Negatived;

Further amendment proposed –

THAT, clause 9 be amended in sub-clause (1)(e)-

- (a) by deleting the word “six” and substituting therefor the word “seven”  
(b) by inserting the following new paragraphs immediately after paragraph (vi)

(vii) two persons, each nominated by public universities and private universities;

(*Hon. Jude Njomo*)

Question of the further amendment proposed –

Debate arising;

Proposed amendment withdrawn;

Clause 9 – as amended agreed to.

Clauses 10 & 11 – agreed to.

Clause 12 – amendment proposed –

THAT, clause 12 of the Bill be amended in sub-clause (7) by deleting the word “action” and substituting therefor the word “acting”.

(*Chairperson, Departmental Education, Research & Technology*)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;



Clause 12 - as amended agreed to.

Clauses 13 to 17 - agreed to

Clause 18 - amendment proposed -

THAT clause 18 of the Bill be amended-

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

“(a) monies payable to the Authority appropriated by Parliament for the purposes of the Authority”;

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

“(aa) monies payable to the Authority in the course of the exercise of its powers or in the performance of its functions”;

“(ab) such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or in the performance of its functions under this Act”;  
and

(c) in paragraph (b) by inserting the word “as” immediately after the word “monies”.

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clauses 19 to 26 - agreed to

Clause 27 - amendment proposed -

THAT clause 27 of the Bill be amended by inserting the word “National” immediately after the word “Kenya”.

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to.

Clause 28 - amendment proposed -

THAT, clause 28 be amended in sub-clause (2) by-

- (i) deleting paragraph (b); Proposed amendment withdrawn by Hon. Jude Njomo;
- (ii) deleting paragraph (d) and substitution therefor the following-  
(d) any other matter provided to be prescribed under this Act

*(Hon. Jude Njomo)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 28 – as amended agreed to.

Clause 29 – agreed to

New Clause 2A proposed –

THAT the Bill be amended by inserting the following new clause immediately after clause 2–

Guiding Principles	(2A)The guiding principles for the framework shall be, among others, to promote access to and equity in education, quality and relevance of qualifications, evidence based competence, and flexibility of access to and affordability of education, training assessment and qualifications.
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*(Chairperson, Departmental Education, Research & Technology)*

Motion made and Question proposed:-

THAT, the New Clause 2A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

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

Question put and agreed to.

Further amendment proposed –

New Clause 2A proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 2-

Guiding Principle (2A) The guiding principle for the National Qualifications Framework shall be, among others, to promote –

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(a) access to quality and relevant assured learning,; and

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(b) credible assessment, certification and accreditation that takes into consideration skills, knowledge, values, attitudes, and life long learning.

*(Hon. George Muchai)*

Proposed amendment withdrawn;

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

Question put and agreed to.

New Clause 29A proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 29-

Transitional  
Clause

(29A) The Examining Bodies which were established under various Acts immediately prior to the coming into force of this Act shall continue to operate and shall seek accreditation under this Act from the Authority within a period of two years from the date of the commencement of the Act.

*(Chairperson, Departmental Education, Research & Technology)*

Motion made and Question proposed:-

THAT, the New Clause 29A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 29A be part of the Bill

Question put and agreed to

Schedule - amendment proposed –

THAT the schedule to the Bill be amended in paragraph 5 by inserting –

(a) the word “be” ” immediately after the words “the Council shall”;

(b) the word "simple" immediately before the word "majority".

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Schedule – as amended agreed to.

Clause 1 – amendment proposed –

THAT, clause 1 of the Bill be amended by inserting the word "National" immediately after the word "Kenya".

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed

Clause 1 – amendment proposed –

THAT, clause 1 of the Bill be amended by deleting the word "Kenya" and substituting therefor the word "National"

*(Hon. George Muchai)*

Proposed amendment withdrawn by Hon. George Muchai;

Clause 1 – as amended agreed to.

Clause 2 – amendment proposed –

THAT, clause 2 of the Bill be amended–

(a) by inserting the following new definitions in their proper alphabetical sequence–

"accreditation" means procedure by which institutions offering education and training are formally recognized as having met the standards set out in various laws of Kenya;

"training" means any activity aimed at imparting skills, knowledge, competences, values, attitudes and information towards assisting the recipient improve their performance;

"qualifications" means qualification in education and training as recognized by the Authority in accordance with this Act;

*(Hon. George Muchai)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

Clause 2 - amendment proposed –

THAT, clause 2 be amended by inserting the following new definition in its proper alphabetical sequence-

"accreditation" means the procedure by which examining bodies are formally recognised under the laws establishing such bodies as having met the standards prescribed under such laws"

*(Hon. Jude Njomo)*

Proposed amendment withdrawn;

Further amendment proposed –

Clause 2 - amendment proposed –

THAT clause 2 of the Bill be amended by deleting the definition of "National Qualification Framework" and substituting therefor the following new definition–

"National Qualifications Framework" means the national system for the articulation, classification, registration, accreditation, quality assurance, monitoring and evaluation of national qualifications established by the Authority in accordance with this Act.

*(Chairperson, Departmental Education, Research & Technology)*

Question of the further amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

Clause 2 - amendment proposed –

THAT clause 2 of the Bill be amended–

(b) by deleting the definition of “National Qualification Framework” and substituting therefor with the following definition–

“National Qualifications Framework” means an instrument for the development, classification and recognition of skills, knowledge and competences along a continuum of agreed levels;

*(Hon. George Muchai)*

Proposed amendment withdrawn;

Clause 2 – as amended agreed to.

Title - amendment proposed –

THAT the title to the Bill be amended by inserting the word “National” immediately after the word “Kenya”.

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the title to the Bill be amended by deleting the word “Kenya” and substituting therefor the word “National”.

*(Hon. George Muchai)*

Proposed amendment withdrawn;

Title - as amended agreed to.

Long Title – amendment proposed -

THAT, the Bill be amended by deleting the Long Title and substituting therefor the following new Long Title –

“AN ACT of Parliament to establish the Kenya National Qualifications Authority to provide for the development of a Kenya National Qualifications Framework and for connected purposes”

*(Chairperson, Departmental Education, Research & Technology)*

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT the long title to the Bill be amended by deleting the word “Kenya” wherever it appears and substituting therefor the word “National”.

*(Hon. George Muchai)*

Proposed amendment withdrawn;

Long Title – as amended agreed to

Bill to be reported with amendments;

7. **HOUSE RESUMED** – the Fourth Chairperson in the Chair

Bills reported with amendments;

(i) **The Kenya Qualifications Framework Bill (National Assembly Bill No.29 of 2014)**

Motion made and Question proposed:-

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

Question put and agreed to.

Motion made and Question proposed –

THAT, the Kenya Qualifications Framework Bill (National Assembly Bill No.29 of 2014) be now read a Third Time

*(The Leader of the Majority Party)*

Debate arising;

Question of the Third Reading deferred

(ii) **The Scrap Metal Bill (National Assembly Bill No.5 of 2014)**

Motion made and Question proposed:-

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

*(The Leader of the majority Party)*

Question put and agreed to.

Motion made and Question proposed –

THAT, the Scrap Metal Bill (National Assembly Bill No.5 of 2014) be now read a Third Time.

*(The Leader of the Majority Party)*

Debate arising;

Question of the Third Reading deferred.

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

8. HOUSE ROSE - at minutes past Six O'clock.

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

The Speaker will take the Chair on  
Thursday, December 04, 2014 at 9.30 a.m.

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