



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
SPECIAL SITTING
SUPPLEMENTARY
THURSDAY, SEPTEMBER 20, 2018 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION
PERIOD OF A BILL**

(The Chairperson, Budget and Appropriations
Committee)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 23 of 2018) from **seven (7) days to one (1) day**.

**9*. THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL (NATIONAL
ASSEMBLY BILL NO. 23 OF 2018)**

(The Chairperson, Budget & Appropriations Committee)

First Reading

10*. THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2018)

(The Chairperson, Budget & Appropriations Committee)

Second Reading

11*. COMMITTEE OF THE WHOLE HOUSE

(i) The Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 23 of 2018)

(The Chairperson, Budget & Appropriations Committee)

(ii) Consideration of the President’s Reservations to the Finance Bill (National Assembly Bill No. 20 of 2018)

(The Leader of the Majority Party)

12*. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)

(The Leader of the Majority Party)

Second Reading

13*. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO.10 OF 2017)

(The Leader of the Majority Party)

Second Reading

14*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)

(The Leader of the Majority Party)

Second Reading

15*. THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 7 OF 2017)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICESI. THE PRESIDENT'S RESERVATIONS TO THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)*(Recommended Text)*

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments in respect of the reservations contained in the Presidential Memorandum to the Finance Bill, 2018 at the Committee Stage-

CLAUSE 2

THAT, the Bill be amended in clause 2 by renumbering the existing provision as (a) and inserting the following paragraph-

(b) by deleting the definition of the word "winnings" and substituting therefor the following definition-

"winnings" includes winnings of any kind and a reference to the amount or to the payment of winnings shall be construed accordingly.

CLAUSE 18

THAT, clause 18 of the Bill be amended by deleting paragraph (b).

NEW CLAUSE 18A

THAT, the Bill be amended by inserting the following new clause immediately after clause 18-

Amendment of section 5 of No.35 of 2018

18A. Section 5 of the Value Added Tax Act, 2013 is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (a)-

(aa) in the case of goods listed in section B of Part I of the First Schedule, eight percent of the taxable value, effective from the date of assent:

Provided that-

(i) the taxable value in respect of these goods shall exclude excise duty, fees and other charges; and

(ii) despite section 1 of the Finance Act, 2018, this paragraph comes into effect upon enactment of the Supplementary Appropriation Act.

CLAUSE 31**THAT** clause 31 of the Bill be amended—

(a) in Part 1 subparagraph (iii) by inserting the following new item—

Description	Rate of Excise Duty
Sugar confectionery (including white chocolate) of tariff heading 17.04; chocolate in blocks, slabs or bars of tariff Nos. 1806.31.00, 1806.32.00, 1806.90.00	Shs. 20 per kg

(b) in Part II by inserting the following new subparagraphs—

- (i) by deleting paragraph 1 of the Act and substituting therefor the following new paragraph-
1. Telephone and internet data services shall be charged excise duty at a rate of fifteen percent of their excisable value.
- (ii) by deleting paragraph 2 of the Act and substituting therefor the following new paragraph –
2. Excise duty in fees charged for money transfer services by banks, money transfer agencies and other financial service providers shall be twenty percent of their excisable value.
- (iii) by deleting paragraph 4 of the Act and substituting therefor the following new paragraph-
4. Excise duty on other fees charged by financial institutions shall be twenty percent of their excisable value.

NEW CLAUSE 48A**THAT** the following new clause be inserted immediately after clause 48A—

Insertion of section
8A into No. 29 of
2016.

48A. The Miscellaneous, Fees and Levies Act, 2016 is amended by inserting the following new section 8A immediately after section 8-

Anti-adulteration levy.

8A. (1) There shall be paid a levy to be known as the anti-adulteration levy on all illuminating kerosene imported into the country for home use.

(2) The levy shall be at the rate of eighteen shillings per litre of the customs value of the illuminating kerosene and shall be paid by the importer at the time of entering the illuminating kerosene into the country.

NEW CLAUSE 50A

THAT, the following new clause be inserted immediately after clause 50—

Amendments **50A.** The Betting, Lotteries and Gaming Act is amended as follows—
to sections

29A, 44A, 55A and
59B of Cap. 131.

Amendment of section
29 A of Cap. 131.

Section 29A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the expression “thirty-five” and substituting therefor the expression “fifteen”.

Amendment of section
44A of Cap. 131.

Section 44A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the expression “thirty-five” and substituting therefor the expression “fifteen”

Amendment of section
55A of Cap. 131.

Section 55A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the expression “thirty-five” and substituting therefor the expression “fifteen”.

Amendment of section
59B of Cap. 131.

Section 59B of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the expression “thirty-five” and substituting therefor the expression “fifteen”.

NEW CLAUSES

THAT, the following new clause be inserted immediately after clause 78—

Amendment of section 2 of No. 11 of 2007. **79.** The Employment Act, 2007 is amended-

(a) in section 2 by inserting the following new definitions in the proper alphabetical sequence-

“employer contribution” means the employer’s contribution payable into the National Housing Development Fund;

“employee contribution” means a contribution payable under this Act for his or her benefit;

“employee earnings” means the taxable amount determined under the Income Tax Act for purposes of levying income tax on the employee emoluments.

“National Housing Development Fund” means to the Fund established under section 6 of the Housing Act.

Insertion of new
section 31A into
No. 11 of 2007

80. The Employment Act is amended by inserting the following new section immediately after section 31-

Payment to
the National
Housing
Development
Fund.

31A.(1) An employer shall pay to the National Housing Development Fund in respect of each employee –

- (a) the employer's contribution at one point five per centum of the employee's monthly basic salary; and
- (b) the employee's contribution at one point five per centum of the monthly basic employee's salary:

Provided that the sum of the employer and employee contributions shall not exceed five thousand shillings a month.

(2) The benefits to an employee shall accrue as follows –

(a) for employees who qualify for affordable housing, the contributions accrue to the employee and shall be used to finance the purchase of a home under the affordable housing scheme; or

(b) for employees who are not eligible for affordable housing, upon the expiry of fifteen years from the date of the start of making the contributions, or after the attainment of retirement age, whichever is sooner—

(i) a transfer of their contributions to a pension scheme registered with the Retirement Benefits Authority;

(ii) a transfer their contributions to any person registered and eligible for affordable housing under the National Housing Development Fund; or

- (iii) a transfer of their contributions to their spouse or dependent children; or
- (iv) to receive their contributions in cash:

Provided that contributions paid out in cash shall be included in the contributor's taxable income for the year and be subjected to tax at the prevailing rates.

(3) All contributions shall get a return based on the return on the Fund.

(4) The employer shall remit both employee and employer contributions to the National Housing Development Fund before the ninth day of the following month.

(5) If the contributions due under this section are not paid on or before the day on which the payments are due, a penalty of five percent of the contributions shall be payable by the employer for each month or part thereof during which the contributions remains unpaid, and any such penalties shall be recoverable as a sum due and payable to the National Housing Development Fund.

(6) This section shall become effective upon the Gazettement of regulations prescribing the requirements for qualification to the scheme by the Cabinet Secretary responsible for housing in consultation with the Cabinet Secretary responsible for finance.

- 2) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the recommendations contained in the Presidential Memorandum to the Finance Bill, 2018 at the Committee Stage-

CLAUSE 1

THAT, the Bill be amended in clause 1 by inserting the following paragraph immediately after paragraph (a)—

(ab) section 18A on the date of assent;

(Pursuant to Standing Order 154(4), the Speaker has determined that the amendment fully accommodates the President's reservations in terms of Article 115 of the Constitution)

NEW CLAUSE 18A

THAT, the presidential memorandum be amended in the proposed amendment to section 5 of the Value Added Tax Act by—

- (i) deleting the words "effective on the date of assent"
- (ii) deleting the words " Supplementary Appropriations Act" and substituting therefor the words " Supplementary Appropriations (No.2) Act, 2018"

(Pursuant to Standing Order 154(4), the Speaker has determined that the amendment fully accommodates the President's reservations in terms of Article 115 of the Constitution)

CLAUSE 31

THAT, the Presidential memorandum be amended by deleting the proposed amendment to clause 31 (a) (iii).

(Pursuant to Standing Order 154(4), the Speaker has determined that the amendment DOES NOT fully accommodate the President's reservations in terms of Article 115 of the Constitution)

N O T I C EThe House resolved on Wednesday, February 14, 2018 as follows-

- II. **THAT**, pursuant to the provisions of Standing Order 97, each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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