



PARLIAMENT OF KENYA
THE SENATE
MOTIONS TRACKER – FIRST SESSION, 2017

No	SUBJECT	NOTICE OF MOTION	PROPOSER	SECONDER	AFFECTS/ DOES NOT AFFECT COUNTIES	DIVISION	DATES DEBATED AND CONCLUDED	REMARKS
1.	<p>THAT, pursuant to Standing Orders 178 and 183 (3), the Senate approves the following Senators to be Members of the Senate Business Committee:-</p> <ol style="list-style-type: none"> 1. Sen. Kenneth M. Lusaka - Speaker of the Senate-Chairperson 2. Sen. Onesimus Kipchumba Murkomen - Senate Majority Leader 3. Sen. Susan Kihika – Senate Majority Whip 4. Sen. FatumaDullo - Member 5. Sen. Mohamud Maalim Mohamed - Member 6. Sen. Sakaja Johnson Arthur - Member 7. Sen. Poghisio Samwel Losuron - Member 	Thursday, 14.09.17	Senate Majority Leader	Sen. Susan Kihika	Does not affect counties	-	Thursday, 14.09.17	Adopted without amendments on Thursday, 14.09.17
2.	<p>THAT the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017.</p>	Thursday, 14.09.17	Senate Majority Leader	Senate Deputy Majority Leader	Affects counties	Roll Call Voting Ayes: 24 Noes:00	Thursday, 14.09.17	Adopted without amendments on Thursday, 14.09.17
3.	<p>THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President during the Opening of the 12th Parliament delivered on Tuesday, September 12, 2017.</p>	Thursday, 14.09.17	Senate Majority Leader	Senate Deputy Majority Leader	Does not affect counties	-	Wednesday 13.09.2017 Tuesday, 26.09.17	Adopted without amendments on Tuesday, 26.09.17
4.	<p>THAT, pursuant to Standing Orders 28, 29 and 31 the Senate do adjourn until Tuesday, 26th September, 2017.</p>	Thursday, 14.09.17	Senate Majority Leader	Sen. Halake Abshiro	Does not affect counties	-	Thursday, 14.09.17	The Senate adjourned

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5.	THAT , pursuant to the provisions of Standing Order 15 of the Senate and Article 107(1) (c) of the Constitution, the Senate elects Sen. (Prof.) Margret Kamar and Sen. Irungu Kang'ata to preside over the sittings of the Senate at any time when both the Speaker and the Deputy Speaker are absent, for the period pending the constitution of the Speaker's Panel pursuant to Standing Order 17.	Tuesday, 26.09.17	The Deputy Speaker	Sen. Imana Malachy	Does not affect counties	-	Tuesday, 26.09.17	Adopted without amendments on Tuesday, 26.09.17
6.	THAT , pursuant to Standing Order 29(1), the Senate approves the Senate Calendar (Regular Sessions of the Senate) for the year 2017 (<i>August to December, 2017</i>), laid on the Table of the Senate on Wednesday, 27 th September, 2017.	Wednesday, 27.09.17	Sen. Mahamud Maalim, on behalf of the Senate Majority Leader	Sen. Yusuf Haji	Does not affect counties	-	Wednesday, 27.09.17	The Senate approved the Senate Calendar (Regular Sessions of the Senate) for the year 2017
7.	AWARE that about 15% of the Kenyan population are persons living with disabilities; APPRECIATING that the Government has taken several measures to avail certain privileges through the National Council for Persons with Disabilities to registered persons living with disabilities; NOTING that the National Hospital Insurance Fund (NHIF) is a contributory health insurance cover and the remittance of contributions for persons living with disabilities by government for the cover, is not among the privileges extended to persons living with disabilities; CONCERNED that most persons living with disabilities have difficulties engaging in gainful income generating activities that would enable them pay the contributions to NHIF, hence are without any medical cover;	Tuesday, 10.10.17	Sen. Isaac Mwaura	Sen. Getrude Musuruve	Does not affect Counties	-	Tuesday, 10.10.17	Adopted without amendments on Tuesday, 10.10.17

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	<p>FURTHER CONCERNED that many persons with disabilities are unable to access medical services leading to high mortality rate;</p> <p>NOW THEREFORE, the Senate recommends to the National Government to put in place the following measures through the Ministries of Health and East African Community, Labour and Social Protection-</p> <p>i) Undertake vetting of all persons living with disabilities in Kenya to ascertain those who are unable to afford payment of contributions to the NHIF; and</p> <p>ii) Set aside a special fund for remittance of contributions to NHIF for those persons who are living with disabilities and cannot afford to pay the contributions.</p>							
8.	<p>THAT, the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the heightened political tension in the country.</p>	Wednesday 27.09.17	Sen. Isaac Mwaura	Sen. Nderitu Kinyua	Does not affect Counties	-	Wednesday, 27.09.17	The Senate adjourned to discuss a definite matter of urgent importance
9.	<p>THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be</p>	Thursday, 28.09.17	Senate Majority Leader	Sen. Yusuf Haji	Does not affect Counties	-	Thursday, 28.09.17	Adopted without amendments on Thursday, 28 .09.17

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	<p>established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election- related laws;</p> <p>NOW THEREFORE, pursuant to the provisions of Standing Order 134 (3), (4), (5) and Standing Order 136 of the Senate, the Senate resolves –</p> <p>a) to establish a Select Committee to be known as the Select Committee on the Election Laws (Amendment Bill) 2017 comprising of not more than nine Senators;</p> <p>b) that, the following Senators be appointed to the Select Committee on the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017);</p> <ol style="list-style-type: none"> 1. Sen. Fatuma Adan Dullo; 2. Sen. Paul Kimani Wamatangi; 3. Sen. Johnson Arthur Sakaja; 4. Sen. Naomi Jillo Waqo; and 5. Sen. Aaron Cheruiyot. <p>c) that, the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) be committed to the Select Committee on the Election Laws (Amendment Bill) 2017;</p> <p>d) that, the Committee considers the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) and reports to the Senate on or before Tuesday, October 10, 2017.</p>							

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10.	THAT , Pursuant to Standing Order 128, this House resolves to reduce the publication period of the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017), from Fourteen (14) days to One (1) day.	Thursday, 28.09.17	Senate Majority Leader	Sen. Mahamud Mohamed Maalim	Does not affect Counties	-	Thursday, 28.09.17	The Senate resolved to reduce the publication period of the Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017), from Fourteen (14) days to One (1) day.
11.	THAT , pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 10th October, 2017.	Thursday, 28.09.17	Senate Majority Leader	Sen. Beth Mugo	Does not affect Counties	-	Thursday, 28.09.17	The Senate adjourned
12.	THAT , aware that cities, towns and urban areas in Kenya are increasingly getting overpopulated leading to overstretching of services and amenities; concerned that improper management of waste has become a major cause of pollution of neighborhoods, water sources and other natural resources leading to rise of environment-related diseases which cause many deaths; further concerned that in most urban areas, waste is dumped in an uncontrolled manner posing a great challenge to the wellbeing of urban dwellers, particularly those living near dumpsites; acknowledging that the problem continues to rise despite the efforts made to mitigate the problem through various statutory bodies, private entities and communities; the Senate calls upon the National Government to take immediate steps to develop effective waste management regulations and put in place proper disposal facilities, including for harmful waste and that this be done in consultation with all key stakeholders.	Wednesday 11.10.17	Sen. Susan Kihika	Sen. Mary Seneta	Does not affect Counties	-	Tuesday, 7.11.17	Adopted without amendments on Tuesday, 7.11.17
13.	THAT , pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 7th November, 2017.	Thursday, 12.10.17	Senate Majority Leader	Sen. Susan Kihika	Does not affect Counties	-	Thursday, 12.10.17	The Senate adjourned

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14.	<p>AWARE that the right to adequate food is affirmed under Article 25 of the 1948 Universal Declaration of Human Rights, and Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights as part of the right to an adequate standard of living;</p> <p>FURTHER AWARE THAT Article 43 (1) (c) and (d) of the Constitution of Kenya provides for economic and social rights for every person and in particular the right to be free from hunger, to have adequate food of acceptable quality, and to have clean and safe water in adequate quantities;</p> <p>CONCERNED that this fundamental right is under threat as various Counties battle severe drought occasioned by successive failure in rainfall;</p> <p>CONCERNED that over 3.4 million people including over 370,000 children are acutely malnourished and in urgent need of emergency assistance while millions of livestock have perished and the remaining are in extremely poor body condition as a result of the drought;</p> <p>FURTHER CONCERNED that the situation in drought ravaged parts of the country poses a serious threat to human dignity, peace, security and stability following loss of livelihoods leading to scramble for scarce resources by the affected communities;</p> <p>NOTING that Parliament enacted the National Drought Management Bill which was assented to on 1st April, 2016 and which seeks to comprehensively address the matter of persistent droughts in the country;</p> <p>NOW THEREFORE, the Senate calls upon the Ministry of Interior and Coordination of National</p>	Wednesday 08.11.2017	Sen. Fatuma Dullo	Sen. Hargura Godana	Does not affect Counties	-	Wednesday 29.11.2017 Thursday 30.11.2017	Adopted without amendments on Thursday, 30.11.17

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	<p>Government and relevant state agencies responsible including the National Drought Management Authority to-</p> <ol style="list-style-type: none"> 1. Expeditiously implement the National Drought Management Authority Act, 2016 and set up the necessary infrastructure to mitigate against persistent droughts; and 2. Come up with efficient drought response strategies aimed at saving lives of both people and livestock. 							
15.	<p>THAT, Aware that the primary role of the Senate is to protect the interest of counties and their governments; as provided for in Article 96 of the Constitution of Kenya;</p> <p>APPRECIATING that the Division of Revenue Act, 2017 (No. 16 of 2017) and the County Allocation of Revenue Act, 2017 (No. 23 of 2017) respectively provide for the sharing of revenue raised nationally between the National Government and County Governments and revenue raised nationally among County Governments, for financial year 2017/2018;</p> <p>NOTING the need for an amendment to the County Allocation of Revenue Act, 2017 (No. 23 of 2017), to provide for a seamless disbursement of funds to County Governments to enable them effectively implement County Governments projects and programmes;</p> <p>NOW THEREFORE, the Senate resolves–</p> <ol style="list-style-type: none"> a) to establish an Ad-hoc Committee to be known as the Ad-hoc Committee on the County Allocation of Revenue (Amendment) Bill 2017, comprising not more 	Wednesday 08.11.2017	Senate Majority Leader	Sen. Mutula Kilonzo Jr.	Does not affect Counties	-	Wednesday 08.11.2017	Adopted with amendments on Wednesday, 08.09.17

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	<p>than nine Senators, to undertake the functions of the Standing Committee on Finance and Budget, as contemplated under Standing Order 212 (3);</p> <p>b) that, the following Senators be appointed to the Committee;</p> <ol style="list-style-type: none"> 1. Sen. Njeru Ndwiga; 2. Sen. Charles Reubenson Kibiru; 3. Sen. Farhiya Ali Haji; 4. Sen. (Dr.) Abdullahi Ibrahim Ali; 5. Sen. Christine Zawadi Gona; 6. Sen. Mutula Kilonzo Junior; 7. Sen. George Khaniri 8. Sen. Moses Kajwang' and 9. Sen. Judith Pareno. <p>c) that, the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) be committed to the Ad-hoc Committee; and</p> <p>d) that, the Ad-hoc Committee considers the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) and reports to the Senate on or before Thursday, November 16, 2017.</p> <p><u>RESOLUTION</u></p> <p>THAT, Aware that the primary role of the Senate is to protect the interest of counties and their governments; as provided for in Article 96 of the Constitution of Kenya;</p> <p>APPRECIATING that the Division of Revenue Act, 2017 (No. 16 of 2017) and the County Allocation of Revenue Act, 2017 (No. 23 of 2017) respectively provide for the sharing of revenue raised nationally between the National Government and County Governments and</p>							

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	<p>revenue raised nationally among County Governments, for financial year 2017/2018;</p> <p>NOTING the need for an amendment to the County Allocation of Revenue Act, 2017 (No. 23 of 2017), to provide for a seamless disbursement of funds to County Governments to enable them effectively implement County Governments projects and programmes;</p> <p>NOW THEREFORE, the Senate resolves–</p> <p>a) to establish an Ad-hoc Committee to be known as the Ad-hoc Committee on the County Allocation of Revenue (Amendment) Bill 2017, comprising not more than nine Senators, to undertake the functions of the Standing Committee on Finance and Budget, as contemplated under Standing Order 212 (3);</p> <p>b) that, the following Senators be appointed to the Committee;</p> <ol style="list-style-type: none"> 1. Sen. Njeru Ndwiga; 2. Sen. Charles Reubenson Kibiru; 3. Sen. Farhiya Ali Haji; 4. Sen. (Dr.) Abdullahi Ibrahim Ali; 5. Sen. Christine Zawadi Gona; 6. Sen. Mohamed Faki; 7. Sen. Getrude Musuruve; 8. Sen. Malachy Ekal Imana; and 9. Sen. Naomi Shiyonga. <p>c) that, the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) be committed to the Ad-hoc Committee; and</p> <p>d) that, the Ad-hoc Committee considers the County Allocation of Revenue (Amendment) Bill (Senate Bills</p>							

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	No. 9 of 2017) and reports to the Senate on or before Thursday, November 16, 2017.							
16.	<p>THAT, ACKNOWLEDGING that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters;</p> <p>RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;</p> <p>FURTHER aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;</p> <p>RECALLING THAT the process of electing new Members to the East African Legislative Assembly was commenced by the Eleventh Parliament in April, 2017 but could not be concluded by the end of the term of that Parliament;</p> <p>NOTING THAT the term of the previous East African Legislative Assembly lapsed on 4th June, 2017;</p> <p>COGNIZANT of the need to urgently conclude the election process for the East African Legislative Assembly to commence transacting business of the East African Community;</p> <p>NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves to establish a Joint Select Committee consisting of five (5) Members from each House of Parliament to undertake the functions contemplated under the East African Legislative</p>	Thursday 09.11.2017	Senate Majority Leader	Sen. Okong'o Mogeni	Does not affect Counties	-	Thursday 09.11.2017	Adopted without amendments on Thursday, 09.09.17

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	<p>Assembly Elections (Election of Members of the Assembly) Rules, 2017, and report to the House within the timelines stipulated in the said Rules and that-</p> <p>a. the Offices of the Clerks of Houses of Parliament provides secretariat services in accordance with the Standing Orders; and,</p> <p>b. the following Members represent the Senate in the Joint Select Committee:</p> <ol style="list-style-type: none"> 1. Sen. Aaron Cheruiyot; 2. Sen. (Dr.) Abdulahi Ibrahim Ali; 3. Sen. Millicent Omanga; 4. Sen. Mutula Kilonzo Junior; and 5. Sen. Rose Nyamunga. 							
17.	<p>THAT, pursuant to Standing Order 29 (4), the Senate resolves to alter its Calendar in respect of the Fourth Part of the First Session, in order to proceed on a recess from Friday 10th November, 2017 to Monday 27th November, 2017.</p>	Thursday 09.11.2017	Senate Majority Leader	Sen. Mutula Kilonzo Jnr.	Does not affect Counties	-	Thursday 09.11.2017	The Senate proceeded on recess.
18.	<p>THAT, the Senate notes the Controller of Budget Annual County Governments Budget Implementation Review Report for Financial Year 2016/2017, laid on the table of the House on Wednesday, 8th November, 2017.</p>	Wednesday 29.11.2017	Senate Deputy Majority Leader The Motion was moved on 05.12.2017	Sen. Aaron Cheruiyot	Affects counties		Tuesday 05.12.2017	Due for Division on Wednesday 13 th December, 2017 following a ruling by Temporary Speaker Sen. (Prof) Margaret Kamar
19.	<p>THAT, this House adopts Sessional Paper No. 6 of 2016 on the National Urban Development Policy, laid on the Table of the House on Tuesday, October 10, 2017.</p>	Wednesday 29.11.2017	Senate Deputy Majority Leader The Motion	Sen. Okong'o Mogeni	Affects counties		Wednesday 06.12.2017	Due for Division on Wednesday 13 th December,

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			was moved on 05.12.2017					2017 following a ruling by Deputy Speaker
20.	THAT , this House adopts the National Irrigation Policy, laid on the Table of the House on Tuesday, October 10, 2017.	Wednesday 29.11.2017	Senate Deputy Majority Leader The Motion was Moved on 07.12.2017 by Sen. Susan Kihika	Sen. Samson K. Ongeru	Affects counties		Thursday 07.12.2017	Due for Division on Wednesday 13 th December, 2017 following a ruling by Deputy Speaker
21.	THAT , this House adopts Sessional Paper No. 2 of 2016 on the National Slum Upgrading and Prevention Policy, laid on the Table of the House on Tuesday, October 10, 2017.	Wednesday 29.11.2017	Senate Deputy Majority Leader					
22.	THAT WHEREAS Article 43 (1)(f) of the Constitution of Kenya explicitly provides for the right to education for all; AND WHEREAS it is the responsibility of the State to ensure that the right to education is enjoyed by all; OBSERVING THAT that the Teachers Service Commission (TSC) is the constitutionally mandated body to handle matters of employment, deployment, remuneration and discipline of teachers in all public schools; APPRECIATING efforts made by the national government through the Teachers Service Commission (TSC) to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers; CONCERNED THAT currently there exists great disparities in the distribution of teachers in schools	Wednesday 29.11.2017	Sen. George Khaniri					

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	<p>across the country, with major teacher shortage being experienced in rural and marginalized areas;</p> <p>FURTHER CONCERNED that there is major inequality in the distribution and allocation of teachers among schools across the country leading to either oversupply or undersupply of teachers in some public schools;</p> <p>NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology through the Teachers Service Commission to conduct a countrywide audit on the distribution of teachers in all public schools across the Country and report to the Senate within three months.</p>							
23.	<p>AWARE THAT the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;</p> <p>FURTHER AWARE THAT registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;</p> <p>ALSO AWARE THAT persons living with disabilities are estimated to be about 10% of any given population;</p> <p>COGNISANT THAT for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;</p> <p>AWARE THAT medical services are now a devolved function;</p> <p>CONCERNED THAT of the nearly 4 million Kenyans</p>	Wednesday 29.11.2017	Sen. George Khaniri					

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	<p>living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;</p> <p>FURTHER CONCERNED THAT without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;</p> <p>ALSO CONCERNED THAT owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;</p> <p>NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.</p>							
24.	<p>THAT, pursuant to Standing Orders 28 (2) and 29 (4), the Senate resolves to alter its Calendar for the First Session, in respect of the Fourth Part, in order to proceed on recess from Friday, 15th December, 2017, instead of Friday, 8th December, 2017 and to resume on Tuesday, 13th February, 2018 in accordance with Standing Order 28(1).</p>	Wednesday 06.12.2017	Senate Majority Leader	Senate Deputy Majority Leader	Does not affect Counties	-	Wednesday 06.12.2017	The Senate resolved to alter its Calendar for the First Session
25.	<p>THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, and notwithstanding the provisions of Standing Order 49(6), this House adopts the Report of the Joint Parliamentary Select Committee</p>	Thursday 07.12.2017	Senate Deputy Majority Leader	Sen. Samson Cherarkey	Does not affect Counties	-	Thursday 07.12.2017	Adopted with amendments on Thursday, 07.12.17

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	<p>on its consideration of the nominees for election as Members of the East African Legislative Assembly, laid on the Table of the House today, Thursday, December 7, 2017, and further resolves that the election be held on Wednesday, December 13, 2017.</p> <p>RESOLUTION</p> <p>THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, and notwithstanding the provisions of Standing Order 49(6), this House adopts the Report of the Joint Parliamentary Select Committee on its consideration of the nominees for election as Members of the East African Legislative Assembly, laid on the Table of the House today, Thursday, December 7, 2017, subject to amendment of the Report at paragraph 6) of page 29 thereof, by deleting the phrase “13th December, 2017” and inserting thereof the phrase “14th December, 2017”.</p>							