



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 24, 2018

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication –

(i) Registration of Members in the New Chamber Biometric System

“Honourable Members,

This Communication relates to registration of Members in the Chamber Biometric System. As you are aware, at the commencement of the Twelfth Parliament, all Members went through a registration process in the Biometric System for purposes of recording Chamber attendance. This was in keeping with the provisions of Article 103(b) of the Constitution, whose implementation requires that an accurate record of your Chamber attendance be maintained.

Honourable Members,

This System is now being replaced with a new, more efficient and modern Biometric System, and therefore Members will be required to register afresh. Upon registration, Members will also be issued with new Chamber-log-cards to be used to make interventions to speak, Vote in Divisions and raise Points of Orders.

Honourable Members, the Clerk of the National Assembly has already commenced the registration process of Members, and it is expected that this exercise will continue until the end of the First Part of the current Second Session, that is, the end of

long recess which will be on Monday, 4th June, 2018. In the meantime, a window has been provided to enable Members use either of the Systems as the two Systems, that is the current System and the new System will be running concurrently. In addition, Members will also be in a position to use the Manual Register to record their Chamber attendance.

However, at the end of the registration exercise, the use of the old system as well as the Manual Register will cease.

Honourable Members,

In the past, Members have been required to pay Kshs. 2,000 for replacement of lost Chamber-log-cards. However, for new cards, Members will now be required to pay Kshs. 5,000 for replacement of such cards, through a request in writing to the Clerk of the National Assembly.

Honourable Members,

The registration exercise is being conducted at the entrance of the Chamber during working hours when the House is not sitting. It will conclude at the close of business on Monday, 4th June, 2018.

I Thank you.”

(ii) Workshop for Members’ Personal Assistants/Researchers

“Honourable Members,

Over the past few years, the Parliament of Kenya has endeavoured to provide a favourable working environment for Members of Parliament, including availing the most professional teams of staff. Coupled with this, Members are allowed to engage other support staff including Researchers and Personal Assistants (PAs) and other support staff. However, it has been observed that some of these support staff contracted by Members, especially for the newly employed, are not conversant with the operations of the National Assembly.

Honourable Members, it is on this backdrop that the Office of the Clerk of the National Assembly intends to undertake a two-day induction workshop for Researchers/Personal Assistants (PAs) of all Members of the National Assembly. The workshop, under the theme *‘Becoming an Effective Parliamentary Assistant and Researcher’* is scheduled for May 8th to 11th, 2018 in Nairobi and will be conducted in two (2) phases.

Honourable Members, the key objective of the workshop is to offer an opportunity for the staff to be apprised of the workings of the National Assembly, including their day to day interactions with various Directorates/Departments. Members are therefore called upon to nominate their Personal Assistants and Researchers to attend the workshop. To this end, all Members are requested to submit the names of the said nominations to reach the office of the Clerk of the National Assembly by Thursday, May 3, 2018.

Thank you”.

(iii) Demise of the late Hon. Grace Kipchoim, Member for Baringo South Constituency

Honourable Members, as you are aware, on the morning of Friday April 20, 2018, with great grief and sorrow, we received the sad news of the demise of the Member for Baringo South, the late Hon. Grace Kipchoim who passed on while undergoing treatment at the Nairobi Hospital.

Honourable Members, the Late Hon. Kipchoim was born on 3rd January 1962. She attended Solian Primary School. She thereafter proceeded to Kapropita Girl’s High School for Kenya Certificate of Education (O-Level) between 1984 and 1987, and Lugulu Girl’s

High School for Kenya Advanced Certificate of Education (A-Level) between 1988 and 1989. Thereafter, she studied as a Certified Public Accountant between 1999 and 2003. Before joining the National Assembly in 2013, the late Kipchoim worked in various capacities in among other institutions, the Nakuru Medical Training College, Homabay Medical Training College, and Kabarnet Medical Training College. She also served as a Board Member to various schools in Baringo South Constituency.

Honourable Members, the Late Hon. Grace Kipchoim was a vibrant Member of the August House who served actively and diligently in the 11th Parliament. Her contribution and participation was highly commendable, particularly, her contributions on various legislations which were insightful and enriching. She was one of the only 16 women Members of the National Assembly elected out of the 290 Constituencies in the last Parliament. She was an active Member of the Departmental Committee on Transport, Public Works and Housing; and then Joint Committee on National Cohesion and Equal Opportunities.

Honourable Members, though unwell, she was re-elected overwhelmingly into the 12th Parliament, to become one of the only 23 women Members elected out the 290 Constituencies, reaffirming the faith and trust the people of Baringo South had in her leadership. The late Hon. Kipchoim was a fighter and an inspiration to many of us.

The late Hon. Grace Kipchoim with her own self-made print, spoke with exceptional articulation. Without a doubt, she was a firm leader who never shied away from defending the rights of her Constituents and the people of Kenya in general, in particular on matters of land, security, the disadvantaged Members of the society, gender, youth and persons living with disability. Many of us who interacted and worked with her will acknowledge that she was a resolute, humble, gentle, pleasant and amicable personality and we will all miss her.

Honourable Members, her passing marks a dark moment not only for her family, the Twelfth Parliament, residents of Baringo South Constituency, but for the country at large. Kenya has lost a candid legislator, devoted public servant, hard working leader and true daughter of Kenya who endeavoured to give everything for what she believed in with great courage, tenacity and humility. Indeed, she has left a track record in the management of the National Government Constituency Development Fund, where her Constituency was highly rated in the management of CDF.

Honourable Members, the late Grace Kipchoim is survived by four children. On behalf of the Parliamentary Service Commission, Members of the National Assembly and indeed, on my own behalf, I wish to convey our sincere condolences to her family, relatives, friends, and the people of Baringo South for this great loss.

In honour of the selfless service rendered to the nation and society by our departed colleague, I request that we all stand and observe a minute of silence.

May her soul in eternal peace. Amen”.

5. **PETITIONS**

The following Petitions were presented –

(i) The Deputy Speaker conveyed the following Petition –

“Honourable Members,

Pursuant to Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a Petition signed by one Mr. Peter Githaiga Munyeki, a resident of Kajiado County. The Petitioner is praying that National Assembly exercises its legislative authority under Article 95 (2) and 256 (1) of the Constitution, by introducing and passing a Bill to amend the Second Schedule of the Kenya School of Law Act, 2012.

The Petitioner contends that Kenya School of Law Act No.26 of 2012 fails to recognize the plight of progressive students of Law by denying them right to admission to the Kenya School of Law to train as advocates. He cites that the Kenya School of Law Act only admits students who have achieved a grade of B (plain) in English or Swahili in addition to having acquired a mean grade of C+ in Kenya Certificate of Secondary Education. The Petitioner contends that the requirement is an impediment to the students who have acquired a Bachelors of Law Degree (LLB), but who nonetheless scored a lower grade in KCSE, in addition to attaining a diploma in law. He also alleges that the move is contrary to the Legal Education Act, 2012, which regulates legal education in Kenya and provides for progressive learning of Law.

Honourable Members, the Petitioner therefore prays that National Assembly amends Second Schedule of the Kenya School of Law Act, 2012 on Admission requirement to the Advocates Training Programme (ATP) to provide for admission and training as advocate at the Kenya School of Law for progressive students who have attained LLB degree.

This Petition therefore stands committed to the Departmental Committee on Education and Research for consideration. The Committee is requested to undertake to hear the Petitioner, consider the Petition and report its findings to the Petitioner and the House in accordance with Standing Order 227 (2). The Committee is also at liberty to introduce a Bill to the House, proposing amendments to the Kenya School of Law Act, 2012 as proposed by the Petitioner. Thank you”.

- (ii) The Member for Lamu County (Hon. (Capt) Ruweida Obo) presented a Petition on behalf of residents of regarding alleged impending demolition of buildings along Mtandawanda-Kizingitini Road;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein:-
 - (a) Judicial service Commission;
 - (b) State Department for Maritime and Shipping Affairs;
 - (c) Pharmacy and Poisons Board;
 - (d) Petroleum Development Levy Fund - (Holding Account) from the National Treasury;
 - (e) Equalization Fund;
 - (f) Rivatex East Africa Limited;
 - (g) National Council for Law Reporting;
 - (h) Kenya Maritime Authority;
 - (i) Ministry of Land and Physical Planning; and
 - (j) Coast Water Services Board.

(The Deputy Leader of Majority Party)

- (ii) Report of the Committee on Members Services and Facilities on a Benchmarking visit to the Parliament of the United Kingdom and the Northern Ireland Assembly (March 12-16, 2018); and
- (iii) Second Report of the Committee on Members' Services and Facilities on improvement of services and facilities.

(Chairperson, Committee on Members' Services and Facilities)

- (iv) The Report of the Departmental Committee on Administration and National Security on its consideration of the Kenya Coast Guard Service Bill, 2017
(Chairperson, Departmental Committee on Administration and National Security)

7. **NOTICE OF MOTION**

The following Notice of Motion was given –

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on improvement of services and facilities, laid on the Table of this House on Tuesday, 24th April 2018.

(Chairperson, Committee on Members' Services and Facilities)

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2017)**

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Irrigation Bill (National Assembly Bill No. 46 of 2017).

(The Leader of the Majority Party)

Question put and agreed to

Motion made and Question proposed -

THAT, the Irrigation Bill (National Assembly Bill No. 46 of 2017) be now read a Third Time

Question put and agreed to

Bill read a Third Time and **passed.**

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2017)**

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Energy Bill (National Assembly Bill No. 50 of 2017)

(The Leader of the Majority Party)

Question put and agreed to

10. **THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)**
(The Leader of the Majority Party)

Order for First Reading read;

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

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

The Energy Bill (National Assembly Bill No. 50) of 2017
(Resumption of Committee)

Clause 96 - amendment proposed -

THAT, the Bill be amended by deleting Clause 96.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 96 - deleted

Clause 97 - amendment proposed -

THAT, the Bill be amended by deleting Clause 97

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 97 - deleted

Clause 98 - amendment proposed -

THAT, the Bill be amended by deleting Clause 98.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 98 - deleted

Clause 99 - amendment proposed -

THAT, the Bill be amended by deleting Clause 99.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 99 - deleted

Clause 100 - amendment proposed -

THAT, the Bill be amended by deleting Clause 100.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 100 - deleted

Clause 101 - amendment proposed -

THAT, the Bill be amended by deleting Clause 101.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 101 - deleted

Clause 102 - amendment proposed -

THAT, the Bill be amended by deleting Clause 102.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 102 - deleted

Clause 103 - amendment proposed -

THAT, the Bill be amended by deleting Clause 103.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 103 - deleted

Clause 104 - amendment proposed -

THAT, the Bill be amended by deleting Clause 104.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 104 - deleted

Clause 105 - amendment proposed -

THAT, the Bill be amended by deleting Clause 105.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 105 - deleted

Clause 106 - amendment proposed -

THAT, the Bill be amended by deleting Clause 106.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 106 - deleted

Clause 107 - amendment proposed -

THAT, the Bill be amended by deleting Clause 107.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 107 - deleted

Clause 108 - amendment proposed -

THAT, the Bill be amended by deleting Clause 108.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 108 - deleted

Clause 109 - amendment proposed -

THAT, the Bill be amended by deleting Clause 109.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 109 - deleted

Clause 110 - amendment proposed -

THAT, the Bill be amended by deleting Clause 110.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 110 - deleted

Clause 111 - amendment proposed -

THAT, the Bill be amended by deleting Clause 111.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 111 - deleted

Clause 112 - amendment proposed -

THAT, the Bill be amended by deleting Clause 112.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 112 - deleted

Clause 113 - amendment proposed -

THAT, the Bill be amended by deleting Clause 113

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 113 - deleted

Clause 114 - amendment proposed -

THAT, the Bill be amended by deleting Clause 114

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 114 - deleted

Clause 115 - amendment proposed -

THAT, the Bill be amended by deleting Clause 115

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 115 - deleted

Clause 116 - amendment proposed -

THAT, the Bill be amended by deleting Clause 116

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 116 - deleted

Clause 117 - amendment proposed -

THAT, the Bill be amended by deleting Clause 117

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 117 - deleted

Clause 118 - amendment proposed -

THAT, the Bill be amended by deleting Clause 118

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 118 - deleted

Clause 119 - amendment proposed -

THAT, the Bill be amended by deleting Clause 119

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 119 - deleted

Clause 120 - amendment proposed -

THAT, the Bill be amended by deleting Clause 120

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 120 - deleted

Clause 121 - amendment proposed -

THAT, the Bill be amended by deleting Clause 121

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 121 - deleted

Clause 122 - amendment proposed -

THAT, Clause 122 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 122 - as amended agreed to

Clause 123 - amendment proposed -

THAT, Clause 123 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 123 - as amended agreed to

Clause 124 - amendment proposed -

THAT, Clause 124 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 124 - as amended agreed to

Clause 125 - amendment proposed -

THAT, Clause 125 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 125 - as amended agreed to

Clause 126 - amendment proposed -

THAT, Clause 126 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 126 - as amended agreed to

Clauses 127 - agreed to

Clause 128 - amendment proposed -

THAT, Clause 128 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 128 - as amended agreed to

Clause 129 - amendment proposed -

THAT, Clause 129 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 129 - as amended agreed to

Clause 130 - amendment proposed -

THAT, Clause 130 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 130 - as amended agreed to

Clause 131 - amendment proposed -

THAT, Clause 131 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 131 - as amended agreed to

Clause 132 - amendment proposed -

THAT, Clause 132 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 132 - as amended agreed to

Clause 133 - amendment proposed -

THAT, Clause 133 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 133 - as amended agreed to

Clause 134 - amendment proposed -

THAT, Clause 134 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 134 - as amended agreed to

Clause 135 - amendment proposed -

THAT, Clause 135 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 135 - as amended agreed to

Clause 136 - amendment proposed -

THAT, Clause 136 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 136 - as amended agreed to

Clause 137 - amendment proposed -

THAT, Clause 137 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 137 - as amended agreed to

Clause 138 - amendment proposed -

THAT, Clause 138 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 138 - as amended agreed to

Clause 139 - amendment proposed -

THAT, Clause 139 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 139 - as amended agreed to

Clause 140 - amendment proposed -

THAT, Clause 140 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 140 - as amended agreed to

Clause 141 - agreed to

Clause 142 - amendment proposed -

THAT, Clause 142 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 142 - as amended agreed to

Clause 143 - agreed to

Clause 144 - amendment proposed -

THAT, Clause 144 of the Bill be amended by deleting the word “Commission” appearing in the opening paragraph and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 144 - as amended agreed to

Clause 145 - amendment proposed -

THAT, Clause 145 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 145 - as amended agreed to

Clause 146 - agreed to

Clause 147 - amendment proposed -

THAT, Clause 147 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 147 - as amended agreed to

Clause 148 - amendment proposed -

THAT, Clause 148 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 148 - as amended agreed to

Clause 149 - amendment proposed -

THAT, Clause 149 of the Bill be amended—

(a) in sub-clause (1) by inserting a new paragraph immediately after paragraph (e) —

“(ea) that the contractual rights, privileges, liabilities and obligations accrued to an existing licensee or any other person are not materially adversely affected;”

(b) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 149 - as amended agreed to

Clause 150 - amendment proposed -

THAT, Clause 150 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 150 - as amended agreed to

Clause 151 - amendment proposed -

THAT, Clause 151 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 151 - as amended agreed to

Clause 152 - amendment proposed -

THAT, Clause 152 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 152 - as amended agreed to

Clause 153 - amendment proposed -

THAT, Clause 153 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 153 - as amended agreed to

Clause 154 - amendment proposed -

THAT, Clause 154 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 154 - as amended agreed to

Clause 155 - amendment proposed -

THAT, Clause 155 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 155 - as amended agreed to

Clause 156 - amendment proposed -

THAT, Clause 156 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 156 - as amended agreed to

Clause 157 - amendment proposed -

THAT, Clause 157 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 157 - as amended agreed to

Clause 158 - amendment proposed -

THAT, Clause 158 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 158 - as amended agreed to

Clause 159 - amendment proposed -

THAT, Clause 159 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 159 - as amended agreed to

Clause 160 - amendment proposed -

THAT, Clause 160 of the Bill be amended in sub-clause (3) by deleting the word “Commission” appearing in paragraph (a) and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 160 - as amended agreed to

Clause 161 - amendment proposed -

THAT, Clause 161 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 161 - as amended agreed to

Clauses 162 & 163 - agreed to

Clause 164 - amendment proposed -

THAT, Clause 164 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing in paragraph (d) and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 164 - as amended agreed to

Clause 165 - amendment proposed -

THAT, Clause 165 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 165 - as amended agreed to

Clause 166 - amendment proposed -

THAT, Clause 166 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 166 - as amended agreed to

Clause 167 - amendment proposed -

THAT, Clause 167 of the Bill be amended by inserting a new sub-clause immediately after sub-clause (2) –

“(3) A distribution license shall not be granted in respect of any location which is less than one quarter of a square kilometer:

Provided that this shall not apply in cases of islands in recognized rivers, lakes and in the exclusive economic zone”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 167 - as amended agreed to

Clause 168 - amendment proposed -

THAT, Clause 168 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing in paragraph (e) and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 168 - as amended agreed to

Clause 169 - amendment proposed -

THAT, Clause 169 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 169 - as amended agreed to

Clause 170 - amendment proposed -

THAT, Clause 170 of the Bill be amended in sub-clause (6) by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 170 - as amended agreed to

Clauses 171 & 172 - agreed to

Clause 173 - amendment proposed -

THAT, Clause 173 of the Bill be amended—

(a) by inserting a new sub-clause immediately after sub-clause (3) —

“(4) Where a licensee enters into a contract to supply electrical energy to a consumer who is receiving electrical energy from another licensee under this Act, the new licensee shall forthwith assume all obligations of the previous licensee relating to the subject consumer and previous contract shall cease and be extinguished.”

(b) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 173 - as amended agreed to

Clause 174 - amendment proposed -

THAT, Clause 174 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 174 - as amended agreed to

Clause 175 - amendment proposed -

THAT, Clause 175 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 175 - as amended agreed to

Clause 176 - amendment proposed -

THAT, Clause 176 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 176 - as amended agreed to

Clause 177 - amendment proposed -

THAT, Clause 177 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 177 - as amended agreed to

Clause 178 - amendment proposed -

THAT, Clause 178 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 178 - as amended agreed to

Clause 179 - amendment proposed -

THAT, Clause 179 of the Bill be amended in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 179 - as amended agreed to
Clauses 180, 181, 182, 183, 184, 185 & 186 - agreed to
Clause 187 - amendment proposed -

THAT, Clause 187 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;
 Debate arising;
 Question put and agreed to;
Clause 187 - as amended agreed to
Clause 188 - amendment proposed -

THAT, Clause 188 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;
 Debate arising;
 Question put and agreed to;
Clause 188 - as amended agreed to
Clauses 189 & 190 - agreed to
Clause 191 - amendment proposed -

THAT, Clause 191 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;
 Debate arising;
 Question put and agreed to;
Clause 191 - as amended agreed to
Clause 192 - amendment proposed -

THAT, Clause 192 of the Bill be amended by deleting the word “Commission” appearing in the opening paragraph and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;
 Debate arising;
 Question put and agreed to;
Clause 192 - as amended agreed to

Clause 193 - amendment proposed -

THAT, Clause 193 of the Bill be amended—

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) by inserting the following new sub-clause immediately after sub-clause (6) —

(7) The Authority shall review the retail tariff every three years.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 193 - as amended agreed to

Clause 194 - agreed to

Clause 195 - amendment proposed -

THAT, Clause 195 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 195 - as amended agreed to

Clause 196 - amendment proposed -

THAT, Clause 196 of the Bill be amended in sub-clause (2) by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 196 - as amended agreed to

Clauses 197 & 198 - agreed to

Clause 199 - amendment proposed -

THAT, Clause 199 of the Bill be amended in sub-clause (1) by deleting the words “by public advertisement, in at least two newspapers of nationwide circulation” appearing in the proviso and substituting therefor the words “through appropriate mechanisms including public advertisement in at least two newspapers of nationwide circulation and an announcement in a radio station of local coverage for a period of two weeks”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 199 - as amended agreed to

Clause 200 - agreed to

Clause 201 - amendment proposed –

THAT, Clause 201 of the Bill be amended in sub-clause (3) by deleting the words “by public advertisement, in at least two newspapers of nationwide circulation:” and substituting therefor the words “through appropriate mechanisms including public advertisement in at least two newspapers of nationwide circulation and an announcement in a radio station of local coverage for a period of two weeks:”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 201 - as amended agreed to

Clauses 202 & 203 - agreed to

Clause 204 - amendment proposed –

THAT, Clause 204 the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Where energy infrastructure is removed, the surface of the land shall forthwith be restored to its former condition as far as possible by the licensee and in default thereof restoration may be carried out by the owner of the land, and the costs thereof shall be recoverable from the licensee.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 204 - as amended agreed to

Clause 205 - agreed to

Clause 206 - amendment proposed –

THAT, Clause 206 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “and any other relevant law” immediately after the words “in this Act”;

(b) in sub-clause (2) by deleting the words “Notwithstanding the provisions of any other written law, but”;

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 206 - as amended agreed to

Clause 207 - agreed to

Clause 208 - amendment proposed -

THAT, Clause 208 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 208 - as amended agreed to

Clause 209 - amendment proposed -

THAT, Clause 209 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “by the implementing agencies” and substituting therefor the words “ by the relevant agencies”;
- (b) in sub-clause (2) by deleting the words “County Government” and substituting therefor the words “relevant County Government, local communities and any other relevant agency”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 209 - as amended agreed to

Clauses 210, 211, 212, 213 & 214 - agreed to

Clause 215 - amendment proposed -

THAT, Clause 215 of the Bill be amended by deleting the word “Commission” and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 215 - as amended agreed to

Clause 216 - amendment proposed -

THAT, Clause 216 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 216 - as amended agreed to

Clause 217 - agreed to

Clause 218 - amendment proposed -

THAT, Clause 218 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 218 - as amended agreed to

Clause 219 - amendment proposed -

THAT, Clause 219 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 219 - as amended agreed to

Clause 220 - amendment proposed -

THAT, Clause 220 of the Bill be amended by deleting the word "Commission" and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 220 - as amended agreed to

Clause 221 - amendment proposed -

THAT, Clause 221 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 221 - as amended agreed to

Clause 222, 223, 224 & 225 - agreed to

Clause 226 - amendment proposed -

THAT, Clause 226 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 226 - as amended agreed to

Clause 227 - agreed to

Clause 228 - amendment proposed -

THAT, Clause 228 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 228 - as amended agreed to

Clause 229 - amendment proposed -

THAT, Clause 229 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 229 - as amended agreed to

Clause 230 - amendment proposed -

THAT, Clause 230 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 230 - as amended agreed to

Clause 231 - amendment proposed -

THAT, Clause 231 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 231 - as amended agreed to

Clause 232 - amendment proposed -

THAT, Clause 232 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 232 - as amended agreed to

Clause 233 - amendment proposed -

THAT, Clause 233 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 233 - as amended agreed to

Clause 234 - amendment proposed -

THAT, Clause 234 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 234 - as amended agreed to

Clause 235 - amendment proposed -

THAT, Clause 235 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 235 - as amended agreed to

Clause 236 - amendment proposed -

THAT, Clause 236 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 236 - as amended agreed to

Clause 237 - agreed to

Clause 238 - amendment proposed -

THAT, Clause 238 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 238 - as amended agreed to

Clause 239 - amendment proposed -

THAT, Clause 239 of the Bill be amended by deleting the word “Commission” appearing in paragraph (b) and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 239 - as amended agreed to

Clauses 240 & 241 - agreed to

Clause 242 - amendment proposed -

THAT, Clause 242 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 242 - as amended agreed to

Clause 243 - agreed to

Clause 244 - amendment proposed -

THAT, Clause 244 of the Bill be amended -

(a) in sub-clause (1) -

(i) by deleting paragraph (a);

(ii) by inserting the following new paragraph immediately after paragraph (h) -

(i) applied research, technology development and innovation allied to energy sector including technology needs assessment, deployment and scaling up;

(b) in sub-clause (2) by deleting the word “Commission” appearing in paragraph

(f) and substituting therefor the word “Authority”

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 244 - as amended agreed to

Clauses 245, 246 & 247 - agreed to

Clause 248 - amendment proposed -

THAT, Clause 248 of the Bill be amended—

(a) by deleting the word “may” and substituting therefor the word “shall”;

(b) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 248 - as amended agreed to

Clauses 249, 250 & 251 - agreed to

Clause 252 - amendment proposed -

THAT, Clause 252 of the Bill be amended—

- (a) in sub-clause (1) by deleting the expression “2013” and substituting therefor the expression “131 of 2012”;
- (b) in sub-clause (2) –
 - (i) by deleting the words “granted by the Commission” appearing in paragraph (b) and substituting therefor the words “granted by the Authority”;
 - (ii) by deleting paragraph (f).

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 252 - as amended agreed to

Clause 253 - agreed to

NEW CLAUSES

New Clause 40A proposed -

THAT, the Bill be amended by inserting the following new clause immediately after clause 40—

Protection from personal liability.

40A. A matter or thing or act done by a member of the Tribunal or any officer, employee or agent of the Tribunal shall not, if the matter or thing is done bona fide for executing the functions, powers or duties of the Tribunal, render the member, officer, employee, agent or any other person acting on those directions personally liable to any action, claim or demand whatsoever.

(Chairperson, Departmental Committee on Energy)

Motion made and Question proposed;

THAT, the proposed New Clause 40A be read a Second Time

Debate arising;

Question put and agreed to;

Question proposed;

THAT, the New Clause 40A be part of the Bill;

Question put and agreed to;

New Clause 40A - agreed to

New Clause 145A proposed -

THAT, the Bill be amended by inserting the following new clause immediately after Clause 145—

Control of monopoly.

145A.(1) The Authority shall put in place mechanisms to avoid monopoly in distribution of electricity.

(2) The Authority shall grant more than one distribution

licences provided it has received more than one applications and the applicants have met the conditions under section 149.

(No. 33)

TUESDAY, APRIL 24, 2018

(257)

(Hon. Abdullswamad Nassir)

Motion made and Question proposed;

THAT, the proposed New Clause 145A be read a Second Time

Debate arising;

Question put and negatived.

SCHEDULES

First Schedule - amendment proposed -

THAT, the First Schedule of the Bill be amended at the heading by deleting the words "THE ENERGY REGULATORY COMMISSION" and substituting therefor the words "THE ENERGY AND PETROLEUM REGULATORY AUTHORITY".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

First Schedule - as amended agreed to

Second Schedule - amendment proposed -

THAT, the Second Schedule of the Bill be amended—

- (a) at the heading by deleting the words "THE ENERGY REGULATORY COMMISSION" and substituting therefor the words "THE ENERGY AND PETROLEUM REGULATORY AUTHORITY";
- (b) in paragraph 1 by deleting the word "Commission" and substituting therefor the word "Authority";
- (c) in paragraph 2 by deleting the word "Commission" and substituting therefor the word "Authority";
- (d) in paragraph 4 by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (e) in paragraph 5 by deleting the word "Commission" and substituting therefor the word "Authority";
- (f) in paragraph 6 by deleting the word "Commission" and substituting therefor the word "Authority";
- (g) in paragraph 7 by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (h) in paragraph 8 by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (i) in paragraph 9 by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule - as amended agreed to

Third Schedule - amendment proposed -

THAT, the Third Schedule of the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

- 1. Energy and Petroleum Regulatory Authority.

(Chairperson, Departmental Committee on Energy)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Third Schedule - as amended agreed to

Fourth Schedule - amendment proposed -

THAT, the Fourth Schedule of the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

1. ENERGY AND PETROLEUM REGULATORY AUTHORITY

(a) The Energy and Petroleum Regulatory Authority established under section 9 shall be the successor to the Energy Regulatory Commission established by the Energy Act (now repealed) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Energy Regulatory Commission existing at the commencement of this Act shall be automatically and fully transferred to the Energy and Petroleum Regulatory Authority and any reference to the Energy Regulatory Commission in any contract or document shall, for all purposes, be deemed to be a reference to the Energy and Petroleum Regulatory Authority established under section 9.

(b) The persons who at the commencement of this Act are the Chairperson and Commissioners of the Energy Regulatory Commission shall become Chairperson and members of the Board respectively, as the case may be, of the Authority for the remainder of their tenure in accordance with their appointment under the repealed Act.

(c) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or members of the Board, as the case may be, as if they were appointed under section 12.

(d) Every person who at the commencement of this Act is an employee of the Energy Regulatory Commission, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the

Energy and Petroleum Regulatory Authority on the same terms and conditions.

(Chairperson, Departmental Committee on Energy)

(No. 33)

TUESDAY, APRIL 24, 2018

(259)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Fourth Schedule - as amended agreed to

Fifth Schedule - agreed to

Clause 2 - amendment proposed -

THAT clause 2 of the Bill be amended—

(a) by deleting the following definitions—

“adulterated petroleum” means any mixed refined petroleum products that alter product specifications detailed in the applicable Kenya Standards;

“downstream petroleum operations” means all or any of the operations related to distribution of

petroleum to residential, industrial, or power generation end users;

“liquefied petroleum gas” means commercial propane, commercial butane, commercial pentane and

mixture thereof as specified in the relevant Kenya standard;

“minimum operational stocks” means the amounts of petroleum prescribed by the Cabinet Secretary on the recommendation of the Commission under section 113;

“open tendering system” means the mode of procurement of petroleum products in Kenya whereby the lowest bidder on any given product is allowed to import on behalf of all the other

oil marketing companies;

“petroleum business” means a concern carrying on the importation, exportation, refining, storage, transportation, supply or sale of petroleum;

“pipeline” means a pipe or system of pipes that is used or to be used for the transportation of

petroleum and any apparatus and works associated therewith, including –

(a) apparatus for inducing or facilitating the flow of petroleum through the pipe or system of pipes;

(b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to,

or incorporated in the course of the pipe or system of pipes;

- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) or of such works as are mentioned in paragraph (b);
- (d) apparatus for the transmission of information for the operation of the pipe or system of pipes;
- (e) apparatus for affording cathodic protection to the pipe or system of pipes; and
- (f) a structure for the exclusive support of a part of the pipe or system of pipes;

“refine” means to process petroleum crude in a refinery in order to yield petroleum products;

“refined petroleum products” means the products yielded from the refining of petroleum;

“refinery” means a distillation plant for refining of petroleum crude to yield petroleum products;

“retail dispensing site” means premises where petroleum is stored in bulk in one or more tanks

and dispensed to consumers for their own use and includes filling and service stations;

“storage depot” means premises consisting one or more tanks for storing petroleum;

“strategic stocks” means petroleum kept for purposes of ensuring security of supply;

- (b) by deleting the words “Physical Planning Act” in the definition of the term “building” and substituting therefor the words “relevant written law”;
- (c) by deleting the definition of the term “Commission” and substituting therefor the following new definition—

“Authority” means the Energy and Petroleum Regulatory Authority established under section 9;

- (d) by deleting the definition of the term “distribution licence” and substituting therefor the following new definition—

“distribution licence” means any document or instrument authorizing a person to operate a distribution system for the purpose of enabling supply of electrical energy to consumers or to other licensees;

- (e) by deleting the definition of the term “local content” and substituting therefor the following new definition—

“local content” means the added value brought to the Kenyan economy from energy related activities through systematic development of national capacity and capabilities and investment in developing and procuring locally available work force, services and supplies, for the sharing of accruing benefits;

- (f) by deleting the words “(excluding upstream petroleum and coal activities) in the definition of term “energy”;
- (g) by deleting the words “authorizing the importation, exportation, refining, storage and sale of petroleum” in the definition of the term “licence”;

- (h) by deleting paragraph (b) in the definition of the term “undertaking”;
- (i) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “undertaking”;
- (j) by deleting paragraph (b) in the definition of the term “works”;
- (k) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “agent”;
- (l) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “licensing authority”;
- (m) by deleting the words “or common user petroleum logistics facility” in the definition of the term “open access”;
- (n) by deleting the word “Commission” and substituting therefor the term “Authority” in the definition of the term “tariff”;
- (o) by inserting the following new definition in its proper alphabetical sequence—
 “Competition Authority” means the Authority established under section 7 of the Competition Act No.12 of 2010.
(Chairperson, Departmental Committee on Energy)

Question of the 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

(ii) **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2017)**

Order deferred to another day

12. **HOUSE RESUMED** - The Third Chairperson in the Chair

The Energy Bill (National Assembly Bill No. 50) of 2017

Bill reported with amendments;

Motion made and Question and proposed –

THAT, House do agree with the Committee in the said Report, subject to re-committal of Clause 84
(Leader of the Majority Party)

Debate arising;

Amendment proposed –

THAT, the motion for agreement with the report of the Committee of the whole House be amended by inserting the words “**...subject to the recommitment of Clause 84**”
(Chairperson, Departmental Committee on Energy)

Question proposed;

Question deferred to another day

13. **MOTION – REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2018**

Order deferred to another day

14. **THE KENYA COAST GUARD SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2017)**

Order deferred to another day

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

15. **HOUSE ROSE** - at thirty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, April 25, 2018 at 9.30 a.m.