



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, JUNE 06, 2019 AT 2.30 PM

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13. **MOTION - ESTABLISHMENT OF NATION-WIDE CENTRES AND SATELLITE CLINICS FOR SICKLE CELL DISEASE AT COUNTY, SUB-COUNTY AND WARD LEVELS.**

(Sen. Naomi Masitsa Shiyonga, MP)

THAT, AWARE THAT Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

NOTING THAT, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

FURTHER NOTING THAT the Health Act (2017) further has the object to protect, respect, promote and fulfil the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment;

ACKNOWLEDGING THAT Sickle Cell Disease, a severe hereditary form of anaemia in which a mutated form of haemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

FURTHER ACKNOWLEDGING the need for comprehensive information and care programs for Sickle Cell Disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

CONCERNED by the lack of national screening programmes for Sickle Cell Disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

NOW, THEREFORE, the Senate urges the Kenya Government through County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

*(Resumption of debate interrupted on Thursday, 30th May, 2019)
(Balance of Time – 2 hours 09 minutes)*

14. **MOTION - COMPLETION OF ALL STALLED PROJECTS UNDER COUNTY GOVERNMENTS THROUGH BUDGETARY MANAGEMENT**

(Sen. Charles Reubenson Kibiru, MP)

THAT, AWARE THAT Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

...../Motion

FURTHER AWARE THAT, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

COGNIZANT THAT, any diversion from the Vision 2030 blueprint as well as the President’s “Big Four” Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

NOTING THAT, whereas the National Government’s Budget is based on Vision 2030 and “Big Four” Agenda, the County Governments’ Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

CONCERNED THAT, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

ACKNOWLEDGING, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

FURTHER ACKNOWLEDGING THAT, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

NOW THEREFORE, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP’s) and Annual Development Plans (ADP’s) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

...../Motion

15. **MOTION - RENAMING OF MURANG'A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY.**

(Sen. Isaac Mwaura, MP)

THAT AWARE THAT, Murang'a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang'a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a member of parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba's contribution to our Nation, to rename Murang'a University of Technology to Kenneth Matiba University of Technology.

16. **MOTION - CREATION OF SUPPORT SERVICES FOR THE DISCIPLINED FORCES AND THEIR FAMILIES**

(Sen. George Khaniri, MP)

THAT APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and

...../Motion

thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

17. **MOTION - WAIVER OF INTEREST ON HELB LOANS FOR GRADUATES**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, AWARE THAT Higher Education Loans Board (HELB) has, for over the last two decades, become the leading financier of higher education in Kenya whose mandate is to source funds and lend them as affordable loans, bursaries and scholarship to students pursuing higher education in recognized institution;

COGNIZANT THAT, the Ministry of Education announced that the government has lost Kshs. 7.2b through people defaulting payment on loans issued by HELB translating to 74,692 graduates who have defaulted the loans payment;

NOTING THAT, measures were taken to enhance the HELB loan recovery process which included a six month waiver of accumulated interest and penalties, and working with law enforcement officers to make sure the defaulters who are employed payback the loans;

CONCERNED THAT, there are graduates from institutions of higher learning who have not been gainfully employed for many years after graduation, and are therefore burdened with loans that have accumulated interest and penalties that they have no means to repay;

FURTHER CONCERNED THAT, when beneficiaries fail to remit their monthly instalments for more than three months, HELB reports them to the Credit Reference Bureaus (CRB) preventing them from accessing loan facilities with any financial institution in Kenya, accessing employment opportunities in the government and major private and publicly listed companies and the loan guarantors are pursued and forced to service the HELB loan;

NOW THEREFORE, the Senate recommends that the Ministry of Education and HELB –

1. institutes a six (6) month full waiver of all the interest and penalties accrued, including the lifting of Credit Reference Bureau blacklisting, for defaulters who are willing to repay their loans in entirety, within the six (6) month period; and
2. embarks on a forty-five (45) day sensitization exercise preceding the waiver, no later than ninety (90) days after the passage of this motion.

...../Motion

18. **MOTION - IMPROVING ALLOCATION OF RESEARCH FUNDS TOWARDS HIGHER LEARNING**

(Sen. (Arch.) Sylvia Kasanga, MP)

AWARE THAT, early childhood education and village polytechnics are a function of the County Governments. Secondary schools, Universities, Tertiary institutions and other institutions of research are a function of the National Government under the Fourth Schedule of the Constitution;

FURTHER AWARE THAT, institutions of higher learning have two basic functions, teaching and conducting research;

CONCERNED THAT, such institutions largely concentrate on “teaching” rather than “research”, as a method of enhancing and imparting the practical application of skills, attitude and knowledge by learners;

NOTING THAT, funds allocated towards community and development oriented academic research are neither sustainable nor adequate;

ACKNOWLEDGING THAT, various national policies on research and innovation are available, but fragmentation in the sector has short-changed the vision of a progressive national research agenda, thereby emboldening low science culture among the population, low global competitiveness ranking, inadequate funding, and poor linkages between academic research and commercial industry;

NOW THEREFORE, the Senate urgently calls upon the Ministry of Education, Science and Technology:

- i To provide a comprehensive report from all institutions of higher learning on the status and performance of Research & Innovation Programs in the Country;
- ii Re-assess Sector Policies, and Develop new work-plans towards:
 - a. Improving allocation of funds for Academic as well as Sustainable Community Based Research to public institutions of higher learning.
 - b. Providing subsidies, and frameworks for partnerships between public & private institutions of higher learning to enable collaboration and better organization in research and innovations for community/county development Projects.

19. **MOTION - DEVELOPMENT OF INFORMATION TECHNOLOGY AND TELECONFERENCING POLICY FRAMEWORK AND FACILITIES CONNECTING ALL COUNTY HEALTH FACILITIES TO THE NATIONAL REFERRAL HOSPITALS**

(Sen. Judith Pareno, MP)

WHEREAS Article 43 of the Constitution of Kenya provides for economic and social rights enjoyed by every person including the right to the highest attainable standard of health and the right to health care services;

AWARE that the Fourth Schedule to the Constitution of Kenya lists health as one of the functions to be performed by county governments, with the national Government providing health policy framework;

...../Motion

NOTING that Parliament enacted the Health Act, No. 21 of 2017, to establish a unified health system, to coordinate the inter-relationship between the national government and county government health systems, to provide for regulation of health care service and health care service providers, health products and health technologies;

COGNIZANT that the role of both county and national levels of government to ensure a healthy nation is complimentary;

FURTHER AWARE that most health facilities under the county governments are not well equipped with modern technological facilities and requisite personnel, leading to loss of lives especially from preventable and curable diseases;

RECOGNIZING that the government, through the National Broadband Policy has developed more advanced communications and efficient ICT systems with good fibre connection network covering a majority of the counties;

FURTHER COGNIZANT that the lack of structured engagement through technology between the county and national referral hospitals is impacting on quality of health service provision in the county and referral health facilities;

NOW THEREFORE, the Senate resolves that the national government: -

1. fully and urgently implements the Health Act, No. 21 of 2017;
2. further collaborates with county governments to initiate and develop an ICT and teleconferencing policy framework; and,
3. facilitates connecting all county health facilities to each other and to the national referral hospitals with a view to ensure seamless and efficient medical consultation between and among medical personnel and health facilities.

20. **MOTION –REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 50TH SESSION OF AFRICAN CARIBBEAN PARLIAMENTARY (ACP) ASSEMBLY AND THE 35TH SESSION OF THE ACP – EU JOINT PARLIAMENTARY ASSEMBLY**
 (Sen. (Prof.) Margaret Kamar, MP)

THAT, this House notes the Report of the Parliament of Kenya delegation to the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 13th to 20th June, 2018, laid on the table of the House on Wednesday, 20th February, 2019.

21. **MOTION –REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**
 (Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, this House notes the Report on the Global Summit on Open Governance Partnership held in Tbilisi, Georgia, from 17th to 19th July, 2018, laid on the Table of the House on Wednesday, 20th February, 2019.

...../Motion

22. **MOTION-REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-
AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH
PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18th October to 3rd November, 2018, laid on the Table of the House on Tuesday, 12th March, 2019.

23. **MOTION - REPORT ON THE THIRD STATUTORY MEETING OF THE COMMITTEE
ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL
RESOURCES OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL
CONFERENCE OF THE GREAT LAKES REGION (FP-CGLR)**

(Sen. Samuel Poghisio, MP)

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, from 13th to 14th March, 2019, laid on the Table of the House on Tuesday, 21st May, 2019.

NOTICE

The Senate resolved on 13th February, 2019 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

A. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)

(Chairperson, Select Committee on Delegated Legislation)

NOTICE is given that Sen. Samson Cherarkey, Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Statutory Instruments (Amendment) Bill, 2018, at the Committee Stage-

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause-

Amendment **3.** The principal Act is amended in section 15 by-
of section
15 of No. 23
of 2013.

(a) deleting subsection (1) and substituting therefor the following new section-

(1) The Committee shall make a report to the relevant House containing a resolution either that the statutory instrument that stands referred to the Committee be approved or that the statutory instrument be annulled.

(b) deleting subsection (3) and substituting therefor the following new subsection-

(3) Notwithstanding subsection (2) the House may, by resolution, extend the time within which the Committee shall consider a statutory instrument under subsection (2) for a period not exceeding twenty-eight days.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 3-

Insertion of **4.** The principal Act is amended by inserting the new section following new section immediately after section 15-15A in No.
23 of 2013.

Concurrence **15A.** (1) The Clerk of the House to on a which a statutory instrument is referred shall, upon-instrument.

...../Amendments

(a) the resolution of the relevant House under section 15(1) for the approval or annulment of a statutory instrument; or

(b) expiry of the period specified under section 15(2),

cause the resolution of the House to be transmitted to the Clerk of the other House within two days of the resolution.

(2) A resolution under subsection (1) shall stand referred to the relevant Committee of that House which shall consider the resolution together with the statutory instrument and report to the House within fourteen days of the referral.

(3) The House to which resolution is referred to under subsection (1) may extend the time within which the Committee shall consider the resolution for a period not exceeding seven days.

(3) If both Houses resolve to-
(a) approve the statutory instrument; or
(b) annul the statutory instrument;

the Clerk of the House to which the statutory instrument was transmitted under section 11(1) shall, within seven days of the decision, notify the regulation-making authority.

...../Amendments

(4) Where the House resolves to revoke a statutory instrument and the other House does not, the statutory instrument shall be referred to a joint committee for mediation in accordance with Article 113 of the Constitution which shall be applied with the necessary modification.

Amendment **5.** The principal Act is amended by deleting of section section 18 and substituting therefor the following 18 of No. 23 new section- of 2013.

Annulment. **18.** (1) When Parliament passes a resolution to annul a statutory instrument the statutory instrument shall be deemed to be annulled.

(2) The regulation making authority shall publish the annulment of the statutory instrument within fourteen days of the annulment.

B. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

NOTICE is given that Sen. Samson Kiprotich Cherarkey, Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Impeachment Procedure Bill, Senate Bills No. 15 of 2018, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of the National Assembly who intends to move a motion for the removal of the President by impeachment shall submit a copy of the proposed motion to the Clerk of the National Assembly together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

CLAUSE 9

THAT clause 9 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

(1) A member of the National Assembly who proposes a motion for the removal of a Cabinet Secretary under subsection (1) shall submit to the Clerk of the National Assembly a copy of the proposed motion for the removal of the Cabinet Secretary together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (2)—

(2A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the word “afford” appearing at the beginning of paragraph (b)(i) and substituting therefor the word “accord”.

CLAUSE 11

THAT clause 11 of the Bill be amended in paragraph (a) by deleting the word “promptly” appearing immediately after the words “the speaker shall” and substituting therefor the words “within three days,”.

CLAUSE 14

THAT clause 14 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 13 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

- (a) specifies the grounds and particulars upon which the proposed motion is made;
- (b) is signed by the member; and
- (c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

(c) in subclause (2) by inserting the words “in writing” immediately after the words “for the refusal” appearing in paragraph (b); and

(d) in subclause (6) by deleting the word “five” appearing immediately after the words “the governor within” in paragraph (b) and substituting therefor the word “seven”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (2) by deleting the words “appointment of a special committee” appearing immediately after the words “days of the” and substituting therefor the words “determination of the special committee under section 16 (2) that section 14 was complied with”.

CLAUSE 28

THAT clause 28 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 27 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

- (a) specifies the grounds and particulars upon which the proposed motion is made;
- (b) is signed by the member; and
- (c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

C. *THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)

(Sen. (Canon) Naomi Jilo Waqo, MP)

NOTICE is given that Sen. Mohamed Yusuf Haji, the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) at the Committee Stage –

CLAUSE 3

THAT clause 3 of the Bill be amended –

- (a) in the introductory clause by deleting the number “12D” appearing immediately after the words “after section” and substituting therefor the number “40C”;
- (b) in the proposed new section 12E by –
 - (i) renumbering it as section “40D”;
 - (ii) deleting the marginal note and substituting therefor the following new marginal note –

Responsibility of the institution regulator.
 - (iii) deleting the introductory clause and substituting therefor the following new clause –

(1) The institution regulator shall -
 - (iv) deleting paragraph (b) and substituting therefor the following new paragraph –

(b) ensure that a standardized awareness module on counter radicalization approved by the Centre is taught in all educational institutions;
 - (v) deleting the words “publicly owned venues” appearing immediately after words “ensure that” in paragraph (e) and substituting therefor the words “educational institutions”; and
 - (vi) deleting paragraph (f) and substituting therefor the following new paragraph –

(f) in collaboration with the Cabinet secretary, the Centre, the National Police Service and other relevant stakeholder, design appropriate rehabilitation and reintegration programmes to cater for students who have undertaken successful disengagement from radicalization.

...../Amendments

- (c) in the proposed new section 12F by –
 - (i) renumbering it as section “40E”;
 - (ii) deleting paragraph (a) and substituting therefor the following new paragraph –
 - (a) implement measures approved by the Centre to detect, prevent or report radicalization of students;
 - (iii) deleting paragraph (c) and substituting therefor the following new paragraph –
 - (c) in collaboration with persons accredited by the Centre, ensure that all staff in the institution are well trained to recognize and respond appropriately to vulnerable students likely to be drawn into radicalization;
 - (iv) deleting the words “inappropriate studies and curriculum related to radicalization” appearing immediately after the words “dissemination of” in paragraph (e) and substitute therefor the words “extremist literature”.
- (d) in the proposed new section 12G by –
 - (i) renumbering it as section “40F”;
 - (ii) by deleting paragraph (a) and substituting therefor the following new paragraph –
 - (a) provide parental care, protection and guidance at all times;
 - (iii) deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) immediately report to the Centre, the institution regulator and the institution administrator a case of a missing student where there is reason to believe that such a student is likely to be involved in terrorism acts or to have been radicalized;
- (e) in the proposed new section 12H –
 - (i) renumbering it as section “40G”;
 - (ii) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) notify the institution regulator and the nearest police station of the missing child within twenty four hours;

- (iii) in sub-clause (2) by –
 - (a) deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) immediately notify the institution regulator and the nearest police station of the missing student;
 - (b) deleting the words “Inspector General of Police” appearing immediately after the words “the parent, the” in paragraph (c) and substituting therefor the words “National Police Service and the Centre”; and
- (iv) in sub-clause (3) by deleting the words “County Education Board and the Inspector General of Police” appearing immediately after the words “in collaboration with the” in the introductory clause and substituting therefor the words “institution regulator or the institution and the Centre”

NEW CLAUSE 2A

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

2A. Section 40B of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (e) –

- (f) in collaboration with the county governments, develop and implement county action plans to prevent violent extremism and radicalization.

CLAUSE 2

THAT clause 2 of the Bill be amended by –

- (a) deleting the definition of the word “County Education Board”; and
- (b) inserting the following new definitions in their proper alphabetical sequence –

“educational institution” means a public or private institution established under law to provide education and it includes a school, college, university or training centre; and

“institution regulator” means an entity whose function is to regulate basic education, university education, or technical and vocational education training or any other entity mandated to regulate training or learning in the country;

D. *THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)
(Sen. Abshiro Halake, MP)

NOTICE is given that Sen. Samson Cherarkey, Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, Senate Bills No. 27 of 2018, at the Committee Stage-

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT clause 6 of the Bill be amended –

- (a) in subclause (1) by inserting the words “Articles 43(1) and 53(1)(c) of immediately after the words “set out under”;
- (b) in subclause (2) by deleting the words “in such infrastructure” appearing immediately after the words “promote investment in” in paragraph (h);
- (c) in subclause (3) by inserting the words National government and” immediately after the words “minimum standards that”.

CLAUSE 8

THAT clause 8 of the Bill be amended –

- (a) in subclause (1) by deleting the word “periodically” appearing at the beginning of paragraph (f) and substituting therefor the word “annually”;
- (b) in subclause (3) by deleting the word “First” appearing immediately after the words “out under the”.

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) by deleting subclause (2);
- (b) in subclause (4) by deleting the words “Part VII” appearing immediately after the words “in accordance with” and substituting therefor the words “section 21 of this Act and section 115 of the County Governments Act”.

CLAUSE 13

THAT clause 13 of the Bill be amended in –

- (a) subclause (1) by deleting the words “The county executive committee member responsible for planning within the county” appearing at the beginning of the subclause and substituting therefor the words “The respective county governor”;
- (b) subclause (2) by deleting the words “The county executive committee member shall” appearing at the beginning of the subclause and substituting therefor the words “The county governor”.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (2) by deleting the words “act on the recommendation” appearing immediately after the words “the Senate shall” and substituting therefor the words “take into account the recommendation in the implementation of economic and social rights in the subsequent year”

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (1) by inserting the words “county executive committee members responsible for finance” immediately after the words “responsible for finance”.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 24 –

Amendmen
t to No. 17
of 2012

25. (1) The County Governments Act is amended –

- (a) in section 107(1) by inserting the following new paragraph immediately after paragraph (d) –
- (e) county strategic plans for the realization of economic and social rights under Part IV of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Act.

(2) In the performance of its functions under this Act the Commission shall be guided by the national values and principles set out under the Constitution.

SCHEDULE

THAT the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule –

SCHEDULE (s. 8(3))

CRITERIA FOR THE REALISATION OF SOCIAL AND ECONOMIC RIGHTS

The indicators for the assessment, by the Commission, of the effort of a county government in the implementation of Article 43 of the Constitution shall include—

- (a) whether or not it has allocated tasks and responsibilities to the different levels of government;
- (b) whether or not it has ensured that sufficient human and financial resources are made available for its implementation;
- (c) whether or not it is capable of facilitating the realisation of the rights in question;
- (d) whether or not its plan or programme is reasonable in its conception and implementation;
- (e) whether or not its plan or programme is balanced and flexible enough to among other things, respond to unforeseeable circumstances;
- (f) whether or not it is inclusive or excludes a significant segment of the populace, leading to unfair discrimination;
- (g) whether or not it balances short, medium, and long-term needs;
- (h) whether or not it has sufficient safety nets such as cash transfers to vulnerable groups and other social assistance; and

- (i) whether or not its plan or programme responds to the needs of the vulnerable and those in crisis situations.

CLAUSE 2

THAT clause 2 of the Bill be amended –

- (a) by inserting the following new definition immediately after the definition of the word “county strategic plan” –

“economic and social rights” means the rights accruing to every person specified under Articles 43(1) and 53(1)(c) of the Constitution including the right to –

- (a) the highest attainable standards of health which includes the right to health care services including reproductive health care services and emergency treatment;
- (b) accessible and adequate housing;
- (c) reasonable standards of sanitation;
- (d) be free from hunger and to have adequate food of acceptable quality;
- (e) basic nutrition for children;
- (f) clean and safe water in adequate quantities;
- (g) social security and social assistance; and
- (h) education.

- (b) in the definition of the word “subsidy programme” by inserting the words “the National government or” immediately after the words “programme established by”;
- (c) in the definition of the word “vulnerable persons” by deleting the words “people with disabilities, sick persons with chronic diseases such as HIV/AIDS” and substituting therefor the words “persons with disability, such persons which chronic illness”

E. *THE TEA BILL (SENATE BILLS NO. 27 OF 2018)

(Sen. Aaron Cheruiyot, MP)

- (i) **NOTICE** is given that Sen. Njeru Ndwiga, Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Tea Bill, Senate Bills No. 36 of 2018, at the Committee Stage—

PART II

THAT the Bill be amended by deleting the heading of Part II and substituting therefore the following new heading—

PART II – THE TEA BOARD OF KENYA

CLAUSE 3

THAT clause 3 of the Bill be deleted and substituted with the following new clause—

Establishment of Board.	3. (1) There is established a Board, to be known as the Tea Board of Kenya.
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(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

CLAUSE 4

THAT clause 4 of the Bill be deleted and substituted with the following new clause—

Headquarters.	4. (1) The headquarters of the Board shall be in Nairobi City County.
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(2) The Board may establish such branches in Kenya as it may consider necessary for the efficient performance of its functions.

CLAUSE 5

THAT clause 5 of the Bill be deleted and substituted with the following new clause—

Powers
of the
Board

5. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to-

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Board;
- (c) receive gifts, grants, donations or endowments made to the Board and make disbursement therefrom in accordance with the provisions of this Act;
- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board’s funds not immediately required for the purposes of this Act, as it may determine; and
- (e) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made.

(2) The Board may, if it considers it necessary, create or take part in the creation of, become a member of, or associated with a body or corporation designed to assist or promote the tea industry.

CLAUSE 6

THAT clause 6 of the Bill be deleted and substituted with the following new clause—

Powers
of the
Board

6.(1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to-

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Board;
- (c) receive gifts, grants, donations or endowments made to the Board and make disbursement therefrom in accordance with the provisions of this Act;
- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board's funds not immediately required for the purposes of this Act, as it may determine; and
- (e) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made.

(2) The Board may, if it considers it necessary, create or take part in the creation of, become a member of, or associated with a body or corporation designed to assist or promote the tea industry.

CLAUSE 7

THAT Clause 7 of the Bill be deleted and substituted with the following new clause—

Membership
of Board.

7. (1) The management of the Board shall vest in a Board Directors consisting of-

- (a) a chairperson appointed by the President by notice in the *Gazette*;
- (b) the Principal Secretary responsible for agriculture or a representative nominated by the Principal Secretary in writing;

- (c) the Principal Secretary for the time being responsible for trade or a representative nominated by the Principal Secretary in writing;
- (d) two persons of either gender, nominated by the Council of County Governors;
- (e) four persons, two of the opposite gender, representing small-holder tea growers tea from the east and west of the tea growing areas;
- (f) one person representing plantation tea growers;
- (g) one person representing tea traders;
- (h) a chief executive officer appointed in accordance with section 13 who shall be an *ex-officio* member of the Board.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (e), (f) and (g) by notice in the *Gazette*.

(3) A person shall not be appointed to be a chairperson of the Board of Directors unless that person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has relevant experience in the tea sector.

CLAUSE 8

THAT clause 8 of the Bill be deleted and substituted with the following new clause—

Term of appointment. **8.** The persons appointed under section 7 (1) (a), (d), (e), (f), and (g) shall serve for a term of three years renewable for one further term.

CLAUSE 9

THAT clause 9 of the Bill be deleted and substituted with the following new clause—

Vacation of office. **9.** A person shall cease to be a member of the Board of Directors if such person-
 (a) is absent from three consecutive meetings of the Board without the permission of the chairperson;

- (b) becomes an officer, agent or member of staff of the Board;
- (c) resigns in writing, addressed, in the case of the chairperson to the President and in the case of any other member, to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (e) is declared bankrupt;
- (f) is unable to perform the functions of his office by reason of mental or physical infirmity; or
- (g) dies.

CLAUSE 10

THAT clause 10 of the Bill be deleted and substituted with the following new clause—

Functions of the Board.

- 10.** (1) The Board shall –
- (a) regulate and promote the development of the tea industry;
 - (b) co-ordinate the activities of individuals and organizations within the tea industry; and
 - (c) facilitate equitable access to the resources, facilities and benefits of the tea industry by all interested parties.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) make recommendations to the Cabinet Secretary for the formulation of policies, plans and strategies for the regulation of the tea sector;
- (b) in consultation with the relevant county governments-
 - (i) register and regulate the operations of tea growers and processors;

- (ii) register commercial tea nurseries and green leaf transporters;
- (iii) license tea dealers and processors;
- (iv) license managing factories and their agents; and
- (v) license tea brokers.
- (c) provide advisory services on tea production and quality enhancement;
- (d) collect and analyze statistics related to, and maintain a database for the tea industry; and
- (e) co-ordinate the prioritization of-
 - (i) research; and
 - (ii) ensure the efficient utilization of available funds.

CLAUSE 11

THAT clause 11 of the of the Bill be deleted and substituted with the following new clause—

Committees of the Board. **11.** (1) The Board of Directors may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

(2) The Board of Directors may co-opt to sit in the committees established under subsection (1), such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

CLAUSE 12

THAT clause 12 of the Bill be deleted and substituted with the following new clause—

Delegation by the Board. **12.** The Board of Directors may, by resolution, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Board under this Act or under any other written law.

CLAUSE 13

THAT clause 13 of the Bill be deleted and substituted with the following new clause—

Remuneration of members of the board. **13.** The Board of Directors shall be paid such remuneration or allowance as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission determine.

CLAUSE 14

THAT clause 14 of the Bill be deleted and substituted with the following new clause—

Chief executive officer. **14.** (1) The chief executive officer shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

(2) The chief executive officer shall be responsible for the day to day management of the affairs of the Board.

(3) A person is not qualified for appointment under subsection (1) unless the person-

- (a) holds a relevant degree from a university recognized in Kenya; and
- (b) has at least five years experience in a position of management.

(4) The chief executive officer shall serve for a term of three years and is eligible for appointment for a further one term of three years upon satisfactory performance.

CLAUSE 15

THAT clause 15 of the Bill be deleted and substituted with the following new clause—

- Vacancy **15.** The chief executive officer shall cease to hold office if the person—
- (a) resigns in writing, addressed to the Board of Directors;
 - (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
 - (c) is found liable for gross misconduct or abuse of office in contravention of the Public Officers Ethics Act or any other relevant law;
 - (d) is declared bankrupt;
 - (e) is unable to perform the functions of his office by reason of mental or physical infirmity; or
 - (f) dies.

CLAUSE 16

THAT clause 16 of the Bill be deleted and substituted with the following new clause—

- Corporation Secretary **16.** (1) There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board of Directors.
- (2) The terms and conditions of service of the corporation secretary shall be determined by the Board in the instrument of appointment upon the advice of the Salaries and Remuneration Commission.
- (3) A person is qualified for appointment under subsection (1) if that person—
- (a) holds a degree from a recognised university;
 - (b) is registered under the Certified Public Secretaries of Kenya Act;
 - (c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;
 - (d) has at least seven years’ experience in a similar position; and
 - (e) satisfies the requirements of chapter six of the Constitution.

- (4) The Corporation Secretary shall be the secretary to the Board and shall —
- (a) provide guidance to the Board of Directors on their duties and responsibilities and on matters of governance;
 - (b) ensure timely preparation and circulation of Board and Committee papers and minutes;
 - (c) maintain and update the register of conflicts of interest;
 - (d) facilitate effective communication between the organisation and the shareholders; and
 - (e) ensure that the annual returns and any other statutory documents required to be filed are promptly filed with the relevant authorities.

NEW CLAUSES

The Bill is amended by inserting the following new clauses immediately after clause 16—

Staff of the Board.

16A. The Board may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act and upon such terms and conditions of service as the Board may determine.

Common seal of the Board.

16B. The affixing of the common seal of the Board shall be authenticated by the signature of the chairperson and the chief executive officer or a person designated by the board.

Signing Authority.

16C. All letters and instruments written or made by or on behalf of the Board of Directors, other than those required by law to be under seal, and all decisions of the Board of Directors, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Board.

Conduct of business of the Board.

16D. The business and affairs of the Board of Directors shall be conducted in accordance with the Schedule.

...../Amendments

Role of national and county governments

16E. (1) Each county government shall implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for—

- (a) the development of tea grown within the county;
- (b) disease control;
- (c) markets;
- (d) cooperative societies within the county;
- (e) soil and water conservation.

(2) In order to achieve the objects and purposes of this Act, the national and county governments shall provide an enabling environment for the development of the tea sector.

CLAUSE 17

THAT clause 17 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (c) –

- (d) such other information as the Board may be prescribed.

CLAUSE 18

THAT clause 18 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Authority” appearing at the end of the sub-clause and substituting therefor the word “Board”;
- (b) inserting the following new sub-clause immediately after sub-clause (1)-
 - (1A) Subsection (1) shall not apply to the export, import or marketing of any tea consisting of a sample or parcel not exceeding ten kilograms or tea processed for consumption on ships, aeroplanes or any other international carrier.
- (c) in subclause (3) by deleting the word “Authority” appearing immediately after the word “the” and substituting therefor the word “Board”.

CLAUSE 19

THAT the Bill be amended by deleting clause 19 and substituting therefor the following new clause—

Form of licence. **19.** A licence issued under this Act shall be in a form prescribed by the Board, and shall be renewable upon the expiry of three years.

CLAUSE 20

THAT the Bill be amended by deleting clause 20 and substituting therefor the following new clause—

Dissemination of market information. **20.** The Board shall carry out market research and analysis and disseminate information on its findings to all stakeholders.

CLAUSE 21

THAT the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Funds of the Board. **21.** The funds and assets of the Board shall consist of-

- (a) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) such monies as may be payable to the Board pursuant to this Act or any other written law;
- (c) such gifts as may be donated to the Board; and
- (d) monies from any other source granted, donated or lent to the Board

CLAUSE 22

THAT clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Authority” appearing immediately after the words “expenditure of the” and substituting therefor the word “Board”; and
- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “expenditure of the” and substituting therefor the word “Board”;

CLAUSE 23

THAT clause 23 of the Bill be amended –

- (a) in sub-clause (1) by-
 - (i) deleting the word “Authority” appearing immediately after the word “The” in the introductory clause and substituting therefor the word “Board”;
 - (ii) deleting the word “Authority” appearing immediately after the words “liabilities of the” in paragraph (a) and substituting therefor the word “Board”;

- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “accounts of the” and substituting therefor the word “Board”;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause-
 - (3) The Board shall submit to the Auditor-General all books and accounts of the Board, together with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Board such information and explanation as he may consider necessary for the performance of his duties.
- (d) by deleting sub-clause (4)

CLAUSE 24

THAT the Bill be amended by deleting clause 24 and substituting therefor the following new clause—

Annual Report and publication.

24. (1) The Board shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet Secretary may approve, submit to the Cabinet Secretary a report of the operations of the Board during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General’s report .

(2) The Board shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such manner as the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to Parliament the reports, balance sheet and statements submitted under subsection (1), within a period of fourteen days of the receipt of the reports and statements or, if Parliament is not sitting, within fourteen days of the commencement of its next sitting.

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “year of the” and substituting therefor the word “Board”.

CLAUSE 26

THAT clause 26 of the Bill be amended-

- (a) in sub-clause (1) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the word “Board”; and
- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “decision of the” and substituting therefor the word “Board”.

CLAUSE 27

THAT clause 27 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “attach to the” and substituting therefor the word “Board”.

CLAUSE 29

THAT clause 29 of the Bill be amended in sub-clause (1) by deleting the word “Authority” appearing immediately after the words “consultation with the” in the introductory clause and substituting therefor the word “Board”.

CLAUSE 31

THAT clause 31 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “contracts of the” and substituting therefor the word “Board”.

CLAUSE 32

THAT clause 32 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “or against the” and substituting therefor the word “Board”.

CLAUSE 33

THAT clause 33 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “reference to the” and substituting therefor the word “Board”.

NEW CLAUSE 34A

THAT the Bill be amended by inserting the following new clause immediately after clause 34-

Staff. **34A.** Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the tea sector shall, on the appointed day, become a member of staff of the Board on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.

SCHEDULE

THAT the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule-

SCHEDULE

s.16D

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings of the Board.

1. (1) The Board of Directors shall meet at least once in every three months to conduct the business of the Board

(2). The Chairperson shall convene the ordinary meetings of the Board of Directors at the premises of the Board.

(3) Despite the provisions of sub-paragraph (1), the Chairperson shall, upon a written request by at least five members of the Board, convene a special meeting of the Board of Directors at any time where he considers it expedient for the transaction of the business of the Board.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting of the Board of Directors shall be given to every member of the Board by the Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The Chairperson shall preside at every meeting of the Board at which he is present and in his absence, the members of the Board present shall elect one person from their number to preside over the meeting of the Board of Directors and he shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board of Directors shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board of Directors shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board of Directors may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings thereof.

...../Amendments

Disclosure of interest.

2. (1) If a member of the Board of Directors is directly or indirectly interested in any contract, proposed contract or other matter before the Board of Directors and is present at a meeting of the Board of Directors at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his interest in the matter and shall not take part in the deliberations over, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of Board of Directors by any person generally or specially authorized by the Board of Directors for that purpose.

CLAUSE 2

THAT clause 2 of the Bill be amended by –

- (a) deleting the definition of the word “Authority”;
- (b) deleting the definition of the word “Board” and substituting therefore the following new definition-

“Board” means the Tea Board of Kenya established by section 3;

- (c) inserting the definitions of the following words in their proper alphabetical order-

“broker” means a person who negotiates the purchase or sale of tea between tea growers and buyers;

“managing factory” means a factory appointed to process green leaf into made tea;

(ii) **NOTICE** is given that Sen. Irungu Kang’ata intends to move the following amendment to the Tea Bill, Senate Bills No. 36 of 2018, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the word “Kericho” appearing immediately after the words “shall be in” and substituting therefor the words “Nairobi City”.

APPENDIX

1. PETITION

Petition to the Senate by Residents of West Pokot County concerning absence of the Deputy Governor of West Pokot County.

(Sen. Samson Cherarkey, MP)

2. PAPER

Report of the Auditor-General on the Financial Statements of Kiambu County Youth, Women and People with Disability Fund for the Year ended 30th June 2018.

(The Senate Majority Leader)

3. NOTICE OF MOTION- SITTINGS OF THE SENATE OUTSIDE PARLIAMENT BUILDINGS, NAIROBI

(The Senate Majority Leader)

AWARE that the Senate of Kenya as established in the Constitution plays a critical role in the linkage of the devolved governments and the national government by representing and serving the interests of the counties and their governments;

FURTHER AWARE that on 21st June 2018, the Senate resolved to hold plenary and Committee sittings in Uasin Gishu County from 24th to 28th September, 2018, and further resolved that similar sittings be held in all regions of the country during the term of the current Parliament;

NOTING that the Senate held its first plenary and Committee sittings away from Nairobi in Uasin Gishu county from 24th – 28th September, 2018 providing an opportunity for several sectors of society to directly engage with the legislative arm of government through public participation on various issues, as well as participate in oversight through inspection of various projects and programs of national and county governments;

COGNIZANT that holding the plenary and Committee sittings of the Senate away from the traditional premises at the Parliament Buildings in Nairobi has great potential to, among others –

- (i) enhance the interaction between the Senate and county governments;
- (ii) bring the Senate closer to the counties and the general public;
- (iii) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- (iv) promote the role and work of the Senate;
- (v) highlight existing opportunities for people to get involved in the work of the Senate;
- (vi) develop and strengthen capacity and partnerships at the county level;
and
- (vii) enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate, the Senate resolves that its plenary and committee sittings be held in Kitui County from 16th to 20th September, 2019.

4. STATEMENTS

(i) Pursuant to Standing Order 47(1)

The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement regarding the planned change of education curriculum.

(ii) Pursuant to Standing Order 48(1)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning cases of police brutality against civilians.

(iii) Pursuant to Standing Order 52(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 11th June, 2019.
