



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, DECEMBER 04, 2019 AT 2.30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - EXERCISE BY THE DEPUTY COUNTY GOVERNORS OF THE POWERS AND FUNCTIONS VESTED IN THE OFFICE OF THE COUNTY GOVERNOR IN THE ABSENCE OF THE SUBSTANTIVE HOLDER OF THE OFFICE**
(Sen. Ledama Olekina, MP)

THAT, COGNIZANT THAT, Article 179(4) of the Constitution designates the County Governor and the Deputy County Governor as the chief executive and deputy chief executive of the County, respectively;

FURTHER COGNIZANT THAT, pursuant to Article 180(6) of the Constitution, a County Governor and Deputy County Governor are elected on a joint ticket, with Article 179(5) providing that, whenever the County Governor is absent, the Deputy County Governor shall act as the County Governor;

AWARE THAT, in several Counties, Deputy County Governors have had to serve as County Governors due to the absence of the substantive County Governors, arising from ill health, incapacity or orders emanating from the Courts barring the substantive Governor from accessing office;

ACKNOWLEDGING THAT, section 32(4) of the County Governments Act places limitations on the exercise, by the Deputy County Governor while acting as Governor, of the powers to nominate, appoint or dismiss that are assigned to the Governor under the Constitution or other written law;

...../Motion

NOTING THAT, other than the said limitations under section 32(4) of the County Governments Act, no other restraints are placed in law on the exercise, by the Deputy County Governor, of the powers and functions of the Governor whenever the Governor is absent;

AWARE THAT, in exercising the powers and functions of County Governor pursuant to Article 179(5) of the Constitution, Deputy County Governors face a myriad of legal, operational and administrative challenges, which hinder the effective functioning of county governments and the efficient delivery of services to the public;

NOW THEREFORE, the Senate directs that the National Treasury, the Controller of Budget, the Auditor General, and the respective County Assemblies and County Executive Committee Members, to work directly with the Deputy County Governor, while exercising the functions of County Governor, in order to facilitate the effective functioning of county governments and the efficient delivery of services to the public.

***(Resumption of debate interrupted on Thursday, 14th November, 2019)
(Question to be Put)***

9. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

***(Resumption of debate interrupted on Wednesday, 6th November, 2019)
(Division)***

10. **MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014), laid on the Table of the Senate on Thursday, 21st November, 2019.

***(Resumption of debate interrupted on Tuesday, 26th November, 2019)
(Division)***

11. ***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**
(Sen. Beatrice Kwamboka, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 13th November, 2019)
(Division)

12. ***THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 19 OF 2019)**
(Sen. (Arch.) Sylvia Kasanga, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 19th November, 2019)
(Division)

13. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 26th November, 2019)
(Division)

14. ***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 17 OF 2019)**
(Sen. Mercy Chebeni, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 26th November, 2019)
(Division)

15. ***THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**
(Sen. (Dr.) Isaac Mwaura, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 3rd December, 2019)
(Division)

16. **COMMITTEE OF THE WHOLE**
***THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**
(Sen. Ledama Olekina, MP)

17. **COMMITTEE OF THE WHOLE**
***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**
(Sen. Mary Seneta, MP)

18. **COMMITTEE OF THE WHOLE**
***THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**
(Sen. (Dr.) Abdullahi Ali, MP)

19. **COMMITTEE OF THE WHOLE*******THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

20. **COMMITTEE OF THE WHOLE*****THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

(Sen. (Dr.) Agnes Zani, MP)

21. **COMMITTEE OF THE WHOLE******THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

22. **COMMITTEE OF THE WHOLE*****THE ESTABLISHMENT OF CHILDREN'S HOMES BILL (SENATE BILLS NO. 12 OF 2019)**

(Sen. (Dr.) Agnes Zani, MP)

23. *****THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**

(The Senate Majority Leader)

*(Second Reading)****(Resumption of debate interrupted on Tuesday, 3rd December, 2019)***24. *****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)**

(The Senate Majority Leader)

*(Second Reading)*25. ***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**

(Sen. Ephraim Maina, MP)

*(Second Reading)*26. **MOTION - FREE ADMINISTRATION OF THE SNAKE BITES ANTI-VENOM IN PUBLIC HEALTH FACILITIES**

(Sen. Beatrice Kwamboka, MP)

THAT, AWARE THAT, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

FURTHER AWARE THAT, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

CONCERNED THAT, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

...../Motion

FURTHER CONCERNED THAT, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snake bites including the high cost of acquiring and storing the anti-venom;

RECOGNIZING THAT, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snake bite;

NOTING THAT, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

27. **MOTION - REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO PROJECTS UNDERTAKEN BY THE KENYA MARITIME AUTHORITY, KENYA FERRY SERVICES AND THE NATIONAL SOCIAL SECURITY FUND**

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21st November, 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

NOTICE OF AMENDMENTS

A. *THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)

(Sen. Ledama Olekina, MP)

- (i) **NOTICE** is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2018, at the Committee Stage—

CLAUSE 2

Amendment of section 2 of Act No. 8 of 2015 **THAT** the Bill be amended by deleting clause 2 and substituting the following new clause—

Section 2 of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015, hereinafter referred to as the “principal Act”, is amended by—

- (a) inserting the following new definition immediately after the definition of the term “entitled person”—

“pensionable emoluments” means basic salary excluding housing, transport and any other allowances or fluctuating emoluments;

- (b) deleting the definition of the term “retired vice president” and substituting therefor the following new definition—

“retired Vice-President” means a person who, having held the office of the Vice President at any time after 1st January, 1993, has ceased to hold office as such in the manner specified in the Constitution;

CLAUSE 7

THAT clause 7 of the Bill be amended by—

- (a) renumbering the proposed new section 10 as subsection (1); and
- (b) inserting the following new subsection immediately after subsection (1)—

(2) Where an entitled person has no surviving spouse or an eligible child the benefits payable shall form part of the estate of the deceased for administration.

CLAUSE 8

THAT the Bill be amended by deleting clause 8.

...../Amendments

CLAUSE 9

THAT the Bill be amended by deleting clause 9.

CLAUSE 10

THAT the Bill be amended by deleting clause 10.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 7—

Amendment of **7A**. The First Schedule of the principal Act is amended in First Schedule paragraph (h) by deleting the word “two” appearing at the of Act No. 8 of beginning of the paragraph.
2015

- (ii) **NOTICE** is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Act, Senate Bills No. 2 of 2018, at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new paragraphs after paragraph (a)-

(aa) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(ab) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

THAT the Bill be amended by introducing the following new clauses after clause 5

CLAUSE 5A

THAT section 5A of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

CLAUSE 5B

THAT section 5B of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

CLAUSE 5C

THAT section 6 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

CLAUSE 5D

THAT section 7 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

B. *THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)
 (Sen. Mary Seneta, MP)

NOTICE is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbito intends to move the following amendments to the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38 of 2018) at the Committee Stage –

CLAUSE 4

THAT the Bill be amended by deleting clause 4 of the Bill and substituting therefor the following new clause—

Amendment **4.** Section 4 of the Principal Act is amended by deleting of section 4 subsection (2) and substituting therefor the following new of No. 20 of subsection—
 2013.

(2) The Cabinet Secretary may assist the Authority to determine the requirement of drugs and medical supplies in National Referral hospitals.

(2A) The County Government may assist the Authority to determine the requirement of drugs and medical supplies in the respective county health facilities.

...../Amendments

NEW CLAUSE

THAT the Bill be amended by inserting the following new clauses immediately after clause 5 –

Insertion of section 6A in No. 20 of 2013 **5A.** The principal Act is amended by inserting the following new section immediately after section 6—

Headquarters **6A.** The headquarters of the Authority shall be in the capital city, but the Authority may establish such branches as it may consider necessary.

Amendment of section 8 of No. 20 of 2013 **5B.** Section 8 of the principal Act is amended—
(a) in subsection (2) by deleting the words “or medicine” appearing at the end of paragraph (a) and substituting therefor the words “medicine, business management, finance, supply chain management, or any other related field from a recognized university”;
(b) in subsection (3) by deleting paragraph (b);
(c) in subsection (4) by inserting the words “upon satisfactory performance” immediately after the words “four years and”

Insertion of section 9A in No. 20 of 2013 **5C.** The principal Act is amended by inserting the following new section immediately after section 9—

Corporation Secretary **9A.** (1) There shall be a corporation secretary of the Authority who shall be competitively recruited and appointed by the Board.

(2) The terms and conditions of service of the corporation secretary shall be determined in the instrument of appointment by the Board upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if the person—

(a) holds a degree from a recognised university;

...../Amendments

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- (b) is registered as a Certified Public Secretary 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 senior management administration; 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 on their duties and responsibilities and on matters of governance;
 - (b) be the custodian of the seal of the organisation and account to the Board for its use;
 - (c) ensure timely preparation and circulation of Board and Committee papers and minutes;
 - (d) maintain and update the register of conflicts of interest;
 - (e) facilitate effective communication between the organisation and the shareholders; and
 - (f) ensure that the annual returns and statutory documents required to be filed under any other law are promptly filed with the relevant authorities.

...../Amendments

Amendment of section 13 of No. 20 of 2013 **5D.** Section 13 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of both the chief executive officer and the corporation secretary.

C. *THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)

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

NOTICE is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbito intends to move the following amendments to the Cancer Prevention and Control (Amendment) Bill (Senate Bills No. 9 of 2019) at the Committee Stage —

CLAUSE 3

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

Amendment of section 5 of No. 20 of 2013.

3. Section 5 of the principal Act is amended —

(a) by deleting paragraph (a) and inserting therefor the following new paragraphs—

(a) advise the Cabinet Secretary and county governments on matters relating to the prevention of disease, promotion of healthy living, control, treatment, referral and care of persons with cancer and to advise on the relative priorities to be given to the implementation of specific measures including detection, diagnosis and referral of children suspected to have cancer, genetic and hormonal therapies for cancer;

(aa) advice the Cabinet Secretary and Parliament on the resources required to finance and conduct cancer research;

(b) in paragraph (c) by inserting the word “screening” immediately after the words “secure provision of”;

- (c) in paragraph (d) by deleting the words “in Kenya” appearing immediately after the words “services provided” and substituting therefor the words “by the national government”;
- (d) by inserting the following new paragraph immediately after paragraph (d) –
 - (da) collaborate with counties for the purpose of establishing facilities, delivery of services, collection and analysis of data;
 - (db) collaborate with counties in all matters related to the promotion of healthy living, prevention, diagnostic, treatment and control of cancer.
- (e) in paragraph (e) by deleting the words “of cancer” and substituting therefor the words “referral of cancer patients and promotion of health”;
- (f) in paragraph (f) by inserting the words “other government agencies” immediately after the words “collaborate with”;
- (g) by inserting the following new paragraph immediately after paragraph (f)—
 - (fa) collaborate with other national government agencies, universities, research institutions and international research institutions for cancer research;
- (h) by inserting the following new paragraph immediately after paragraph (k)—
 - (ka) develop programmes for early detection, diagnosis and referral of children suspected to have cancer;
 - (kb) provide the policy framework necessary to ensure public private partnership in childhood cancer care;

CLAUSE 4

THAT clause 4 of the Bill be amended—

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) deleting paragraph (j); and
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—

...../Amendments

- (c) inserting the following new paragraphs immediately after (i)—
 - (ja) two County Directors of Health nominated by the Council of County Governors;
 - (jb) one person representing the umbrella body of clinical pathologists in Kenya nominated by the Cabinet Secretary;

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in the proposed new section 22A subsection (1) —
 - (i) by inserting the word “diagnosis” immediately after the words “equipment for the prevention” appearing in paragraph (b);
 - (ii) by inserting the following new paragraph immediately after paragraph (d)—
 - (da) put in place measures to improve the training and skills of health workers working in the community health unit, to ensure prompt detection and referral of persons suspected to have cancer;
 - (iii) by deleting paragraph (g) (ii) and substituting therefor the following new sub-paragraph—
 - (ii) palliative care facilities and facilities for the accommodation for persons receiving cancer treatment;
 - (iv) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) ensure that issues concerning cancer prevention, diagnosis and treatment are incorporated into the county development programmes and strategies and allocate the resources required for treatment and control of cancer;
- (b) in the proposed new section 22C—
 - (i) by inserting the word “diagnosis” immediately after the words “responsible for the prevention” appearing in subsection (1);
 - (ii) by deleting subsection (2) (b) and substituting therefor the following new paragraph—
 - (b) provide cancer screening and diagnostic services supervised by a pathologist;

D. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

NOTICE is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the County Hall of Fame Bill, 2018 at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

...../Amendments

(c) provide a framework for the establishment of monuments for honouring persons who have made significant contributions to the county.

CLAUSE 6

THAT clause 6 of the Bill be amended by —

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

(d) two members of the public with experience in public affairs who shall be of the opposite gender, appointed by the County Public Service Board.

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

- (e) one person with disability representing persons with disability;
- (f) one person with knowledge and experience in matters relating to law;
- (g) one youth representing the youth; and
- (h) one older member of the society representing older members of the society.

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting the word “two” appearing immediately before the word “times” and substituting therefor the word “three”.

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (1) (d) by inserting the words “or country” at the end of the paragraph.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (1) by deleting the words “A resident within a county” appearing immediately before the words “may submit” and substituting therefor the words “A person”.

CLAUSE 14

THAT clause 14 of the Bill be amended by inserting the words “county *gazette*” immediately before the words “such media and platforms”.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

(c) monuments erected in honour of the county heroes.

E. **THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL, (SENATE BILLS NO. 10 OF 2019)

(Chairperson, Standing Committee on Trade, Tourism and Industrialization)

NOTICE is given that Sen. Reubenson Kibiru, Chairperson, Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Street Vendors (Protection of Livelihood) Bill, Senate Bills No. 10 of 2019, at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be amended-

- (a) by deleting the definition of the words “informal trader”;
- (b) by deleting the definition of the word “market”;
- (c) by inserting the following new definitions in the correct alphabetical sequence-

“market” means an area designated by the county government under the respective county legislation for the sale and purchase of goods and services;

“street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built-up structure, and includes a hawker, peddler and all synonymous terms of the word;

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) paragraph (e) by deleting the words “within major infrastructure areas in the country” appearing immediately after the words “street vending zones”.

CLAUSE 8

THAT clause 8 of the Bill be amended-

- (a) by inserting the following new subclause immediately after subclause (1)-
 - (1A) For purposes of subsection (1), the county executive committee member shall take into consideration the commercial viability of an area proposed to be designated as a street vending zone.
- (b) in subclause (6) by inserting the words “and is be liable, on conviction, to a term of imprisonment not exceeding six months and a fine not exceeding ten thousand shillings, or to such fine and imprisonment” immediately after the words “commits an offence”.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (1) by inserting the word “as may be determined by the county executive member” immediately after the words “adjacent areas”.

CLAUSE 23

THAT clause 23 of the Bill be amended-

(a) in subclause (2) by inserting the following new paragraph immediately after paragraph (a)-

(aa) the approximate value of the goods;

(ab) the reasons for confiscation

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

(2a) Notwithstanding the provisions of subsection (1), an authorized officer may confiscate goods where-

(i) one carries out street vending without a licence;

(ii) breaches a condition of a licence issued under this Act or county legislation;

(iii) carries out vending activities in a no-vending zone; or

(iv) carries out vending activities in a manner contrary to any conditions imposed for vending in a restricted vending zone.

(2b) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year and a fine not exceeding two hundred thousand shillings, or to such fine and imprisonment.

CLAUSE 24

THAT clause 24 of the Bill be deleted and substituted therefor with the following new clause-

Protection from harassment 24. (1) An officer of the national or respective county government shall not harass a street vendor in the course of conducting their vending activity.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction, to a term of imprisonment not exceeding one year and a fine not exceeding two hundred thousand shillings, or to such fine and imprisonment.

CLAUSE 28

THAT clause 28 of the Bill be amended in subsection (2) by deleting paragraph (c).

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 28-

General
penalty.

28A. A person who contravenes the provisions of this Act is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to such fine and imprisonment.

APPENDIX

1. PETITION

Report of the Standing Committee on Roads and Transportation on its consideration of the Petition to the Senate on delayed compensation by National Land Commission to land owners affected by the construction of Eldoret town Bypass Road Project in Uasin Gishu County.

(Chairperson, Standing Committee on Roads and Transportation)

2. PAPERS

- (i) Report of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP).
- (ii) Report of the Standing Committee on Roads and Transportation on the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County.

(Chairperson, Standing Committee on Roads and Transportation)

3. NOTICE OF MOTION – REPORTS OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the reports of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP) and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County laid on the Table of the Senate on Wednesday, 4th December, 2019.

4. STATEMENT PURSUANT TO STANDING ORDER 48(1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads and Transportation on stalled roads projects in Nandi County.
