



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

TUESDAY, DECEMBER 03, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

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

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

(The Leader of the Majority Party)

THAT, notwithstanding the provisions of Standing Order 120, this House **resolves** to reduce the publication period of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 81 of 2019) from 7 days to 1 day.

9* . THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL (NATIONAL BILL NO. 81 OF 2019)

(The Chairperson, Budget and Appropriations Committee)

First Reading

10* . MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2019)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Competition (Amendment) Bill (National Assembly Bill No. 49 of 2019).

(Question to be put and Third Reading)

- 11*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2019)
(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Insurance (Amendment) Bill (National Assembly Bill No. 50 of 2019).

(Question to be put and Third Reading)

- 12*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)
(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2019) and seek leave to sit again, today.

(Question to be put)

- 13*. MOTION - ANNULMENT OF THE LAND REGISTRATION (ELECTRONIC LAND TRANSACTIONS) REGULATIONS, 2019
(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Land Registration (Electronic Land Transactions) Regulations, 2019 (*Legal Notice No. 101 of 2019*), laid on the Table of the House on Wednesday, November 13, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls in entirety** the said Regulations.

(Mover to reply)

- 14*. MOTION - REPORT ON EXTENSION OF TIME LIMIT FOR SUBMISSION AND PUBLISHING OF THE FINANCIAL REPORTS OF THE CENTRAL BANK OF KENYA
(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Report of the Public Investments Committee on the Extension of Time Limit for submission and publishing of the Financial Reports of the Central Bank of Kenya, laid on the Table of the House on Wednesday, November 20, 2019, and pursuant to the provisions of section 90 of the Public Finance Management Act, 2012, **approves** the extension of time limit for submission and publishing of the Financial Reports of the Central Bank of Kenya for the Financial Year 2018/19.

...../14*(cont'd)

Amendment proposed-

THAT, the motion be amended by inserting the following words after the expression "2018/2019"

"for a period not exceeding six (6) months pursuant to provisions of sections 54 and 55 of the Central Bank of Kenya Act (Cap 491, Laws of Kenya)".

(Question on the amendment to be put)

(Resumption of debate interrupted on Wednesday, November 27, 2019 – Afternoon sitting)

15*. THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL (NATIONAL BILL NO. 81 OF 2019)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

16*. COMMITTEE OF THE WHOLE HOUSE

The Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2019)

(The Leader of the Majority Party)

(To commence from Clause 85)

17*. MOTION - REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA (MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Central Bank of Kenya (Mortgage Refinance Companies) Regulations, 2019 (*Legal Notice No. 134 of 2019*) laid on the Table of the House on Thursday, November 21, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls Regulation 26(2) and Regulation 42** of the said Regulations.

18*. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

19*. **MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR**

(The Chairperson, Committee on Implementation)

THAT, taking into consideration the findings of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6th June, 2019 regarding the conditional Approval of Ms. Mwende Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on November 27, 2019*, which takes cognizance of the determination of the High Court of Kenya of 14th November, 2019, (*Nairobi Constitutional Petition No. 367 of 2019*) particularly paragraphs 104 and 105 that, while Ms. Mwende Mwinzi **cannot be coerced** to renounce her citizenship of the United States of America (USA), a person holding dual citizenship **ought not** be an ambassador unless the person renounces the citizenship of the foreign state as *dual citizenship may jeopardize the national interest of the Republic of Kenya against the interest of the foreign state*; this House **REJECTS** the appointment of Ms. Mwende Mwinzi as an Ambassador.

20*. **MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**

(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, *laid on the Table of the House on Wednesday, November 27, 2019*.

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

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2018)

1) Notice is given that the Chairperson of the Departmental Committee on Energy, intends to move the following amendment to the Nuclear Regulatory Bill, 2018, at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) by deleting the definition of “activities” and substituting therefor the following new definition—

““activity” means the production, use, import and export of radiation sources for industrial, research and medical purposes; the transportation of radioactive material; the siting, construction, commissioning, operation, and decommissioning of facilities; radioactive waste management activities and site remediation;”

(b) in the definition of “authorization” by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(c) in the definition of “Cabinet Secretary” by deleting the word “interior” appearing immediately after the words “relating to” and substituting therefor the word “internal”;

(d) by deleting the definition of “clearance levels” and substituting therefor the following new definition—

“clearance levels” means values established by the Authority and expressed in terms of radioactivity concentrations or total activity, at or below which sources of radiation may be released from regulatory control by the Authority;

(e) by deleting the definition of “Commission” and substituting therefor the following new definition in it proper alphabetical sequence—

“Authority” means the Kenya Nuclear Regulatory Authority established under section 5;”

- (f) in the definition of “consumer products” by deleting the word “ionizing” appearing immediately after the word “generates”;
- (g) in the definition of “Director General” by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;
- (h) in the definition of “exemption” by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;
- (i) by deleting the definition of “facilities” and substituting therefor the following new definition—
- “facility” means—
- (a) a nuclear facilities or any other location that an authorized person has control over;
 - (b) a radiation source facility;
 - (c) a radioactive waste management facility and any other premises where radioactive material is produced, processed, used, handled, stored or disposed of, on such a scale that consideration of protection of safety is required;
 - (d) a reactor, critical facility, conversion plant, fabrication plant, a reprocessing plant, isotope separation plant or a separate storage installation; or
 - (e) any location where nuclear materials in amount greater than one effective kilogram is customarily used;”
- (j) in the definition of “inspection” by deleting the word “Commission” appearing immediately after the words “by the” in paragraph (b) and substituting therefor the word “Authority”;
- (k) by deleting the definition of “non-iodizing radiation” and substituting therefor the following new definition—
- ““non-ionizing radiation” meansoptical radiation, radio frequency radiation, low-frequency electric and magnetic fields, ultrasonic radiation and any other radiation with similar biological effects;”
- (l) in the definition of “notification” by deleting the word “Commission” appearing immediately after the words “to the” and substituting therefor the word “Authority”;

- (m) in the definition of "radiation source" by inserting the word "not" immediately after the word "material";
- (n) in the definition of "radioactive material" by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";
- (o) in the definition of "radioactive waste" by deleting the word "activity" wherever it appears in paragraph (a) and substituting therefor the word "radioactivity";
- (p) in the definition of "source" by deleting the word "radiation" appearing immediately after the word "cause";
- (q) by inserting the following new definition in its proper alphabetical sequence—

“Board” means the Board of the Authority established under section 8;”

CLAUSE 3

THAT, clause 3(a) of the Bill be amended by deleting the word "ionizing" appearing immediately after the word "generating";

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word "iodizing" appearing immediately after the word "generating";
- (b) in sub-clause (2) by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 5

THAT, clause 5 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (b) in paragraph (c)(i) by deleting the word "sitting" appearing immediately before the word "design" and substituting therefor the word "siting"

CLAUSE 7

THAT, clause 7 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The management of the Authority shall be vested in a Board comprising—

- (a) a non-executive Chairperson who shall be appointed by the President;
- (b) the Principal Secretary of the Ministry responsible for internal security or his or her representative;
- (c) the Principal Secretary of the National Treasury or his or her representative;
- (d) the Principal Secretary of the Ministry responsible for energy or his or her representative;
- (e) the Principal Secretary of the Ministry responsible for education or his or her representative;
- (f) the Principal Secretary of the Ministry responsible for health or his or her representative;
- (g) the Principal Secretary of the Ministry responsible for defence or his or her representative;
- (h) the Attorney General or his or her representative;
- (i) three members appointed by the Cabinet Secretary by virtue of their knowledge and experience of not less than ten years in matters relating to engineering, law, radiation or nuclear related science, environmental or public safety, or finance; and
- (j) the Director General, who shall be an *ex-officio* member."

(b) in sub-clause (2) by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Board";

CLAUSE 9

THAT, clause 9 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) There shall be a Director General who shall be the chief executive officer of the Authority appointed by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time."

(b) in sub-clause (2)(a) by inserting the words "nuclear science" immediately after the words "physical science";

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) The Director General shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Authority.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause—

Staff of the
Authority.

10. The Board may appoint such professional and technical staff for the proper discharge of the functions of the Authority under this Act, on such terms and conditions of service as the Board may determine on the advice of the Salaries and Remuneration Commission.

CLAUSE 11

THAT, clause 11 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Board";

CLAUSE 12

THAT, the Bill be amended by deleting clause 12 and substituting therefor the following new clause—

Remuneration
of the Board.

12. The members of the Board shall be paid such remuneration, fees or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 14

THAT, clause 14 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "relieve the" and substituting therefor the word "Authority";

CLAUSE 15

THAT, clause 15 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be affixed to any instrument or document except as authorized by the Board."

(b) in sub-clause (2) by deleting the word "Commission" appearing immediately after the words "of the" and substituting therefor the word "Authority";

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

"(3) The common seal of the Authority, when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given."

CLAUSE 16

THAT, clause 16 of the Bill be amended—

(a) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

- (b) in sub-clause (1)(a) by deleting the word "Parliament" appearing immediately after the words "allocated by" and substituting therefor the words "the National Assembly";

CLAUSE 17

THAT, clause 17 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "of the" and substituting therefor the word "Authority";

CLAUSE 18

THAT, clause 18 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year."

- (b) in sub-clause (2) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

- (c) in sub-clause (3) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

"(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3)."

CLAUSE 19

THAT, Clause 19 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Board";

- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor- General the accounts of the Authority for that year together with—

(a) a statement of income and expenditure during the year; and

(b) a statement of the assets and liabilities of the Authority as on the last day of that year."

- (c) in sub-clause (3) by deleting the word "Commission" appearing immediately after the words "of the" and substituting therefor the word "Authority";

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 22

THAT, clause 22 of the Bill be amended—

- (a) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (b) in sub-clause (2)(b) by deleting the words "of individuals" appearing immediately after the word "measures";
- (c) in sub-clause (4) by deleting the expression "(5)" wherever it appears;

CLAUSE 23

THAT, clause 23 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 24

THAT, clause 24 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 27

THAT, clause 27 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 29

THAT, clause 29 of the Bill be amended in paragraph (b) by deleting the word "Commission" appearing immediately after the words "of the" and substituting therefor the word "Authority";

CLAUSE 30

THAT, clause 30 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 31

THAT, clause 31 of the Bill be amended—

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) in sub-clause (1) by deleting the expression “28’ and substituting therefor the expression “30”;

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “licensee” and substituting therefor the words “authorised person”;
- (b) in sub-clause (2)(a) by inserting the word “no” immediately after the words “be of”;

CLAUSE 33

THAT, clause 33 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”

CLAUSE 34

THAT, clause 34 of the Bill be amended

- (a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;
- (b) in sub-clause (4) by deleting the expression “(5)” appearing immediately after the word “five”;

CLAUSE 35

THAT, clause 35 of the Bill be amended—

- (a) in sub-clause (1)(a) by deleting the words “a referring medical practitioner” appearing immediately after the words “requested by” and substituting therefor the words “an appropriately qualified and registered clinician or medical practitioner within their respective care level”;
- (b) in sub-clause (3) by deleting the word “Commission” Appearing immediately after the words “to the” and substituting therefor the word “Authority”;

CLAUSE 36

THAT, clause 36 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

CLAUSE 37

THAT, clause 37 be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

CLAUSE 39

THAT, clause 39 be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "to the" and substituting therefor the word "Authority";

CLAUSE 41

THAT, clause 41 of the Bill be amended by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority"

CLAUSE 42

THAT, clause 42 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) The Authority shall develop requirements and guidelines to be met before the issuance of a mining or milling license in relation to uranium, thorium or other radioactive elements."

CLAUSE 43

THAT, clause 43 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 45

THAT, clause 45(2) of the Bill be amended in paragraph (d) by deleting the words "additional matters" and substituting therefor the words "particulars";

CLAUSE 46

THAT, clause 46 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 47

THAT. Clause 47 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

"(3) The Authority shall ensure the safe management of a reactor that is in extended shutdown."

CLAUSE 48

THAT, clause 48 of the Bill be amended—

(a) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

(b) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following paragraph—

"(b) require the applicant for an authorization to construct and operate a nuclear facility to—

(i) perform a baseline survey of the site, including radiological conditions, prior to construction; and

(ii) develop information prior to construction for comparison with the end state after decommissioning;";

CLAUSE 49

THAT, clause 49 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 50

THAT, clause 50 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 53

THAT, clause 53(a) of the Bill be amended by deleting the word "Parliament" appearing immediately after the words "appropriated by" and substituting therefor the words "the National Assembly";

CLAUSE 54

THAT, clause 54 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 57

THAT, clause 57 of the Bill be amended—

- (a) by deleting the word "Commission" appearing immediately after the words "The" and substituting therefor the word "Authority";
- (b) in paragraph (b) by deleting the words "the licensee" appearing immediately after the words "developed by" and substituting therefor the words "an authorised person";

CLAUSE 58

THAT, clause 58 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 59

THAT, clause 59 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words "that could give rise to a need for emergency intervention" appearing immediately after the word "source";
- (b) in sub-clause (3) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 60

THAT, clause 60 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 61

THAT, clause 61 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 62

THAT, clause 62 of the Bill be amended by inserting the words "and the Authority" immediately after the word "public";

CLAUSE 63

THAT, clause 63 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 67

THAT, clause 67 of the Bill be amended in sub-clause (1) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 69

THAT, Clause 69 of the Bill be amended in sub-clause (2) by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 70

THAT, clause 70 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 71

THAT, clause 71 of the Bill be amended paragraph (b) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 73

THAT, clause 73 of the Bill be amended in sub-clause (1) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 74

THAT, clause 74(2) of the Bill be amended in paragraph (d) by deleting the word "Commission" appearing immediately after the words "by the" and substituting therefor the word "Authority";

CLAUSE 75

THAT, clause 75 of the Bill be amended by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 76

THAT, clause 76 of the Bill be amended in by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1)Every authorized person shall submit a waste management plan to the Authority for approval prior to the grant of an authorization."

CLAUSE 77

THAT, clause 77 of the Bill be amended in sub-clause (1) by deleting the word "Commission" appearing immediately after the words "from the" and substituting therefor the word "Authority";

CLAUSE 78

THAT, clause 78 of the Bill be amended in sub-clause (2) by deleting the words "conditioning process" appearing immediately after the words "selecting a" and substituting therefor the words "method of processing radioactive waste";

CLAUSE 79

THAT, clause 79 of the Bill be amended—

- (a) by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";
- (b) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following paragraph—
" (b) the discharge is confirmed to be below the radioactivity clearance level prescribed by the Authority;"

CLAUSE 82

THAT, clause 82 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 84

THAT, clause 84 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 85

THAT, clause 85 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 86

THAT, clause 86 of the Bill be amended by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 87

THAT, clause 87 of the Bill be amended by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 88

THAT, clause 88 of the Bill be amended by deleting the word "Commission" appearing immediately after the words "to the" and substituting therefor the word "Authority";

CLAUSE 89

THAT, clause 89 of the Bill be amended in sub-clause (1) by deleting the word "Commission" appearing immediately after the word "The" and substituting therefor the word "Authority";

CLAUSE 90

THAT, clause 90 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 91

THAT, clause 91 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 93

THAT, clause 93 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 97

THAT, clause 97 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 98

THAT, clause 98 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 99

THAT, clause 99 of the Bill be amended in sub-clause (2) by—

(a) deleting paragraph (b);

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

"(d) members of the former Radiation Protection Board and the Chief Radiation Protection Officer shall continue to serve in the Authority in the corresponding positions as members of the Board and Director General respectively for their unexpired term."

CLAUSE 100

THAT, clause 100 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 101

THAT, clause 101 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

CLAUSE 102

THAT, clause 102 of the Bill be amended by deleting the word "Commission" wherever it appears and substituting therefor the word "Authority";

SCHEDULE

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

**PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE BOARD**

Tenure of office.

1. (1) The Chairperson or a member of the Board other than an *ex-officio* member shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term.

(2) The members of the Board shall be appointed at different times so that the respective expiry dates of the members' terms of office shall fall at different times.

Disqualification of members.

2. (1) No person shall be appointed or shall, as a member of the Board if such person is—

- (a) a member of Parliament or a county assembly; or
- (b) a person who holds any office or position, in a political party.

Vacation of office.

3. (1) A member of the Board other than an *ex-officio* member may—

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary on recommendation of the Board if the member—

- (i) has been absent from three consecutive meetings of the Board without its permission;
- (ii) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors;
- (iii) is convicted of a corruption or economic crime or other criminal offence involving dishonesty, fraud or moral turpitude or any other criminal offence under any law punishable with imprisonment that amounts to a felony under the Laws of Kenya;
- (iv) is of unsound mind or is incapacitated by prolonged physical or mental illness for a period exceeding six months; or

(c) is otherwise unable or unfit to discharge his functions.

(No.115) TUESDAY, DECEMBER 03, 2019 (2488)

Meetings.

4. (1) The Board shall meet at least once in every three months.

(2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every members of the Board.

(4) The Chairperson shall preside at every meeting of the Board and in his absence, the members present shall elect one of their number, from among the members appointed under section 8, to preside and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

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

(6) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members of the Board.

(7) Nothing in this paragraph shall prevent the Chairperson from authorizing a member of the Board to use live telephone conferencing or other appropriate communication or multimedia facilities to participate in any meeting of the Board where, prior to the meeting, the member, by notification to the Chairperson, has requested for such authorization.

Committees of
the Board.

5. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the Chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The Board may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subparagraph (1) shall be ratified by the Board.

Secretary to the
Board.

6. (1) The secretary to the Board shall be responsible to the Chief Executive Officer for—

- (a) arranging the business of the Board's meetings;
- (b) keeping records of the proceedings of the Board; and
- (c) performing such other duties as the Board may direct.

(2) The Commission may in the absence of the secretary appoint any member of the Board or staff of the Authority to temporarily perform the functions of the secretary under subparagraph (1).

Disclosure of interest.

7. (1) A member of the Board who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who wilfully contravenes subparagraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand shillings.

Contracts and instruments.

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

2) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Nuclear Regulatory Bill, 2018 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the word "interior security" and substituting therefor the word "nuclear and radiation safety"

CLAUSE 6

THAT, clause 6 of the Bill be amended-

- (a) in paragraph (c) by deleting the words "any other activities" appearing in sub paragraph (iii) and substituting therefor the words "such other activities as may, with the prior approval of the National Assembly, be prescribed";
- (b) in paragraph (h) by deleting the words "in the furtherance of the provisions of" and substituting therefor the words "as may be provided for in"

CLAUSE 100

THAT, clause 100 of the Bill be amended inserting the word “budget” immediately after the word “asset’

3) Notice is given that the Member for Gichugu (Hon. Gichimu Githinji) intends to move the following amendments to the Nuclear Regulatory Bill, 2018 at the Committee Stage—

CLAUSE 5

THAT, clause 5 be amended by—

- (a) deleting the expression “and lending money” appearing in sub-clause (2)(c);
- (b) deleting sub-clause (3).

CLAUSE 8

THAT, clause 8 be amended—

- (a) in sub-clause (1), by—
 - (i) deleting the word “Education” in paragraph (f) and substituting therefor the word “Environment”;
 - (ii) deleting paragraphs (h) and (j);
 - (iii) deleting the word “seven” in paragraph (k) and substituting therefor the word “three”;
- (b) by deleting sub-clause (2).

CLAUSE 9

THAT, clause 9 be amended by inserting the expression “and the secretary” immediately after the expression “chief executive officer”.

CLAUSE 43

THAT, clause 43 be amended by deleting sub-clause (7) and substituting therefor the following new sub-clause—

“(7) Any person who contravenes this section commits an offence and is liable on conviction to a fine not less than one million shillings, or to imprisonment for a term not less than one year, or to both”.

CLAUSE 64

THAT, clause 64 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any person who contravenes this section commits an offence and is liable on conviction to a fine not less than one million shillings, or to imprisonment for a term not less than one year, or to both”.

The House resolved on Wednesday, February 13, 2019 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
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NOTICE PAPER I

Tentative business for
Wednesday (Morning), December 4, 2019

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Morning), December 4, 2019:-

- A. PROCEDURAL MOTION- EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**
(The Leader of the Majority Party)
- B. THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)**
(The Hon. Kassait Kamket, M.P.)
Second Reading
(Question to be put)
- C. THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2019)**
(The Hon. Joyce Emanikor, M.P.)
Second Reading
(Question to be put)
- D. MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY**
(The Hon. (Dr.) John Mutunga, M.P.)
(Question to be put)
- E. THE LAW OF SUCCESSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 75 OF 2019)**
(The Hon. Peter Kaluma, M.P.)
First Reading
- F. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.6) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2019)**
(The Hon. Vincent Mogaka, M.P.)
First Reading

G. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2019)

(The Hon. Samuel Atandi, M.P.)

First Reading

H. MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION

I. MOTION - APPROVAL OF A NOMINEE FOR APPOINTMENT AS THE CONTROLLER OF BUDGET

(The Chairperson, Departmental Committee on Finance and National Planning)

J. THE INDUSTRIAL TRAINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2019)

(The Hon. Jude Njomo, M.P.)

Second Reading

K. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2019)

(The Hon. Ruweida M. Obo, M.P.)

Second Reading

L. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

M. MOTION - FORMULATION OF A COMPREHENSIVE POLICY TO HARNESS DIASPORA KENYANS FOR NATIONAL DEVELOPMENT

(The Hon. Godfrey Osotsi, M.P.)

N. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

(The Hon. Charles Njagua, M.P.)

O. MOTION - ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN

(The Hon. Mary Wamaua, M.P.)

P. MOTION - INFORMATION IN POLICE CLEARANCE

CERTIFICATES

(The Hon. Gladwell J. Cheruiyot, M.P.)

Q. MOTION - INTRODUCTION OF AGE-APPROPRIATE SEX EDUCATION IN SCHOOLS

(The Hon. Elsie Muhanda, M.P.)

R. THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2019)

(The Hon. Simon King'ara, M.P.)

Second Reading

S. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2019)

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

T. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

...../Notice Paper II

NOTICE PAPER II

Tentative business for
Wednesday (Afternoon), December 4, 2019

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Afternoon), December 4, 2019:-

A. THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL BILL NO. 80 OF 2019)

(The Leader of the Majority Party)

First Reading

B. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 77 OF 2019)

(The Leader of the Majority Party)

Second Reading

C. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

(If not concluded on Tuesday, December 3, 2019)

D. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR

(The Chairperson, Committee on Implementation)

(If not concluded on Tuesday, December 3, 2019)

E. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017

(The Chairperson, Public accounts Committee)

(If not concluded on Tuesday, December 3, 2019)

F. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

(If not concluded on Tuesday, December 3, 2019)

**G. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL
(NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

(If not concluded on Tuesday, December 3, 2019)

...../Appendix

A P P E N D I X

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

515/2019 The Member for Buuri, (Hon. Rindikiri Mugambi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary confirm that the *28km Isiolo – Ruiru Road* that connects *Isiolo International Airport* and *Meru Town* is in bad state and impassable?
- (ii) What steps is the Ministry taking to ensure that the said road is rehabilitated to serve motorists in accessing *Isiolo International Airport*?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

516/2019 The Member for Gatanga, (Hon. Nduati Ngugi, MP) to ask the Director of Public Prosecutions: -

- (i) Could the Director of Public Prosecutions (DPP) provide a progress report of investigations and persecutions if any, regarding the irregular transfer of property on land L.R. No. 305/5 in *Thika* belonging to *M/S. Swani Coffee Estate Limited* to *M/S. Chania Riverbank Estate Limited* allegedly by *M/S.Terra Fleur Limited*?
- (ii) What action has been taken against those involved in the irregular transfer considering that the transfer was facilitated by public officials?
- (iii) What is the policy of the Office of the DPP with regards to addressing complaints lodged by the public?

(For Written Reply)

523/2019 The Member for Embakasi Central Constituency, (Hon. Benjamin Mwangi, MP) to ask the Cabinet Secretary for Lands and Physical Planning-

- (i) Could the Cabinet Secretary confirm the current status of ownership of *5-acre* piece of Land known as *L.R. Number*

Nairobi/Block 156/1, allotted by Housing Finance Group in Komarock Ward in Embakasi Central Constituency earmarked for a public school?

- (ii) When will the piece of land be released to the Ministry of Education to enable publishing of *Registry Index Map (RIM)* and lease prepared for school construction to commence?

(To be replied before the Departmental Committee on Lands)
