

(No. 043)



(795)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, JULY 2, 2020 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*. MOTION - THE PUBLIC PROCUREMENT AND ASSET DISPOSAL REGULATIONS, 2020

(The Vice-Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Procurement and Asset Disposal Regulations, 2020 (*Legal Notice No. 69 of 2020*) laid on the Table of the House on Thursday, June 25, 2020, pursuant to provisions of section 180 of the Public Procurement and Asset Disposal Act, 2015 **approves** the Public Procurement and Asset Disposal Regulations, 2020.

(Question to be put)

9*. THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)

(The Chairperson, Departmental Committee on Labour & Social Welfare)

Second Reading

(Mover to reply and question to be put)

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...../10*

(796)

10*.COMMITTEE OF THE WHOLE HOUSE

- (i) President's Reservations to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020)
(The Leader of the Majority Party)
- (ii) The Tea Bill (Senate Bill No. 36 of 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)

11*.THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

...../Notices*

NOTICE

I. CONSIDERATION OF THE PRESIDENT'S RESERVATIONS TO PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2020)

(Recommended Text)

Notice is given that the Leader of the Majority Party intends to move the following amendments in respect of the reservations contained in the Presidential Memorandum to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020) at the Committee Stage

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting proposed section 2A and substituting therefor the following new section-

(2A) Notwithstanding the provisions of sub-section (1), the Parliamentary Service Commission may, with the approval of the National Assembly, establish the following public funds-

- (a) Parliamentary Mortgage (Members) Scheme Fund;
- (b) Parliamentary Mortgage (Staff) Scheme Fund;
- (c) Parliamentary Car Loan (Members) Scheme Fund;
- (d) Parliamentary Car Loan (Staff) Scheme Fund; and
- (e) Parliamentary Catering Fund,

for the purposes of Parliament or a House of Parliament.

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

1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

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“auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya;

“auction” means a process of buying and selling tea by offering bids and selling it to the highest bidder through a physical or electronic system;

“blending” means the process of mixing of teas of different grades to affect the flavour and characteristics of the tea for the purposes of packing and sale;

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

“broker” means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between tea growers or tea factories and buyers;

“buyer” means a person, company or a firm engaged in acquiring made tea for re-sale in the local or export market, including export of imported tea;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;

“commercial green leaf transporter” means a person, a firm or a corporate body contracted by a tea factory to provide green leaf transport services from the farm or leaf collection centre to the tea factory at a fee;

“county government” has the meaning assigned to it under Article 176 of the Constitution;

“crops inspector” means a person appointed as an inspector in accordance with section 24O of the Act;

“export” means to take tea or cause tea to be taken out of the Kenya customs territory or to an Export Processing Zone;

“exporter” means a person, a firm, or a corporate body engaged in the business of blending, packaging and exporting of tea in bulk or in value added form;

“grower” means any person who is cultivating tea in an area;

“import” means to bring tea into or cause to be brought into the Kenya customs territory or to an Export Processing Zone;

“importer” means a person, a firm, or a corporate body engaged in the business of importing tea into Kenya;

“licensee” means a person who holds a manufacturing licence issued under the Act;

“made tea” means the derivative from tea leaf through a manufacturing process;

“management agent” means any person that is appointed by a tea factory through a specific management contract or agreement to perform or offer professional services other than company secretary services;

conversion of green tea leaf into made tea or other tea products and includes the packaging, labelling, distribution of tea and tea products for sale;

“manufacturing licence” means a licence issued under section 23;

“person” includes a firm, a company, an association, cooperative society or a corporate body;

“plantation tea grower” means a person cultivating tea in a parcel of land and who has own tea processing facility;

“small scale tea grower” means a grower cultivating tea in a parcel or parcels of land without owning a tea processing facility;

“tea dealer” includes a warehouse operator, buyer, exporter, importer, broker, packer, manufacturer, management agent, and auction organizer;

“tea factory” means a factory that processes and manufactures tea leaf into made tea;

“tea packer” any person who blends, brands and packs tea into packets or containers holding not more than ten kilograms of tea intended for sale locally or for export;

“tea” means the plant botanically known *ascamellia sinensis* and includes its seed, tea plants and the leaf, whether on the plant or detached there from, and in the latter case, whether green tea or manufactured tea;

“warehouse” means a premises used for the storage of made tea by a warehouseman; and

“warehouseman” means a company registered in Kenya which is in the business of storing tea.

CLAUSE 5

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following new clause—

Functions
of the
Board.

5. The functions of the Board shall be to—

- (a) regulate and promote the development of the tea industry;
- (b) co-ordinate the activities of individuals and organizations within the tea industry;
- (c) facilitate equitable access to the resources, facilities and benefits of the tea industry by all interested parties;
- (d) make recommendations to the Cabinet Secretary for the formulation of policies, plans and strategies for the regulation of the tea sector;
- (e) register tea factories, plantation tea growers, warehousemen, tea packers, tea buyers, exporters, importers, tea brokers, management agents, tea auction organizers, commercial tea nurseries, green leaf transporters;

- (f) license manufacturers;
- (g) carry out market research and analysis and disseminating information on its findings to all stakeholders;
- (h) promote Kenyan tea and facilitate access to new markets;
- (i) advise the national government on levies, fees and import or export duties on tea;
- (j) advise the county governments on agricultural cess and fees;
- (k) oversee the efficient utilization of available Board's funds; and
- (l) carry out such other functions as may be assigned to it by this Act, and any written law while respecting the roles of the two levels of governments."

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (1)—

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - “(c) the Principal Secretary responsible for National Treasury or a representative nominated by the Principal Secretary in writing;”
- (b) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - “(d) two persons of either gender with knowledge and experience in the tea sector nominated by the Council of County Governors;”

CLAUSE 9

THAT, clause 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

- “(ab) contravenes the provisions of Chapter six of the Constitution;”

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

- “(3) A person is not qualified for appointment under subsection (1) unless the person—
 - (a) holds a Bachelor's degree in agriculture;
 - (b) holds a Master's degree in agriculture, business management or finance; and
 - (c) has at least five years experience in a position of management.”

CLAUSE 14

THAT, clause 14 of the Bill should be amended by inserting the following new paragraph immediately after paragraph (a)—

- “(ab) contravenes the provisions of Chapter six of the Constitution;”

THAT, clause 15 of the Bill be amended in sub-clause (4) (e) by deleting the words “the annual returns and any other” appearing immediately after the words “ensure that the”.

NEW PART

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

PART III- REGULATORY PROVISIONS

Role of national and county governments in the development of tea.

20. (1) Pursuant to the Fourth Schedule of the Constitution –

- (a) the Board, on behalf of the national government, shall be responsible for licensing and charging of levies;
- (b) 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—
 - (i) the development of tea grown within the county;
 - (ii) tea disease control;
 - (iii) markets within the county;
 - (iv) cooperative societies within the county;
 - (v) 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.

Registration of small scale tea growers.

21. (1) A small scale tea grower shall register with the tea factory to which tea growers deliver green leaf or purple leaf in a prescribed form and shall pay the prescribed fee.

(2) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of small scale tea growers and the appeal process in case of refusal or denial of registration.

(3) Every tea factory shall keep or cause to be kept for statistical purposes, a register of all small scale tea growers registered under subsection (1) specifying—

- (a) the name of the small scale tea grower;
- (b) the location, size and parcel number of the land on which the tea is grown;

- (c) the variety of tea grown; and

(d) such other information as the Board may prescribe.

(6) Where the tea factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a small scale tea grower, it may, after giving that person written notification by registered post of its intention to do so, remove their name from the register.

(7) The register referred to in subsection (6) shall be prima facie proof of the fact that a person is a registered small scale tea grower.

(8) The tea factory shall furnish the Board with particulars of all registered small scale tea growers in such manner as the Board may prescribe.

(8) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or imprisonment for a term not exceeding two years, or to both.

Registration of
a plantation tea
grower

22. (1) A plantation tea grower shall register with the Board in a prescribed form and shall pay the prescribed fee.

(2) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of plantation tea growers and the appeal process in case of refusal or denial of registration.

(3) A person who grows tea in contravention of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or imprisonment for a term not exceeding two years, or to both.

Tea grower
certificate.

23. The manager of a tea factory shall issue a certificate of registration to a small scale tea grower or a plantation tea grower in the form prescribed in regulations.

Licensing of
manufacturers.

24. (1) A person shall not manufacture tea for sale except under and in accordance with a licence issued under this Act.

(2) An application for a licence under this section shall be in writing and in the prescribed form and shall be accompanied by the prescribed fee.

(3) The Board may, after consultation with the Cabinet Secretary

—

- (a) issue a manufacturing licence, in accordance with this Act;
- (b) refuse to issue the licence on any ground which may appear to the Board to be sufficient and inform the applicant in writing of the reasons thereof;

- (c) cancel, vary or suspend any licence if in the findings of the Board, the licensee is found to have contravened the regulations made under this Act for the operation of manufacturing or processing entities.

(4) A manufacturing licence issued under this section shall in addition to authorizing the holder to carry on the business set out in subsection (1), also authorize the holder to carry out the business of packing and blending tea.

Illegal
manufacture,
possession, etc.

24. (1) A person commits an offence if the person—

- (a) manufactures tea for sale in contravention of this Act;
- (b) buys, sells, offers for sale, transports or has possession of tea which to the person's knowledge or belief—
 - (i) has been grown, manufactured or processed otherwise than in accordance with this Act;
 - (ii) is from a non-registered grower or dealer of such crop.

(2) A person who commits an offence under subsection (1) shall be liable, on conviction, to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding five years, or both.

(3) If a person is in possession or has control of tea for which the person is unable to account to the satisfaction of a crop inspector under this Act, such tea shall be deemed to have been grown, manufactured or dried otherwise than in accordance with this Act until the contrary is proved.

(4) If a person is convicted of an offence under this section, the court shall order that any tea and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the Government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not to do so.

Registration of
warehouseman.

24A. (1) Every warehouseman shall register with the Board.

(2) A person shall not store tea unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of warehouseman and the appeal process in case of refusal or denial of registration.

and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
tea packers.

24B. (1) Every tea packer shall register with the Board.

(2) A person shall not pack tea unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of tea packers and the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a tea buyer,
exporter or
importer.

24C. (1) A person who intends to carry on the business of tea buying, tea exporting or tea importing shall register with the Board.

(2) A person shall not carry on the business of packing tea, exporting or importing tea unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of tea buyers, tea exporters and tea importers and the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a tea broker.

24D. (1) Every tea broker shall register with the Board.

(2) A person shall not negotiate the purchase or sale of tea unless the person is registered in accordance with this Act.

(2) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of a tea broker and the appeal process in case of refusal or denial of registration.

(3) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a management
agent.

24E. (1) Every management agent shall register with the Board.

(2) A person shall not perform or offer professional services to a tea factory unless the person is registered in accordance with this Act.

Board and a copy to the respective county government in the form prescribed.

(4) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of a management agent and the appeal process in case of refusal or denial of registration.

(5) A person who contravenes this section commits an offence and shall, on conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a tea auction
organizer.

24F. (1) Every tea auction organizer shall register with the Board.

(2) A person shall not deal in tea as a tea auction organizer unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of a tea auction organizer and the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall on conviction be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a green leaf
transporter.

24G. (1) A person who intends to carry on the business of green leaf transporter shall register with the Board.

(2) A person shall not carry on the business of green leaf transporter unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of a green leaf transporter and the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to imprisonment for term not exceeding three years or to a fine not exceeding five million shillings or to both.

Registration of
a commercial
tea nursery.

24H. (1) A person who intends to establish a commercial tea nursery shall register with the county government where they intend to establish a tea nursery.

(2) A person shall not establish a commercial tea nursery unless the person is registered in accordance with this Act.

(3) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of commercial tea nursery and the appeal process in case of refusal or denial of registration.

(4) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to imprisonment for term not

exceeding three years or to a fine not exceeding five million shillings or to both.

Considerations before registration and licensing and renewal.

24I. (1) The Board shall, before registering, licensing or renewing a registration or licence under this Act, satisfy itself that—

- (a) the applicant has complied with the provisions of this Act and any other relevant law; and
- (b) the applicant or the directors of the company are fit and proper for the function for which they seek a licence or registration.

(2) In determining whether a person is fit and proper, regard shall be had to—

- (a) whether they have taken part in any business practice in the tea value chain that in the opinion of the Board was fraudulent, prejudicial or otherwise improper; or which otherwise discredited their method of doing business; and
- (b) whether they have been directors of a company or entity whose licence or registration certificate has previously been revoked or suspended by the Board for any cause.

(3) In determining whether a person or director is fit and proper, the Board shall have due regard to the provisions of the Fair Administrative Action Act, 2015, the Companies Act, 2015 and any other relevant law.

No. 4 of 2015.
No. 17 of 2015.

Conditions of a licence.

24J. (1) A licence issued under this Act shall be subject to such conditions as the Board may determine and as are specified in the licence and to any conditions which may be prescribed.

(2) The Board may at any time during the validity of a licence—

- (a) vary the conditions of the licence; or
- (b) impose conditions or further conditions on the licence.

Application for renewal of a licence.

24K. (1) An application for the renewal of a licence under this Act shall be made to the Board in a form prescribed not later than the first day of the month of June in which the current licence is due to expire.

(2) Despite subsection (1), a late application may be made upon payment of a late application fee as may be prescribed by the Board.

Revocation or alteration of a licence.

24L. The Board may revoke, alter or suspend a licence issued under this Act if in its opinion—

- (a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee of the licence holder; or

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- (b) a condition of the licence has been contravened or not complied

with.

Surrender of
licence.

24M. (1) The holder of a licence which is revoked shall immediately surrender it to the Board.

(2) A licence holder may at any time surrender the licence to the Board and the licence shall cease to have effect immediately.

Appeals to the
High Court.

24N. (1) An applicant for or holder of a licence who is aggrieved by a decision of the Board may appeal to the High Court on or in respect of—

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

NEW PART

THAT the Bill be amended by inserting the following new part immediately after Part III—

PART IIIA – APPOINTMENT OF CROP INSPECTORS

Appointment of
crop inspectors.

24O. (1) The Board may appoint qualified persons, to be crop inspectors for the purposes of this Act.

(2) For purposes of subsection (1), the Board may, by regulations, prescribe the qualifications for the crop inspector.

Entry and
inspection.

24P. (1) A person duly authorized in writing in that behalf by the Board may, at all reasonable times and upon production of such authority to any person so requesting—

- (a) enter any land or buildings occupied by the holder of a manufacturing licence issued under this Act, or a person registered under this Act;
- (b) make such inspection and enquiries as the person may deem necessary for ascertaining whether the provisions of this Act or the terms and conditions of the respective licence or registration are being complied with; and
- (c) may require any person found thereon to give such information as the person may require

reasonable grounds may at any reasonable time, enter upon any land, premises or vehicle and may take such persons and things as the inspector considers necessary and may—

- (a) perform the functions or exercise the powers conferred by this Act or any other written law;
- (b) make enquiries or carry out a search to ascertain if this Act is being complied with;
- (c) demand the production by a licence holder of the licence for examination;
- (d) seize and remove any article or thing in respect of which the inspector has reasonable grounds for believing that an offence under this Act is being or has been committed; or
- (e) do any other thing authorized under this Act.

(2) The owner or occupier of or any person on land or in premises or a vehicle which is entered under subsection (1) shall render such reasonable assistance as may be required by the inspector.

(3) A person who refuses, unreasonably delays or fails to comply with a requirement under subsection (2) commits an offence.

Obstruction of
inspectors.

24R. (1) A person shall not prevent, hinder or obstruct an inspector in performance of the functions, and duties or exercise of powers conferred by this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

CLAUSE 25

THAT, clause 25 of the Bill be amended by—

- (a) inserting the following paragraph immediately after the introductory statement—
“(a) such monies as may be appropriated by the National Assembly;”
- (b) renumbering the existing paragraphs (a), (b), (c), (d) as (b), (c), (d), (e).

CLAUSE 27

THAT, Clause 27 of the Bill be amended in clause (1) (a) by deleting the words “balance sheet” and substituting therefor the word “statement”.

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “balance sheet” appearing immediately after the words “and the annual” and substituting therefor the word “statement”;

- (b) in sub-clause (2) by deleting the words “balance sheet” appearing immediately after the words “publish the report,” and substituting therefor the word “statement”;
- (c) in sub-clause (3) by deleting the words “balance sheet” appearing immediately after the words “submit to Parliament the reports,”.

CLAUSE 30

THAT, clause 30 of the Bill be amended by—

- (a) deleting sub-clause (1);
- (b) deleting the expression “(2)” appearing immediately before sub-clause (2);

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 31—

Offences and
penalties.

31A. (1) A person commits an offence if the person—

- (a) without lawful excuse ignores or fails to obey any instruction issued by a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act;
- (b) willfully obstructs a member of the Board or an employee or agent of the Board in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act.

(2) A person who contravenes subsection (1) is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding five years, or to both.

(3) A person who is convicted of an offence under this Act shall in addition to any other penalty have his or her licence or registration suspended or cancelled for such a period as the Board may decide.

CLAUSE 32

THAT, the Bill be amended by deleting clause 32 and substituting the following new clause—

General
penalty.

32. A person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or a fine not exceeding twice the value of the tea or tea products or, to imprisonment for a term not exceeding one year, or to both.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 32—

Offences relating
to body corporate.

32A. If an offence under this Act is committed by a body corporate or any other association of individuals, a director, partner or any other person involved in, or acting or purporting to act in the management of its affairs commits an offence unless that person proves that—

- (a) the act or omission constituting the offence took place without the person's knowledge; or
- (b) the person took reasonable steps to prevent the commission of the offence.

CLAUSE 33

THAT, the Bill be amended by deleting clause 33 and substituting therefor the following new clause—

Regulations.

33. (1) The Cabinet Secretary may, in consultation with the Board, make Regulations for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Regulations made under this Act may provide for—

- (a) the regulation of the processing, importation and exportation of tea;
- (b) the procedure of registration of tea brokers, small scale tea growers, plantation tea growers, green leaf transporters, tea packers, tea buyers, tea importers, tea exporters, management agents, auction organizers, warehousemen, commercial tea nurseries;
- (c) the procedure of licensing of tea manufacturers;
- (d) the forms to be used in the application for registration, licensing, contracts and related activities;
- (e) any fee charged under this Act;
- (f) the regulation of contracts between growers, tea factories and other players in the tea industry;
- (g) tea safety including transportation, processing and market standards of tea;
- (h) submission of returns and reports by the holders of licences and registrations under this Act;
- (i) regulation and controlling the method of blending, packaging and labelling of tea for purposes of traceability;
- (j) standards, and the manner of grading and classification of made tea products under this Act; and

- (k) anything required to be prescribed under this Act;
- (3) For the purposes of Article 94(6) of the Constitution—
 - (a) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and for the fulfillment of the objectives of this Act;
 - (b) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

CLAUSE 34

THAT, clause 34 of the Bill be amended—

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after sub-clause (1)—

“(2) The Crops Act, 2013 is amended in Part I of the First Schedule by deleting the expression “Tea.....*Camellia* spp.””

CLAUSE 38

THAT, the Bill be amended by deleting clause 38 and substituting therefor the following new clause –

Existing licences and registrations.

38. All licences and registrations existing before the appointed day shall remain valid until their expiry, and subsequent licences and registrations shall be issued under this Act.

2) Notice is given that the Member for Konoin (Hon. Brighton Yegon) intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the definition “processor” and substituting therefor the following new definition—

“processor” means a factory which processes green tea leaf into made tea;

THAT, clause 21 of the Bill be amended in sub-clause (2) by—

(a) inserting the following new paragraph immediately after paragraph (b)—

“(c) the net weight in kilogrammes of green leaf delivered and amount paid;”

(b) renumbering the existing paragraphs (c) and (d) as (d) and (e).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 23—

Register of processors. **23A.**The Board shall maintain a register, in such form as prescribed in regulations, of all processors licensed under section 22 and shall enter therein, in respect of each processor —

(a) the full names of the processor;

(b) the date of issue of the licence;

(c) particulars of any cancellation, suspension or variation of the licence;

(d) any other particulars the Board may deem necessary.

(Subject to Article 114 of the Constitution)

Accounts and audit. **23B.**(1) Every processor shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the processor.

(2) Within the period of three months after the end of each financial year, the processor shall submit to the Auditor-General, the accounts of the Board in respect of that year together with a statement of income and expenditure.

No. 34 of 2015. (3) The accounts of the processor shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

(Subject to Article 114 of the Constitution)

3) Notice is given that the for Nyaribari Masaba (Hon. Ezekiel Machogu) intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage—

CLAUSE 21

THAT, clause 21 of the Bill be amended in sub-clause (1) by inserting the words “with at least five acres of tea under cultivation” immediately after the words “tea grower”.

NEW CLAUSE

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

growers.

- (a) fifty per cent of the tea grower's selling price within fifteen days of the auction sale and direct sale;
 - (b) the balance within thirty days of sale.
- (2) Despite subsection (1), a tea grower may agree with the processor to be paid—
- (a) in instalments every four months until the full payment is made;
 - (b) at the end of the year but this payment shall be paid together with accrued interest.

4) Notice is given that the Member for Kabondo Kasipul (Hon. Obara Akinyi) intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage—

CLAUSE 32

THAT, Clause 32 of the Bill be amended in sub-clause (1) by deleting the words “not less than twenty thousand shillings” appearing immediately after the words “on conviction, to a fine of” and substituting therefor the words “not exceeding five hundred thousand shillings”.

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

CLAUSE 2

THAT, the Bill be amended by deleting the definition of the term “tea grower” and substituting therefor the following new definition-

“tea grower” means a person who grows tea or cultivates tea in Kenya;

CLAUSE 5

THAT, the Bill be amended in clause 5 (1) by inserting the following paragraph immediately after paragraph (c)-

(d) coordinate, facilitate and promote marketing of Kenyan tea.

CLAUSE 7

THAT, the Bill be amended in clause 7(1) –

(a) by deleting paragraphs (d), (e), (f) and (g) and substituting therefor the following new paragraphs–

“(d) two persons of either gender, who shall have knowledge and experience in the tea sector and be from the East and West of tea growing areas, nominated by the Council of Governors;

(Subject to Article 114 of the Constitution)

(e) four persons, two of either gender, representing and elected by small-holder tea growers from the east and west of the tea growing areas:

Provided that the four persons shall be from different tea zones;

(f) one person representing and elected by plantation tea growers;

(g) one person representing and elected by tea traders;”

(b) by inserting the following paragraph immediately after paragraph (g)–

(ga) two persons nominated by the Kenya Tea Development Agency;

(Subject to Article 114 of the Constitution)

6) Notice is given that the Member for Borabu (Hon. Ben Momanyi) intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage–

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

(a) deleting the definition “broker” and substituting therefor the following new definition—

“broker” means a person, a company or firm established for purposes of negotiating the purchase or sale of tea between tea producers and buyers;

(b) deleting the definition “managing factory”;

(c) deleting the definition “tea grower” and substituting therefor the following new definition—

“tea grower” means a person who grows tea or cultivates tea in Kenya;

(d) inserting the following definitions in their proper alphabetical sequence—

“auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya;

“auction” means the process of buying and selling tea by offering bids and selling it to the highest bidder through a physical or electronic system;

“blending” means the process of mixing of teas of different grades to affect the flavour and characteristics of the tea for purposes of packing and sale;

“buyer” means a person, company or firm engaged in buying made tea for resale in the local or export market;

“commercial tea nursery operator” means a person or firm who propagates not less than five thousand tea seedlings or planting material for sale;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective tea producing county;

“county government” has the meaning assigned to it under Article 176 of the Constitution of Kenya;

“export of tea” means to take made tea or cause made tea out of Kenya customs territory or to an Export Processing Zone;

“exporter” means a person, a firm, or a corporate body engaged in the business of blending, packing and exporting of tea in bulk or in value added form;

“independent tea producer” means a licensed tea producer with own land on tea and is not a smallholder and plantation grower;

“licensing authority” means the Tea Board of Kenya and the County Government as the case may be;

“made tea” means the derivative from tea leaf through a manufacturing process;

“management agent” means any person, co-operative society, or company established under written law, that is appointed through a specific management contract or agreement by another person or company to perform or offer professional services;

“manufacture” means the mechanical or chemical processing and conversion of green tea leaf into made tea or other tea products and includes the packaging, labeling, distribution of tea and tea products for sale;

“packer” means a person who packs tea into packets or containers holding no more than ten kilograms of tea intended for sale;

“plantation grower” means a large area of land on which tea is grown and cultivated and on which there is a processing factory;

“producer” means a producer of tea and includes a smallholder, or plantation or independent manufacturer of tea or his or her representative;

“scheduled crop” includes tea as listed under the First Schedule of the Crops Act;

“smallholder grower” means a grower cultivating tea and where collectively, have come together to own a processing factory;

“Tribunal” means the Tea Appeals Tribunal established in section 24A;

CLAUSE 5

THAT, clause 5 of the Bill be amended—

(a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(d) recommend the establishment of subsidiary bodies to discharge and oversee specific aspects of value addition and promotion of Kenyan tea in international markets;”

(b) in sub-clause 2 in paragraph (b)—

(i) by deleting sub-paragraph (iv) and substituting therefor the following new sub-paragraph—

“(iv) licence tea factories;”

(ii) by inserting the following sub-paragraphs immediately after sub-paragraph (v)—

“(vi) register auction organizers;

(vii) register management agents;

(viii) register tea buyers operating in Kenya;

(ix) register tea packers.”

NEW PART

THAT, the Bill be amended by inserting the following new Part immediately after Part II—

PART IIA- COUNTY TEA COMMITTEE

Establishment of a county tea committee.

19A. A county executive committee member shall establish a county tea committee.

19B. (1) The committee shall consist of —

- (a) a chairperson, appointed by the Governor;
- (b) one person representing licensed tea producers in the county;
- (c) four independent persons being registered tea farmers, knowledgeable in tea husbandry and management;
- (d) one person representing registered management agents operating within the county; and
- (e) a chief officer for the time being responsible for matters relating to tea who shall be an *ex officio* member of the committee and the secretary to the committee.

(2) A person is eligible for appointment as a member of the committee if that person—

- (a) is a resident of the county;
- (b) is literate and can read and write in at least one of the national languages or the local language;
- (c) is not disqualified under any written law in Kenya from being appointed into a public office; and
- (d) meets such other requirements the county executive committee member may by county legislation prescribe.

(4) The county executive committee member shall appoint the persons elected and nominated under subsection (1) (b) to (d) by notice in the *Gazette*.

(5) In appointing the members of the committee, the county executive committee member shall ensure that not more than two thirds of the persons appointed represent one gender.

(6) Each county government may enact county specific legislation setting out —

- (a) the procedure for the nomination and election of members of the committee;
- (b) the term of appointment of the members of a committee;
- (c) such other criteria for nomination or election;
- (d) the remuneration and terms and conditions for appointment of the members of the committee;
- (e) grounds and procedure for the removal and replacement of a member of the committee;
- (f) the procedure for the conduct of the business and affairs of the committee and for the convening of public forums by the committee; and
- (g) such other information as the county executive committee member may consider necessary for the effective functioning of the committee.

19C. A county tea committee shall be responsible for—

- (a) making recommendations to the county government in respect to the matters of tea husbandry, tea quality, farm inputs, tea extension services and promotion of local consumption of tea;
- (b) facilitating discussion on matters relating to tea husbandry, leaf quality and tea extension services and related services affecting tea farmers within the county;
- (c) coordinating periodic discussions relating to its mandate in the form of tea users' forums amongst registered tea growers and dealers in the county including field days, village meetings, symposiums, ridge meetings, trainings and other forms of communication to tea growers;
- (d) organizing and conducting meetings at least twice a year with auction organizers, county government and the ministry responsible for external trade;
- (e) receiving reports on the functioning of the tea auction services; and
- (f) undertaking any other function necessary for the performance of any of its functions under this Act.

(Subject to Article 114 of the Constitution)

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (1) by—

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

“(e) four persons of either gender nominated by registered small-holder tea growers through an election conducted by tea factories;”

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

“(g) one person representing auction organizers;”

- (c) inserting the following new sub-paragraph immediately after paragraph (g) –

“(ga) one person representing independent tea factories;”

NEW PART

THAT, the Bill be amended by inserting the following new Part immediately after Part III—

PART IIIA— THE TEA APPEALS TRIBUNAL

Establishment of the Tea Appeals Tribunal.

24A. There is hereby established a Tea Appeals Tribunal whose function shall be resolution of disputes between parties.

Composition of the Tribunal.

24B. (1) The Tribunal shall consist of—

- (a) a chairperson nominated by the Judicial Service Commission and appointed by the Cabinet Secretary;
- (b) an advocate of the High Court of Kenya nominated by the Law Society of Kenya and appointed by the Cabinet Secretary; and
- (c) three persons with demonstrated knowledge and experience in agriculture appointed by the Cabinet Secretary.

(2) All appointments to the Tribunal shall be by name and by *Gazette Notice* issued by the Cabinet Secretary.

(3) The appointment of the chairperson or members of the Tribunal shall take into account the gender, regional and other diversities of the people of Kenya.

Qualification.

24C. (1) A person shall be qualified to be appointed as chairperson of the Tribunal if the person —

- (a) has at least seven years experience as an advocate;
- (b) meets the provisions of subsection (2)(a) to (e).

(2) A person shall qualify as a member of the Tribunal if the person—

- (a) possesses a university degree in a relevant field from a recognized university in Kenya;
- (b) meets the requirements of chapter six of the Constitution;
- (c) is not an undischarged bankrupt;
- (d) has never been convicted of any offence under any law;
- (e) has not previously been removed from a public office on account of misconduct.

(3) A member or employee of the Board shall not be appointed as a member of the Tribunal.

Tenure of office.

24D. (1) The chairperson and members of the Tribunal shall serve for a term of five years.

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

Termination of membership.

24E. (1) The office of the chairperson or a member of the Tribunal shall become vacant where the holder—

- (a) dies;
- (b) resigns from office by notice in writing to the appointing authority;
- (c) is convicted of an offence and is sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is removed in accordance with subsection (2).

(2) The Judicial Service Commission may remove a chairperson or a member from office for—

- (a) a violation of the Constitution or any other law;
- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

Appeals to the Tribunal.

24F. (1) Any person aggrieved by a decision of the Board made under this Act may, within twenty one days from the date of making of the decision, appeal to the Tribunal.

(2) An appeal to the Tribunal shall operate as a stay of the decision of the Board until the appeal is heard and determined.

Proceedings of the Tribunal.

24G. (1) The Tribunal shall, upon an appeal made to it in writing by any party or a referral made to it by the Board on any matter relating to this Act, inquire into the matter and make an award, give directions, make orders or make decisions thereon.

(2) Every award, direction, order or decision made shall be notified by the Tribunal to the parties concerned or the Board, as the case may be.

(3) The Tribunal shall sit at such times and in such places as it may appoint.

(4) The proceedings of the Tribunal shall be open to the public except where the Tribunal, for good cause, otherwise directs.

(5) Except as expressly provided in this Act or any regulations made under it, the Tribunal shall regulate its proceedings as it deems fit.

(6) Any person who is a party to the proceedings before the Tribunal may appear in person or be represented by an advocate.

Awards of the Tribunal.

24H. (1) The Tribunal may—

- (a) make such orders for the purposes of securing the attendance of any person at any place where the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient;
- (b) take evidence on oath and may for that purpose administer oaths; or
- (c) on its own motion summon and hear any person as witness.

Quorum for determination by Tribunal.

24I. Subject to section 24B, the quorum for hearing or determining any cause or matter before the Tribunal under this Act shall be three members.

Conduct of the Tribunal.

24J. Upon an appeal under this Act, the Tribunal may confirm, set aside or vary the decision or an act in question and may make such other order as the Tribunal considers appropriate, including an order with respect to the payment of costs.

Remuneration and allowance.

24K. The chairperson and members of the Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, on the advice of the Salaries and Remuneration Commission, determine.

Power to seek the directions of the Tribunal in complex matters, etc.

24L. (1) When any matter to be determined by the Board under this Act appears to it to involve a point of law or to be of unusual importance or complexity, it may, after giving notice to the concerned parties, refer the matter to the Tribunal for direction.

(2) The Board and the parties thereto shall be entitled to be heard by the Tribunal before any decision is made in respect of such matter and may appear personally or be represented by an advocate.

(3) Any person who is a party to proceedings before the Tribunal may appear in person or be represented by an advocate before the Tribunal.

Contempt of court.
No. 46 of 2016.

24M. The provisions of section 6 of the Contempt of Court Act shall apply to proceedings of the Tribunal.

Appointment of expert advisors.

24N. (1) The chairperson of the Tribunal may appoint an advisor from a panel of persons with expert knowledge in specified areas to assist in the determination of a matter before the Tribunal.

(2) A member of the Board or an employee of the Board shall not be appointed as an advisor.

Practice and procedure of the Tribunal.

24O. (1) The Chief Justice may make rules for regulating the practice and procedure of the Tribunal.

(2) Subject to the rules made under subsection (1), the Tribunal may regulate its own procedure.

Secretary to the Tribunal

24P. (1) The Judicial Service Commission shall, through an open, transparent and competitive recruitment process, appoint a suitably qualified person to be the Secretary to the Tribunal.

(2) A person shall be qualified for appointment as a Secretary to the Tribunal if the person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has proven knowledge and experience in any of the following fields—
 - (i) finance;
 - (ii) law;
 - (iii) public administration; or
 - (iv) public management;
- (c) has at least five years post qualification experience in relevant areas of expertise; and
- (d) satisfies the requirements of chapter six of the Constitution.

Staff of the Tribunal.

24Q. The Judicial Service Commission shall appoint such staff of the Tribunal necessary for the proper functioning of the Tribunal.

Funds of the Tribunal.

24R. (1) The expenses of the Tribunal and the remuneration of the staff shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

(2) The National Assembly shall allocate funds to the Judiciary Fund for the administration of the Tribunal.

Appeals to the High Court on decisions of the Tribunal.

24S. (1) A party to proceedings before the Tribunal may, within thirty days after being notified of the decision or within such further period as the High Court may allow, appeal to the High Court.

(2) The appellant shall serve a copy of the notice of appeal on the other party.

(3) The High Court shall hear appeals made under this section in accordance with rules set out by the Chief Justice.

(Subject to Article 114 of the Constitution)

CLAUSE 30

THAT, clause 30 of the Bill be deleted.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 32—

Conflict of laws.

32A. If any conflict arises between the provisions of this Act and any other Act with respect to the development of the tea crop, the provisions of this Act shall prevail.

Restraint of breaches of this Act.

32B. Any person who has who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court for –

- (a) declaration that the provisions of this Act are being, have been, or are about to be contravened;
- (b) an injunction, restraining any specified person from carrying out the contravention;
- (c) a writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or
- (d) any other lawful remedy.

CLAUSE 33

THAT, the Bill be amended by deleting Clause 33 and substituting therefor the following new clause—

Regulations.

33. (1) The Cabinet Secretary may, upon consultation with the Board, make regulations for the protection and promotion of the tea industry in Kenya, and generally for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the regulations made under this Act may provide for—

- (a) prohibited areas for planting tea;
- (b) regulation and control of the variety, cultural conditions, method of production and manufacture of tea and the grading of manufactured tea;
- (c) control of pests and diseases;
- (d) regulation and control of blending and packing methods of manufactured tea for sale;
- (e) method of plantation and cultivation of tea including harvesting, collection, movement, processing and storage of tea leaf;
- (f) submission of returns, reports and estimates by the holders of licences and registrations under this Act;
- (g) issuance periods for registrations and licences;
- (h) any fee charged under this Act;
- (i) forms which may be used under this Act;
- (j) registration or deregistration of growers, tea buyers, brokers, packers, management agents, auction organizers, warehousemen and other persons dealing in tea;
- (k) unauthorized purchase of green leaf; and
- (l) anything required to be prescribed under this Act.

(3) For the purposes of Article 94(6) of the Constitution—

- (c) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and for the fulfillment of the objectives of this Act;
- (d) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

Cap. 2
No. 23 of 2013

CLAUSE 34

THAT, the Bill be amended by deleting Clause 34 (b).

7) Notice is given that the Member for Bomet Central (Hon. Tonui Ronald), intends to move the following amendments to the Tea Bill, 2018 (Senate Bill No. 36) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) deleting the definition of “managing factory”;
- (b) inserting the following new definition in proper alphabetical sequence—

“tea factory” means a factory registered and licensed to process green tea leaf into made tea;

CLAUSE 5

THAT, Clause 5 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

- “(d) facilitate access to international markets;
- (e) promote and monitor tea trade in Kenya;
- (f) facilitate the development of skills and adoption of appropriate value addition technologies for tea and tea products before domestic use and export from Kenya;”

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (1) (d) by inserting the words “from the East and West of tea growing areas” immediately after the words “either gender”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended—

- (a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)—
“(da) construction of tea buying centers within the county;”

(Subject to Article 114 of the Constitution)

- (b) in sub-clause (2) by inserting the words “including construction of tea factories within counties” at the end of the sub-clause.

CLAUSE 25

THAT, Clause 25 of the Bill be amended by—

- (c) inserting the following paragraph immediately after the introductory statement—
“(a) such monies as may be appropriated by the National Assembly;”
- (d) renumbering the existing paragraphs (a), (b), (c), (d) as (b), (c), (d), (e).

(Subject to Article 114 of the Constitution)

NEW CLAUSES

THAT, Clause 29 of the Bill be amended by inserting the following new clauses immediately after clause 29—

Accounts and audit of a
tea factory.

29A. (1) A county government may cause to be prepared an internal audit report of a tea factory situated within its jurisdiction.

(2) The internal audit report shall be tabled in the county assembly within which a tea factory is situated.

Investment of funds.

29B. The Board shall monitor the investment of any funds of tea growers and tea factories.

(Subject to Article 114 of the Constitution)

CLAUSE 33

THAT, Clause 33 of the Bill be amended by deleting sub-clause 2(d).

8) **Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Tea Bill, 2018(Senate Bill No. 36) at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

(e) deleting the definition “tea grower” and substituting therefor the following new definition—

“tea grower” means a person who grows or cultivates tea in Kenya, or a person who manages, controls or cultivates land in Kenya for the purpose of growing tea;

(f) deleting the definition “processor” and substituting therefor the following new definition—

“processor” means a person who processes green leaves into dried leaves for brewing tea;

(g) deleting the definition “broker” and substituting therefor the following new definition—

“broker” means an intermediary between the tea producers and buyers;

(h) inserting the following definitions in their proper alphabetical sequence—

“green leaf” means unprocessed tea leaf in its natural state;

“processing” means the method through which the green leaves are transformed into dried leaves for brewing tea;

“tea nursery” means a place where tea plants are propagated and grown to a desired age;

“tea zone” means a zone set out in the First Schedule within which tea is grown;

CLAUSE 7

THAT, clause 7 of the Bill be amended in sub-clause (1) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) four persons, two of either gender, representing small-holder tea growers from the East and West tea zones;”

CLAUSE 9

THAT, clause 9(a) of the Bill be amended by deleting the words “the permission of the chairperson” appearing immediately after the words “the Board without” and substituting therefor the words “notifying the chairperson”.

CLAUSE 10

THAT, clause 10 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) The Board may hire consultants whose knowledge and skills are necessary for the performance of the functions of the Board.”

(Subject to Article 114 of the Constitution)

CLAUSE 15

THAT, clause 15 of the Bill be amended in sub-clause 3(d) by deleting the word “seven” appearing immediately after the words “at least” and substituting therefor the word “five”.

CLAUSE 16

THAT, clause 16 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1);
- (b) inserting the following new sub-clause immediately after sub-clause (1)—

“(2) In employing staff, the Board shall take into account the gender, regional and ethnic diversities of the people of Kenya, youth and persons with disabilities.”

CLAUSE 20

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

Role of national and
county governments.

20. (1) The national government shall—

- (a) develop policies and regulations under this Act;
- (b) develop policy for marketing Kenyan tea internationally;
- (c) ensure the protection of intellectual property rights over its owners;
- (d) develop policy on labour standards in the tea sector;
- (e) develop policies on consumer protection;
- (f) develop policy on land planning as relates to tea-growing;
- (g) build capacity and provide technical assistance to county governments on new developments and technologies in the tea sector.

(2) Each county government shall implement the national government policies and in particular shall be responsible for—

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

SCHEDULE

THAT, the Schedule of the Bill be amended by deleting the title and substituting therefore the following new title—

“FIRST SCHEDULE [s. 19]”

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new Schedule immediately after the First Schedule—

SECOND SCHEDULE [s. 2]

TEA ZONES

ZONE

COUNTIES

EAST

Nyeri, Kirinyaga, Kiambu, Murang’a, Meru, Embu, Tharaka-Nithi, and Narok.

WEST

Nakuru, Kisii, Kericho, Bomet, Nyamira, Nandi, Kakamega, Trans-Nzoia and Vihiga.

9) Notice is given that the Nominated Member, (Hon. Cecily Mbarire) intends to move the following amendments to Tea Bill, 2018(Senate Bill No. 36) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

(c) deleting the definition of “managing factory”;

(d) inserting the following new definitions in proper alphabetical sequence—

“auction” means a physical or electronic system where potential buyers place competitive bids for tea;

“auction organizer” means a person, company or firm established for the purpose of organizing tea auctions in Kenya and licensed by the Board;

“broker” means a person or company or firm established for the purpose of negotiating the purchase or sale of tea between producers and buyers;

“blending” means the process of mixing of teas of different grades to affect the flavour and characteristics of the tea for the purposes of packing and for sale;

“commercial tea nursery” means a person or firm who maintains not less than five hundred tea seedlings or planting material for sale;

“commercial green leaf transporter” means a person, a firm or a corporate body contracted by a tea factory to provide green leaf transport services from the farm or leaf collection center to the tea factory at a fee;

“cottage tea factory” means a tea factory that manufactures less than three hundred thousand kilograms of high value specialty or value added teas;

“Foundation” means the Tea Research Foundation established under section 25C;”

“Fund” means the Tea Development Fund;

“levy” means a per centum of the value of all made tea imposed by the Cabinet Secretary at the point of export or import in accordance with section 25A;

“made tea” means the derivative from green tea leaf through a manufacturing process;

“management agent” means any person that is registered and licensed to enter into a contract with a tea factory to perform or offer professional services in production, processing, and related financial services a tea factory on behalf of the tea factory at a fee;

“marketing agent” means any person that is registered and licensed to enter into a contract with a tea factory to perform or offer professional services in sales, value addition, product development and related marketing services on behalf of the tea factory at a fee;

“value addition” means improvements on made tea through packaging, blending, flavoring, tea extracts, tea aroma and branding;
“green leaf agreement” means an agreement between a tea grower and a tea factory relating to the delivery of green leaf;
“tea factory” means a factory registered and licensed to process green tea leaf into made tea;
“tea zone” means a zone set out in the First Schedule within which tea is grown;

CLAUSE 5

THAT, clause 5(2) of the Bill be amended—

(a) in paragraph (b) by—

(i) by deleting subparagraph (iv) and substituting therefor the following new subparagraph—

“(iv) licence managing agents and marketing agents”;

(ii) by inserting the following new sub paragraphs immediately after subparagraph (iv)—

“(iva) license and regulate physical and electronic tea auctions”;

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

(ba) prescribe rules for the eligibility of persons to vie for election or be appointed as board members of persons licensed under this Act;

(bb) recommend to the national and county governments appropriate measures for the grant of extension services and farm input subsidies to tea growers;

(bc) promote value addition in the tea industry and the establishment of cottage tea factories and the blending of tea;

CLAUSE 7

THAT, clause 7 of the Bill be amended—

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

“(e) two persons, one man and one woman, appointed from either of the counties in the east tea zone to represent tea growers from the zone;

(ea) two persons, one man and one woman, appointed from either of the counties in the west tea zone to represent tea growers from the zone;”;

(b) in sub-clause (2) by inserting the expression “(ea)” immediately after the expression “(e)”.

CLAUSE 19

THAT, clause 19 of the Bill be amended by inserting the word “First” immediately after the words “with the”;

CLAUSE 22

THAT, clause 22 be amended by deleting sub-clause (1) and substituting therefor the following new sub-clauses—

- “(1) A person intending to—
- (a) export, import, market or process tea;
 - (b) transact as a managing or a marketing agent; or
 - (c) establish a tea factory,

shall apply, in writing, for a license to the Board.

(1A) The Board shall consider the professional and moral suitability of a person applying for a license and satisfy itself that such a person is a fit and proper person for the grant of the license.

(1B) For the purposes of this section, the criteria for assessing the professional or moral suitability of a person applying for a license shall be as prescribed in the Third Schedule.

(1C) In considering an application for a license, the Board may require to be satisfied as to—

- (a) the financial condition and history of the applicant;
- (b) the integrity of its management;
- (c) the professional and moral suitability of the persons proposed to manage or control applicant;
- (d) the adequacy of the capital structure of the applicant; and
- (e) the public interest which will be served by the granting of the licence.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22—

Restrictions and
conditions on
licences.

22A.(1) A person licensed as a management agent or marketing agent shall not—

- (a) during the period of such licence participate in the control, management or oversight of a tea factory either—
 - (i) as a director; or
 - (ii) by seconding or attaching its officers as officers of the factory; or
- (b) be eligible for the grant of a license as an auction organizer or a broker.

(2) A person licensed as a tea factory shall not, during the period of such licence retain in its board of directors or management—

- (a) a person licensed as a management agent or a marketing agent; or
- (b) a person employed by a management agent or a marketing agent.

(3) In granting a licence under this Act, the Board shall ensure that persons elected to direct the affairs of a licensee—

- (a) represent a cross-section of the licensee's shareholders or members;
- (b) are democratically elected by the licensee's shareholders or members with each shareholder or member being entitled to a single vote; and
- (c) meet the prescribed suitability requirements under the Act.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 25—

Tea Development Levy.

25A. (1) The Cabinet Secretary may, with the approval of Parliament, by an Order in the *Gazette*, impose a levy on the import and export of tea to be known as the Tea Development Levy.

(2) The levy shall be payable at such rate as may be specified in the Order.

(3) An Order under this section may contain provisions as to the time at which any amount payable by way of the levy shall become due.

(4) All moneys received in respect of the levy shall be paid to the Board and if not paid on or before the date prescribed by the order, the amount due and any sum payable under subsection (5) shall be a civil debt recoverable summarily by the Board.

(5) If a person fails to pay any amount payable by him by way of the levy on or before the date prescribed by the order, a sum equal to five per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

Tea Development Fund.

25B. (1) There is established a Fund to be known as the Tea Development Fund which shall be administered by the Board.

(2) The Fund shall consist of—

- (a) the Tea Development Levy;
- (b) any funds provided by bilateral or multilateral donors for the purposes of the Fund;
- (c) any moneys provided by the National Assembly for the purposes of the Fund;
- (d) any moneys provided by a county assembly for the purposes of the Fund; and
- (e) moneys from any other source approved by the Board.

- (a) advertising the good quality of Kenya tea and increasing its sale to expand existing markets and entering new markets and matters incidental thereto;
- (b) promotion of exhibitions and trade fairs for the display of the Kenya tea in the domestic and international markets;
- (c) collection and dissemination of statistics and other information relating to tea and its production, distribution and consumption;
- (d) regulation and compliance activities;
- (e) promotion and funding of tea research by the Foundation after identification of research priorities and programs;
- (f) promotion of product diversification and value addition;
- (g) expenses and other charges incurred by the Board or for which the Board may become liable in the course of its operations;
- (h) maintenance of the buildings and grounds of the Board;
- (i) assisting and supporting the tea Industry in such manner as the Board may deem fit;
- (j) sensitizing and incentivizing the youth and women to engage in the tea growing; and
- (k) any other use as may be approved by the Board from time to time, including investment of funds which may from time to time be standing to its credit and which are not required immediately for any of the specified purposes.

Establishment of the Tea
Research Foundation.

25C. (1) There is hereby established a body to be known as the Tea Research Foundation.

(2) The Foundation is 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) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts; and
- (e) 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.

(Subject to Article 114 of the Constitution)

25D. (1) The Foundation shall—

- (a) promote, co-ordinate and regulate research in tea and tea diseases; and
- (b) expedite equitable access to research information, resources and technology and promote the application of research findings and technology in the growing of tea.

(2) For the purpose of carrying out its functions the Foundation shall—

- (a) formulate policy and make policy recommendations to the Cabinet Secretary on tea research;
- (b) prioritise areas for, and co-ordinate, tea research in Kenya in line with the national policy on tea;
- (c) determine and advise the Government on the resource requirements for tea research in Kenya both at the national and county level;
- (d) regulate, monitor and ensure that all tea research undertaken by other institutions or persons undertaking tea research is consistent with the national priorities specified in the relevant policy documents;
- (e) formulate or approve medium and long term research plans, strategies and budgets of the Foundation;
- (f) provide grants to institutions or persons desirous of carrying out research and training programs which are consistent with the national research priorities and plans of the Foundation;
- (g) support and promote the training and capacity building in relation to agricultural research;
- (h) promote the dissemination and application of research findings;
- (i) liaise with and ensure the co-ordination of institutions, agencies and persons involved in tea research;
- (j) establish platforms for the purposes sharing of research information, advancing research and transfer of technology and dissemination of information relating to advancements made in tea research;
- (k) conduct training in industry best practice and value-addition;
- (l) ensure continuance of performance improvement in the field of tea research; and
- (m) perform such other functions as may be conferred on it by this Act or any other written law.

NEW PART

THAT, the Bill be amended by inserting the following new Part immediately after clause 29—

PART IVA—COMPLAINTS AND INVESTIGATION PROCEDURE

Complaint and investigation against a licensee.

29A. (1) A person who is aggrieved by or is likely to be aggrieved by the contravention of any provision of this Act by a licensee may file a complaint requesting the Board to enforce the provisions of this Act against that licensee.

(2) The complainant shall, in the complaint,—

- (a) cite the specific provisions of this Act that the licensee has contravened or is likely to contravene;
- (b) state the facts relating to the alleged contravention or likely contravention; and
- (c) attach any documents relevant to the complaint.

(3) The Board shall provide a written response to the complainant within fifteen days of receipt of a complaint.

(4) The Board may by written notification to the complainant, extend the review of the complaint by up to thirty days where it determines that a complaint raises—

- (a) a novel issue whose disposition requires the Board to consider an issue that it has not previously addressed; or
- (b) a complex issue whose disposition requires the Board to obtain significant factual information to resolve a difficult legal, factual or policy issue.

(5) The Board may dismiss a complaint if—

- (a) the complainant fails to show that it has been injured, or is likely to be injured as a direct result of the alleged contravention of the provisions of this Act as cited in the complaint;
- (b) the factual allegations in the complaint are unsupported or are without merit;
- (c) the factual allegations in the complaint, even if proven to be true, do not constitute a contravention of this Act or the regulations made thereunder; or
- (d) it concludes that the exercise of its enforcement discretion would not be appropriate.

(6) Where the Board dismisses a complaint, it shall notify the complainant and provide a written explanation.

(7) Where the Board admits a complaint, it shall issue a written notification to the licensee complained of and the complainant indicating—

- (a) the specific provisions of this Act that the licensee has been alleged to contravene; and
- (b) reasonable details of the alleged facts constituting the contravention.

(8) A licensee that is the subject of a complaint shall, within fifteen days of receipt of the notification from the Board, submit a response providing the basis on which it disputes the allegations of contravention.

(9) The Board shall, subject to section 25G on confidentiality, provide copies of all documents filed by each party to the other party.

(10) The Board may—

- (a) allow the filing of additional responses by the parties;
- (b) upon application and for good reasons, extend time for the filing of any documents or replies by the parties to the complaint;
- (c) request the complainant or the licensee complained of to submit additional information at any time during the course of the enforcement proceedings; or
- (d) direct an independent audit or appropriate investigation of the operations and books of account of a licensee to obtain information relevant to the complaint.

Withdrawal of complaint.

29B. (1) A complainant may, at any time and with reasons, withdraw its complaint in writing addressed to the Board and the licensee complained of.

(2) The withdrawal of a complaint shall not preclude the Board from taking enforcement action on its own motion in the public interest.

Decision on a complaint.

29C. (1) The Board shall issue its decision on a complaint within sixty days of receiving all necessary information.

(2) Where necessary, the Board may, by written notice to the parties and before the expiry of the sixty day review period, extend the time and specify the date by which it shall issue its decision.

Enforcement action.

29D. (1) Where the Board intends to commence an enforcement action against a licensee on its own motion, the Board shall—

- (a) notify the licensee and clearly indicate the specific provisions of this Act the licensee is alleged to have contravened;

- (b) allow the licensee at least fifteen days to respond in writing with a clear statement, supported by documents, affidavits, or other relevant materials, providing the basis on which the licensee disputes the allegation; and
- (c) issue its decision within sixty days of receiving all necessary information.

(2) Where necessary, the Board may, by written notice to the licensee and before the expiry of the sixty day review period, extend the time and specify the date by which it shall issue its decision.

Interim directive.

29E. (1) At any time during an enforcement proceeding, the Board may issue an interim directive to a licensee to cease and desist from any specified conduct.

(2) In determining whether to issue an interim directive the Board shall consider whether—

- (a) there is prima facie evidence that the licensee has contravened the provision of this Act;
- (b) continuation of the licensee’s conduct is likely to cause serious harm to other licensees, consumers or the general public;
- (c) the potential harm of allowing the licensee to continue its conduct outweighs the burden on the licensee of ceasing the conduct; and
- (d) issuance of the interim directive is in the public interest.

Enforcement measures.

29F. (1) Where the Board determines that a licensee has contravened any provision of this Act, the Board may take such enforcement measures as it considers appropriate, including—

- (a) issuing a written warning to the licensee;
- (b) directing the licensee to cease engaging in conduct that is, or if continued will constitute, a contravention of any provision of this Act;
- (c) directing the licensee to take specific remedial action;
- (d) declaring any agreement or contract void;
- (e) imposing a financial penalty relative to the period that the breach persists; or
- (f) suspension or cancellation of the licence issued under this Act.

(2) A person aggrieved by the decision of the Board under this section may appeal to the High Court.

Confidentiality.

29G. (1) A party submitting information to the Board may request that the information submitted be treated as confidential.

(2) The Board shall grant a request for confidential treatment if the requesting party demonstrates, with reasonable specificity, that the information for which it requests confidential treatment contains commercially sensitive information or that the disclosure of the information would have a material adverse impact.

(3) For the purposes of this section, “commercially sensitive information” includes information—

- (a) that is not otherwise available to the public; or
- (b) whose disclosure would cause commercial harm to the party or otherwise provide a commercial benefit to the party’s competitors, including business procedures, practices, plans or its assessment of market conditions.

CLAUSE 33

THAT, clause 33(2) of the Bill be amended by deleting paragraph (e) and substituting therefor the following new paragraphs—

- “(e) standard minimum provisions to be included in green leaf agreements and other contracts entered into between licensees; and
- (f) the maximum number of tea factories that may enter into a contract with one management agent.

CLAUSE 34

THAT, clause 34 of the Bill be amended—

- (c) by renumbering the existing provision as sub-clause (1);
- (d) inserting the following new sub-clause immediately after sub-clause (1)—

“(2) The Crops Act, 2013 is amended in Part I of the First Schedule by deleting the expression “Tea.....”*Camellia spp.*””

CLAUSE 35

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new clause—

Transfer of assets
and liabilities.

35. All property, except such property as the Cabinet Secretary may specify in writing, which, immediately before the commencement of this Act, was vested in the Government for the use of the Tea Directorate of the Agriculture and Food Authority and the Tea Research Institute of the Kenya Agricultural and Livestock Research Organization, shall, on the date of commencement of this Act, vest in the Board and the Foundation, respectively, subject to all interests, liabilities, charges, obligations and trusts affecting that property.

CLAUSE 36

THAT, the Bill be amended by deleting Clause 36 and substituting therefor the following new clause—

Pending proceedings and claims.

36. All legal proceedings and claims pending in respect of actions and activities to which this Act apply shall be continued or enforced by or against the Board and the Foundation in the same manner as they would have been continued or enforced by or against the Agriculture and Food Authority and the Kenya Agricultural and Livestock Research Organization had this Act not been enacted.

CLAUSE 38

THAT, the Bill be amended by deleting Clause 38 and substituting therefor the following new clause—

Transition.

38.The holder of an authorization given, or license or permits issued, or registration made by the Tea Directorate of the Agriculture and Food Authority or the Tea Research Institute of the Kenya Agricultural and Livestock Research Organization shall, within six months of the commencement of this Act, apply to the Board for the grant of an authorization, license, permit or registration under this Act.

CLAUSE 39

THAT, the Bill be amended by deleting Clause 39 and substituting therefor the following new clause—

Transfer of Staff.

39.(1) The staff of the Tea Directorate employed by the Agriculture and Food Authority prior to the commencement of this Act, shall be the staff of the Board.
(2) The staff of the Tea Research Institute employed by the Kenya Agricultural and Livestock Research Organization prior to the commencement of this Act, shall be the staff of the Foundation.

CLAUSE 40

THAT, the Bill be amended by deleting Clause 40.

SCHEDULE

THAT, the Schedule of the Bill be amended by deleting the title and substituting therefore the following new title—

“FIRST SCHEDULE”

NEW SCHEDULES

THAT, the Bill be amended by inserting the following new Schedules immediately after the First Schedule—

SECOND SCHEDULE [s. 2]

TEA ZONES	
ZONE	COUNTIES
EAST	Kiambu, Murang'a, Nyeri, Kirinyaga, Embu, Tharaka-Nithi, Meru and Narok.
WEST	Kericho, Bomet, Nakuru, Kisii, Nyamira, Nandi, Kakamega, Vihiga and Trans-Nzoia.

THIRD SCHEDULE

CRITERIA FOR ASSESSING PROFESSIONAL OR MORAL SUITABILITY

(1) In order to determine, for the purposes of this Act, the professional and moral suitability of persons, proposed to be Directors and senior officers of a licensee, the Board shall have regard to the following qualities, in so far as they are reasonably determinable, of the person concerned—

- (a) possession of adequate professional credentials or experience or both for the position for which the person is proposed;
- (b) ability to recommend sound practices gleaned from other situations;
- (c) ability to provide dispassionate advice;
- (d) ability to avoid conflicts of interest in his or her activities and commitments with other organizations;
- (e) ability to absent oneself from decisions when the person is incapable of providing objective advice.

(2) For the purpose of and without prejudice to the generality of the provisions of paragraph (1), the Board, may have regard to the previous conduct and activities of the person concerned in business or financial matters and, in particular, to any evidence that such person—

- (a) has been convicted of the offence of fraud or any other offence of which dishonesty is an element;
- (b) has contravened the provisions of any law designed for the protection of members of the public against financial loss due to the dishonesty or incompetence or other malpractices;
- (c) has taken part in any business practices that, in the opinion of the Board, were fraudulent, prejudicial or otherwise improper (whether unlawful or not) or which otherwise discredited the person's methods of conducting business; or
- (d) has taken part in or been associated with any other business practices as would, or has otherwise conducted himself in such manner as to cast doubt on the person's competence and soundness of judgment.

(3) The Board may request any person to furnish such additional information as may be necessary in determining the professional or moral suitability of the person as stipulated under the Act.

The House further resolved on Tuesday, June 2, 2020 as follows-

- III.** **THAT**, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, during the Sittings of the House from June 4, 2020 to July 2, 2020, each speech in **debate** on **Bills, Motions** (*including Special Motions*), **Sessional Papers** and **Committee Reports**, shall be limited as follows:- a maximum of **two hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order, and that the resolution **shall not** apply to the Second Reading of the Finance Bill, 2020, debate on the Budget Estimates and the Committee of Supply for the Financial Year 2020/2021.

ADJOURNMENT

IV. NOTIFICATION OF RECESS (July 03, 2020 – July 27, 2020)

Pursuant to the provisions of Standing Order 28(3) relating to *Calendar of the Assembly*, and the resolution of the House of Tuesday, June 30, 2020, the Speaker notifies that upon rise of the House today at the appointed time, regular sittings will resume on **Tuesday, July 28, 2020 at 2:30 p.m.**

(Thereafter, the House to adjourn without question put)

...../Notice Paper

NOTICE PAPER

Tentative business for
Tuesday, July 28, 2020

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following ***tentative*** business to appear in the *Order Paper for Tuesday, July 28, 2020-*

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Tea Bill (Senate Bill No. 36 of 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)

(If not concluded on Thursday, July 2, 2020)

- (ii) The Gaming Bill (National Assembly Bill No. 38 of 2019)
(The Chairperson, Departmental Committee on Sports, Culture & Tourism)

B. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, July 2, 2020)

C. THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)

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

Second Reading

D. THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO.25 OF 2018)

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

Second Reading

...../Appendix

APPENDIX

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:-

QUESTION BY PRIVATE NOTICE

**QPN
012/2020**

The Member for Mwingi North (Hon. Paul Musyimi Nzengu, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (i) Could the Cabinet Secretary explain the status of investigations into the road accident involving a motor vehicle registration number *KBM 881V, Toyota Prado (also Reg. No. GKB 214E)* assigned to the Office of the Deputy President and a motor cycle of registration number *KMCT 356V*, which happened along *Kismayu* road near *Mustaqbal* Filling Station in *Garissa* County on 9thFebruary, 2015 leading to the death of one *Patrick Mutia Muthui* of ID No. 29726448 as reported in *Garissa* Police Station Occurrence Book No. 07/09/02/2015?
- (ii) When will the family of the deceased be compensated for the death caused due to negligence of the driver?

(To be replied before the Departmental Committee on Administration and National Security)

ORDINARY QUESTIONS

086/2020

The Member for Kathiani (Hon. Robert Mbui, MP) to ask the Cabinet for Transport, Infrastructure, Housing & Urban Development-

- (i) Could the Cabinet Secretary explain why the construction of *Mumbuni- Kathiani* Road in Kathiani Constituency has never been completed despite having been allocated funds in the FY 2011/2012?
- (ii) Could the Cabinet Secretary confirm that the quality of workmanship on the completed part of the road met the set construction standards and specifications, taking into account that the said part has already developed potholes following the recent rains?
- (iii) Are there steps being taken by the Ministry to ensure the road is completed as per the set standards, specifications and timelines?

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

116/2020

The Member for Tharaka Nithi County (Hon. Beatrice Nkatha Nyagah, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -

- (i) What is the status of locust eradication in the country and in particular the lower part of Tharaka in Tharaka Nithi County?
- (ii) What measures has the government put in place to compensate farmers whose crops and other farm products destroyed by the locusts are compensated?

(To be replied before the Departmental Committee on Agriculture and Livestock)

106/2020

The Member for Tigania West Constituency (Hon. (Dr.) John Kanyuithia Mutunga, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain the policy measures in place that permit candidates who fail to attend school learning sessions for various reasons, to undertake the national end year exams?
- (ii) What measures has the Ministry put in place to ensure policies on admissibility to sit for exams are in place and adhered to on special cases for students who miss classes as a result of circumstances that are beyond their control such as sickness and pregnancies?

(To be replied before the Departmental Committee on Education and Research)

109/2020

The Member for Samburu North (Hon. Alois Lentoimaga, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain the circumstances that led to disarming of the National Police Reservists (NPRs) without any consultations in July 2019 considering the fact that they were recruited, trained, provided with uniforms and deployed to assist the National Police Service personnel in 14 counties in Northern Kenya,?
- (ii) Could the Cabinet Secretary re-consider revoking the order of disarming and ordering re-arming and deploying of the NPRs to the aforementioned vulnerable areas to provide security?
- (iii) What specific measures are being implemented by the Ministry in the interim to safeguard residents of Northern Kenya counties, in particularly the Counties of Samburu

and Marsabit Counties due to rising insecurity?

(To be replied before the Cabinet Secretary for Administration and National Security)

115/2020

The Member for Baringo Central Constituency (Hon. Joshua Kandie, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (i) Could the Cabinet Secretary explain why the construction of *Kirandich Water Dam Phase II Project* in Baringo Central Constituency has stalled since 2016?
- (ii) Could the Cabinet Secretary give the status of the said project since inception, in terms of the funds that were allocated, funds already paid to the Contractors and the pending allocation?
- (iii) What measures has the Ministry put in place to ensure speedy completion of the project and payment of contractors?

(To be replied before the Departmental Committee on Environment and Natural Resources)
