



NATIONAL ASSEMBLY

e-NEWS

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Moi's Send Off**

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Foreword



Welcome to the 6th Issue of the National Assembly E-Newsletter.

This being our first issue this year, I take this opportunity to wish all our readers a Happy 2020.

Noting that we are rolling out this issue at a time when the country and indeed the world is struggling with the Covid-19 Pandemic, our lead story is on Kenya's preparedness to handle Covid-19. This article is drawn from the findings of the Committees of Health of both Houses after sittings held with the Cabinet Secretary for Health, Cabinet Secretary for Transport and the Cabinet Secretary for Interior and National Coordination.

An article on the vetting of nominees for Cabinet Secretary for Health and Cabinet Secretary for Industrialization, Trade and Enterprise Development who appeared before the Committee on Appointments is on page 7.

This issue contains a four-page pictorial of the send-off of the Late President His Excellency Daniel Toroitich Arap Moi. The late President, whose body lay in state at Parliament Buildings for three days,

was interred at his Kabarak home on 12th February, 2020.

The Bill Digest Section has an article on the Representation of Special Interest Groups Law (Amendment) Bill 2019. This legislation seeks to promote representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.

A petition seeking to probe the operations of digital money lenders with the intent of regulating them was presented before the House. Read page 11 for details on this.

During the period covered, the Opposition Leader of the Parliament of Uganda led a delegation on a study tour of the National Assembly of Kenya. To find out more on this visit, turn to page 11.

For these and more stories, welcome and enjoy the read.

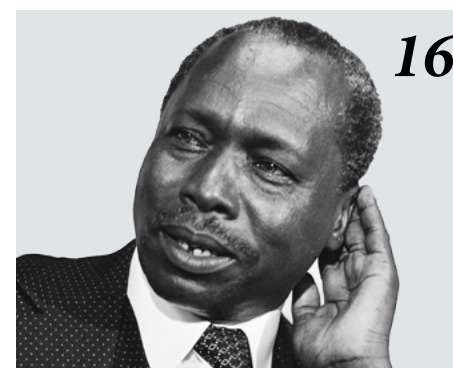
Mr. Michael R. Sialai, EBS
Clerk of The National Assembly of Kenya

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Houses Health Committees Hold Joint Meetings With Cabinet Secretaries To Assess Kenya's Preparedness To Handle Covid-19 (Coronavirus)



Cabinet Secretary for Health Mutahi Kagwe holds a press briefing on the corona virus pandemic (COVID 19)

In the wake of the declaration of the Covid-19 (Coronavirus) as a Pandemic by the World Health Organization (WHO), the Departmental Committee on Health, in a joint sitting with the Senate Committee on Health; held strategic meetings on 4th and 11th March 2020 with the Ministries of Health; Transport; and Interior & Coordination of National Government to assess the Nation's preparedness to handle the virus.

In the meetings with these relevant Departments, the Members of Parliament, in committee sessions co-chaired by Murang'a Woman Representative, Sabina Chege, and her Senate Counterpart Michael Mbiti, sought to know among others, why despite the declaration by the World Health Organisation (WHO), Kenya was still allowing in flights from China and other affected Countries; why Kenyans, (mostly students) stuck in Wuhan city of China had not been

repatriated home by the government, and whether there were unreported cases of Coronavirus patients from overseas in Kenya.

"At what point did we allow these foreigners into our country despite the seriousness of this matter? The flight that arrived from China with 239 people on board, how far have efforts to track them down gone? How sure are we, that none of them was infected by COVID-19?" asked Hon Sabina Chege in one of the sessions with the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development, Mr. James Macharia.

The Joint-sitting, also put to task; the Cabinet Secretaries of Health, Mutahi Kagwe, the Principal Secretary for Interior and National Government Coordination, Karanja Kibicho, and CS James Macharia, to assure Kenyans that the government was

"At what point did we allow these foreigners into our country despite the seriousness of this matter...?"
-Sabina Chege-

sufficiently prepared to handle potential coronavirus cases, pointing out the need for extremely efficient Emergency response teams to mitigate looming crisis. Despite the government's reassuring statements, the Committee expressed concerns about the efficiency of self-quarantine which the government was largely advocating for.

"We need to understand what the Ministry means by self-quarantine and what it entails, and its effectiveness in this situation. Because there is no guarantee that the persons will observe the recommended time and procedure" posed Senator Mbiti.

The Cabinet Ministers, in various statements, reassured Parliament, that as at the time of these meetings, there were no reported cases of Coronavirus in Kenya, and that all travellers coming into the country underwent proper screening to ensure nobody was let in with symptoms of the coronavirus.

The Ministry of Health, in a response to concerns raised by some parents to the students stuck in China, made a commitment to initiate plans to ensure that all the Kenyans in Wuhan were moved back home, and emphasized that there was a possible challenge in doing this owing to the stoppage of international flights from Wuhan, but CS Mutahi Kagwe committed to ensuring that the Kenyans would be, in this case, moved to more secure cities within China.



Kenyans in Nairobi's Central Business District in protective masks following fears of growing numbers of confirmed COVID-19 positive patients in the country

THE COVID 19 PANDEMIC

COVID-19 has been declared a global pandemic by the World Health Organisation (WHO). It is an infectious disease caused by the most recently discovered coronavirus. This new virus and disease were unknown before the outbreak began in Wuhan, China in December, 2019. The disease can be spread from person to person through small droplets from the nose or mouth which are spread when a person with COVID-19 coughs or exhales and the droplets land on objects and surfaces around the person then other people touch the objects or surfaces and touch their eyes, nose or mouth. People can also catch the disease if they breathe in droplets from a person that is infected who coughs out or exhales droplets.

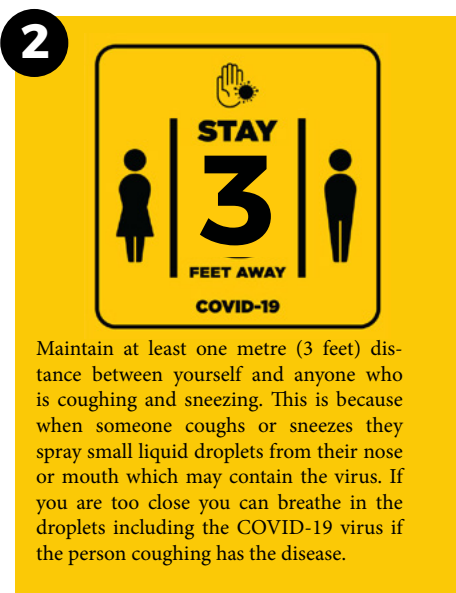
What can I do to protect myself and prevent the spread of the disease?



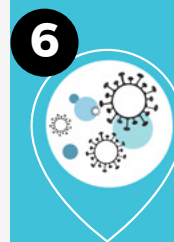
1 Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water in order to kill viruses that may be on your hands.



3 Avoid touching your eyes, nose and mouth because hands touch many surfaces and can pick up viruses. Once contaminated, hands can transfer the virus to your eyes, nose or mouth from where the virus can enter your body.



5 Stay home if you are unwell. Seek medical attention and call in advance if you have a fever, cough and difficulty in breathing. Follow the directions of the Ministry of Health (MoH).



6 Update yourself on the latest COVID-19 hotspots. If possible, avoid travelling to places especially if you are an older person or have diabetes, heart or lung disease.

Parliamentary Service Commission Response to COVID-19 Threats

In Kenya, the first COVID-19 case was reported on Friday, 13th March, 2020 by the Cabinet Secretary for Health, Hon. Mutahi Kagwe. Over 100 cases had been confirmed in the country as at 2nd April, 2020. In order to protect Members of Parliament, staff and the general public from being infected with the disease, the Parliamentary Service Commission:-

1. Established a taskforce to handle response to COVID-19 threat consisting of parliamentary staff and a senior medical officer from the (MoH);
2. Provided mental and psychological support to Members of Parliament and staff by providing information on the disease through notice boards and social media platforms and having Nairobi, Aga Khan and Karen Hospitals on standby;
3. Suspended all foreign travel by Members and staff, none essential visiting delegations to Parliament, visits by schools, public gatherings, meetings and events within the Parliamentary precincts;
4. Adjourned both Houses for a period of one (1) month and suspension of Committee activities for two (2) weeks;

5. Suspended gatherings, meetings and events within the precincts of Parliament except meetings in relation to tenders which are held in well ventilated venues or outside;

6. Closed the canteens, health club and crèche;

7. Enhanced hygiene within Parliament by putting in place hand washing points and distribution of hand sanitizers in offices;

8. Distributed and displayed posters and other educational materials;

9. Operationalised the use of infrared thermometers (non-contact temperature testers) at all entrances;

10. Taken inventory of all Members and staff who have returned into the country within the last fourteen days and advised them to self-quarantine;

11. Ensured proper waste and garbage management; and

12. Given most staff leave or asked them to work from home for a period of thirty days and maintaining minimum staff in Directorates providing essential services



The National Assembly's Committee on Appointment vets the nominees for Cabinet Secretary Health, Trade and Enterprise Development



Hon. Mutahi Kagwe appears before the Committee on Appointments in the National Assembly for vetting.

The House kicked off the commencement of the Fourth Session with a full in-tray following the nomination of several persons to the positions of Cabinet Secretary and Principal Secretary, after President Uhuru Kenyatta restructured his government late January.

Former Nyeri Senator and nominee for appointment as Cabinet Secretary, Ministry of Health, Hon. Mutahi Kagwe, and his counterpart nominee for Cabinet Secretary, Ministry of Industrialization, Trade and Enterprise Development, Ms Betty Maina, appeared before the National Assembly Committee on Appointments chaired by Speaker Justin Muturi for vetting in accordance with the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) on February 20.

During the vetting session, Hon. Kagwe cast a spot-

light on the need for radical reforms in the health sector geared towards the achievement of universal healthcare, a key component of the government's Big Four Agenda.

'Mr. Chairman, the NHIF as currently structured may not help achieve universal healthcare. There is need to for reforms so as to increase revenue at the base level. I hope to achieve internal re-engineering of NHIF so it is responsive to the needs of Kenyans through the use of technology', said Hon. Kagwe.

Giving his resolute undertaking if approved by the House, Hon. Kagwe promised to undertake the maintenance of the existing medical infrastructure before allowing procurement of further equipment for national referral hospitals. There have been public concerns over expensive medical equipment lying idle in hospitals for lack of structures to support their



The nominee for the position of Cabinet Secretary, Trade and Enterprise Development, Ms. Betty Maina, when she appeared before the Committee on Appointments in the National Assembly for vetting.

maintenance.

He further promised to instill a proper trail of medicine dispatched from the Kenya Medical Supplies Agency, following complaints on disappearance of medical equipment and medication headed to hospitals in the counties only to be found in dispensaries near the same hospitals which the medication was intended for.

On her part, Ms. Betty Maina outlined her vision for the ministry subject to her approval, promising to prioritise the ease of doing business in the country while promoting small scale businesses which play a critical role in the country's economic growth.

This followed concerns that the nominee may be inclined towards coming up with policies that favour big businesses who are members of the Kenya Private Sector Alliance (KEPSA) and the Kenya Manufacturers Association given her previous association with these organisations.

Noting that Kenya is a net importer, she told the Committee that she would be keen to ensure the growth of Kenyan industries to increase the presence

of Kenyan made goods on the stores shelves across the country.

Members however took issue with the current economic situation in the country noting that there has been a spate of businesses folding up in the last one year leading to massive job losses. The committee was also concerned about the bureaucracy around standard approvals for goods with Members led by Speaker Muturi and Murang'a County Representative Hon. Sabina Chege decrying the current status of imports' standards approval process, where importers are taxed before the standards of their goods are ascertained, only for the goods to be declared substandard without timely remission of the taxes.

Responding to a question by the Majority Leader Aden Duale on the challenges experienced by businessmen as a result of pending bills, Ms. Maina noted that these bills emanate from ambitious revenue projections during the budget process, which ultimately cannot be honoured by the exchequer, but promised to address this challenge if approved by the House.

The two have since been approved by the House and sworn into office.

Departmental Committee on Finance and National Planning to probe Digital Money Lenders

The House has commenced a probe on digital money lenders following a petition filed by the Member of Parliament for Mathare Constituency, Hon. Anthony Tom Oluoch, who wants the National Assembly to probe the operations of the lenders with the intent of regulating them.

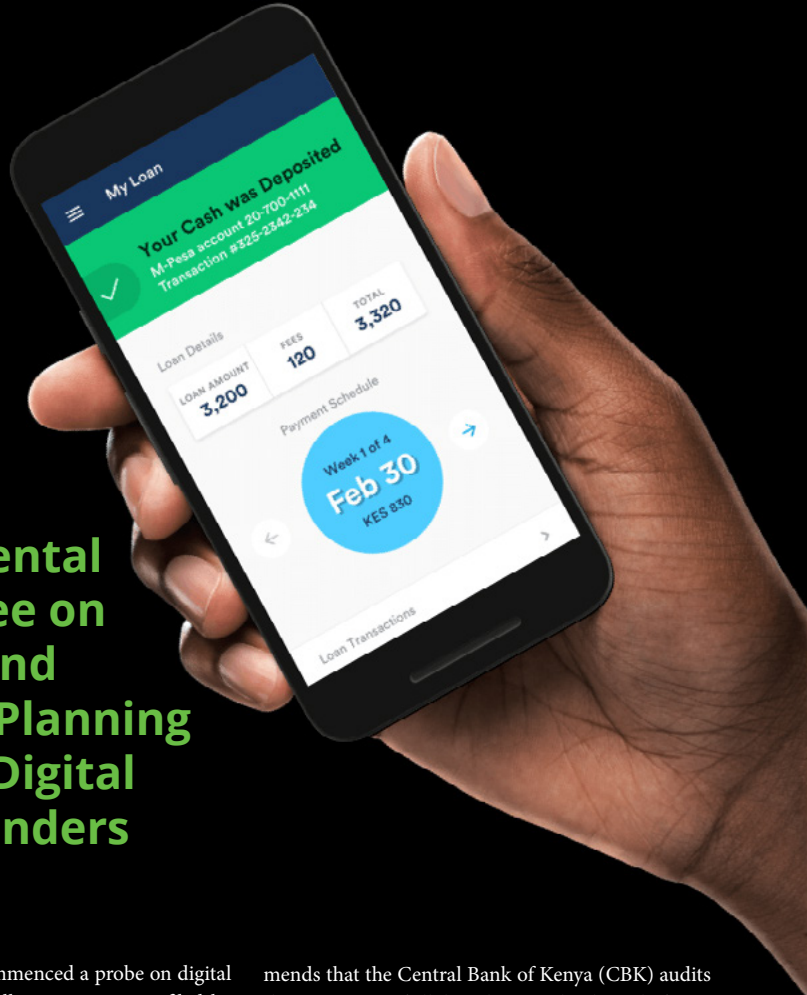
In the petition tabled before the House on 10th March, 2020, Hon. Oluoch has expressed his prayers that the National Assembly “should investigate the operations of all mobile money lending platforms in the country with a view of stopping unregulated money lending and subjecting all non-compliant mobile lenders to applicable money lending regulations”.

Further, the petitioner prays that the House recom-

mends that the Central Bank of Kenya (CBK) audits the operations of all digital money lending platforms and formulates regulations to govern digital money lending, including provision for full disclosure of involved upfront charges and applicable interest rates, as soon as practicable.

In the petition, Hon. Oluoch states that, according to a survey by the Kenya National Bureau of Statistics (KNBS) over 19 million Kenyans are active mobile loan borrowers. Out of this approximately 7.6 million or 40 per cent have multiple loans from six to 10 mobile lending apps.

“Digital lending platforms such as Tala, Mshwari and Fuliza by Safaricom, Timiza by Barclays Bank (now Absa), Branch, Shika Ipesa, Berry, Okash, Zenka and



Hon. Anthony Oluoch (left) addressing the media at the Media Centre, Parliament Buildings – File picture

others continue to lure and trap borrowers into unnecessary borrowing and a vicious cycle of expensive loans”, he said.

“The lenders achieve this by raising loan limits upon repayment of the initial loan; easing accessibility on internet and non-disclosure of full lending terms. According to the petitioner, “this has made it easier for Kenyans, especially jobless youths to borrow for betting or to repay previous loans as opposed to investment”, he further observed

“... borrowing has become a social menace, “responsible for suicides, family breakups and increased listing of loan defaulters by the Credit Reference Bureau (CRB)”.
- Hon. Antony Oluoch

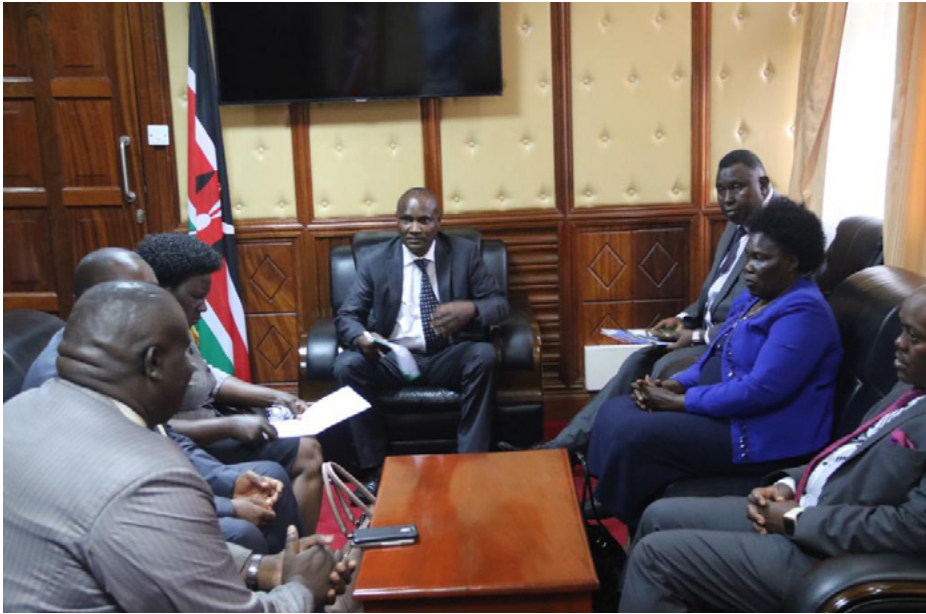
In addition, Hon. Oluoch drew the attention of the House to the fact that borrowing has become a social menace, “responsible for suicides, family breakups and increased listing of loan defaulters by the Credit Reference Bureau (CRB)”.

Hon. Oluoch accused the mobile money lenders of charging exploitative interest rates which according to him were as high as 19 per cent, six per cent higher than the rate recommended by the CBK.

“Mobile loans are expensive due to the short-term repayment, high facilitation fee charged and transaction charges have pushed the average lending rate to above 19 per cent in interest”, he said.

He further submitted that “due to lack of proper regulation, mobile money lenders infringe on clients’ right to privacy by accessing customers’ contacts to call friends and family about borrowers’ debt status”. This petition, pursuant to Standing Order No. 227 (1), has since been committed to the Departmental Committee on Finance and National Planning for consideration and reporting to the House.

Opposition Leader in the Parliament of Uganda, leads a delegation on a study tour of the National Assembly of Kenya



The delegation from Uganda with the Leader of Minority Hon. John Mbadi (Centre) when they called on him in his office

As part of collaboration and experience-sharing, the National Assembly, from time to time, welcomes delegations from other parliaments on benchmarking and study visits. These visits also form an important component in furtherance of parliamentary diplomacy and partnership.

During the week of March 1st to 6th, 2020, the National Assembly hosted a delegation from the Parliament of Uganda on a benchmarking visit. The delegation was led by Hon. Betty Aol Ocan, MP, Leader of the Opposition of the Parliament of Uganda.

The areas of interest for the delegation included:

(i) *The process of nomination/recruitment and appointment of Commissioners of the Independent Elec-*

toral and Boundaries Commission (IEBC),

(ii) *The concept of a presidential running mate and its effectiveness in the electoral process;*

(iii) *The role of the Deputy President in Kenya;*

(iv) *The procedure at presidential elections including questions on the validity of presidential elections;*

(v) *The role of the "Army" in politics;*

(vi) *The Presidium and election of the Speaker's Panel Parliament; and,*

(vii) *Management and control of salaries in the public service.*

During the visit, the delegation shared experiences with among others, the Leader of the Majority Party,



Hon. Duale with the Leader of the Opposition Hon. Betty Ocan (3rd from Left) accompanied by (L-R) Hon. Joy Atim, Hon. Lubega Ssegoona, Hon. Turyamuhweza T. Fred & Hon. Niwagaba Wilfred

Hon. Aden Duale, the Leader of the Minority Party, Hon. John Mbadi as well as the Departmental Committee on Justice and Legal Affairs chaired by the Hon. William Cheptumo. The delegation also held a session with senior parliamentary officials and attended the proceedings of the House.

Other members in the delegation were: the Shadow Attorney General, Hon. Niwagaba Wilfred, Shad-

ow Minister for Justice and Constitutional Affairs, Hon. Lubega Ssegoona Medard, Shadow Minister for Trade and Industry, Hon. Turyamuhweza T. Fred and the Shadow Minister for Special Regions, Hon. Atim Joy Ongom. The delegation was accompanied by parliamentary staffers; Mr. Sunday Apolo, Ms. Atimango Joan, Mr. Watuwa Muniru and Ms. Natukunda Adrine.



Hon. Aden Duale, Leader of the Majority Party (2nd Right) with a delegation of the Parliament of Uganda led by Hon. Betty Ocan, Leader of Opposition (3rd Right)

Departmental Committees vet Principal Secretaries' nominees



Mr. Kitungu responds to Members' questions when he appeared before the Committee for vetting.

House Departmental Committees, late February, conducted various vetting exercises on President Uhuru Kenyatta's nominees for Principal Secretaries in various ministries.

The Departmental Committee on Education, Science and Technology, chaired by Tinderet Member of Parliament, Hon. Julius Melly vetted the nominee for the Position of Principal Secretary for Vocational and Technical Training, Dr. Jwan Ouma. Dr. Ouma is a widely published scholar as outlined in his submissions to the Committee. They further conducted hearings for the vetting of the nominee for the position of Principal Secretary of University Education and Research Ambassador, Mr. Simon Nabukwesi. Amb. Nabukwesi is a trained teacher who once served as the Principal of Friends' School Kamusinga, before he was appointed as Ambassador.

On their part, the Departmental Committee on Transport, Public Works and Housing chaired by Hon. David Pkosing, conducted the hearing for the vetting of the nominee for Principal Secretary, State Department on Transport, Mr. Solomon Kitungu.

Mr. Kitungu previously worked as a Director, Public Investments and Investments Portfolio at the National Treasury, and as the Chief Executive Officer of the Privatization Commission.

Noting the numerous challenges in the aviation sector particularly with regard to the restructuring of Kenya Airways, Committee Members centered their queries on the nominee's ability to revitalise the sector.

The nominee in his response noted that as per the earlier observations by the Departmental



ABOVE: Members of the Departmental Committee on Education, (from left), Hon. Cathrine Wambilianga, Hon. Omboko Milemba and Hon. Jerusha Momanyi follow proceedings during the vetting exercise.

BELOW: The Departmental Committee on Transport, Public Works and Housing Chairperson, Hon. David Pkosing and the Vice Chairperson, Hon. Moses Kuria follow the vetting session proceedings.



Committee, and his own assessment, Kenya Airways has no capacity to survive as a stand alone. He undertook to implore on the Steering Committee on Aviation from the National Treasury to consider a business model that will take stock of the assets, liabilities and gaps leveraging the opportunities and assets, if approved.

Mr. Kitungu further addressed Members concerns over the continued ailing public transport sector,

noting that that connectivity across different modes of transport is crucial. He promised to ensure that there is a link between different modes of transport, thus according commuters a seamless connection between Standard Gauge railway, meter gauge railway and buses.

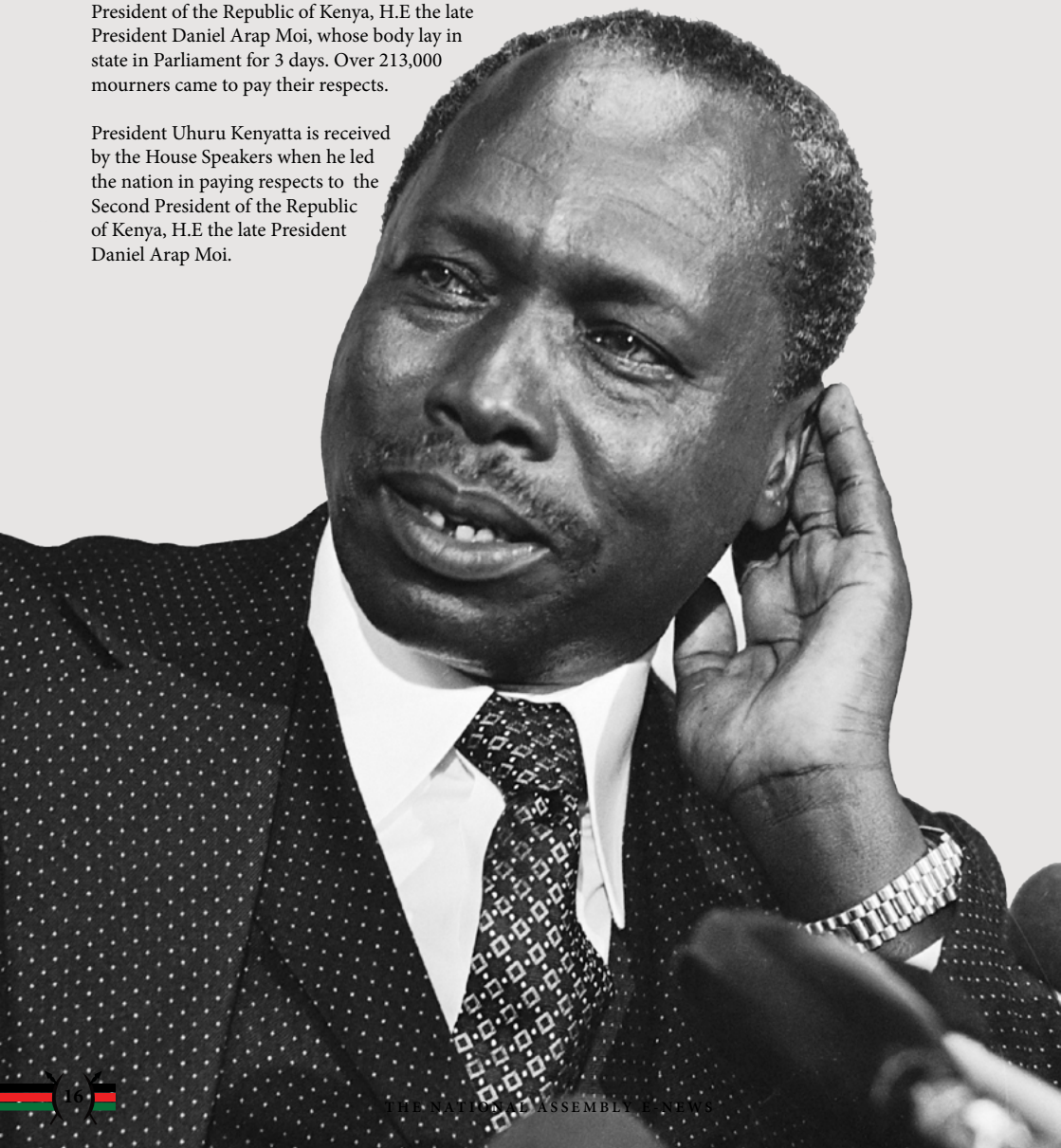
The nominees have since been approved by the House and formally appointed by the President to office.

REST IN PEACE

DANIEL TOROTICH ARAP MOI
SECOND PRESIDENT OF THE REPUBLIC OF KENYA

Kenyans from all walks of life thronged Parliament for the Public viewing of the body of the Second President of the Republic of Kenya, H.E the late President Daniel Arap Moi, whose body lay in state in Parliament for 3 days. Over 213,000 mourners came to pay their respects.

President Uhuru Kenyatta is received by the House Speakers when he led the nation in paying respects to the Second President of the Republic of Kenya, H.E the late President Daniel Arap Moi.





BILL DIGEST

Representation of Special Interest Groups Laws (Amendment) Bill, 2019



THE BILL IN A SNAPSHOT

Bill's Title: The Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019)

Publication Date: 1st July 2019

First Reading: 4th July 2019

Second Reading: 15th and 29th October 2019

Committee Stage: 10th March 2020

Third Reading: 11th March 2020

Status: Bill transmitted to the Senate

Sponsoring Member:
Hon. Jeremiah Kioni

Select Committee:
Constitutional Implementation Oversight Committee

A legislation that seeks to promote representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities has been passed by the National Assembly and has been transmitted to the Senate for its consideration.

The Representation of Special Interest Groups Laws (Amendment) Bill, 2019 (National Assembly Bill No. 52 of 2019) is a Committee-sponsored Bill by the Chairperson of the Select Committee of Constitutional Implementation Oversight, Hon. Jeremiah Kioni, Member of Parliament for Ndaragwa Constituency. The Bill is a fulfillment of Article 100 of the Constitution that compels Parliament to enact the legislation.

Salient provisions in the Bill

This Bill seeks to make amendments to the following seven existing laws in order to give further effect to Article 100 of the Constitution:

a) The Persons with Disabilities Act (No. 14 of 2003)

To require the National Council of Persons with

disabilities to promote the inclusion of persons with disabilities in decision-making bodies, boards, agencies and other public institutions and organisations as part of the functions it undertakes.



b) The Independent Electoral and Boundaries Commission Act (No. 9 of 2011)



To define special interest groups as those provided for in Article 100 of the Constitution. It also provides for disaggregation of the data on the voters' roll on the basis of all categories of special interest groups and requires the Commission to conduct the nominations of the party lists to ensure the process is in line with Article 90 of the Constitution.

The proposed amendments also require voter education to include special interest groups and to utilize such communication modes as may be accessible to persons with disabilities including persons with hearing or visual impairment.

c) The Political Parties Act (No. 11 of 2011)

To amend the Political Parties Act, 2011:

i.) By defining special interest groups as those provided for in Article 100 of the Constitution. It also provides additional requirements for a political party to be eligible for registration.

ii.) By amending section 25 to provide that 20% of the Political Parties Fund be distributed based on the elected numbers of special interest groups. However, during the Committee of the whole House, amendment to section 25 was negated.

iii.) By amending section 29 of the Act to require a political party to specifically publish in its statement of income and expenditure, the amount allocated and expended on the special interest groups.

iv.) To provide that the publication of the notice of any change in the constitution of a political party should be on its website and in a manner and form that is accessible to special interest groups.

v.) By amending the First and Second Schedules of the Act on the code of conduct for political parties by making it a requirement for political parties to implement the formulated affirmative action policies, programmes and strategies and prescribing the need for the constitution of political parties to include membership of special interest groups and manner of nomination of candidates to political party lists.

vi.) To provide for the powers of the Registrar to make Regulations pertaining to the procedure for nomination of a candidate for a party list at the branch level for county assemblies and National Delegates conference for National Assembly and Senate.



d)The National Gender and Equality Commission Act (No. 15 of 2011)

To amend section 8 of this Act to expand the mandate of the Commission in operationalizing the provisions of Article 100 of the Constitution, through, among other activities, monitoring implementation of affirmative action programmes and identifying and addressing the challenges faced by the special interest groups.



e)The Elections Act (No. 24 of 2011)

To amend this Act to require each political party to ensure that at least one third of its candidates for nominations are of either gender. In addition, the Bill proposes amendments to the Act, to preclude the Independent Electoral and Boundaries Commission from accepting any list of candidates for election which does not have at least one third of the candidates from either gender and at least five per cent of its candidates as persons with disabilities in line with constitutional requirements.



f)The Election Campaign Financing Act (No. 42 of 2013)

To amend this Act to require the Independent Elec-

toral and Boundaries Commission to take into consideration candidates from special interest groups when prescribing the spending limits applicable to election campaigns.

g)The Election Offences Act (No. 37 of 2016)

To amend this Act to criminalize the use of demeaning or derogatory language targeted at special interest groups in the election process. Under the Act, the general penalty for any offence is a fine not exceeding one million shillings or imprisonment for a term not exceeding three years, or both the fine and imprisonment.

100. Promotion of representation of marginalised groups

Parliament shall enact legislation to promote the representation in Parliament of—

- (a)women;
- (b)persons with disabilities;
- (c)youth;
- (d)ethnic and other minorities; and
- (e)marginalised communities.

Bill forwarded to the Senate for consideration

The Bill was First Read on 4th July 2019. Its Second Reading was done on 15th October 2019 through to 29th October 2019. The Bill then went into the Committee of the whole House (where amendments to the Bill are moved and voted on in the House) on 10th March 2020. The Third Reading on the Bill was done on 11th March 2020.

Since the Bill concerns county governments, it has been submitted to the Senate for their consideration.

This Bill is available on the Parliament of Kenya website (www.parliament.go.ke). It is accessible on the following link. You can read the Committee's Report on Consideration of the Bill here. The Votes and Proceedings on the Bill (precise summary of the proceedings of each sitting of the House) can be accessed here. The Hansard in which deliberations on the Bill are recorded is accessible here while the plenary video is available here.

School curriculum to include personal safety skills, says law



Parents wait outside Kakamega Primary School after staircase stampede that claimed the lives of 13 pupils and injured many more

Your child's school curriculum will soon incorporate personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in curriculum development. Also, it will incorporate psychosocial skills and services.

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33 of 2019) is sponsored by Hon. Joyce Emanikor, the County Woman Representative, Turkana County. The Kenya Institute of Curriculum Development has been bestowed these additional functions in their curriculum development.

The principal object of this law is to enhance disaster risk reduction in learning institutions. The school curricula do not provide the learners with education on safety, particularly on how to conduct security drills, evacuation, first aid, how to locate explosives, how to sense danger, among other safety-related teachings. This law seeks to bridge that gap.

"The proposed amendments are timely given that previously, disasters have been witnessed in schools

with untold destruction and casualties. The proposals will go a long way in ensuring safety in schools and enhancement of life skills in dealing with disasters."

-National Assembly Departmental Committee on Education and Research

"... the Bill is informed and premised upon the recent and current wake of terror attacks, active shooting incidents, bombings, sexual assault, kidnappings, radicalisation, natural hazards and other forms of disasters in our institutions of learning."
- Hon. Joyce Emanikor -

The Bill was passed by the National Assembly on 12th March 2020 and is awaiting assent by the President. It was published on 14th April 2019 and was First Read on 26th June 2019. The Second Reading was done on 20th November 2019 and 4th December 2019. The Committee Stage was done on 11th March 2020 while the Third Reading was done the next day, on 12th March 2020.

The Departmental Committee on Education and Research considered the Bill. In its report laid on the Table of the House on 17th September 2019 by the Chairperson of the Committee, Hon. Julius Melly, the Committee agreed to the clauses in the Bill and recommended that the House passes the Bill.

“The proposed amendments are timely given that previously, disasters have been witnessed in schools with untold destruction and casualties,” the Committee observed in its report. “The proposals will go a long way in ensuring safety in schools and enhancement of life skills in dealing with disasters,” the Committee further observed.

FACTBOX

Bill's Title: The Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No. 33 of 2019)

Publication Date: 14th April 2019

First Reading: 26th June 2019

Second Reading: 20th November 2019;
4th December 2019

Committee Stage: 11th March 2020

Third Reading: 12th March 2020

Status: Bill awaiting assent by the President

Sponsoring Member: Hon. Joyce Emanikor

Departmental Committee:
Education and Research

The Principal Secretary, Ministry of Education, had appeared before the Committee on 29th August, 2019 and had submitted that the Ministry was in support of the proposed amendments.

While moving the Second Reading of the Bill, Hon. Emanikor said that the Bill “is informed and premised upon the recent and current wake of terror attacks, active shooting incidents, bombings, sexual assault, kidnappings, radicalisation, natural hazards and other forms of disasters in our institutions of learning, particularly the secondary and tertiary institutions.”

The Bill is available on the Parliament of Kenya website (www.parliament.go.ke). It is accessible on the following link. You can read the Committee's Report on Consideration of the Bill here. The Votes and Proceedings on the Bill (precise summary of the proceedings of each sitting of the House) can be accessed here. The Hansard Report in which deliberations on the Bill are recorded is accessible as follows (Hansard Report for 20th November 2019- Hansard Report & Plenary Video; and Hansard Report for 4th December 2019- Hansard Report & Plenary Video).



Child Learning Karate for self defense

Business Laws (Amendment Bill), 2019



President Uhuru Kenyatta assents to the Business Laws (Amendment) Bill, 2019, flanked by House Speakers; Hon. Kenneth Lusaka-Senatorate (left, standing) and Hon. Justin Muturi-National Assembly (center)-Photo (courtesy of PSCU)

The Business Laws (Amendment) Bill (National Assembly Bill No. 80 of 2019) was published on 18th November, 2019 and read a First Time on 4th December, 2019. An advert was placed in the print media on 13th January, 2020 for members of the public to submit their comments on the Bill by 27th January, 2020. It is an omnibus Bill proposing amendments to various statutes aimed at facilitating the ease of doing business in Kenya. Hereunder are the proposed provisions to the —

1. The Law of Contract Act (Cap. 23): The amendment seeks to include an advanced electronic signature and an electronic signature in the definition of the word “sign”.

2. Industrial Training Act (Cap. 237): The amendment seeks to provide for the annual payment of the training levy and to align the penalty for failure to pay the levy.

3. Registration of Documents Act (Cap. 285): The amendment proposes to include definitions of electronic documents and various forms of electronic signatures; to authorize the Registrar to establish and maintain the Principal and Coast registries in both physical and electronic form; and to provide for the filing of documents in physical and electronic form in the

Registry.

4. Survey Act (Cap. 299): The Bill seeks to include the definitions of various forms of electronic signatures; to provide for the sealing and security features of electronic documents that have been processed under the Act; to allow the lodging of documents under the Act in either physical or electronic form; and to incorporate the electronic affixation of the Seal of the Survey of Kenya.

5. Income Tax Act (Cap. 470): The Bill seeks to provide for investment deductions on capital expenditure incurred for the construction of bulk storage facilities for supporting the Standard Gauge Railway.

6. Stamp Duty Act (Cap. 480): The amendment seeks to include a stamp's electronic features in its definition.

7. Kenya Information and Communications Act No. 2 of 1998: The amendment seeks to provide for electronic means of authenticating and signing documents.

8. Occupational Safety and Health Act No. 15 of 2007: The Bill proposes to provide for the exclusion of certain workplaces of employers with less than one hundred employees from the application of various require-

ments under the Act and the procedure for the grant of the exemption.

9.National Construction Authority Act No. 41 of 2011: The amendment proposes to authorize the Authority to enforce the Building Code in the construction industry; to provide for the penalty to be imposed on a person who fails to comply with an order of an investigating officer; and to authorize the Authority to conduct mandatory inspections of construction sites and the making of regulations in respect of the same.

10.Land Registration Act No. 3 of 2012: The Bill proposes to include the definitions of various forms of electronic signatures; to delete the requirement for obtaining land rates and land rent certificates before registration of an instrument transferring interest in land; to provide for the use of electronic signatures in the execution of documents processed under the Act; to recognize the execution of documents using electronic signatures; and to prescribe a procedure for claiming indemnity under section 81 of the Act.

11.Public Finance Management Act No. 18 of 2012: The amendment proposes to remove reference to the Division of Revenue Act which currently implies that a Finance Bill cannot be introduced in the National Assembly unless a Division of Revenue Bill is in place.

12.Valued Added Tax No. 35 of 2013: The Bill seeks to amend Part I and Part II of the First Schedule to the Act to exempt taxable supplies procured locally or imported for the construction of bulk storage and handling facilities with a minimum capital investment of ten billion shillings and a minimum storage capacity of one hundred thousand metric tonnes in support of the Standard Gauge Railway operations.

13.Business Registration Act No. 5 of 2015: The Bill proposes to assign the mandate of administering the Act to the Cabinet Secretary responsible for matters relating to business reforms and transformation.

14.Companies Act No. 17 of 2015: The Bill intends to remove the requirement for the use of company seals; to provide for the treatment of bearer shares that existed before the coming into force of the Act in 2015 and to raise the applicable thresholds for “squeezing-in” and “selling-out” of shares in a company to the control of at least ninety percent of the shares of the company.

15.Insolvency Act No. 18 of 2015: The amendment seeks to allow the court to take into consideration the perishability of a movable asset and whether or not it used to maintain a company as a going concern before lifting a moratorium imposed under the Act to protect

secured creditors’ rights. Additionally, it proposes the insertion of a new provision in the Act to provide for the manner in which insolvency practitioners are to process requests for information by creditors.

16.Excise Duty Act No. 23 of 2015: The Bill intends to encourage the use of locally produced glass bottles.

17.Miscellaneous Fees and Levies Act No. 29 of 2016: The Bill seeks to amend the Second Schedule to the Act to exempt goods imported for the construction of bulk storage and handling facilities in support of the standard gauge railway from import declaration fee and the railway development levy.

The proposed amendments were considered by Departmental Committees under whose mandate the statutes to be amended fall and the report was compiled by the Departmental Committee on Finance and National Planning. The proposed amendments were considered by the following Departmental Committees:-

1.Justice and Legal Affairs: Considered proposed amendments to the Law of Contract Act (Cap. 23), the Companies Act No. 17 of 2015 and the Insolvency Act No. 18 of 2015.

2.Labour and Social Welfare: Considered proposed amendments to the Industrial Training Act (Cap. 237) and the Occupational Safety and Health Act No. 15 of 2007.

3.Lands: Considered the proposed amendments to the Registration of Documents Act (Cap. 285), the Survey Act (Cap. 299), the Stamp Duty Act (Cap. 480) and the Land Registration Act No.3 of 2013.

4.Finance and National Planning: Considered proposed amendments to the Income Tax Act (Cap. 470), the Public Finance Management Act No. 18 of 2012, the Value Added Tax Act No. 35 of 2013, the Excise Duty Act No. 23 of 2015 and the Miscellaneous Fees and Levies Act No. 29 of 2016.

5.Communication, Information and Innovation: Considered proposed amendments to the Kenya Information and Communications Act No. 2 of 1998.

6.Transport, Public Works and Housing: Considered the proposed amendments to the National Construction Authority Act No. 41 of 2011.

7.Trade, Industry and Cooperatives: Considered the proposed amendments to the Business Registration Act No. 5 of 2015.

The Chairperson of the Departmental Committee on Finance and National Planning tabled the report on the consideration of the Bill in the House on Wednesday, 4th March, 2020. The Bill was considered in the Committee of the Whole House on Thursday, 5th March, 2020 and passed with amendments and was assented to by the President on Thursday, 19th March, 2020.

The Tax Laws (Amendment) Bill, 2020



The Tax Laws (Amendment) Bill, 2020 was published on 31st March, 2020. The Bill has not been read a First Time but pursuant to National Assembly Standing Order 1, the Speaker has allowed the Bill to be submitted to public participation owing to the current situation in the country necessitated by the coronavirus pandemic. The Bill will be read the First Time, read the Second Time, go through the Committee Stage and read the Third Time on Wednesday, 8th March, 2020.

The Bill proposes amendments to various tax related statutes as follows—

The Income Tax Act (Cap. 470)

The Bill seeks to amend the Act to reduce the individual top tax rate and resident corporate tax rate in order to increase disposable income for individuals in order to enhance consumption and enhance investments for companies. The Bill amends the definition of “qualifying interest”. It further includes payments for sales promotion, marketing, advertising services, and transportation of goods (excluding air and ship-

ping transport services) as part of the income subject to the provisions of the Act.

The Bill also amends provisions relating to presumptive tax to provide that turnover tax shall be payable by any resident person whose turnover from business is more than five hundred thousand shillings but does not exceed or is not expected to exceed fifty million shillings during any year of income. It further amends provisions relating to deductions allowed to total income by deleting some of the deductions that may be made before calculating total income chargeable.

The Bills further seeks to amend the list of items to be included as income of a non-resident person not having permanent establishment in Kenya. It also proposes to amend the list of income accrued in, derived from or received in Kenya which is exempt from tax, it further repeals provision on securities, interest on which is exempt from tax. Additionally, Personal relief is proposed to be increased from sixteen thousand eight hundred and ninety-six shillings to twenty-eight thousand eight hundred. The indi-

vidual rates of tax are further proposed to be reduced in accordance with the corresponding amount of income. The Bill seeks to increase the non-resident tax rate for dividends from ten to fifteen percent.

Finally, the Bill seeks to amend the withholding tax bands as provided in the Act in respect of payment of pension.

Value Added Tax Act, 2013 (No. 35 of 2013)

The Bill seeks to amend the Act to align the incentives contained in the Bill with the best practice by providing for the definition of ordinary bread, amending the rate of value added tax (VAT) to include excise duty, fees and other charges and providing for the issuance of credit notes where goods are returned to the registered person or, for good and valid reason the registered person decides for business reasons, to reduce the value of a supply after the issue of a tax invoice.



Additionally, the Bill seeks to reduce the timeline for application for a tax refund on bad debts from the Commissioner General, Kenya Revenue Authority (KRA) from five to four years from the expiry of the date of the supply of goods without receipt of payment. It also deletes certain categories of goods from the tax-exempt list as enumerated in the First Schedule. It further proposes to tax exempt certain Medicaments including vaccines for human medicine, veterinary medicine, medicaments containing penicillin, antibiotics, hormones, infusion solutions among others.

Finally, the Bill deletes certain goods from the zero-rated tax list in the Second Schedule to the Act including supply of liquefied petroleum gas including propane, supply of ordinary bread, milk and cream, not concentrated nor containing added sugar or oth-

er sweetening matter among others.



Excise Duty Act, 2015 (No. 23 of 2015)

The Bill proposes to amend the Act to enhance equity and fairness in taxation of excisable goods by revising the description of certain goods listed in the First Schedule enumerating the rates of excise duty excisable on such goods, amending the definition of "other fees" and deleting certain goods from exemption from excise duty when purchased before clearance through Customs or removal from excise control.

Tax Procedures Act, 2015 (No. 29 of 2015)

The Bill seeks to amend the Act in order to streamline the administration of the tax laws by enabling the Commissioner General of KRA to appoint persons registered under the Banking Act to act as agents via agreement for purposes of revenue collection and deleting the requirement for publication of private rulings and the forty-five days' timeline set for delivery of private rulings by the Commissioner on questions on interpretation of a tax law in relation to a transaction entered into, or proposed to be entered into, by a taxpayer.

Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016)

The Bill seeks to amend the Act in order to enhance equity and fairness in the imposition of miscellaneous fees and levies by cleaning up the contradictions on the provision on payment of import declaration fee for raw materials and intermediate products imported by approved manufacturers and introducing processing fees for all motor vehicles excluding motorcycles imported or purchased from duty free.

Kenya Revenue Authority Act, 1995 (No. 2 of 1995)

The Bill seeks to amend the Act in order to enhance the capacity of KRA by providing for the reward to paid be to persons who give information resulting in the enforcement of tax laws.

Business of The House



The National Assembly resumed from the long December Recess on Thursday, February 12, 2020, for the commencement of the Fourth Session of the 12th Parliament. Among the priority business for the House included the consideration of the calendar of the House for the year 2020, the Budget Policy Statement (BPS) as well as a Presidential Memorandum on the Law of Contract (Amendment) Bill, 2019.

The Calendar of the House for the year 2020 was approved on Tuesday, February 18, 2020 covering the period between Thursday, February 12, 2020 and Thursday, December 03, 2020. Notably, the Calendar was amended on Tuesday, March 17, 2020 in response to the COVID-19 pandemic. The House approved the suspension of its sittings from March 18, 2020 to April 13, 2020.

On the other hand, the Budget Policy Statement (BPS) for the FY 2020/2021 was approved on Wednesday, February 26, 2020. This formed an important step towards the formulation of the FY 2020 national Budget. This gives the basis for the annual national Budget Estimates that are to be forwarded to the National Assembly.

The National Assembly also concluded the consideration of the Division of Revenue Bill, 2020 on Tuesday, March 17, 2020. The Bill provides for the equitable sharing of revenue raised nationally between the national and county governments in the 2020/21 financial year. The Bill was forwarded to the Senate for consideration.

Looking ahead, and considering the recently passed amendments to the Public Finance Management Act, the National Treasury is expected to submit to the National Assembly the annual Budget Estimates as well as the Finance Bill, 2020 on or before April 30th. This will give the House enough time to conduct public/stakeholder engagements before the June 30th timeline.

Following the declaration of Coronavirus as an international pandemic, the National Assembly has since resolved to adjourn its sittings in line with the government's directive and subsequent efforts to contain the spread of COVID-19.

During this section of the First Part of the Session, the National Assembly also considered the following Bills in Committee of the whole House;

a) *The Representation of Special Interest Groups Laws (Amendment) Bill, 2019 (Chairperson, Constitutional Implementation Oversight Committee – Hon. Jeremiah Kioni)*

b) *The Livestock and Livestock Products Marketing Board Bill, 2019 (Hon. Bashir Abdullahi);*

c) *The Employment (Amendment) Bill, 2019 (Hon. Martha Wangari);*

d) *The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (Hon. Joyce Emanikor);*

e) *The Equalisation Fund Bill, 2019 (Hon. Kassait Kamket).*

REST IN PEACE

SULEIMAN RAMADHAN DORI
MEMBER OF PARLIAMENT - MSAMBWENI

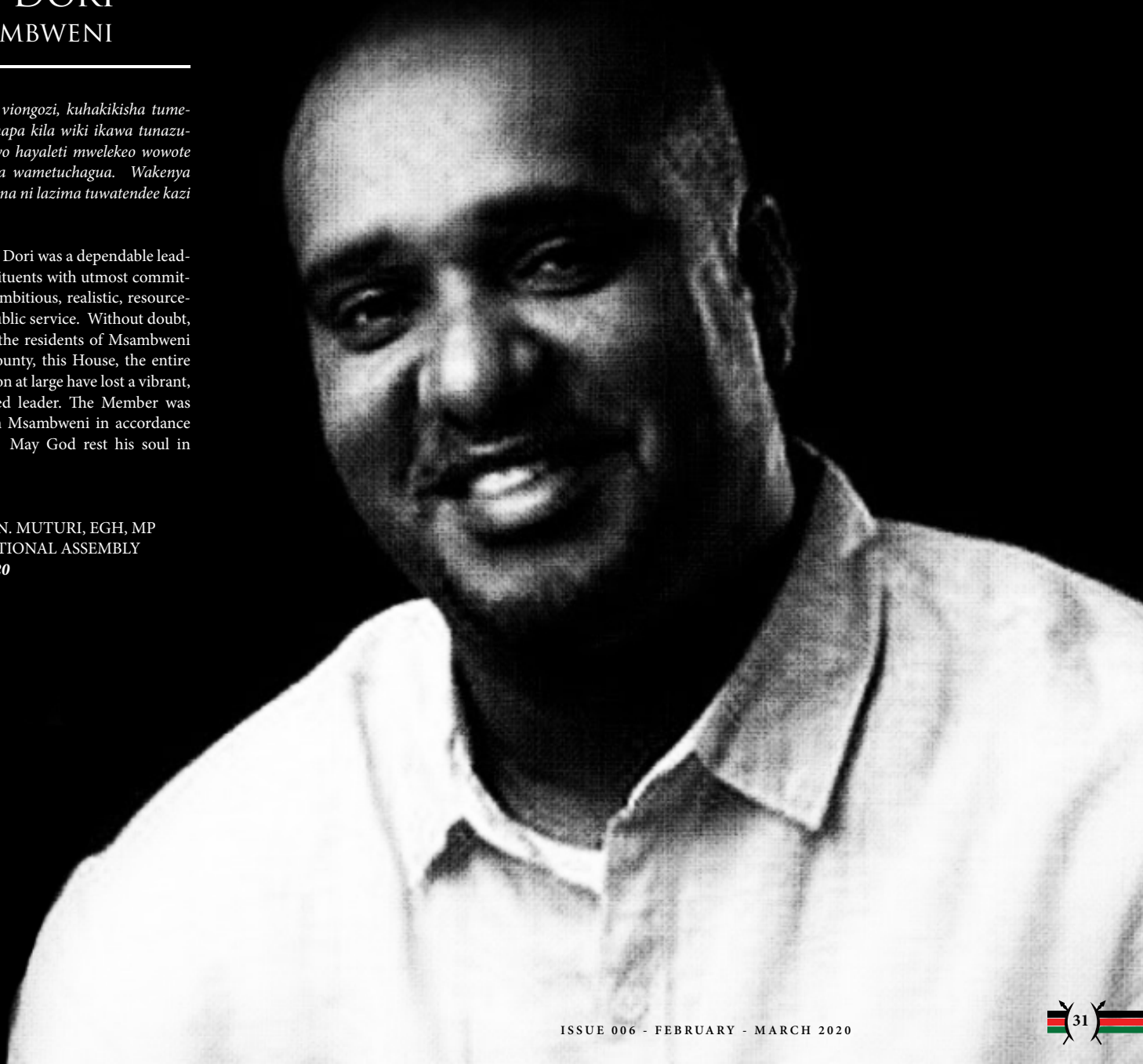
The Late Hon. Suleiman Dori was committed to the economic empowerment of farmers, and strongly supported a Motion seeking the Government's financial support and relief to cushion coconut farmers in the coastal region as well as the proposed inclusion of coconut insurance under the National Agricultural Insurance Programme. He was also vocal in supporting calls for the National Government to consider giving regular honorarium to village elders as a means of appreciating their services and encouraging them to uphold their dedication to the community. As a passionate advocate for use of Kiswahili in the House and in other public institutions, the late Hon. Dori was instrumental in calling the National Council for Law Reporting to progressively translate all laws of Kenya into Kiswahili and indeed the now realized translation of our Standing Orders into Kiswahili.

The late Member was very pragmatic in his approach to leadership, which was highlighted in many occasions including during debates on security issues in which he once said the following during debate in the House-

"Ni jukumu letu, kama viongozi, kuhakikisha tumelinda Wakenya. Tusije hapa kila wiki ikawa tunazungumzia mambo ambayo hayaleti mwelekeo wowote kwa Wakenya. Wakenya wametuchagua. Wakenya wana imani na viongozi na ni lazima tuwatendee kazi Wakenya wote"

The Late Hon. Suleiman Dori was a dependable leader who served his constituents with utmost commitment. He was selfless, ambitious, realistic, resourceful and committed to public service. Without doubt, Honourable Members, the residents of Msambweni Constituency, Kwale County, this House, the entire Parliament and the nation at large have lost a vibrant, pragmatic and dedicated leader. The Member was laid to rest yesterday in Msambweni in accordance with Islamic tradition. May God rest his soul in peace.

Tribute By
THE HON. JUSTIN B. N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, March 10, 2020





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