



(No. 082)

(1146)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, DECEMBER 01, 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 – INQUIRY INTO THE UTILIZATION OF THE FUNDS APPROPRIATED TO THE MINISTRY OF HEALTH IN THE FINANCIAL YEAR 2019/20 FOR THE COVID-19 PANDEMIC

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Departmental Committee on Health on its Inquiry into the Utilization of the Funds Appropriated to the Ministry of Health in the Financial Year 2019/20 for the Control and Management of the COVID-19 Pandemic, with Focus on the Kenya Medical Supplies Authority (KEMSA), *laid on the Table of the House on Thursday, October 1, 2020*, **“Subject to insertion of the following further Recommendations-**

PPEs held by the Kenya Medical Supplies Authority

30. **That**, within fourteen days (14 days) of the House adopting this Report, the Ministry of Health reviews the status of all Personal Protective Equipments (PPE) held by Kenya Medical Supplies Authority (KEMSA) with a view to distributing the same to all public hospitals guided by the respective COVID-19 caseload, for use frontline medical staff in public hospitals;
31. **That**, thereafter, all public hospitals should not charge any Kenyan citizen admitted in their facilities due COVID-19 the cost of Personal Protective Equipment (PPE) used while undergoing treatment;

Provision of Group Life Insurance Cover

32. **That**, within seven (7) days of adoption of this Report, the National Treasury and the Ministry of Health remits the Kshs 500 million to the National Hospital Insurance Fund (NHIF) as approved by National Assembly in the Supplementary Appropriation Act (No. 2) of 2020 for the provision of Group Life Insurance Cover by National Hospital Insurance Fund (NHIF) Scheme, that includes COVID-19 cover for all medical staff working in all Counties and the National Referral Hospitals;
33. **That**, within twenty-one (21) days of receiving the Kshs 500 million for the Group Life insurance Cover, the National Hospital Insurance Fund (NHIF) ensures that all medical staff in the counties and national referral hospitals are placed under the Group Life insurance Cover;

Comprehensive Medical Cover

34. **That**, within the fourteen days (14 days) of the House adopting this report, the Council of Governors ensures that all the nineteen (19) counties that have no medical cover for its medical staff, sign-up for the Comprehensive Medical Cover through the National Hospital Insurance Fund (NHIF).
35. **That**, the National Treasury and Council of Governors establishes a centralized pool of medical cover through the National Hospital Insurance Fund (NHIF) Comprehensive Medical Scheme for all county medical staff. The Scheme should be in place at the beginning of the Financial Year 2021/22 and that the Ministry of Health and Counties do make provisions of the same in their respective FY 2021/22 budgets;

Medical staff Allowances

36. **That**, within the fourteen (14) days of adoption of this Report, the Ministry of Health and Governing Councils of University of Nairobi, Kenyatta University, Moi University and Jomo Kenyatta University of Agriculture and Technology pays all pending *Call Allowances* to doctors as per the Collective Bargaining Agreement (CBA) and the Return-To-Work Formula of March 14, 2017, signed between the Ministry of Health, Council of Governors and Kenya Medical Practitioners and Dentist Union;
37. **That**, within the fourteen days (14 days) of adoption of this Report, the Ministry of Health engages the Salaries and Remuneration Commission (SRC) on the need to enhance the Risk allowance for medical staff with a view to replacing the COVID-19 allowance for frontline medical staff that was initially paid for the three (3) months but lapsed in June 2020;

Facemask for the most vulnerable

38. **That**, within the fourteen days (14 days) of adoption of this Report, the Ministry of Health ensures that the procurement of re-usable facemask worth Kshs 300 million for vulnerable persons in the society is concluded and the masks be distributed to all students in public schools, the needy and vulnerable persons in the country; and,

Medical Insurance Cover and Arrears for Contract staff

39. **That**, within the fourteen (14) days of adoption of this Report, the Ministry of Health ensures that all medical staff employed on contract for handling isolations facilities are provided with a NHIF Comprehensive Medical Cover, and further, all their pending salary arrears from August 2020 are paid promptly.

Lead Agency in Investigations

40. **That**, where two or more agencies are recommended to undertake investigations, the Ethics and Anti-Corruptions Commission shall be the Lead Agency.

(Motion as amended)

(Question to be put)

9*. MOTION – APPROVAL OF THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Accession to the Convention on the International Hydrographic Organization (IHO), *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** the Accession to the Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya.

(Question to be put)

10*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)

(The Leader of the Majority Party)

Second Reading

(Bill to proceed excluding Parts withdrawn following joint resolution of the Speakers of the Houses of Parliament under Article 110(3) of the Constitution in addition to Parts withdrawn by the Leader of the Majority Party, as listed under Notice I to the Order Paper)

...../11*

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Statute law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020)
(The Leader of the Majority Party)
(with Leave of the House)
- (ii) The Tea Bill (Senate Bill No.36 of 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)

12*. MOTION – APPROVAL OF THE ACCESSION TO THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of Accession to the African Charter on Democracy, Elections and Governance, *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** Accession to the African Charter on Democracy, Elections and Governance by the Republic of Kenya.

13*. MOTION – INSPECTION VISITS TO THE KENYA REVENUE AUTHORITY OFFICES TO ASCERTAIN THE IMPACT OF REVENUE ENHANCEMENT INITIATIVES

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

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on Inspection Visits to the Kenya Revenue Authority Offices to Ascertain the Impact of Revenue Enhancement Initiatives on Revenue Collection, *laid on the Table of the House on Thursday, November 26, 2020*.

14*. MOTION – INQUIRY INTO THE OPTIMIZATION OF REVENUE IN GRAIN HANDLING SERVICES AT THE PORT OF MOMBASA

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

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its Inquiry Into the Optimization of Revenue in Grain Handling Services at the Port of Mombasa, *laid on the Table of the House on Thursday, November 26, 2020*.

15*.MOTION – CONSIDERATION OF A PUBLIC PETITION ON
A RESOLUTION OF THE HOUSE

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Report of the Committee on Implementation on its consideration of the Public Petition on Re-consideration of a Resolution of the House on the Report on the Crisis facing the Sugar Industry in Kenya, *laid on the Table of House on Wednesday, August 5, 2020.*

*** Denotes Orders of the Day***

..... /*Notices*

NOTICES

**I. THE FOLLOWING PARTS OF THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 15 OF 2020)
STAND WITHDRAWN**

**(i) Parts withdrawn following joint resolution of the Speakers under
Article 110(3) of the Constitution-**

All provisions proposing to amend the following Statutes as contained in the Bill-

- (a) The Housing Act (Cap. 117);
- (b) The Basic Education Act, 2013 (No. 14 of 2013);
- (c) The Political Parties Act 2011 (No. 11 of 2011); and,
- (d) The Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015).

(ii) Parts withdrawn by the Leader of the Majority Party on 15th July, 30th July and 28th August 2020, with Speaker’s consent-

All provisions proposing to amend the following Statutes as contained in the Bill-

- (a) The Criminal Procedure Code (Cap. 75);
- (b) The Evidence Act (Cap 80);
- (c) The Anti-Corruption and Economic Crimes Act, 2003;
- (d) The Public Officers Ethics Act, 2003;
- (e) The Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (f) The Counter Trafficking in Persons Act, 2012;
- (g) The Leadership and Integrity Act, 2012;
- (h) The Bribery Act, 2016;
- (i) The Film and Stage Play Act (Cap. 222); and,
- (j) The Energy Act, 2019.

II. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Statute Law (Miscellaneous Amendments) 2020 (National Assembly Bills No.15), at the Committee Stage—

CLAUSE 2

SCHEDULE

THAT the Schedule to the Bill be amended-

- (a) In the proposed amendments to the Records Disposal Act (Cap.14)**

-
- (i) Insert the words “Environment and Land Court” immediately after the words “Employment and Labour Relations Court” appearing in the proposed amendment to section 2 (1) of the Act.
 - (ii) Delete the proposed amendment to section 24(1) of the Act.

- (b) In the proposed amendments to the Kenya National Commission on Human Rights Act, No. 14 of 2011-**

- (i) Delete the proposed amendment to section 8 of the Act;
- (ii) Delete the proposed amendment to section 11(14) of the Act.

- (c) In the proposed amendments to the Kenya Law Reform Commission Act, 2013 (No. 19 of 2013-**

- (i) Delete the proposed amendment to section 8(1)(b) of the Act and substitute therefor the following new proposed amendment-

Delete and substitute therefor the following new paragraph-

(b) one member appointed by the Attorney-General through an open and competitive process.

- (ii) Insert the words “who shall be an advocate of the High Court of Kenya” immediately after the words “Law Society of Kenya” appearing in the proposed amendment to section 8(1)(c) of the Act.

- (iii) Insert the words “appointed under sub-section (1) (ca) (d), and (e)” immediately after the words “Chief Justice” appearing in the proposed new section 8(3) of the Act.

(e) In the proposed amendments to the Court of Appeal (Organization and Administration) Act, No. 28 of 2015-

Delete the proposed amendment to section 26(1) of the Act.

- 2) Notice is given that the Leader of the Majority Party intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, No. 15 of 2020 at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendments to **The Universities Act, (No. 42 of 2012)**, in the proposed amendment to section 24 by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

“(3) The provisions of Part V of this Act shall apply to an institution established under this section with such modifications as may, with the approval of the Cabinet Secretary and the Commission, be specified in the respective Charter.”

- 3) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill 2020 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to **The Official Secrets Act, (Cap 187)**, by deleting the proposed amendments to section 6 and substituting therefor the following—

S.6 Delete and substitute therefor the following new section—

Production
of data.

6. (1) Where it appears to the Cabinet Secretary that it is in national interest to do so, the Cabinet Secretary may, apply to the High Court for an order, requiring any person who owns or controls any telecommunications apparatus used for the sending or receipt of any data to or from any place outside Kenya, to produce to the Cabinet Secretary or any person named in the order, the original or transcripts of all such data and all other documents relating to such data.

(2) Any person who fails to comply with a request made under subsection (1) shall be guilty of an offence and liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

- 4) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning, intends to move the following amendment to the Statute Law (Miscellaneous Amendment) Bill, 2020 at the Committee Stage-

SCHEDULE

THAT, the Schedule to the Bill be amended _____

- (a) in the proposed amendments to **The Accountants Act, 2008** by deleting the proposed amendment to section 17(2A) and substituting therefor the following amendment-

s. 17(2A) Delete and substitute therefor the following new subsection-
(2A) A person seeking to undertake examinations in accountancy as prescribed by the Examination Board shall be registered with the Board, and with the Institute as a trainee accountant.

- (b) in the proposed amendments to **The Retirement Benefits (Deputy President and Designated State Officers) Act, 2015** by inserting the following new amendments-

s.3 Insert the following paragraph immediately after paragraph (b) –

“(c) at any time after the 27th August, 2010, retire as Deputy Speaker.

New Insert the following new section immediately after section 5B-

Pension and other
benefits of retired
Deputy Speaker

5C. A retired deputy Speaker shall, during his or her lifetime, be entitled to—

- (a) a monthly pension equal to eighty per cent of the monthly salary of the entitled person's last monthly salary while in office;
- (b) a lump sum payment on retirement calculated as a sum equal to one year's salary paid for each term served in office;
- (c) one salon vehicle of an engine capacity not exceeding 2000 cc which shall be replaceable once every four years;
- (d) one four-wheel drive vehicle of an engine capacity not exceeding 3000cc which shall be replaceable once every four years;

(No.082) TUESDAY, DECEMBER 01, 2020 (1155)

- (e) a fuel allowance equal to fifteen per cent of the current monthly salary of the office holder;
 - (f) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the entitled person and the entitled person's spouse;
 - (g) the additional benefits set out in the First Schedule.
- (c) in the proposed amendments to **The Investment and Financial Analysts Act, 2015** by deleting the proposed amendments to sections 32 and 34.

- 5) **Notice is given that the Chairperson, Departmental Committee on Labour and Social Welfare, intends to move the following amendment to the Statute Law (Miscellaneous Amendments) Bill, 2020, National Assembly Bills No.12, at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to section 2 of **The Employment Act, 2007** by deleting the words “basic salary”.

- 6) **Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing, intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.15) Bill, 2020 at the Committee Stage—**

SCHEDULE

THAT the Schedule to the Bill be amended —

- (1) in the proposed amendments to the **Kenya Roads Board Act, 1999** by inserting the following new amendments in their proper numerical sequence—

s.7(1)(b) Delete the words “Executive Director” and substitute therefor the words “Director General”.

s.12 Delete the words “Executive Director” wherever it appears and substitute therefor the words “Director General”.

Insert the following new subsection immediately after subsection (3)
—

“(4) The Director General shall hold office for a period of five years and shall be eligible for re-appointment for one further term of five years.”

- s.26(1) Delete the words “Executive Director” and substitute therefor the words “Director General”.
- s.28 Delete the words “Executive Director” and substitute therefor the words “Director General”.
- s.29 Delete the words “Executive Director” and substitute therefor the words “Director General”.
- Second
schedule,
paragraph
5(1) Delete the words “Executive Director” and substitute therefor the words “Director General”.

- 7) **Notice is given that the Chairperson of the Departmental Committee on Education and Research, intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, 2020 at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended—

- 1) in the proposed amendments to **The Universities Act No. 42 of 2012**, by deleting the proposed new paragraph (c) and substituting therefor the following new paragraph —
- “(c) on the recommendation of the National Security Council, specialized universities, specialising in national security issues.”

- 8) **Notice is given that the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives, intends to move the following amendment to the Statute Law (Miscellaneous Amendments) Bill, 2020, National Assembly Bills No. 15, at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendment to **The Scrap Metal Act, 2015** by deleting the proposed amendment to section 30.

- 9) **Notice is given that the Member for Kikuyu(Hon. Kimani Ichung’wah), intends to move the following amendment to the Statute Law (Miscellaneous Amendments) Bill, 2020, National Assembly Bills No. 15, at the Committee Stage—**

SCHEDULE

THAT, the Schedule be amended in the provisions relating-

- (a) to the **Universities Act No. 42 of 2012** by—
- (i) deleting the proposed new paragraph (c);
- (ii) deleting the words “this section” appearing in the proposed new subsection (3) and substitute therefor the words “subsection (1)”.

(iii) inserting the following new subsections immediately after the proposed new subsection (4) —

(5) Despite subsection (1), the President may on the recommendation of the Commission through the Cabinet Secretary and on the advice of the National Security Council establish public degree awarding universities or institutions specializing in national security issues.

(6) The provisions of Part V of this Act shall not apply to the universities or institutions established under subsection (5).

(b) to the **Accountants Act No. 15 of 2008** by deleting—

(i) the proposed amendments to section 4(2);

(ii) the proposed amendments to section 4; and

(iii) the proposed amendments to section 17(2A).

10) Notice is given that the Member for Kiambu County (Hon. Gathoni Wa Muchomba) intends to move the following amendment to the Statute Law (Miscellaneous Amendments) Bill, 2020, National Assembly Bills No.15, at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended in **the proposed Kenya Roads Act, 2007** by inserting the following new item in its proper alphabetical sequence—

The Kenya
Roads Act, 2007
(No. 2 of 2007) s.4(1) Insert the words “assigned to it by the Cabinet Secretary” immediately after the word “roads”.

s.7(1) Delete the words “rural roads” and substitute therefor the words “national roads assigned to it by the Cabinet Secretary.”

s.9(1) Delete the words “all public roads in the cities and municipalities in Kenya except where those roads are national roads” in cities and municipalities assigned to it by the Cabinet Secretary.”

s.14 Delete and substitute therefor the following new section

Qualifications
of Director-
General

14. A person shall be qualified for appointment as Director-General if such person—

- (a) holds a degree in civil engineering from a University recognized in Kenya;
- (b) holds a masters' degree from a University recognized in Kenya;
- (c) is registered by the Engineers Board of Kenya;
- (d) has at least ten years' experience in a management level in the roads sector;
- (e) has atleast fifteen years' experience post registration experience in the field of road and highway engineering; and satisfies the requirements of Chapter Six of the Constitution.

(Entire amendment are subject to S.O. 133 (5))

III. 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 (Senate Bill No. 36 of 2018) at the Committee Stage—

CLAUSE 2

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

Interpretation. **2.** In this Act—

“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;

“blending” means the art of mixing of teas of different types and 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 for a fee;

“buyer” means a person, company or a firm engaged in acquiring made tea for 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 center to the tea factory at a fee;

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

“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 24Y of the Act;

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

“Foundation” means the Tea Research Foundation established under section 24ZE;”

“Fund” means the Tea Fund established under section 24ZD;

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

“green leaf agreement” means an agreement between a tea grower and a tea factory relating to the delivery of green leaf;

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

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

“large scale tea grower” means a person cultivating tea in a parcel of land above fifty acres;

“levy” means the levy imposed by the Cabinet Secretary on tea exports and imports in accordance with section 24ZC;

“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;

“manufacture” means the mechanical or chemical processing and 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 24;

“medium scale tea grower” means a person cultivating tea in a parcel of land of between ten and fifty acres;

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

“small scale tea grower” means a grower cultivating tea in a parcel of land of less than ten acres;

“specialty teas” means premium teas manufactured whole leaf, semi-aerated or non-aerated and includes green, purple, white, oolong and orthodox but does not include black curl tear and cut teas;

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

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

“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;

“value addition” means improvements on made tea through packaging, blending, flavoring, tea extracts, tea aroma and branding;

“warehouse” means a premise used for the storage of made tea and specialty tea by a warehouse operator;

“warehouse operator” 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) develop, promote and regulate 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 on the formulation of policies, plans and strategies for the regulation of the tea sector;
- (e) register tea factories, small scale tea growers, medium scale tea growers, large scale tea growers, warehouse operators, tea packers, tea buyers, exporters, importers, tea brokers, management agents, tea auction organizers, commercial tea nurseries, commercial green leaf transporters;
- (f) license manufacturers;
- (g) promote best practices and standards in the production, processing, marketing, grading, storage, collection, transportation and warehousing of tea;
- (h) facilitate marketing and distribution of tea through gathering and dissemination of market information and monitoring of the local and global supply-demand situation;
- (i) co-ordinate prioritization of research in tea;
- (j) regulate the sale, import and exports of tea;
- (k) develop, implement and coordinate a national tea marketing strategy;
- (l) prescribe the maximum period and minimum amount for payment of green leaf;
- (m) promote and advise on strategies for value addition and product diversification;
- (n) promote demand and consumption of tea locally and internationally;
- (o) identify market needs and trends and advise the Cabinet Secretary on issues related to national and international tea trade;
- (p) collaborate with national and international trade bodies on tea related matters;
- (q) monitor, conduct surveillance and enforce compliance with tea standards, this Act and any regulations made under it;
- (r) advise the national government on levies, fees and import or export duties on tea;
- (s) advise the county governments on agricultural cess and fees;

- (t) oversee the efficient utilization of available Board's funds;
- (u) undertake capacity building, technology transfer and technical assistance to the counties on matters related to tea;
- (v) 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 6

THAT, Clause 6 of the Bill be amended in sub-clause (1) by inserting the following paragraphs immediately after paragraph (c)—

- “(ca) collaborate with such bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the object and purpose for which the Board is established;
- (cb) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;”
- (cc) ensure the proper and effective performance of the functions of the Board;
- (cd) manage, control and administer the Tea Fund for purposes that promote the object and purpose of this Act.”

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

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

“(ca) the Principal Secretary responsible for National Treasury or a representative nominated by the Principal Secretary in writing;”

- (b) by inserting the following new sub-clause immediately after sub-clause (2)—

“(2A) The appointment of the chairperson or members of the Board under subsection (1) (a), (d), (e), (f) and (g) and shall take into account the gender, regional and other diversities of the people of Kenya.”

CLAUSE 8

THAT, the Bill be amended by deleting clause 8 of the Bill and substituting therefor the following new clause—

Term of
appointment.

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

(2) The persons appointed under section 7(1) (a), (d), (e), (f) and (g) shall be appointed at different times so that their respective expiry of terms of office shall fall at different times but not more than six months shall lapse between one appointment and another.

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 relevant degree from a university recognized in Kenya;
- (b) has at least ten years knowledge and experience in a relevant field;
- (c) has at least five years experience in a position of senior management;
- (d) meets the requirements of Chapter Six of the Constitution.”

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 and pest control;
 - (iii) markets within the county;
 - (iv) cooperative societies within the county;
 - (v) register commercial tea nursery operators
 - (vi) 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 and medium scale tea growers.

21. (1) A small scale tea grower and medium scale tea grower shall register with the tea factory to which the respective tea growers deliver green leaf or purple leaf using the prescribed form.

(2) The Cabinet Secretary shall prescribe regulations providing for the procedure for registration of small scale tea growers and medium 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 and medium scale tea growers registered under subsection (1) specifying—

- (a) the name of the small scale tea grower and medium scale tea grower;
- (b) the location, size and parcel number of the land on which the tea is grown;
- (c) the net weight in kilogrammes of green leaf delivered and amount paid submitted annually;
- (d) the variety of tea grown; and
- (e) such other information as the Board may prescribe.

(4) 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 and medium 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.

(5) 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 or medium scale tea grower.

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

(7) A person shall not sell or offer for sale green leaf unless the person is registered with a tea factory in accordance with this Act.

(8) A tea factory shall only buy green leaf from its registered tea growers.

(9) A small scale tea grower or medium scale tea grower shall not sell green leaf to any person other than the tea factory where they are registered.

(10) A small scale tea grower or medium scale tea grower wishing to change the tea factory where they deliver their green leaf shall inform their respective tea factory by giving a minimum notice of thirty days.

(11) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding six months, or to both.

22. (1) The Board of Directors of tea factory limited companies shall be a maximum of five members.

(2) The Board shall put in place mechanisms to ensure that not more than two-thirds of the Board of Directors of tea factory limited companies elected or appointed are of the same gender.

(3) The Board of Directors of tea factory limited companies shall be elected through a democratic system of one grower, one vote.

(4) Where a Board member for tea factory limited companies is temporarily unable to perform their duties, the Board may appoint another person from the respective block to act in their place during the period of absence.

Registration
of large
scale tea
growers.

23. (1) A large scale 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 large scale 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.

24. The manager of a tea factory shall issue a certificate of registration to a small scale tea grower, medium scale tea grower or a large scale tea grower in the form prescribed in regulations.

Licensing of
manufacturers.

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

(2) A person shall apply for a manufacturing licence to the Board in a prescribed form and shall pay 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 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.

(5) Before the issuance or renewal of a manufacturing licence for a tea factory limited company the Board shall satisfy itself that the applicant has a procurement policy providing for competitive procurement of goods and services.

Register of
manufacturers.

24B. The Board shall maintain a register, in such form as prescribed in regulations, of all manufacturers licensed under this Act and shall enter therein, in respect of each tea factory —

(a) the full names of the manufacturer;

(b) the date of issue of the licence;

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

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

Illegal
manufacturer,
e,

24C. (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 deems it necessary, for reasons to be recorded by it in writing, not to do so.

Registration
of
warehouse
operator.

24D. (1) Every warehouse operator 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 warehouse operators 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 tea
packers.

24E. (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,

24F. (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 buying 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.

(3) 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.

Tea
imports.

24G. (1) A person who imports tea into Kenya shall prior to importation—

(a) provide evidence that the teas they intend to import are not available in the local market or at the tea auction;

(b) provide a sample of the teas to be imported and pre-import verification certificate from the country of origin; and

(c) obtain pre-import approval from the Board.

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

Registration
of a tea
broker.

24H. (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.

(3) The Cabinet Secretary shall prescribe regulations providing for—

(a) the procedure for registration of a tea broker and the appeal process in case of refusal or denial of registration;

(b) the maximum number of tea factories that shall be served by a tea broker.

(4) The remuneration paid to a tea broker by a tea factory limited company and a tea buyer or exporter for services rendered shall not exceed zero point seven five per centum of the gross sales by the broker.

(5) A person who contravenes subsections (2) and (4) 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
managemen
t agent.

24I. (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.

(3) Every management agent shall submit annual returns to the 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.

Management
agent
agreement.

24J. (1) A person who intends to manufacture or deal in tea may engage the services of a management agent upon such terms and conditions as may be agreed in the management agreement between them.

(2) A management agent shall sign a management agreement with each tea factory limited company that they intend to offer management agent services to.

(3) A management agreement between a management agent and a tea factory, shall be—

(a) submitted to the Board for review and approval before execution by parties; and

(b) for a period of five years, and may be renewed up on expiry at the discretion of the tea factory.

(4) The remuneration for services rendered by a management agent to a tea factory limited company shall not exceed one point five per centum of the net sales value of the tea sold per year.

(5) The staff costs for personnel seconded to the tea factory limited company by a management agent shall be borne by the management agent.

(6) Company Secretarial services shall be excluded from services to be offered by a management agent to a tea factory limited company.

(7) A tea factory shall recruit its own in-house Company Secretary or outsource the service.

(8) Despite subsection (7), a tea factory may enter into an arrangement with one or more tea factories to have a joint in-house Company Secretary.

(9) A director of a tea factory shall not serve as a director in another company having a direct or indirect commercial relationship with the tea factory where the person is serving as a director.

(10) Where the provisions of subsection (9) apply, a director of a tea factory shall forthwith relinquish his or her position.

Registration
of a tea
auction
organizer.

24K. (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.

(No.082) TUESDAY, DECEMBER 01, 2020 (1169)

(4) 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.

Auction
process.

24L. (1) All teas processed and manufactured in Kenya for the export market with the exception of orthodox and specialty teas shall be offered for sale exclusively at the tea auction floor.

(2) All tea factory limited companies shall register with the Board and the auction organizer to participate in the tea auction directly and not through management agents.

(3) An auction organizer shall establish an electronic trading platform for the auction of tea that will be usable and accessible to all players in the value chain.

(4) A buyer shall pay in full the value of the tea bids they have won at the auction before collecting or taking custody of the tea.

(5) Tea brokers, buyers and the auction organizers shall ensure that the proceeds from the sale of tea are remitted to the tea factories accounts within fourteen days from the date of the auction.

(6) A tea factory shall within thirty days of receipt of the proceeds of the sale of tea, pay tea growers—

(a) at least fifty per centum of payment due for green leaf delivered every month;

(b) the balance due to the tea grower within three months from the end of financial year.

(7) An auction organizer shall develop trading rules to govern its operations and the trading rules shall be submitted to the Board for approval.

Registration
of
commercial
green leaf
transporters

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

(2) A person shall not carry on the business of commercial 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 commercial green leaf transporters 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.

24N. (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 nurseries 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.

24O. (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.

24P. (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 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.

(3) 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 Second Schedule.

(4) 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.

(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.

24Q. (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.

24R. 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

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

Surrender of
licence.

24S. (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.

24T. (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.

Approval of
fees
charged.

24U. Any fee, commission or other dues charged by a broker, management agent or an auction organizer shall be subject to prior approval by the Board.

Declaration
of blended
teas.

24V.(1) A person who blends any or various grades of tea produced in Kenya with any other tea produced outside Kenya shall declare the percentage of Kenyan tea on the packaging and on the blend sheet.

(2) 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.

Taxation of
tea.

24W.(1) Fees imposed by a county government shall not in any way prejudice national economic policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

(2) The Cabinet Secretary shall, using the structures established under the Intergovernmental Relations Act, put in place mechanisms to harmonize fees and charges on tea across counties.

Tea value
addition.

24X. (1) All tea buyers or exporters shall value add at least forty per centum of their annual Kenya tea exports within eight years of the commencement of this Act.

(2) The Cabinet Secretary shall in accordance with regulations made under this Act and in consultation with the Board, facilitate the establishment of Common User Facility for tea value addition as may be prescribed.

NEW PART

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

PART IIIA – APPOINTMENT OF CROP INSPECTORS

Appoin
tment
of crop
inspect
ors.

24Y. (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 a crop inspector.

Entry
and
inspecti
on.

24Z. 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.

Powers
of
entry.

24ZA. (1) For the purposes of this Act, an inspector who has 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.

24ZB. (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.

PART IIIB – ESTABLISHMENT OF TEA LEVY AND TEA FUND

Establishment of Tea Levy.

24ZC.(1) The Cabinet Secretary may by notice in the *Gazette*, impose a levy to be levied on tea exports and imports, to be known as the tea levy.

(2) The levy imposed through a notice under subsection (1) shall be collected by the Board at a rate not exceeding one per centum of the auction value for teas sold through the auction and at such times, being not earlier than one after the date of publication of the notice, in such a manner, as is specified in the notice.

(6) The levy on tea imports shall be charged at a rate of one hundred per centum of the value of the imported teas.

(7) The levy imposed under this section shall be levied and collected in such manner as the Cabinet Secretary may prescribe through regulations.

(8) The tea levy collected under subsection (2) shall be apportioned as follows—

- (a) fifty per centum shall be applied by the Board for income or price stabilization for tea growers;
- (b) fifteen per centum shall be applied by the Board in the furtherance or exercise of any function or power of the Board;
- (c) twenty per centum shall be remitted directly to the Tea Research Foundation;
- (d) fifteen per centum shall be applied for infrastructure development in the tea subsector on a pro rata basis.

(6) A person who fails to pay the tea levy imposed under this Act commits an offence.

Establishment of a Tea Fund.

24ZD.(1) There is established a Fund to be known as the Tea Fund which shall be managed by the Board.

- (2) The Fund shall consist of-
- (a) monies appropriated by the National Assembly;
 - (b) monies from the tea levy;
 - (c) monies from a source approved by the Board;
 - (d) grants and donations made to the Board.
- (3) The Board shall apply the monies received into the Fund to—
- (a) income or price stabilization;
 - (b) research and development.

PART IIIC- ESTABLISHMENT OF THE TEA RESEARCH FOUNDATION

Establishment
of the Tea
Research
Foundation.

24ZE. (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.

Functions of
the
Foundation.

24ZF. (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 development 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) liaise with and ensure the co-ordination of institutions, agencies and persons involved in tea research;
- (i) 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;
- (j) conduct training in industry best practice and value-addition;
- (k) ensure continuance of performance improvement in the field of tea research; and
- (l) perform such other functions as may be conferred on it by this Act or any other written law.

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) re-numbering the existing paragraphs (a), (b), (c), (d) as (b), (c), (d), (e), respectively.

CLAUSE 26

THAT, Clause 26 of the Bill be amended —

- (a) in sub-clause (1) by deleting the word “three” appearing immediately after the words “at least” and substituting therefor the word “six”;
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
“(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval.”
- (c) by inserting the following new sub-clause immediately after sub-clause (3)—

“(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the Cabinet Secretary.”

CLAUSE 27

THAT, the Bill be amended by deleting clause 27 and substituting therefor the following new clause—

Accounts
and audit.

27. (1) The Board shall cause to be kept proper books and records of accounts of the income, expenditure and assets of the Board.

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

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

(b) a statement of financial position of the Board on the last day of that year.

(3) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

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 production, processing, importation and exportation of tea;
 - (b) the procedure of registration of tea brokers, small scale tea growers, medium scale tea growers, large scale tea growers, commercial green leaf transporters, tea packers, tea buyers, tea importers, tea exporters, management agents, auction organizers, warehouse operators, 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) the prescribed areas for planting tea;
 - (f) the appeal process in case of refusal or denial of a licence;
 - (g) monitoring of the entire value chain in the tea sub-sector;
 - (h) regulation of the conduct of tea auction including the volumes of tea to be sold through auction or through direct sales;
 - (i) the promotion of fair and proper governance structures in institutions along the tea value chain in the interest of tea growers;
 - (j) rules to avoid conflict of interest in the ownership and dealings between tea growers, tea factories and tea dealers;
 - (k) the criteria for the pricing of green leaf;
 - (l) maximum fees charged by players along the value chain;
 - (m) the tenure of board members for tea factory;
 - (n) procedures for ensuring internal democracy in tea growers' institutions and organizations;
 - (o) value addition of tea exports and imports;
 - (p) control of pests and diseases;
 - (q) any fee charged under this Act;
 - (r) the regulation of contracts between growers, tea factories and other players in the tea industry;
 - (s) tea safety including transportation, processing and market standards of tea;
 - (t) submission of returns and reports by the holders of licences and registrations under this Act;
 - (u) regulation and controlling the method of blending, packaging and labelling of tea for purposes of traceability;
 - (v) standards, and the manner of grading and classification of made tea products under this Act; and
 - (w) anything required to be prescribed under this Act;
- (3) For the purposes of Article 94(6) of the Constitution—

Cap. 2

No. 23 of
2013

- (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 the renumbered 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 –

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.

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—

(a) by deleting the title and substituting therefore the following new title—

“FIRST SCHEDULE”

(b) in paragraph 1(3) by deleting the word “five” appearing immediately after the words “by at least” and substituting therefor the words “two thirds of the”.

NEW SCHEDULE

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

SECOND 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 advise;
 - (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.

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

NEW CLAUSE

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

- Register of manufacturers **23A.** The Board shall maintain a register, in such form as prescribed in regulations, of all manufacturers licensed under this Act and shall enter therein, in respect of each tea factory —
- (a) the full names of the manufacturer;
 - (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.

- 3) **Notice is given that the Member for Gichugu (Hon. Gichimu Githinji) intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence—

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

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) one person of either gender, who shall have knowledge and experience in the tea sector and be from either the East and West tea blocks, nominated alternately by the Council of Governors;

- (e) four persons, two of either gender, representing and elected by small scale and medium scale tea growers from the East and West of the tea blocks:

Provided that two persons shall be from each of the tea blocks;

- (f) one person elected and representing large scale tea growers;
(g) one person elected and representing tea traders;”

SCHEDULE

THAT, the Schedule of the Bill be amended by deleting the title and substituting therefor 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 BLOCKS**

BLOCK	COUNTIES
EAST	Kiambu, Murang'a, Nyeri, Kirinyaga, Embu, Tharaka-Nithi, Meru and Narok.
WEST	Kericho, Bomet, Nakuru, Kisii, Nyamira, Nandi, Kakamega, Vihiga, Trans-Nzoia, Baringo, Bungoma, Elgeyo Marakwet and Uasin Gishu

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

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence—

“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;

“tea block” means a block 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—

(b)

(i) by inserting the following new sub paragraph immediately after subparagraph (iv)—

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

(c) 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;

CLAUSE 19

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

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 29G 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.

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 BLOCKS**

BLOCK	COUNTIES
EAST	Kiambu, Murang’a, Nyeri, Kirinyaga, Embu, Tharaka-Nithi, Meru and Narok.
WEST	Kericho, Bomet, Nakuru, Kisii, Nyamira, Nandi, Kakamega, Vihiga, Trans-Nzoia, Baringo, Bungoma, Elgeyo Marakwet and Uasin Gishu.

- 5) Notice is given that the Member for Suba North (Hon. Millie Odhiambo Mabona) intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage –

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 blocks;”

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 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 BLOCKS

BLOCK	COUNTIES
EAST	Nyeri, Kirinyaga, Kiambu, Murang'a, Meru, Embu, Tharaka-Nithi, and Narok.
WEST	Kericho, Bomet, Nakuru, Kisii, Nyamira, Nandi, Kakamega, Vihiga, Trans-Nzoia, Baringo, Bungoma, Elgeyo Marakwet and Uasin Gishu.

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

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.

- 7) Notice is given that the Member for Kabondo Kasipul (Hon. Eve Obara) intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) 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”.

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

CLAUSE 5

THAT, Clause 5 of the Bill be amended in subclause (1) 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;”

The House resolved on Tuesday, November 03, 2020 as follows-

Limitation of Debate on Bills, Motions (including Special Motions),
Sessional Papers and Committee Reports

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 of November 3, 2020 up to and including December 3, 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 and half 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.

...../Notice Paper I

NOTICE PAPER I

Tentative business for

Thursday (Morning) December 03, 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 Thursday (Morning), December 03, 2020-

A. MOTION – ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATION CENTRES IN THE COUNTRY

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

(Question to be put)

B. MOTION – PROVISION OF ASSISTIVE DEVICES AND REQUIRED MEDICAL ITEMS FREE OF CHARGE TO PERSONS WITH DISABILITIES

(The Hon. Dennitah Ghati, M.P.)

(Debate on the Amendment to resume)

(Resumption of debate interrupted on Thursday, November 26, 2020 – Morning Sitting)

(Balance of time 1 hour 2 minutes)

C. MOTION – CONTINUATION OF THE KAZI MTAANI PROGRAMME

(The Hon. Mishi Mboko, M.P.)

D. MOTION – DEVELOPMENT OF A NATIONAL POLICY AND CRITERIA FOR THE IDENTIFICATION OF ECONOMICALLY MARGINALISED ZONES

(The Hon. (Dr.) Gideon Ochanda, MP)

E. MOTION- EMPOWERMENT OF ARTISANS BY THE GOVERNMENT

(The Hon. John Kiarie, M.P.)

F. MOTION- INSTITUTIONALISATION OF RAINWATER HARVESTING AND STORAGE

(The Hon. Halima Mucheke, M.P.)

NOTICE PAPER II

Tentative business for

Thursday (Afternoon) December 03, 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 Thursday (Afternoon), December 03, 2020-

A. **PROCEDURAL MOTION** – **CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE MONTH OF DECEMBER, 2020 TO FEBRUARY, 2021 RECESS PERIOD**
(The Leader of the Majority Party)

B. **PROCEDURAL MOTION** – **EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDERS 141 AND 227(1)**
(The Leader of the Majority Party)

C. **COMMITTEE OF THE WHOLE HOUSE**

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

D. **MOTION** – **APPROVAL OF THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION**
(The Chairperson, Departmental Committee on Defence and Foreign Relations)
(If not concluded on Tuesday, December 1, 2020)

E. **MOTION** – **APPROVAL OF THE ACCESSION TO THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE**
(The Chairperson, Departmental Committee on Defence and Foreign Relations)
(If not concluded on Tuesday, December 1, 2020)

F. **MOTION** – **INSPECTION VISITS TO THE KENYA REVENUE AUTHORITY OFFICES TO ASCERTAIN THE IMPACT OF REVENUE ENHANCEMENT INITIATIVES**
(The Chairperson, Departmental Committee on Finance and National Planning)
(If not concluded on Tuesday, December 1, 2020)

G. MOTION – INQUIRY INTO THE OPTIMIZATION OF REVENUE IN GRAIN HANDLING SERVICES AT THE PORT OF MOMBASA

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

(If not concluded on Tuesday, December 1, 2020)

H. MOTION – CONSIDERATION OF A PUBLIC PETITION ON A RESOLUTION OF THE HOUSE

(The Chairperson, Committee on Implementation)

(If not concluded on Tuesday, December 1, 2020)



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-

QN. NO.

QUESTION BY PRIVATE NOTICE

343/2020

The Member for Trans Nzoia County, (Hon. Janet Nangabo, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development -

- (i) What immediate plans are in place to rehabilitate and revamp the railway network to *Kitale Town* in *Trans Nzoia* County, to enable farmers along the North Rift Region who rely on agricultural economic activity to transport their produce to markets?
- (ii) Does the Ministry intend to synchronize the *Kitale Line* rehabilitation programme with the ongoing works at other railway lines, such as the *Nakuru, Gilgil* and *Nyahururu Routes*?

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

345/2020

The Member for Nyando, (Hon. Jared Okelo, MP) to ask the Cabinet Secretary for Education -

- (i) Could the Cabinet Secretary explain what action the Ministry is taking to ensure that schools in Nyando Constituency that have been affected by flooding are ready to accommodate pupils and students upon resumption of schools in January 2021?
- (ii) What efforts is the Ministry making to ensure that learning in these flood-prone schools remains uninterrupted during rainy seasons?

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

351/2020

The Member for Lamu County, (Hon. (Capt.) Ruweida Obo Mohamed, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain the measures taken by the Ministry to address the plight of the *Bajun* people of the Coastal

region who have endured years of neglect, disservice and historical injustice in their own motherland?

- (ii) What specific affirmative and other measures is the Government pursuing to assist Internally Displaced Persons from among the *Bajun* community in securing their livelihood?

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

355/2020

The Member for Rabai, (Hon. Kamoti Mwamkale, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -

- (i) What policy measures has the Ministry put in place to facilitate the purchase and marketing of crops from farmers who have experienced a bumper harvest and have excess stock of the produce in particular cassava farmers in Kilifi County?
- (ii) Could the Government consider compensating such farmers who have failed to secure market for their excess produce despite investing millions of shillings as encourage by the Government through bank loans that have accumulated interests and other charges?

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

359/2020

The Member for Starehe, (Hon. Charles Njagua Kanyi, MP) to ask the Cabinet Secretary for Devolution and ASALs: -

- (i) Could the Cabinet Secretary explain the plans put in place by the Ministry to ensure food and relief items are kept in stock for emergencies such as droughts, famine and other calamities?
- (ii) What steps has the Ministry taken to mitigate against any inadequacies and provide the much-needed food and other relief commodities when droughts and other calamities happen?

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

365/2020

The Member for Subukia, (Hon. Samuel Gachobe, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

Could the Cabinet Secretary indicate when the Ministry will recruit a chief for *Wei* Location of Subukia Sub-County considering that said location has not had a substantive chief for the last three (3) years, thus hindering service delivery to the residents of *Wei* Location?

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

366/2020

The Member for Kiambu, (Hon. Jude Njomo, MP) to ask the Cabinet Secretary for Health:-

- (i) Is the Cabinet Secretary aware of the sale of a highly addictive nicotine product with the brand name “LYFT” which is sold in pouches in retail outlets countrywide, particularly in Kiambu Constituency?
- (ii) What action, if any, has the Ministry taken to ensure that the sale of this product is restricted to adults, considering that the target market seems to be the unsuspecting minors and youth, causing adverse health complications, addictions and increased school dropout rates?
- (iii) Could the Cabinet Secretary to clarify whether the product is registered as a drug in Kenya and confirm whether sufficient tests have been conducted with respect to its purity and grade of ingredients used in its manufacture?
- (iv) What are the recorded short and long-term side effects of “LYFT nicotine pouches” on humans and how has the Ministry sensitized the public about the side effects?

(To be replied before the Departmental Committee on Departmental Committee on Health)

367/2020

The Member for Naivasha, (Hon. Jayne Kihara, MP) to ask the Cabinet Secretary for Education:-

- (i) Is the Cabinet Secretary aware that one Ms. Njambi E. Kimani, an orphan of *Index No. 27537502/037*, sat her KCSE in *Kiambogo Secondary School*, in Naivasha Constituency in 2013 and was issued with at KCSE Certificate No. *KCSE/13 0744474* bearing a photograph of another person?
- (ii) What action is the Ministry taking to ensure that *Ms. Kimani* is issued with a KCSE Certificate bearing her photograph?
- (iii) Could the Cabinet Secretary explain what steps are in place to correct such errors whenever they arise?

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