



(No. 084)

(1246)

**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, DECEMBER 03, 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\*. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDERS 141 AND 227**

(The Leader of the Majority Party)

**THAT**, noting that this House will be proceeding for a long recess from December 4, 2020 to February 8, 2021; taking cognizance of the implications of the *Judgment in Nairobi High Court Constitutional Petition Number 284 of 2019 as consolidated with Nairobi High Court Constitutional Petition Number 353 of 2019* on suspension of the consideration of all Bills pending in both Houses of Parliament until the requirement of concurrence is first fulfilled; further noting the decrease in the number of Sitting days of the House due to the COVID-19 pandemic; **Now Therefore**, pursuant to the provisions of Standing Order 256 (*Exemption of Business from the Standing Orders*), this House **resolves** –

- (i) to exempt all Bills pending at various stages of consideration in the House from the provisions of Standing Order 141(2) (*Lapse and Re-introduction of Bills*) during the period of the Fourth and the Fifth Sessions; and,
- (ii) that, with respect to all Public Petitions pending before Committees of the House, the counting of the sixty days consideration period prescribed under Standing Order 227(2) (*Committal of Petitions*) shall adjourn today and resume when the House next sits in the Fifth Session.

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**9\*. PROCEDURAL MOTION – CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD OF 4<sup>th</sup> DECEMBER 2020 TO 8<sup>th</sup> FEBRUARY 2021**

(The Leader of the Majority Party)

**THAT**, notwithstanding the provisions of Standing Orders 41 and 42 relating to *conveying of Messages from the Senate and from the President or the National Executive*, Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills* and Standing Order 210(2) relating to *Tabling of Statutory Instruments*, this House orders that, during the period of the long Recess (December 4, 2020 – February 8, 2021)-

- (i) upon receipt of any Message from the Senate, or upon receipt of any name of a person nominated for appointment to a state or public office from the President or any other office in the National Executive, the Speaker shall forthwith refer such Message to the relevant Committee for consideration, without having to recall the House;
- (ii) should a Bill be published during the said period, or a published Bill becomes due for First Reading during the period, the Speaker shall, upon lapse of at least three days following the publication of the Bill and following a determination that such Bill is of priority, forthwith refer such Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (iii) should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instruments is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House upon it next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and,
- (iv) should the Speaker receive a Message relating to the Senate's Amendments to a Bill originating in the National Assembly, the Speaker shall forthwith refer the Schedule of the Senate Amendments to the relevant Committee for consideration pursuant to the provisions of Standing Order 145 (*Senate amendments to Bills originating in the National Assembly*), and, upon resumption of the House, report such fact to the House.

**10\*. MOTION – APPROVAL OF NOMINEES TO VARIOUS NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES**

(The Chairperson, Select Committee on the National Government Constituencies Development Fund)

**THAT**, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following four (4) Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Thursday, December 3, 2020* -

**1. AINABKOI CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	David C. Kimaiyo	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Simion K. Sambu	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)

**2. CHEPALUNGU CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	Weldinoh Keter	Kipkurui Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Sang Kiprono Paul	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Chebet Winny	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Milca Kenduiywa	Cherono Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Caroline Chebet	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Joseph Kipkorir Chirchir	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

### 3. KASARANI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benson Ngwaro Kirango	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)

### 4. BUURI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Mwiti Kithinji	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Charles Kinyua Kiara	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elosy Kendi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Lucy Nkirote Mbobua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Joshua Murithi Mwarania	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Leslie Murithi Muthamia	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary Gacheri Mwathe	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 11\*. MOTION – APPROVAL OF AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION BETWEEN KENYA AND MAURITIUS

(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 consideration of the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius, *laid on the Table of the House on Tuesday, December 1, 2020* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius.

**12\*. 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.*

**13\*. THE NATIONAL AVIATION MANAGEMENT BIL (NATIONAL ASSEMBLY BILL NO. 18 OF 2020)**

(The Leader of the Majority Party)

Second Reading

**14\*. 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.*

**15\*. COMMITTEE OF THE WHOLE HOUSE**

The Gaming Bill (National Assembly Bill No. 38 of 2019)

(The Chairperson, Departmental Committee on Sports, Culture and Tourism)

**16\*. 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.*

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**\* Denotes Orders of the Day\***

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# **N O T I C E S**

## **I. THE GAMING BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Sports, Culture and Tourism intends to move the following amendments to the Gaming Bill, 2019 at the Committee Stage—

### LONG TITLE

**THAT**, the long title of the Bill be amended by inserting the phrase “to delineate the betting functions of the national and county governments;” immediately after the word “Parliament”.

### CLAUSE 2

**THAT**, clause 2 of the Bill be amended —

- (a) in the definition of “gaming equipment” by—
- (i) deleting paragraph (c);
  - (ii) renumbering the existing paragraphs;
- (b) in the definition of “gaming employee” by deleting the words “a person” appearing immediately after the word “means”;
- (c) in the definition of “gaming premise” by deleting the word “the” appearing immediately after the words “access for”;
- (d) by deleting the definition “Fund” and substituting therefor the following new definition—
- ““Fund” means the Sports, Arts and Social Development Fund established under section 24 (4) of the Public Finance Management Act, 2012;”
- (e) by inserting the following new definition immediately after the definition of “licensed betting premises”—
- “licensed gaming premises” means the premises specifically named, described and licensed in terms of this Act to which the public may resort for purposes of gaming;”
- (f) in the definition of “manufacturer”—
- (i) in paragraph (a) by inserting the words “of gaming services” at the end of the paragraph;
  - (ii) in paragraph (c) by inserting the words “of gaming services” at the end of the paragraph;

- (g) by deleting the definition of “net gaming revenue”;
- (h) in the definition of “Principal Secretary”, by deleting the word “Principle” appearing immediately after the words “means the” and substituting therefor the word “Principal”;
- (i) in the definition of “record”, by deleting the word “matter” appearing immediately after the words “in any other” and substituting therefor the word “manner”;
- (j) in the definition of “stake”, by deleting the word “hazard” and substituting therefor the word “risk”;
- (k) in the definition of “ticket”, by deleting the words “a chances of” appearing immediately after the words “participate in”;
- (l) deleting the definition of “Tribunal”;
- (m) by deleting the definition of “winning” and substituting therefor the following new definition—
  - “winnings” means the positive difference between payouts made and stakes placed in a given month, for each player, payable to punters by bookmakers licenced under this Act;”
- (n) by inserting the following new definitions in their proper alphabetical order—
  - “Collector” means the Commissioner General of the Kenya Revenue Authority;
  - “Committee” means the Gaming Appeals Committee established under section 111;
  - “promoter” means a person licenced to run and operate a lottery;”

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) establish the National Gaming Authority and the Gaming Appeals Committee; and”

### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended —

- (a) in paragraph (b) by inserting the words “single business” immediately after the word “issue”;
- (b) by deleting paragraph (c).

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended—

(a) in sub-clause (1)—

(i) in paragraph (a), by deleting the words “nominated by the Cabinet Secretary and”;

(ii) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) Principal Secretary responsible for matters relating to sports or a representative designated in writing;”

(iii) by inserting the following new paragraph immediately after paragraph (e)—

“(ea) Principal Secretary responsible for matters relating to culture or a representative designated in writing;”

(iv) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) two persons with knowledge and experience in gaming one of whom shall be nominated by the umbrella body of the operators in the gaming industry”;

(v) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) one person nominated by the Council of County Governors;”

(vi) in paragraph (h) by deleting the words “and secretary to the Board”;

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

“(3) The Cabinet Secretary shall, by name and notice in the *Gazette*, appoint members nominated under subsection (1) (f) and (g).”

(c) in sub-clause (4) by inserting the following new sub-clause immediately after sub-clause 4—

“(5) The appointment of members under subsection (1) (f) and (g) shall be staggered to ensure that their terms do not expire at the same term.”



**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended—

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

“(1) A person shall be appointed as a chairperson or a member of the Board if the person—

- (a) is a Kenyan citizen;
- (b) holds a university degree in a relevant field from a university recognized in Kenya;
- (c) has a minimum of three years working experience in the relevant field; and
- (d) meets the requirements of Chapter Six of the Constitution.”

(b) in sub-clause (2)—

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

“(b) has been convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months;”

(ii) in paragraph (d) by inserting the words “or any other lawful reasons” immediately after the word “misconduct”.

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) resigns from office by notice in writing; in case of the chairperson, to the President, and in case of a member, to the Cabinet Secretary;”

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

(a) in the introductory statement by—

- (i) inserting the word “of” immediately after the word “functions”;
- (ii) by deleting the expression “(1)”;

(b) in sub-clause (1) (f) by inserting the words “for compliance with regulatory authorities” at the end of the paragraph.

**CLAUSE 11**

**THAT**, clause 11 of the Bill be amended—

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

- “(c) open and operate a bank account with the authority of the National Treasury;”
- (b) by inserting the following new paragraphs after paragraph (c)—
- “(ca) conduct such investigations as may be necessary for enforcement of this Act;
  - (cb) require a person to furnish such returns and information as may be necessary for implementing the provisions of this Act;
  - (cc) inquire into complaints against licensees;
  - (cd) set conditions and terms of a license issued under this Act;
  - (ce) charge fees and levies;
  - (ce) impose fines and penalties;
  - (cg) exercise all other powers conferred to it by this Act or any other written law; and”

### **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended by deleting the word “of” appearing immediately after the word “the procedure” and substituting therefor the words “for the”.

### **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 12—

Committees of the  
Board.

**12A.** The Board may establish such committees as it considers necessary to assist it in the performance of its functions and exercise of any of its powers.

### **CLAUSE 14**

**THAT**, clause 14 of the Bill be amended by deleting the word “disbursement” appearing immediately after the words “allowances and” and substituting therefor the word “reimbursement”.

**CLAUSE 15**

**THAT**, clause 15 of the Bill be amended—

(a) in sub-clause (2) by—

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

“(b) holds a degree from a university recognised in Kenya;”

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) has at least ten years experience in senior management in a public or a private institution;”

(b) in sub-clause (3)—

(i) by deleting paragraph (a);

(ii) by renumbering the existing paragraphs.

**CLAUSE 20**

**THAT**, clause 20 of the Bill be amended—

(a) by numbering the introductory statement as sub-clause (1);

(b) in paragraph (a) of the renumbered sub-clause (1), by deleting the word “generating” and substituting therefor the word “operating a”;

(c) by inserting the following new paragraphs immediately after paragraph (j) of the renumbered sub-clause (1)—

“(ja) gaming equipment and devices manufacture or assembling;

(jb) gaming equipment and devices selling or distribution;

(jc) gaming equipment testing;”

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended in sub-clause (3) by deleting the word “shall” and substituting therefor the word “may”.

**CLAUSE 24**

**THAT**, clause 24 of the Bill be amended—

(a) in sub-clause (1) (b) by deleting the word “issue” appearing immediately after the words “for the” and substituting therefor the word “issuance”;

(b) in sub-clause (3) by deleting the word “Tribunal” appearing immediately after the words “an appeal at the” and substituting therefor the word “Committee”.

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by deleting the phrase “charged with any offence involving fraud, dishonesty or any offence related to gaming” and substituting therefor the phrase “found to be in breach of the provisions of this Act”.

**CLAUSE 26**

**THAT**, clause 26 of the Bill be amended—

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

“(2) Where the revocation of a licence is contemplated under subsection (1), the Board shall serve the licensee with the notice of the intended revocation specifying the grounds for such revocation.”

(b) in sub-clause (6) by deleting the word “Tribunal” appearing immediately after the words “may appeal to the” and substituting therefor the words “Committee”.

**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A licensee shall prominently display his or her licence in a place to which the public has access during the period of validity of the licence.”

**CLAUSE 29**

**THAT**, clause 29 of the Bill be amended in sub-clause (1) by deleting the words “shillings one hundred thousand” and substituting therefor the words “the prescribed fees”.

**CLAUSE 30**

**THAT**, clause 30 the Bill be amended—

(a) in sub-clause (1) by deleting the phrase “in any gaming premise for which a license has been granted” appearing immediately after the words “under this Act”;

(b) in sub-clause (2) by deleting the word “cancellation” appearing immediately after the words “including revocation or” and substituting therefor the word “suspension”.

**CLAUSE 31**

**THAT**, clause 31 of the Bill be amended by deleting the words “one hundred thousand shillings” and substitute therefore with the words “the prescribed fees”.

**CLAUSE 36**

**THAT**, clause 36 of the Bill be amended in sub-clause (2) by deleting the words “to audit the accounts” appearing immediately after the word “appointment”.

**CLAUSE 37**

**THAT**, the Bill be amended by deleting clause 37 and substituting therefor the following new clause—

Gaming tax.

**37.** (1) There shall be a tax to be known as Gaming Tax chargeable at the rate of fifteen per centum of the gross gaming revenue.

(2) The tax under subsection (1) shall be paid to the Collector on or before the 20th day of the following month.

(3) The Collector shall pay all the proceeds of tax paid under sub clause (2) into the Fund.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 37—

Gaming levy.

**37A.** (1) There shall be a monthly levy to be known as gaming levy which shall be paid to the Authority by a license holder.

(2) The Board shall in consultation with the Cabinet Secretary prescribe—

(a) the amount of the gaming levy referred to in subsection (1) provided that such amount shall not exceed one per centum of the monthly gross gaming revenue;

(b) the amount from the gaming levy that shall be used for the establishment of rehabilitation centres for problem gamblers.

(3) The levy collected under this section shall be paid into an account operated by the Authority on or before the 20th day of the following month.

(4) A person who fails to pay the levy prescribed under subsections (1) and (2) or makes late payment shall be liable to pay to the Authority all outstanding amounts of the levy together with a penalty of two hundred thousand shillings for each such payment.

**CLAUSE 38**

**THAT**, clause 38 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “licence” appearing immediately after the words “A holder of a gaming” and substituting therefor the words “premises permit”;
- (b) in sub-clause (2) by inserting the word “premises” immediately after the word “gaming” in the introductory statement.

**CLAUSE 42**

**THAT**, clause 42 of the Bill be amended in sub-clause (2) by inserting the words “and with assistance of the Board” immediately after the word “transfer”.

**CLAUSE 46**

**THAT**, clause 46 of the Bill be amended in sub-clause (1) by deleting the words “make totalisator’s rules” and substituting therefor the words “rules for the operation of totalisators”.

**CLAUSE 48**

**THAT**, clause 48 of the Bill be amended —

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
  - “(1) A promoter of a race meeting who desires to permit a bookmaker to carry out bookmaking at a race meeting shall—
    - (a) apply to the Board for a licence in the prescribed form; and
    - (b) pay the prescribed fees.”
- (b) in sub-clause (2) by deleting the word “permit” appearing at the end of the sub-clause and substituting therefor the word “licence”;
- (c) in sub-clause (3) by deleting the word “premise” appearing at the end of the sub-clause and substituting therefor the word “racecourse”.

**CLAUSE 49**

**THAT**, clause 49 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clauses—

- “(2) The Board shall set the percentage of gross revenue of a public lottery which shall be devoted to the object for which the lottery is promoted.

(2A) The percentage set by the Board under subsection (2) shall not be less than thirty per centum of the gross revenue.”

#### **CLAUSE 50**

**THAT**, clause 50 the Bill be amended—

- (a) in subclause (2) (c) by inserting the words “of the lottery” immediately after the words “expected proceeds”
- (b) by inserting the following new sub-clause immediately after clause (2)—
  - “(3) In this section, the term “gross proceeds” means the total proceeds received from a lottery before any deductions are made.”

#### **CLAUSE 52**

**THAT**, clause 52 the Bill be amended in sub-clause (2)—

- (a) by deleting the word “issue” appearing immediately after the words “upon the” appearing in the introductory statement and substituting therefor the word “issuance”;
- (b) in paragraph (b) by deleting the words “who operates on a betting premises or a person” appearing immediately after the words “any person”;
- (c) in paragraph (d) by deleting the words “not exceeding twenty shillings” appearing immediately after the words “a price not” and substituting therefor the words “not below fifty shillings”;
- (d) in paragraph (h) by deleting the word “and” appearing immediately after the words “or a chance”.

#### **CLAUSE 53**

**THAT**, clause 53 of the Bill be amended in sub-clause (2)—

- (a) in paragraph (a) by deleting the words “to be” appearing immediately after the words “or chance” and substitute therefor the word “is”;
- (b) by deleting paragraph (f) and substituting therefor the following new paragraph—
  - “(f) requiring that the price of a ticket or chance is displayed on each ticket;”
- (c) in sub-clause (4), by deleting the word “who” appearing immediately after the words “under this section” and substituting therefor the word “and”.

#### **CLAUSE 54**

**THAT**, clause 54 of the Bill be amended in sub-clause (2) in paragraph (c) by deleting the word “and” appearing immediately after the words “or a chance”.

**CLAUSE 57**

**THAT**, clause 57 of the Bill be amended —

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

“(2) The Board shall establish a framework to facilitate real time monitoring of online gaming activities which shall be accessible for monitoring by the Communications Authority of Kenya, the Authority and any other relevant government agencies.”

(b) in sub-clause (3) —

(i) in paragraph (a) by deleting the word “its” appearing immediately after the words “which may where” and substituting therefor the words “it is”;

(ii) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) a valid telecommunications licence;”

**CLAUSE 60**

**THAT**, clause 60 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “fifty” appearing immediately after the words “of less than” and substituting therefor the words “one hundred”;

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

“(2) A licensee who allows any person to wager an amount other than the amount specified under sub-section (1) commits an offence and shall be liable upon conviction to a fine of not less than five million shillings or to imprisonment for a term not exceeding six years.”

**CLAUSE 61**

**THAT**, clause 61 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) An operator shall put in place mechanisms to ensure that a child is not registered for an online game, lottery, casino or game of chance for which they are licensed to operate.”

**CLAUSE 62**

**THAT**, clause 62 of the Bill be amended in sub-clause (4)—

(a) by deleting paragraph (a);



- (b) in paragraph (b) by deleting the letter “a”;
- (c) by inserting the following new paragraph immediately after paragraph (b)—  
“(ba) mobile money transfer;”

**CLAUSE 67**

**THAT**, the Bill be amended by deleting clause 67 and substituting therefor the following new clause—

Issuance of  
licence to  
foreign  
companies.

**67.** (1) The Board shall have the authority to issue an online gaming licence to a foreign company—

- (a) registered in Kenya; and  
(b) carrying on online gaming business in Kenya.

(2) A person outside Kenya shall not carry on online gaming business in Kenya remotely from outside Kenya without an online gaming licence.

(3) A person who knowingly breaches the provisions of subsection (2) commits an offence and shall upon conviction—

- (a) if a natural person be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both; or  
(b) if a corporate person be liable to a fine not exceeding fifty million shillings.

**CLAUSE 68**

**THAT**, clause 68 of the Bill be deleted.

**CLAUSE 69**

**THAT**, clause 69 of the Bill be amended by deleting the word “Tribunal” appearing immediately after the words “appeal to the” and substituting therefor the words “Committee”.

**CLAUSE 71**

**THAT**, clause 71 of the Bill be amended in sub-clause (3) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) there is no direct or indirect financial interest on any applicant by an office bearer of a political party; and”

**CLAUSE 72**

**THAT**, clause 72(1) of the Bill be amended by deleting the word “the” appearing immediately after the words “prescribed by” and substituting therefor the word “this”.

**CLAUSE 79**

**THAT**, clause 79 of the Bill be amended in sub-clause (3) (f) by deleting the word “prizes” appearing at the beginning of the paragraph and substituting therefor the word “price”.

**CLAUSE 80**

**THAT**, clause 80 of the Bill be amended in sub-clause (5) by deleting the expression “(3)” and substituting therefor the expression “(4)”.

**CLAUSE 82**

**THAT**, clause 82 of the Bill be amended in sub-clause (3) by deleting the word “paragraph” appearing immediately after the words “to which” and substituting therefor the word “subsection”.

**CLAUSE 87**

**THAT**, clause 87 of the Bill be amended—

- (a) in the introductory words to sub-clause (2) by inserting the words “the following, and not limited to—” immediately after the word “audit”;
- (b) in subclause (2) (d) by deleting the word “of” appearing immediately after the word “compliance” and substituting therefor the word “with”.

**CLAUSE 88**

**THAT**, clause 88 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The gross revenue of a national lottery shall be distributed as follows—

- (a) forty per centum to the holders of winning tickets;
- (b) twenty per centum to licensee to meet its administrative costs;
- (c) thirty per centum to be paid into the Fund for distribution to support sports, arts, and social development; and
- (d) ten per centum to agents and retailers of the Lottery.”

**PART X**

**THAT**, Part X of the Bill be deleted.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 100—

Exemption of other provisions. **100A.** Despite any other provisions of this Act, sections 27, 49, 52, 53 and 54 of this Act shall not apply to the National Lottery.

**CLAUSE 101**

**THAT**, clause 101 the Bill be amended in sub-clause (1) by deleting the word “related” appearing immediately after the words “and other” and substituting therefor the word “forms of”.

**CLAUSE 103**

**THAT**, clause 103 the Bill be amended by deleting the word “of” appearing immediately after the words “ensuring compliance” and substituting therefor the word “with”.

**CLAUSE 108**

**THAT**, clause 108 of the Bill be amended—

- (a) in sub-clause (1), by deleting the word “a permit” appearing immediately after the word “issue” and substituting therefor the word “a licence”;
- (b) in sub-clause (2), by deleting the word “a permit” appearing immediately after the words “to the public without” and substituting therefor the word “a licence”.

**CLAUSE 110**

**THAT**, clause 110 the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Betting and” appearing in the introductory words;
- (b) in sub-clause (2) by inserting the words “in licensed premises” at the end of the sub-clause.

**PART XIII**

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

**PART XIII - DISPUTE RESOLUTION MECHANISM**

Gaming  
Committee.

Appeals

**111.** (1) There is hereby established a committee to be known as the Gaming Appeals Committee to consider and decide appeals under this Act.

(2) The Cabinet Secretary shall, by notice in the Gazette, appoint the following persons to serve in the Committee—

- (a) a representative of the Principal Secretary for the time being responsible for matters relating to gaming;
- (b) a representative of the Attorney-General;
- (c) a representative of the Inspector General of Police;
- (d) a representative of the Consumer Protection Advisory Committee;
- (e) a representative from Association of Gaming Operators;
- (f) three other persons with knowledge and experience in gaming matters

(3) The quorum for a meeting of the appeals committee shall be five members.

(4) The functions of the appeals committee shall be to hear and determine appeals—

- (a) against the decision of the Authority;
- (b) regarding complaints arising out of the outcome of a gaming transaction;
- (c) regarding complaints arising out of the functionality of gaming machines and equipment; and
- (d) regarding any other matter as may be prescribed by this Act or referred to it by the Authority.

(5) An appeal to the Committee shall automatically operate as a stay of the decision appealed against.

(6) The Committee shall convene as and when an appeal has been filed.

(7) Save as expressly provided in this Act, the Committee shall regulate its own procedure.

(7) The Ministry shall provide secretariat services for the Committee.

**112.** Members of the Committee shall be paid such remuneration and allowances as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

**113.** The Authority may refer a matter or complaint to the Committee for hearing and determination.

**114.** A person aggrieved by the decision of the Committee, may appeal to the High Court within fourteen days from the date of the decision of the Committee.

#### **CLAUSE 124**

**THAT**, clause 124 of the Bill be amended —

(a) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) charges, grants, endowments and financial penalties collected by the Authority under this Act;”

(b) in paragraph (c) by inserting the words “fees and” immediately after the words “such” appearing at the beginning of the paragraph;

(c) in paragraph (e) by deleting the word “lend” appearing immediately after the words “donated or” and substituting therefor the word “lent”.

#### **CLAUSE 127**

**THAT**, clause 127 of the Bill be amended in sub-clause (2) (b) by deleting the word “on” appearing immediately after the words “Authority as” and substituting therefor the word “at”.

#### **CLAUSE 131**

**THAT**, clause 131 of the Bill be amended by inserting the word “or permit” immediately after the words “willfully fails to display a licence”.

**CLAUSE 133**

**THAT**, clause 133 of the Bill be amended by deleting “five hundred thousand” appearing immediately after the words “conviction to a fine not exceeding” and substituting therefor the words “one million”.

**CLAUSE 134**

**THAT**, clause 134 of the Bill be amended by—

- (a) inserting the word “or Collector” immediately after the word “Board,”
- (b) inserting the word “of accounts” immediately after the words “misleading statement”.

**CLAUSE 139**

**THAT**, clause 139 (a) of the Bill be amended by deleting the word “an” appearing immediately after the words “used in”.

**CLAUSE 140**

**THAT**, clause 140 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “betting” appearing at the end of the paragraph and substituting therefor the word “gaming”;
- (b) in paragraph (b) by deleting the word “betting” appearing immediately after the words “used as an unlicensed” and substituting therefor the word “gaming”;
- (c) in paragraph (c) by deleting the word “betting” appearing immediately after the words “bet in unlicensed” and substituting therefor the word “gaming”;
- (d) in paragraph (d) by deleting the word “betting” appearing immediately after the words “business of unlicensed” and substituting therefor the word “gaming”;

**CLAUSE 142**

**THAT**, the Bill be amended by deleting clause 142 and substituting therefor the following new clause—

Prohibition  
against  
unlicensed bookmaking.

**142.** (1) A person who wilfully acts, facilitates or carries on business as a bookmaker without a license or otherwise contrary to the terms of a license issued under this Act commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both.

(2) A person who accepts or receives bets or settles or pays money or monies worth in respect of bets, or is found in possession of any books, accounts, documents or other articles which are used or appear to have been used or intended to be used in connection with or which relate or appear to relate to the business of a bookmaker, shall be presumed, until the contrary is proved, to be acting as a bookmaker.

(3) A person who settles or pays money or money's worth in respect of any betting shall also be presumed, until the contrary is proved, to be acting as a bookmaker.

#### **CLAUSE 144**

**THAT**, clause 144 of the Bill be amended in sub-clause (2) by deleting the word "section" appearing immediately after the words "the provisions of" and substituting therefor the word "subsection".

#### **CLAUSE 146**

**THAT**, clause 146 (b) of the Bill be amended by inserting the word "of" immediately after the words "of a promoter".

#### **CLAUSE 154**

**THAT**, clause 154 the Bill be amended by deleting the words "five hundred thousand" appearing immediately after the words "a fine not exceeding" and substituting therefor the words "one million".

#### **CLAUSE 155**

**THAT**, clause 155 of the Bill be amended by inserting the words "the Authority or" immediately after the words "any condition imposed by".

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 156—

Self-exclusion.

**156A.** (1) The holder of a licence issued under this Act shall—

- (a) have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling;
- (b) as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer;
- (c) take steps to remove the name and details of a self-excluded individual from any marketing databases used by the licensee within two days of receiving the completed self-exclusion notification;
- (d) close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account;
- (e) put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling.

(2) For the purposes of this section, “self-exclusion” means a voluntary process where a person with a gambling concern asks a gambling provider to exclude themselves from areas of specific gambling venues, or online providers.

**CLAUSE 157**

**THAT**, clause 157 of the Bill be amended in sub-clause (3) by inserting the words “or to imprisonment for a term not exceeding one year or to both” at the end of the sub-clause.

**CLAUSE 158**

**THAT**, clause 158 of the Bill be amended by—



- (a) by inserting the expression “(1)” at the beginning of the introductory statement;
- (b) renumbering the existing sub-clause “(3)” as “(2)”
- (c) inserting the following new sub-clause immediately after the renumbered sub-clause (3)—
  - “(3) A person shall not—
    - (a) hold himself out by advertisement, promotion, notice or public placard as willing or with the aim of enticing members of the public to participate in gaming;
    - (b) display any written or printed placard or notice relating to any form of game of chance in any shape or form so as to be visible in a public street or place.”

### CLAUSE 159

**THAT**, the Bill be amended by deleting clause 159 and substituting therefor the following new clause—

Gaming advertisement  
tax.

**159.** (1) There shall be a withholding tax to be known as the gaming advertisement tax chargeable at the rate of thirty five per centum for every gaming advertisement done through radio, television, print media, billboards or any other platform.

(2) The tax under subsection (1) shall be paid by the company that has placed a gaming advertisement for a gaming operator to the Collector on or before the 20<sup>th</sup> day of the following month.

(3) A company that has placed a gaming advertisement shall furnish the Authority with the particulars of the advertisement including the gaming operator’s name and the cost of the advertisement.

(4) The Authority shall transmit the particulars received under subsection (3) with the Collector.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 159—

Prosecution of offences.

**159A.** (1) The Authority shall, pursuant to Article 157(12) of the Constitution, have the power to undertake prosecution of any offence under this Act.

(2) An officer duly authorised in writing by the Authority may conduct a prosecution for any offence under this Act.

**CLAUSE 160**

**THAT**, clause 160 the Bill be amended by inserting the word “be” immediately after the words “commission of an offence to”.

**CLAUSE 162**

**THAT**, clause 162 of the Bill be amended —

(a) in sub-clause (2) by inserting the following new paragraph immediately after the paragraph (g)—

“(ga) fees or levies charged under this Act;”

(b) in sub-clause (3) (c) by inserting the words “Interpretation and” immediately after the words “set out in the”.

**SECOND SCHEDULE**

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

**SECOND SCHEDULE (s. 22(1)(a))****Licensing fees****Type of gaming****Amount (shillings)**

(a) All forms of online gaming	fifty million
(b) Casinos including public gaming for conducting tables and slots machines	ten million
(c) Non-online bookmakers	ten million
(d) Totalisator	five million
(e) Prize competition	ten million

- |  |                       |
|--|-----------------------|
| (f) Non-online public lotteries, private lotteries and pool betting scheme   | ten million           |
| (g) Amusement with prizes  | one million           |
| (h) Premises or shops operating under licences of online gaming including online bookmaker, online casino and online lottery | five hundred thousand |

**THIRD SCHEDULE**

**THAT**, the Third Schedule of the Bill be amended by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) Tax compliance certificate;”

**FOURTH SCHEDULE**

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

**FOURTH SCHEDULE****Renewal of licence s. 23(3)**

<b>Type of gaming</b>	<b>Renewal period</b>	<b>Renewal fee (shillings)</b>
(a) Casinos including public gaming for conducting tables and slots machines	three years	nine million
(b) Online gaming	three years	thirty million
(c) Totalisator	one year	one million
(d) Prize competition	three years	five hundred thousand
(e) Non-online gaming including non-online book makers, non-online casinos, non-online lotteries	three years	nine million
(f) Amusement with prizes	three years	one million and five hundred thousand

- (g) A premise or a shop one year one million  
operating under a licence  
of online gaming  
including online  
bookmaker, online  
casino and online lottery

### **FIFTH SCHEDULE**

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

#### **FIFTH SCHEDULE (s. 33(1))**

##### **Gaming security**

<b>Type of gaming</b>	<b>Amount (shillings)</b>
(a) Casinos including public gaming for conducting tables and slots machines	twenty million
(b) online gaming	two hundred million
(c) National lottery	two hundred million
(d) Totalisator	five Million
(e) Prize competition	five million
(f) Non-online gaming including non-online book makers, non-online casinos, non-online lotteries	twenty million
(g) Amusement with prizes	two hundred thousand
(h) A premise or a shop operating under a licence of online gaming including online bookmaker, online casino and online lottery	five hundred thousand

**SIXTH SCHEDULE**

**THAT**, the Sixth Schedule of the Bill be amended—

(a) in paragraph (7) (1) by deleting the words “stand revoked within six months from the enactment of this Act” and substituting therefor the words “remain valid for the period of the license”

(b) by deleting paragraph (2) and substituting therefor the following new paragraph—

“(2) Upon expiry of licence referred to in paragraph (1), a person licensed under the repealed Act shall apply to the Board afresh for a new licence.”

(c) by deleting paragraph (4).

**2) Notice is given that the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) intends to move the following amendments to the Gaming Bill, 2019 at the Committee Stage—**

**CLAUSE 24**

**THAT**, clause 24 of the Bill be amended in subclause (2) by deleting the word “forthwith” appearing immediately after the words “it shall” and substituting therefor the word “within twenty-one days”

**CLAUSE 33**

**THAT**, clause 33 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The security under this section shall be deposited in an interest earning account operated by the Board and shall be refunded to a licensee without the interest earned upon the expiry or cancellation of a licence in respect of which it has been issued unless it is forfeited under section 157.”

(b) by inserting the following new subclause immediately after subclause (4)—

“(5) The interest earned under this section shall be used by the Board to fund activities that mitigate the negative effects of gaming.”

The House resolved on Tuesday, November 3, 2020 as follows-

Limitation of debate on Bills, Motions, Sessional Papers and Committee Reports

- II. 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.

## **ADJOURNMENT**

**III. NOTIFICATION OF RECESS (December 04, 2020 – February 08, 2021)**

Pursuant to the provisions of Standing Order 28(3) relating to Calendar of the National Assembly, the Speaker notifies that, upon the rise of the House today at the appointed time –

- (i) regular sittings of the House will resume on Tuesday, February 09, 2021 at 2:30 p.m; and;
- (ii) sittings of Committees will adjourn on Friday, December 11, 2020 and resume on Monday, February 1, 2021;

*(Thereafter, the House to adjourn without question put)*

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# **APPENDIX**

## **ORDER NO.7 - QUESTIONS**

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

### **QUE NO.**

### **ORDINARY QUESTIONS**

**364/2020**

**The Member for Muranga County (Hon. Sabina Chege, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries:-**

- (i) When will the Ministry allow and facilitate tea farmers from *Ndu-ini, Gikigie and Kiangenyie* Tea Factories to change the station of delivery of their green leaf from *Githambo* Tea Factory to Gacharage Tea Factory, considering so that they stand to benefit from the fair-trade funds availed at *Gacharage* Tea Factory and the existing road network, which is not as poor as the access roads to *Githambo* Tea Factory ;
- (ii) What specific measures is Ministry putting in place to facilitate the timely and uninterrupted transfer of the said tea farmers' produce as per their constant requests, in light of the fact that they have neither plucked nor sold green leaf since 1st November 2020, and by when will this be done?

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

**378/2020**

**The Member for Sirisia (Hon. (Maj.) (Rtd.) John Waluke, MP) to ask the Teachers Service Commission: -**

- (i) Could the Commission explain its rationale in setting up schools to train all teachers on classroom management and effective teaching yet such training can be offered by existing TIVET institutions and universities?
- (ii) How is the Commission addressing the teaching challenges, of ineffective teaching strategies, non-preparation of professional records, poor classroom management, and incompetence in handling learners with special needs as well as weak assessment and feedback skills, raised in the Primary Teacher Education (PTE) Report during initial teacher trainings?
- (iii) What was the objective of setting the Institute of Teachers Support and Professional Development (TSPD)?

*(For written reply by the Teachers Service Commission)*

**385/2020      The Member for Lamu County (Hon. (Capt.) Ruweida Obo, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -**

What urgent steps is the Ministry taking to address the menace and food security threat caused by invasion of locusts in Basuba Ward of Lamu County?

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

**386/2020      The Member for Kajiado North (Hon. Joseph Manje, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) Could the Cabinet Secretary provide an update on the fate of the five hundred and fifty (550) Central Bank of Kenya employees who voluntarily retired under the Bank's Voluntary Retirement Scheme in 1997 and who were eligible for deferred pension for staff below 55 years of age in line with the retirement terms?
- (ii) What urgent measures is the Ministry undertaking to ensure the prompt payment of the deferred pension and other benefits to the former employees of the Central Bank of Kenya who are currently struggling to earn a livelihood?

*(To be replied before the Departmental Committee on Finance and National Planning)*

**387/2020      The Member for Mwea (Hon. Kabinga Wachira, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives-**

- (i) Could the Cabinet Secretary explain the status of utilization of Kshs.200 million which was allocated for the purchase of rice for strategic reserves in the financial year 2019/20 budget through the Strategic Food Reserve Trust Fund?
- (ii) When will the Government start purchasing rice from farmers at the Mwea Irrigation Scheme for Strategic Food Reserve as was intended through the 2019/2020 budget allocation?
- (iii) 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 Paddy rice farmers in Mwea Constituency during this 2020/21 cropping season?

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



**The Member for Westlands (Hon. Timothy Wanyonyi, MP) to ask the Cabinet Secretary for Education:-**

- (i) What action is the Ministry taking to address the recent action by the Kabete National Polytechnic Management Council to withhold salaries of the institution employee's particularly part-time tutors?
- (ii) What measures is the Ministry taking to ensure adherence to human resource guidelines at the institution including implementation of fair promotion procedures in light of the fact that some employees have not been promoted for over 20 years?
- (iii) What immediate plans does the Ministry have to address rampant cases of impropriety by the Polytechnic management that include harassment and intimidation of staff, misuse of student capitation funds, illegal suspension of Workers' Committee representatives, single sourcing of services and supplies, mismanagement of Garnerville Apartments, and unresolved land ownership wrangles?

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

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