

(No. 049)



(433)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

(Convened vide Gazette Notice No. 4699 of 17th May 2021)

WEDNESDAY, MAY 19, 2021 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 – CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NATIONAL DROUGHT EMERGENCY FUND) REGULATIONS, 2021

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of *the Public Finance Management (National Drought Emergency Fund) Regulations, 2021, laid on the Table of the House on Thursday, May 13, 2021*, and pursuant to the provisions of section 24(4) of the Public Finance Management Act, 2012, **approves** *the Public Finance Management (National Drought Emergency Fund) Regulations, 2021, published as Legal Notice No. 27 of 2021*.

9*. MOTION – CONSIDERATION OF EXEMPTION FROM INCOME TAX FOR AIRLINES WITH GOVERNMENT OF KENYA SHAREHOLDING OF AT LEAST 45 PERCENT AND ITS SUBSIDIARIES

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of *Legal Notice No. 27 of 2021 on the Exemption from Income Tax for Airlines with Government of Kenya Shareholding of at least 45% and its subsidiaries, laid on the Table of the House on Thursday, May 13, 2021*, and pursuant to the provisions of section 13(3) of the Income Tax Act **approves *Legal Notice No. 27 of 2021 on Exemption from Income Tax for Airlines with Government of Kenya Shareholding of at least 45% and its subsidiaries.***

10*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill No. 27 of 2020)

(The Chairperson, Departmental Committee on Administration and National Security)

(subject to provisions of Standing Orders 131)

- (ii) The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020)

(The Leader of the Majority Party)

11*. THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, May 19, 2021 – Morning Sitting)

*** Denotes Orders of the Day**

NOTICES

I. THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2020)

- (i) Notice is given that the Chairperson of the Departmental Committee on Sports, Culture and Tourism, (Hon. Patrick Makau King'ola, M.P) intends to move the following amendments to the Kenya National Library Service Bill, 2020 at the Committee Stage—

CLAUSE 2

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

“Service” means the Kenya National Library Service established under section 4”;

CLAUSE 3

THAT, clause 3 of the Bill be amended by inserting the word “public” immediately after the word “other” appearing in paragraph (b).

CLAUSE 5

THAT, clause 5 of the Bill be amended by deleting the words “books, serials, music and others” appearing in paragraph (f) and substituting therefor the words “library resources including books, serials and music;”

CLAUSE 6

THAT, the Bill be amended in clause 6 —

- (a) by deleting subsection (1) and substituting therefor the following new subsection-

Composition of the Board. 6. (1) The management of the Kenya National Library Service shall vest in the Board which shall consist of —

(a) a Chairperson appointed by the President;

(b) the Principal Secretary responsible for matters relating to libraries or a representative designated in writing;

- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary responsible for matters relating to education or a representative designated in writing;
- (e) the Principal Secretary responsible for matters relating to devolution or a representative designated in writing;
- (f) the Principal Secretary responsible for matters relating to information and telecommunications technology or a representative designated in writing;
- (g) two persons nominated by the Council of County Governors in accordance with section 7 (2);
- (h) one person appointed by the Cabinet Secretary in accordance with section 7 (2); and
- (i) the Director-General who shall be the Chief Executive Officer of the Board.

(b) by deleting the words “1(a) and (e)” appearing in subsection (2) and substituting therefor the words “1 (a), (g) and (h)”.

CLAUSE 8

THAT, the Bill be amended in Clause 8 —

- (a) by deleting the words “as a member” appearing in the opening paragraph and substituting therefor the words “member of the Board”;
- (b) by deleting paragraph (g).

CLAUSE 17

THAT, clause 17 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph —

“(b) afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups”.

CLAUSE 19

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new clause —

Protection from
personal liability.

19. (1) No matter done by a member of the Service or by any officer, member of staff, or agent of the Service shall, if the matter or thing is done *bona fide* for the purpose of executing the functions, powers or duties of the Service under this Act, render the member, officer, employee or agent or any person acting on the direction of the Service personally liable in an action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Service, shall, if the court holds that such act was done *bona fide*, be paid out of the funds of the Service, unless such expenses are recovered by him or her in such suit or prosecution.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 19 –

Liability for damages.

19A. The provisions of section 19 shall not relieve the Service of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

CLAUSE 21

THAT, clause 21 of the Bill be amended in subclause (1) –

- (a) be deleting the word “Parliament” appearing in paragraph (a) and substituting therefor the words “the National Assembly”;
- (b) by deleting paragraph (f).

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and substituting therefor the following new clause –

Investments.

22. The Service may with the approval of the Cabinet Secretary and the Cabinet Secretary for the National Treasury invest any of the Service’s funds not immediately required for the purposes of this Act, as it may determine.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (1) by deleting the words “for each financial year” and substituting therefor the words “at least three months before the commencement of each financial year”.

CLAUSE 25

THAT, the Bill be amended by deleting clause 25 and substituting therefor the following new clause –

Accounts and
Audit.

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

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

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

(b) a balance sheet of the Service on the last day of that financial year.

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

CLAUSE 34

THAT, the Bill be amended by deleting clause 34.

CLAUSE 38

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

Regulations. **38.** (1) The Cabinet Secretary may in consultation with the Service, make regulations for the better carrying into effect the provisions of this Act.

(2) The Regulations made under subsection (1) shall include regulations prescribing the requisite forms and fees for use under this Act.

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

(a) the purpose and objective of the delegation of legislative power under this section is to enable the Cabinet Secretary to make rules to provide for the better carrying into effect the provisions of this Act;

(b) 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 fulfillment of the objectives specified under this section;

Cap. 2. (c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

No. 23 of 2013.

CLAUSE 40

THAT, clause 40 of the Bill be amended —

- (a) by deleting sub-clause (5);
- (b) by deleting sub-clause (6); and
- (c) by deleting sub-clause (7).

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended —

- (a) in paragraph 1 by deleting the words “four months” appearing in subparagraph (2) and substituting therefor the words “three months”;
- (b) in paragraph 3(1) by deleting all the words appearing after the words “shall be” and substituting therefor the words “five members”;

- (c) in paragraph 6 by deleting the number “4” and substituting therefor the number “3”;
- (d) by deleting paragraph 8;
- (e) in paragraph 9 by inserting the words “or her” immediately after the word “his” wherever it appears.

(ii) Notice is given that the Member for Suba North (Hon. Millie Odhiambo-Mabona) intends to move the following amendments to the Kenya National Library Service Bill, 2020 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in the proposed definition of the term —
 - (i) “book” by inserting the words “in digital, audio and print form” immediately after the word “chart”;
 - (ii) “member” by inserting the words “in relation to the Board” immediately before the words “means a member”;
- (b) by deleting the definition of the term “National Library Service” and substituting therefor the following definition—

“National Library Service” means a repository and access point for print, audio, audio-visual, braille and digital materials and documents in braille that serves as the preeminent repository of information for the country and as the official depository for printed works, a general public access library, and information and bibliographic centre;
- (c) inserting the following new definitions in proper alphabetical sequence—

“Agency” means the Kenya Resource Identification Numbers Agency established under section 20A;

“International Standard Book Number” means a numeric commercial book identifier which is intended to be unique and is assigned to each separate edition and variation of a publication but does not convey any form of legal or copyright protection;

“International Standard Music Number ” means a unique identifier for notated music including scores, parts, vocal scores, choral octavos, miniature scores, pop folios, whether published in print, online, or in other media and each edition or version of a musical work is assigned a separate International Standard Music Number;

“International Standard Serial Number” means a serial number used to uniquely identify a serial publication;

“print” means to produce or reproduce words or pictures in visible form digitally or by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other mode of representing the same in visible form, but does not include the representation of words or pictures by means of cinematography or television;

“Registrar” means the Registrar of Books and Newspapers appointed in accordance with section 20U;

“Resource Identification Material” means a book, serials, newspaper, music and any other material submitted for or subject to an identification number reference under this Act.

CLAUSE 3

THAT, the Bill be amended in clause 3 by —

- (a) inserting the following new paragraph immediately after the prefatory sentence

—

“(a) to establish a national public library service;”

- (b) renumbering paragraph (a) as paragraph (b); and

- (c) renumbering paragraph (b) as paragraph (c).

CLAUSE 5

THAT, the Bill be amended in clause 5 by —

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

—

“(f) monitor the work of the Kenya International Resource Identification Numbers Agency;”

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

“(la) provide easy access to information for all Kenyans;

(lb) promote a reading, writing and publishing culture amongst Kenyans;

(lc) establish a national public center for books, magazines, newspapers, videos, and other information materials;

(ld) preserve traditional culture and knowledge by promoting reading, writing and publishing in local languages;”

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in subclause 2 by deleting the expression “(e)” appearing immediately after the words “sub-section 1(a) and” and substituting therefor the expression (g);

- (b) in subclause 3 by inserting the words “regional representation” immediately after the words “persons with disability”

NEW PART IIA

THAT, the Bill be amended by inserting the following new parts immediately after clause 20—

PART IIA- THE KENYA RESOURCE IDENTIFICATION NUMBERS AGENCY

Establishment of the Kenya Resource Identification Numbers Agency.

20A. (1) There is hereby established an agency to be known as the Kenya Resource Identification Numbers Agency.

(2) The Agency shall be 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) entering into contracts; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act or any written law, which may lawfully be done or performed by a body corporate.

Objects and purpose of the Agency.

20B. The object and purpose of the Agency shall be to administer international standard resource identification numbers for books, serials, magazines, music and other resources.

Functions of the Agency.

20C. The functions of the Kenya Resource Identification Numbers Agency shall be to —

- (a) provide a linkage between the national agency and other International Resource Number Agencies for the purposes of the development of a unique identification system for resource identification materials in Kenya;
- (b) administer international standard resource identification numbers for books, serials, magazines, music and other resources.
- (c) create, manage, and maintain respective registers for International Standard Book Number, International Standard Music Number, International Standard Serial Number and International Standard Resource Number metadata, and administrative data in accordance with the policies set out by the respective International Standard Resource Number Agencies;
- (d) establish a process for the issuance of International Standard Book Number, International Standard Music Number, International Standard Serial Number and bar codes to applicants;

- (e) process applications for Resource Identification numbers for books, serials, magazines, music and other resource materials;
- (f) issue notification of the assignment of an Identification number for a Resource Material and bar codes and bar codes registrant element to the registrant of a monographic publication or publisher name;
- (g) correct inaccurate information in relation to an Identification number or records in relation to any Reference Material and bar codes metadata if proof of such inaccuracy is provided;
- (h) make information available in relation to Identification numbers of Reference Materials and bar codes and associated metadata to other registration agencies and to users of such systems in compliance with policies set out by the International Resource Number Agencies;
- (i) collate and maintain statistical data on its Identification numbers of Reference Materials and bar codes-related operations and report these at the stipulated intervals to the International Resource Number Agencies;
- (j) promote, educate, and train others in the use of the International Standard Book Number, International Standard Music Number, International Standard Serial Number and bar codes systems in compliance with the specifications of the applicable edition of the International Standard Book Number, International Standard Music Number, International Standard Serial Number and bar-codes standards in force at the time;
- (k) adhere to the International Resource Number Agencies and bar codes policies in compliance with the specifications of the applicable edition of the International Resource Number Agencies and bar codes standard in force at the time;
- (l) establish fees for the application for Reference Materials and bar codes numbers;
- (m) undertake any other task as may be assigned by the Cabinet Secretary.

Board of the Agency

20D. The management of the Kenya Resource Identification Numbers Agency shall vest in the Board of Directors of the Agency which shall consist of—

- (a) the Chairperson, appointed by the President;
- (b) the Principal Secretary responsible for matters relating to libraries or his or her representative;
- (c) the Principal Secretary responsible for matters relating to finance or his representative;
- (d) the Principal Secretary responsible for matters relating to education or his representative;

- (e) the Principal Secretary responsible for matters relating to information and telecommunications technology or his representative;
- (f) four other persons appointed by the Cabinet Secretary in accordance with the requirements in section 20E(2).
- (g) the Director of the Agency, who shall be Secretary to the Board.

(2) The appointment of members under sub-section 1(a) and (f) shall be by name and by notice in the Kenya Gazette.

(3) The Cabinet Secretary shall ensure that the provisions of the Constitution regarding gender parity, regional representation, persons with disability, marginalized persons and the youth are observed in making the appointments.

(4) The members of the Board of the Agency shall at their first meeting, elect a vice-chairperson from amongst their number, and the Chairperson and vice-chairperson shall be of opposite gender.

Qualifications for appointment of Board members.

20E. (1) A person shall be qualified for appointment as the Chairperson of the Board of the Agency if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years' experience with at least seven years' experience in management at a senior level;
- (d) has had a distinguished career in library and information science, knowledge management, information technology, development studies, management or any related field; and
- (e) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member of the Board of the Agency if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has knowledge and experience of at least five years at management level;
- (d) has had a distinguished career in the respective field; and
- (e) meets the requirements of Chapter Six of the Constitution.

Tenure and vacation of office.

20F. (1) The Chairperson and members of the Board of the Agency shall be appointed for a term of three years and shall be eligible for one further term of three years.

(2) The office of the Chairperson or a member of the Board of the Agency shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the appointing authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months;
- (d) term of office expires;
- (e) is absent from three consecutive meetings of the Board without good cause; or
- (f) is removed from office for any of the following grounds—
 - (i) violation of the Constitution or any other written law;
 - (ii) gross misconduct;
 - (iii) inability to perform functions of the office arising out of physical or mental infirmity;
 - (iv) incompetence or neglect of duty; or
 - (v) bankruptcy.

Conduct of the meetings of the Board of the Agency.

20G. The conduct of the meetings of the Board of the Agency shall be in accordance with the Fourth Schedule.

Delegation of functions.

20H. (1) Subject to this Act, the Board of the Agency may, by resolution either generally or in any particular case, delegate to any committee of the Board of the Agency or to any member, officer, employee or agent of the Agency, the exercise of any of the powers or, the performance of any of the functions or duties of the Board of the Agency under this Act.

(2) The Board of the Agency may invite to its meeting or a meeting of its committee, any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Board.

(3) A person invited to a meeting of a committee may participate in the deliberations, but shall not vote at such meeting.

Remuneration and Allowances

20I. The Chairperson and members of the Board of the Agency shall be paid such remuneration or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

Director of the Agency.

20J. (1) There shall be a Director of the Kenya Resource Identification Numbers Agency who shall be appointed by the Board of the Agency through an open and competitive process on such terms and conditions of service as may be specified in the instruments of appointment and who shall hold office for a term of three years renewable once.

(2) The Director shall be the Chief Executive Officer of the Agency.

(3) A person shall be qualified for appointment under this section if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya;
- (c) has at least five years' professional experience with at least three years' experience in management at a senior level;
- (d) meets the requirement of Chapter Six of the Constitution.

Staff of the Agency.

20K. The Board of the Agency may, from time to time, appoint such officers and other staff as it considers necessary for carrying out its functions under this Act.

(2) The Board shall, in the appointment of employees —

- (a) ensure that the persons are employed on merit; and
- (b) observe the principles of gender parity and reflect the diversity of Kenya.

Protection from personal liability.

20L. (1) A person shall not be liable in criminal or civil proceedings for anything done in good faith in the exercise or performance of any power or duty under this Act.

(2) The provisions of subsection (1) shall not relieve a Agency of the liability to pay compensation or damages to a person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the Agency by this Act or by any other law or by the failure, whether wholly or partially, or any works.

Funds of the Agency.

20M. (1) The funds of the Agency shall consist of—

- (a) monies allocated by Parliament;
- (b) grants, gifts, donations or other endowments given to the Agency;
- (c) monies drawn from levies, fees and royalties;
- (d) monies drawn from profitable ventures and investments of all kinds undertaken by the Agency;
- (e) all monies loaned to the Agency;
- (f) funds received from any other lawful income generating activity as shall be sanctioned by the Board; and
- (g) such funds as may vest in or accrue to the Agency in the performance of its functions under this Act or under any other written law.

(2) Nothing in this section shall be construed to oblige the Board of the Agency to accept a donation unless it approves of the terms and conditions attached to such donation.

Annual estimates of the Agency.

20N. The Board shall in accordance with the provisions of the Public Finance Management Act, cause to be prepared estimates of the revenue and expenditure of the Agency for each financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Agency for the financial year concerned and in particular shall make provision for –

- (a) payment of the salaries, allowances and other charges in respect of members and staff of the Agency;
- (b) payment of pensions, gratuities and other charges in respect of members and staff of the Agency;
- (c) the purchase, maintenance and replacement of–
 - (i) the buildings and grounds of the Agency;
 - (ii) reading material and any other equipment as may be necessary for the operations of the Agency; and
 - (iii) equipment and other property of the Agency;
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board of the Agency may consider necessary; and
- (e) any other expenditure that the Board may approve.

(3) The Cabinet Secretary shall present the estimates approved by the Board of the Agency under sub-section (2) to the relevant committees of the National Assembly.

Financial year.

20O. The financial year of the Agency shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June.

Accounts and Audit.

20P (1) The Board of the Agency shall ensure that proper accounts and other records are kept in relation to the income, expenditure, assets and liabilities of the Agency.

No. 18 of 2012

(2) Within a period of three months after the end of each financial year, the Board shall submit the accounts of the Agency in respect of that year in accordance with the provisions of the Public Finance Management Act.

No. 18 of 2012.

No. 34 of 2015

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

PART IIB- DEPOSIT AND REGISTRATION OF BOOKS AND NEWSPAPERS.

Application of this Part.

20Q. (1) This part shall not apply to or in respect of any book or newspaper printed or published by or on behalf of the Government.

(2) The Cabinet Secretary may, by notice in the Gazette, exclude any book or newspaper or any class thereof from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Deposit of books to the Registrar and the Director - General.

20R. (1) The person who publishes a book in Kenya shall within thirty days of publication of a book, at his own expense, deliver to the Registrar of Books and the Director- General no more than two hard copies of the book each or its digital version as may be prescribed, together with a return in respect thereof in the prescribed form and signed.

(2) In the case of an encyclopedia, magazine, review, Gazette or other book not being a newspaper but published periodically or in a series of numbers or parts, the publisher shall deliver a digital copy to the Registrar within thirty days of publication.

(3) All copies of a book delivered under subsection (1) shall be copies of the whole book, with all maps, prints or other illustrations belonging thereto finished and coloured in the same manner as in the best copies of the same published, and for hard copies, shall be bound, sewed or stitched together, and of the best paper on which the book is printed.

(4) Nothing in this section shall apply to any second or subsequent edition of a book which the required number of copies of the first or any preceding edition of have been delivered to the Registrar of Books under this section, unless the second or subsequent editions contain any addition or alteration, whether in the letterpress or in the maps, prints or other illustrations belonging thereto.

(5) Upon receipt of a copy of a book delivered under this section—
(a) the Registrar shall issue a written receipt to the publisher; and
(b) the Director- General shall acknowledge receipt in writing to the publisher.

(6) The copies of books delivered to the Registrar under subsection (1) shall be kept for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as may be prescribed.

(7) The copies of books delivered to the Registrar under subsection (1) shall be for the purpose of facilitating the publication of the national bibliography of Kenya.

Deposit of newspapers to the Director- General and the Registrar.

20S. (1) The publisher of every newspaper printed in Kenya shall, within seven days of the end of each month, at his own expense, deliver or send digitally to the Registrar, a copy of each of the daily newspapers for each of the days of the preceding month and any copy of the supplement thereto.

(2) A copy of the newspaper delivered under subsection (1) shall be of the paper on which the largest number of copies of the newspaper were printed and published, and shall be in the like condition as the copies prepared for sale or distribution.

(3) The copies delivered to the Registrar of Books under this section shall be kept for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as may be prescribed.

Failure to deliver copies of books and newspapers.
Appointment of Registrar of Books and Newspapers.

20U. The Board of the Agency shall, appoint a Registrar of Books and Newspapers to perform the duties and exercise the powers imposed and conferred on the Registrar by this Act and any rules or regulations made thereunder, and may appoint a Deputy- Registrar and any number of Assistant Registrars, who shall be subject to the directions of the Registrar.

Functions of the registrar

20V. The Registrar shall —

- (a) maintain registers in the prescribed form;
- (b) register the returns in respect of books and newspapers made to him under this Act;
- (c) register such other particulars and matters as may be prescribed.

Registration of newspapers

20W. (1) This section shall not apply to, or in respect of the printing or publication of any newspaper by or on behalf of the Government.

(2) The Cabinet Secretary may, by notice in the Gazette, exclude any specified person or class of persons from the operation of all or any of the provisions of this section, either absolutely or subject to such conditions as he may think fit.

(3) A person shall not print any newspaper in Kenya or publish any newspaper printed in Kenya unless the same has first been registered by the Registrar.

(4) The Cabinet Secretary may prescribe a fee for registration of any newspaper provided that such fee does not exceed ten thousand shillings for a digital newspaper or two hundred thousand shillings for a non-digital newspaper.

(5) The Registrar may issue a certificate of registration to an applicant who is registered under this section.

Inspection of a Register

20X. (1) Any person may, during the usual hours of business and on payment of the prescribed fee, inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry in a register, certified by the Registrar to be a true copy or extract.

(2) Any person may, during such hours, on payment of such fee, and subject to such conditions, as may be prescribed, inspect any book or newspaper kept by the Registrar under this Act for the purpose of record.

Evidentiary value of copies and extracts, and of certificates

20Y. (1) Every copy of an entry in, and every extract from, a register, certified under the hand of the Registrar to be a true copy or extract, shall in all legal proceedings be conclusive evidence of the contents of the register so far as the same appear in such copy or extract, and *prima facie* evidence of the facts appearing therein.

(2) A certificate under the hand of the Registrar stating that he has or has not received any notice or return under this Act or any rules made thereunder, or that he received such a notice or return on, or did not receive such a notice or return by or before, a specified date, shall in all legal proceedings be *prima facie* evidence of the facts stated therein.

(3) A certificate under subsection (1) or subsection (2), purporting to be signed by the Registrar, shall be presumed, unless the contrary is proved, to have been signed by him.

(4) No process for compelling the production of any book, newspaper, register or document kept by or in the possession or custody of the Registrar shall issue from any court, except with the leave of that court, and any such process issued with such leave shall bear a statement that it is so issued.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 35—

Printed documents to bear the name of printer and publisher.

35A. (1) Every book and every newspaper printed in Kenya shall, have printed legibly in English or Kiswahili languages, on its first or last printed page, the name and address of its printer and of its publisher and the name of the place in which it is printed and of the place in which it is published.

(2) A digital publication does not need to provide details of a physical address.

(3) Any person who prints, publishes, sells, distributes or assists in selling or distributing any book or newspaper which does not comply with the requirements of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings.

(4) In addition to the prescribed penalty, the court may order that all copies of the book or newspaper in the custody of the court or in the possession of the offender be forfeited or destroyed.

Printer to keep copy of book or newspaper and to produce same on demand.

35B. (1) Every person who prints a book or newspaper shall for a period of six months after the date of the printing thereof keep one copy thereof on which he shall write or print the name and the business, residential or postal address of the person by whom he was engaged to print it, and shall forthwith produce the same to the Registrar or to any court, judge or magistrate if required by the Registrar or such court, judge or magistrate, by notice in writing, so to do.

(2) Any person who fails to comply with the provisions of subsection (1) or of any notice thereunder served on him commits an offence and shall on conviction be liable to a fine not exceeding ten thousand shillings.

Offences by bodies corporate, societies, etc

35C. Where any offence under this Act or under any rules made thereunder is committed by a company or other body corporate, or by a society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Service of notices.

35D. Service of any notice under this Act or any rules made thereunder may be effected either personally on the person to whom it is addressed or by registered post; and, where the person to be served is a company or other body corporate, or a society, association or other body of persons, service of the notice thereon may be effected by serving the same personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the company, body corporate, society, association or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

NEW PART

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

PART IVA—PROVISIONS ON DELEGATED POWERS

Regulations.

31A. The Cabinet Secretary may make Regulations generally for the better carrying into effect of any provisions under this Act.

(2) Without prejudice to the foregoing, Regulations made under this section may provide for—

- (a) forms of registers, returns, applications, notices and other forms, to be used under this Act;
- (b) particulars and matters to be entered in the registers;
- (c) the place and manner of keeping copies of books and newspapers delivered to the Registrar under this Act, or the manner in which and purposes for which any such copies shall, consistently with the purposes and provisions of this Act, be dealt with or disposed of;
- (d) the information to be furnished to the Registrar by way of returns;
- (e) the particulars and matters to be published by the Registrar and the manner of publication;
- (f) prescribing the fees payable under this Act;
- (g) publications subject to Resource Material Identification;
- (h) persons and entities who should apply for Resource Material Identification numbers;
- (i) contents of Resource Identification including title, edition and format;

- (j) categories of publications and documents that must have a resource identification;
 - (k) segments of publications that can have unique resource identification numbers;
 - (l) requirements for joint or separate product identification.
- (3) For the purposes of Article 94 (6) of the Constitution—
- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the National Library Service and the Agency to discharge their functions more effectively;
 - (b) 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 to fulfil the objectives specified under this section;
 - (c) 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.

CLAUSE 38

THAT, clause 38 of the Bill be deleted.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 39—

Repeal of Cap 111. **39A.** The Book and Newspaper Registration Act is hereby repealed:

CLAUSE 40

THAT, clause 40 of the Bill be amended —

(a) by inserting the following new sub-clauses immediately after clause (7)—

“(8) Any return made and any register kept, under the Books and Newspapers Registration Act and any copies of books or newspapers delivered, under any provision of that Act before the commencement of this Act, shall be deemed for the purposes of this Act to be a return made, a register kept or copies delivered under the provision of this Act most closely corresponding to such provision.

(9) the person who immediately before the commencement of this Act held the office of Registrar of Books and Newspapers, appointed under section 3 of the Books and Newspapers Registration Act, shall, subject to the provisions of this Act, serve as the Registrar of Books and Newspapers under section 41;

(10) A public officer currently serving in the office of the Registrar of Books and Newspapers under the Books and Newspapers Act, immediately before the commencement date of this Act shall, subject to the provisions of this Act, be deemed to be an employee of the Agency in their respective capacities for the remaining period of his or her service.

(11) The Agency shall ensure the terms and conditions of a contract of employment under subsection (10) are not to the disadvantage of such public officer and that the public officer retains any rights accrued or accruing to them while serving in the former office of the Registrar of Books and Newspapers.

NEW SCHEDULE

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

FOURTH SCHEDULE

(S. 20G)

THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE AGENCY

Time and
place of
meetings.

1. (1) A meeting of the Board of the Agency shall be held on such date and at such time as the Board may determine.

(2) The Board of the Agency shall meet not less than four times in any financial year and not more than four months shall lapse between one meeting and the next.

Special
meetings

2. The Chairperson shall upon requisition in writing by at least one-third of the members convene a special meeting of the Board of the Agency.

Quorum

3. (1) The quorum for the conduct of the business of the Board of the Agency shall be one half of the members including the Chairperson or the person presiding but excluding *ex-officio* members.

(2) Where there is no quorum at a meeting of the Board of the Agency, or for the continuation of the meeting of the Board, by reason of the exclusion of a member on account of the provisions governing disclosure of interest, the members present shall postpone consideration of the matter in question until there is a quorum.

Voting

4. (1) The Chairperson shall when present, preside at every meeting of the Board of the Agency.

(2) In the absence of the Chairperson, the vice-Chairperson shall preside.

(3) In the absence of both the chairperson and the vice-chairperson the members present shall elect one of their member to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat

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

Minutes of meetings

5. The minutes of each meeting of the Board of the Agency or of a Committee of the Board shall be kept by the Director of the Agency and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director of the Agency.

Validity of proceedings

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

Procedures of the board

8. Subject to the provisions of this Schedule, the Board of the Agency may determine its own procedure and the procedure for any Committee of the Board and for the attendance of other persons at its meetings and may make rules in respect thereof.

Co-option by the Board

8. The Board of the Agency may at its discretion at any time and for any length of time co-opt any person to attend any of its deliberations, but such person shall not be entitled to vote on any matter at any meeting of the Board.

Recording opinion of ex-officio and co-opted members.

9. The Director of the Agency or any officer instructed by the Board in that behalf, present at a meeting of the Board or a Committee thereof, shall have the right to require his opinion to be recorded if the Board or the Committee, as the case may be, passes a resolution, which in the Director's opinion, is contrary to his advice or contrary to law.

Conflict of interest.

10. (1) If any person is present at a meeting of the Board of the Agency or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse or immediate family member is directly or indirectly interested in a

private capacity, that person shall as soon as is practicable after the commencement of the meeting declare such interest and shall not,

unless the Board or committee otherwise directs, take part in any consideration or discussion of, or vote on any question connected to such matter.

(2) The disclosure of interest shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) The Chairperson or member of the Board who has made disclosure under subparagraph (1) shall not transact any business or trade with the Board.

(4) A person who contravenes this paragraph is disqualified from membership on the Board.

(iii) NOTICE is given that the Hon. Dr, Patrick Musimba, M.P. intends to move the following amendments to the Kenya National Library Service Bill, 2020, at the Committee Stage—

CLAUSE 2

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

““Governors’ Library Authority” means the Governors’ Library Authority established under section 20D;

“Presidential Library Authority” means the Presidential Library Authority established under section 20A;”

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The National Library Service Authority shall be managed by a Board comprising—

- (a) a non-executive Chairman who shall be appointed by the President from amongst the members appointed under paragraph (g);
- (b) the Principal Secretary of the Ministry responsible for Culture and Heritage or his representative;
- (c) the Principal Secretary of the Ministry responsible for finance or his representative;
- (d) the Principal Secretary of the Ministry responsible for Education or his representative;
- (e) the Director-General who shall be an *ex officio* member;

- (f) a member of an association for the time being recognised by the Government as representing the interests of historians;
- (g) five other persons, not being public officers, who shall be appointed by the Cabinet Secretary by virtue of their knowledge or experience in—
 - (i) library science; and
 - (ii) operation of national libraries”
- (b) in subclause (2) by deleting the expression “(1) (a) and (e)” appearing immediately after the words “under sub-section” and substituting therefor the expression “(1)(a), (f) and (g)”.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 20—

20A. There is established an Authority to be known as the Presidential Library Authority, which shall be a body corporate with perpetual succession and a common seal, and which shall, subject to this Act, be capable in its corporate name of—

Presidential
Library
Authority.

- (a) suing and being sued;
- (b) purchasing, acquiring, holding, leasing, charging or disposing of property;
- (c) borrowing, lending or investing money;
- (d) entering into contracts; and
- (e) doing or performing all things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate

Functions
of the
Presidential
Library
Authority.

20B. The functions of the Presidential Library Authority shall be to—

- (a) ensure documents, recordings, films, papers and other material of historical relevance and importance pertaining to past and present Presidents and Deputy Presidents of the Republic are acquired, preserved and maintained;
- (b) set standards for the establishment and operations of presidential libraries; and
- (c) perform any other function necessary for the attainment of the objectives of this Act.

Board of
the
Presidential
Library
Authority.

20C. (1) The Presidential Library Authority shall be managed by a Board comprising—

- (a) a non-executive chairperson appointed by the President from amongst the members appointed under paragraph (g);
- (b) the Principal Secretary of the ministry responsible for culture and heritage or a designated representative;
- (c) the Principal Secretary of the ministry responsible for finance or a designated representative;
- (d) the Principal Secretary of the ministry responsible for education or a designated representative;
- (e) the Director-General who shall be the Secretary and an *ex officio* member;
- (f) a member of an association for the time being recognised by the government as representing the interests of historians;
- (g) five other persons, not being public officers appointed by the Cabinet Secretary, by virtue of their knowledge or experience in library science.

(2) A person shall be qualified for appointment as the chairperson or a member of the Board of the Presidential Library Authority, if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least five years' experience in management at a senior level;
- (d) has had a distinguished career in library and information science, knowledge management, information technology, development studies, management or any related field; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) A person shall not be qualified for appointment as the chairperson or a member of the Board of the Presidential Library Authority if the person—

- (a) is a member of a governing body of a political party;
- (b) is adjudged bankrupt;
- (c) has been convicted of a criminal offence and sentenced to a term of more than six months imprisonment;

- (d) has been removed from any public office for contravening a provision of the Constitution or any other written law;
- (e) is a member of Parliament or County Assembly;
- (f) has not met his or her legal obligations relating to tax and other statutory obligations; or
- (g) has contravened the provisions of Chapter Six of the Constitution.

(4) The Chairperson and members of the Board shall be appointed for a term of three years and shall be eligible for one further term of three years.

(5) The chairperson and members of the Board of the Presidential Library Service shall be paid such remuneration or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

(6) The office of the chairperson or a member of the Board of the Presidential Library Authority shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the appointing authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months without the option of a fine;
- (d) completes his or her term;
- (e) is absent from three consecutive meetings of the Board without good cause; or
- (f) is removed from office for—
 - (i) violation of the Constitution or any other written law;
 - (ii) gross misconduct or misbehaviour;
 - (iii) inability to perform functions of the office arising out of physical or mental infirmity;
 - (iv) incompetence or neglect of duty; or
 - (v) bankruptcy.

(7) The conduct and regulation of the business and affairs of the Board of the Presidential Library Authority shall be as provided in the First Schedule.

(8) The funds of the Presidential Library Authority shall consist of —

- (a) monies appropriated by the National Assembly;
- (b) grants, gifts, donations or other endowments given to the Authority;
- (c) monies drawn from levies, fees and royalties; and
- (d) funds received from any other lawful source.

Governors'
Library
Authority.

20D. There is established an Authority to be known as the Governors' Library Authority, which shall be a body corporate with perpetual succession and a common seal, and which shall, subject to this Act, be capable in its corporate name of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding, leasing, charging or disposing of property;
- (c) borrowing, lending or investing money;
- (d) entering into contracts; and
- (e) doing or performing all things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

Functions
of the
Governors'
Library
Authority.

20E. The functions of the Governors' Library Authority shall be to—

- (a) ensure documents, recordings, films, papers and other material of historical relevance and importance pertaining to past and present Governors and Deputy Governors of the forty-seven counties within the Republic are acquired, preserved and maintained;
- (b) set standards for the establishment and operations of presidential libraries; and
- (c) perform any other function necessary for the attainment of the objectives of this Act.

Board of
the
Governors'
Library
Authority.

20F. (1) The Governors' Library Authority shall be managed by a Board comprising—

- (a) a non-executive chairperson appointed by the President from amongst the members appointed under paragraph (g);
- (b) the Principal Secretary of the ministry responsible for culture and heritage or a designated representative;

- (c) the Principal Secretary of the ministry responsible for finance or a designated representative;
- (d) the Principal Secretary of the ministry responsible for education or a designated representative;
- (e) the Director-General who shall be the Secretary and an *ex officio* member;
- (f) a representative of the Council of County Governors; and
- (g) five other persons, not being public officers appointed by the Cabinet Secretary, by virtue of their knowledge or experience in library science.

(2) A person shall be qualified for appointment as the chairperson or a member of the Board of the Governors' Library Authority, if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least five years' experience in management at a senior level;
- (d) has had a distinguished career in library and information science, knowledge management, information technology, development studies, management or any related field; and
- (e) meets the requirements of Chapter Six of the Constitution.

(3) A person shall not be qualified for appointment as the chairperson or a member of the Board of the Governors' Library Authority if the person—

- (a) is a member of a governing body of a political party;
- (b) is adjudged bankrupt;
- (c) has been convicted of a criminal offence and sentenced to a term of more than six months imprisonment;
- (d) has been removed from any public office for contravening a provision of the Constitution or any other written law;
- (e) is a member of Parliament or County Assembly;
- (f) has not met his or her legal obligations relating to tax and other statutory obligations; or

(g) has contravened the provisions of Chapter Six of the Constitution.

(4) The Chairperson and members of the Board shall be appointed for a term of three years and shall be eligible for one further term of three years.

(5) The chairperson and members of the Board of the Governors' Library Service shall be paid such remuneration or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

(6) The office of the chairperson or a member of the Board of the Governors' Library Authority shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the appointing authority;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months without the option of a fine;
- (d) completes his or her term;
- (e) is absent from three consecutive meetings of the Board without good cause; or
- (f) is removed from office for—
 - (i) violation of the Constitution or any other written law;
 - (ii) gross misconduct or misbehaviour;
 - (iii) inability to perform functions of the office arising out of physical or mental infirmity;
 - (iv) incompetence or neglect of duty; or
 - (v) bankruptcy.

(7) The conduct and regulation of the business and affairs of the Board of the Governors' Library Authority shall be as provided in the First Schedule.

(8) The funds of the Governors' Library Authority shall consist of —

- (a) monies appropriated by the National Assembly;
- (b) grants, gifts, donations or other endowments given to the Authority;
- (c) monies drawn from levies, fees and royalties; and
- (d) funds received from any other lawful source.

(subject to provisions of Standing Orders 131)

**II. THE NARCOTICS, DRUGS AND PSYCHOTROPIC
SUBSTANCES (CONTROL) (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 27 OF 2020)**

(i) NOTICE is given that the Chairperson of the Departmental Committee on Administration and National Security (Hon. Peter Mwathi, MP) intends to move the following amendments to the Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020, National Assembly Bills No. 27 at the Committee Stage—

CLAUSE 2

THAT, the Bill is amended by deleting the proposed amendments to clause 2 and substituting therefor the following—

Amendment of Section 2
of No.4 of 1994.

2. Section 2 of the Narcotics, Drugs and Psychotropic Substances (Control) Act, (in this Act referred to as the “principal Act”) is amended —

(a) by inserting the following new definitions in their proper alphabetical sequence—

“cabinet secretary” means the Cabinet Secretary for the time being responsible for matters relating to interior;

"clandestine laboratory" means —

- (a) the purchase or procurement of chemicals, supplies, equipment, or laboratory location for the illegal manufacture of specified controlled substances;
- (b) the transportation or arranging for the transportation of chemicals, supplies, or equipment for the illegal manufacture of controlled substances;
- (c) the setting up of equipment or supplies in preparation for the illegal manufacture of specified controlled substances;
- (d) the activity of compounding, synthesising, concentrating, purification, separating, extracting, or other physical or chemical processing of a substance, including a controlled substance precursor, or the packaging, repackaging, labelling, or relabelling of a container holding a substance that is a product of any of these activities, when the substance is to be used for the illegal manufacture of specified controlled substances;

(e) the illegal manufacture of specified controlled substances; or

(f) the distribution, diversion or disposal of chemicals, equipment, supplies, or products used in or produced by the illegal manufacture of specified controlled substances.

“market value” means value of narcotic drug, psychotropic substance, prohibited plant, precursor or chemicals;

“public officer” means an officer, employee or member of a public body, including one that is unpaid, part-time or temporary;

"precursor chemicals" means a substance frequently used in the illicit manufacture of narcotic drugs or psychotropic substances as specified in the fourth schedule to this Act;

"law enforcement officer" means any person who is responsible for prevention, investigation, apprehension or deterrence of persons suspected to have committed an offence under this Act;

(b) by inserting the following subsection immediately after subsection (1)—

(2) Despite subsection (1), references in this Act to the expression “Minister” shall be construed to mean “Cabinet Secretary”

CLAUSE 3

THAT, clause 3 of the Bill be amended by deleting the proposed amendments to section 3 and substituting therefor the following —

Amendment of **3.** Section 3 of the principal Act is amended by deleting section 3 of No. 4 of subsection—
1994.

(2) A person guilty of an offence under subsection (1) shall be liable —

(a) in respect of cannabis, where the person satisfies the court that the cannabis was intended solely for his own consumption, to imprisonment to a term of not more than five years or to a fine of not more than one hundred thousand shillings;

- (b) in respect of a narcotic drug or psychotropic substance, other than cannabis, where a person is in possession of less than one gram, to a fine of not less than five million shillings, or to imprisonment to a term of not less than five years, or to both such fine and imprisonment; and
- (c) to, in addition to the sentences in paragraph (a) and (b) respectively, committal to appropriate court appointed treatment programme or to voluntary submission to a rehabilitation programme for a period not less than six months, where the court deems fit.

CLAUSE 4

THAT, clause 4 of the Bill be amended in the proposed new section 4 by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) in respect of any narcotic drug or psychotropic substance—

- (i) where the person is in possession of between 1—100 grams, to a fine of not less than thirty million shillings or to imprisonment for a term of thirty years, or to both such fine and imprisonment;
- (ii) where the person is in possession of more than 100 grams, to a fine of not less than fifty million shilling or three times the market value of the narcotic drug or psychotropic substance, whichever is greater, or to imprisonment for a term of fifty years, or to both such fine and imprisonment.”

CLAUSE 6

THAT, the Bill be amended in clause 6—

- (a) in the proposed amendment to section 5, by deleting —
 - (i) the proposed paragraph (c) (ii); and
 - (ii) the proposed paragraph (d).
- (b) by inserting the following new clauses immediately after clause 6—

Insertion of sections 5A and 5B into No.4 of 1994.

6A. The principal Act is amended by inserting the following new sections immediately after section 5—

Information to be kept by an owner, occupier or a person concerned with the management of a premise.

5A. (1) An owner, occupier or person concerned with the management of any premises, shall keep a register in his premises, and shall enter or cause to be entered in the register the name and address of every tenant and occupier who occupies

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the premises, and such other particulars as may be prescribed.

(2) An owner, occupier or person concerned with the management of any premises, shall enter or cause to be entered regularly in a book kept for the purpose, all such particulars, other than particulars prescribed in respect of the register required under subsection (1) to be kept, as may be prescribed.

(3) A person who fails to comply with this section, or who makes or causes or permits to be made in any register or book required in this section to be kept, any entry which he knows or has reason to believe to be false, shall be guilty of an offence and is liable to a fine of not less than one million shillings or to a term of imprisonment of not less than two years, or both such fine and imprisonment.

Offences relating to operation of clandestine laboratory.

5B (1) Subject to this Act, any person who—

(a) operates a clandestine laboratory;

(b) being the owner, occupier or person concerned with the management of any premises,

permits the premises to be used for the purpose of operating a clandestine laboratory shall be guilty of an offence and is liable to a fine of not less than twenty million shillings or a term of imprisonment of not less than twenty years, or both such fine and imprisonment.

(2) It shall be a defence if a person who is an owner, occupier or a person concerned with the management of any premises, complies with section 5A

CLAUSE 7

THAT, the Bill be amended—

- (a) in Clause 7, by deleting the proposed amendment to section 17 and substituting therefor the following —

Insertion of section 7. The principal Act is amended by inserting the following 17 A into No. 4 of new section immediately after section 17—
1994.

Penalty for law
enforcement
officers and public
officers.

17A. (1) A law enforcement officer or a public officer who aids or abets any offence under this Act including through concealing the commission of any offence or colluding with any person suspected of committing an offence under this Act, commits an offence and shall be liable upon conviction to a fine of not less than twenty million shillings and imprisonment for a term of not less than twenty years.

(2) Any person who, being employed as a law enforcement officer or a public officer, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, commits an offence and shall, upon conviction, be liable to a fine of not less than three hundred thousand shillings or imprisonment for a term of not less than five years, or to both.”

(b) by inserting the following new clause immediately after clause 7—

Amendment of **7A.** Section 58 of the principal Act is amended in subsection section 58 of (2) by deleting the words “Attorney-General” and No.4 of 1994. substituting therefor the words “Director of Public Prosecutions”

CLAUSE 8

THAT, Clause 8 of the Bill be amended in the proposed section 59 (3) by deleting the word “shall “and substituting therefor the word “may”.

CLAUSE 9

THAT, Clause 9 of the Bill be amended—

(a) in the proposed section 80A by deleting the words “to a Chief Magistrate or” appearing in subsection (1);

(b) in the proposed section 80B , by inserting the following new subsection immediately after subsection (1)—

(1A) A person who conceals or fails to disclose information that is relevant in investigation, prosecution of another person for an offence committed under this Act, commits an offence.”

CLAUSE 10

THAT, the Bill be amended by inserting the following new clauses immediately after clause 10—

Amendment of section 81 of No. 4 of 1994.

10A. The principal Act is amended in section 81 by deleting paragraph (b).

Insertion of section 85 A into No. 4 of 1994.

10B. The principal Act is amended by inserting the following new section immediately after section 85—

Disqualification if convicted of an offence under this Act.

85A. A person who is convicted of an offence under this Act shall be disqualified from being elected or appointed as a public officer for thirty years after the conviction.

Amendment of the First Schedule to No. 4 of 1994.

10C. The principal Act is amended by inserting the word “tramadol” in the First Schedule.

Amendment of the Second Schedule to No. 4 of 1994.

10D. The principal Act is amended by inserting the word “ketamine” in the Second Schedule.

(ii) **NOTICE is given that the Hon. Jennifer Shamalla, M.P., intends to move the following amendments to the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020 at the Committee Stage—**

CLAUSE 2

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

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

“clandestine laboratory” means—

(a) the purchase or procurement of chemicals, supplies, equipment or laboratory location for the illegal manufacture of specified controlled substances;

- (b) transportation or arrangement for the transportation of chemicals, supplies or equipment for the illegal manufacture of controlled substances;
- (c) setting up of equipment or supplies in preparation for the illegal manufacture of specified controlled substances;
- (d) the activity of compounding, synthesis, concentration, purification, separation, extraction or other physical or chemical processing of a substance, including a controlled substance or a precursor chemical, or the packaging, repackaging, labelling or relabeling of a container holding a substance that is a product of any of these activities, when the substance is to be used for the illegal manufacture of specified controlled substances;
- (e) the illegal manufacture of specified controlled substances; or
- (f) the distribution, diversion or disposal of chemicals, equipment, supplies or products used in or produced by the illegal manufacture of specified controlled substances;

“market value” means the value of narcotic drug, psychotropic substance, prohibited plant or precursor chemical;

“public officer” means an officer, employee or member of a public body, including one that is unpaid or serving on part-time or temporary basis;”

CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the following new section immediately after the proposed new section 4B—

Records of
premises.

4C. (1) A person who, being the owner, occupier or concerned in the management of any premises, shall keep a record in the premises of every tenant or occupier who occupies the premises.

(2) The information contained in the records under subsection (1) shall include the name, address and any other particulars of the tenant or occupier of the premises.

(3) A person who, being the owner, occupier or concerned in the management of any premises and who fails to comply with this section, or who enters false information in the records, commits an offence and shall be liable on conviction to a fine of not less than one million shillings or to imprisonment for a term not less than two years, or to both.

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in the proposed new paragraph (c), by inserting the following new sub-paragraph immediately after sub-paragraph (ii)—
 - “(iii) operating a clandestine laboratory;”
- (b) by inserting the following new paragraph immediately after the proposed new paragraph (d)—
 - “(e) operates a clandestine laboratory;”

(c) in the closing sentence appearing immediately after paragraph (d), by deleting the expression “(c) and (d)” appearing in sub-paragraph (ii) and substituting therefor the expression “(c), (d) and (e)”.

CLAUSE 7

THAT, clause 7 of the Bill be amended by deleting the proposed new section 17A and inserting the following new section—

Penalty for law enforcement and public officers.

17A. A law enforcement officer or public officer who aids or abets any offence under this Act including through—

- (a) concealing the commission of any offence;
- (b) colluding with any person suspected of committing an offence under this Act;
- (c) doing or directing to be done anything in abuse of the authority of his or her office;
- (d) any arbitrary act prejudicial to the rights of another person,

commits an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding five years, or to both.

CLAUSE 11

THAT, the clause 11 of the Bill be amended by deleting the proposed new Fourth Schedule and inserting the following new Fourth Schedule—

FOURTH SCHEDULE (section 2)

Ergometrine
 Anthranilic acid
 Ergotamine
 Ethyl ether
 Isosafrole
 Hydrochloric acid
 Lysergic acid
 Methyl ethyl ketone
 3, 4-methylenedioxyphenyl-2-propanone
 Phenylacetic acid
 1-phenyl-2-propanone
 Piperidine
 Piperonal
 Potassium permanganate
 Pseudophedrine
 Sulphuric acid
 Safrole
 Toluene

The salts of the substances listed in this Schedule whenever the existence of such salts is possible.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 11—

Amendment of the
First Schedule of No.
5 of 1994.

12. The principal Act is amended in the First Schedule by inserting the following new narcotic drug in its proper alphabetic sequence—
“Tramadol”

Amendment of the
Second Schedule of
No. 5 of 1994.

13. The principal Act is amended in the Second Schedule by inserting the following new psychotropic substance in its proper alphabetic sequence—
“Ketamine”

(subject to provisions of Standing Orders 131)

(iii) NOTICE is given that the Member for Nairobi County, Hon. Esther Passaris intends to move the following amendments to the Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020, National Assembly Bills No. 27 at the Committee Stage—

CLAUSE 3

THAT, Clause 3 of the Bill be amended in the proposed amendments to section 3—

(a) in the proposed paragraph (b) (i)—

- (i) by deleting the words “twenty million” and substituting therefor the words “one million”; and
- (ii) by deleting the words “imprisonment for life” and substituting therefor the words “imprisonment to a term of not more than five years”.

(b) in the proposed paragraph (b) (ii)—

- (i) by deleting the words “five million “and substituting therefor the words “five hundred thousand”; and
- (ii) by deleting the words “five years” and substituting therefor the words “two years”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended in the proposed amendments to section 4 by inserting the following new section immediately after section 4B—

Use of narcotic
drugs for medicinal
purposes.

4C. (1) Subject to subsections (2), (3) and (4), a person may use a prohibited drug or substance under this Act for medicinal purposes.

(2) A medical doctor may prescribe a prohibited drug or substance under this Act to a patient for medicinal use, having certified that there is need for use such a drug or substance and that there are no other medical options for the patient.

(3) A prohibited drug or substance under sub section (2) shall only be administered in a classified health facility.

(4) The Cabinet Secretary, in consultation with the Cabinet Secretary responsible for matters relating to Health shall make regulations generally for the better carrying into effect the provisions in this section.

(5) Without prejudice to the generality of subsection (4), and in particular, the Cabinet Secretary may by regulations make provision for any of the following matters —

- (a) drugs and substances to be classified as medicinal;
- (b) medical conditions for which such drugs and substances may be used;
- (c) classification of hospitals where such drugs and substances may be administered;

(subject to provision of Standing Orders 131)

NOTICES

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Committee Reports

- III. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- IV. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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