



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 6, 2021

1. The House assembled at Thirty Minutes past Two O'clock in the afternoon
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATION FROM THE CHAIR**

The following Communication was issued by the Speaker-

Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020

“Honourable Members, before the House proceeds to consider business appearing as Order Number **8 item (i)**, being the consideration in Committee of the whole House of the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020), I wish to guide the House with respect to amendments proposed by individual Members on the said Bill and the application of the provisions of Article 114(2) of the Constitution and Standing Order 133(5).

Honourable Members, as you are aware, Article 114(2) of the Constitution provides that- ***if, in the opinion of the Speaker, a motion makes provisions for a matter listed in the definition of “a Money Bill”, the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.***

Further, Article 114(3), defines a “money Bill” as a Bill that contains provisions dealing with, *inter alia*, taxes; the imposition of charges on a public fund; the appropriation, receipt, custody, investment or issue of public money; and, the raising and guaranteeing of any loan or its repayment. In this regard, every Bill that provides for the matters noted above ought to proceed in line with the provisions of Article 114(2) of the Constitution.

Additionally, Standing Order 133(5) provides as follows –

“No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.”

Honourable Members, on Wednesday 19th May, 2021, I did invoke the provisions of Standing Order 131 regarding harmonization of proposed amendments to the Kenya National Library Service Bill, 2020 and referred the proposed amendments by the **Hon. Millie Odhiambo-Mabona, M.P**, and those by the **Hon. (Dr.) Patrick Musimba, M.P**, to the Departmental Committee on Sports, Culture and Tourism for harmonization through a process commonly referred to as *winning*. The Committee did consider the proposed amendments and has made observations and recommendations as follows –

1. With regards to the proposed amendments by the Hon. Millie Odhiambo, the Committee notes that the Hon. Member proposes that the House amends the Bill so as to introduce the following –
 - a) New Part IIA to establish a Kenya Resource Identification Numbers Agency to administer international standards resource identification numbers for books, magazines, music and other resources;
 - b) New part IIB to include a requirement for the deposit and registration of books and newspapers. This is already provided for in the Books and Newspapers Act. (CAP 111);
 - c) New Clauses 35A to 35D to import sections of *The Books and Newspapers Act. (CAP 111)* and have the said parts incorporated into the Library Bill in a revised manner taking into account the current Constitution of Kenya and the modern state of national and international trends;
 - d) New Part IVA to provide for delegated powers by the Cabinet Secretary;
 - e) New Clause 39A to repeal the Books and Newspapers Act. (CAP 111); and,
 - f) Fourth Schedule to provide for the conduct of business and affairs of the Board of the Kenya Resource Identification Numbers Agency.

According to the addendum to the Report of the Committee which is a product of the *winning* process, the Committee notes that the proposed amendments directly fall within the provisions of Article 114 of the Constitution as well as offend the provisions of Standing Order 133(5) as they contain money Bill aspects and also unduly expand the subject of the Bill. The Committee therefore recommends that the amendments ought not to be proceeded with.

2. With regard to the amendments proposed by the Hon. (Dr.) Patrick Musimba seeking to – establish “Presidential Library Authority” and a “Governors’ Library Authority” with respective boards and corresponding functions, the Committee similarly observed that the amendments fall within the provisions of Article 114 of the

Constitution **as well as the requirements of Standing Order 133(5), and therefore ought not to be proceeded with.**

Honourable Members, whereas I applaud the noble ideas by the two Members whose implementation would have gone a long way in improving the management of the library services in the Country, I must reiterate the need for due legal and procedural consideration by all Members when proposing amendments. Instructively, it is noted that the amendments offend the provisions of Standing Order 133(5) which place a limitation on amendments that “**propose to unreasonably or unduly expand the subject of the Bill.**” Such amendments would only be proceeded with in accordance with the provisions of Article 118 of the Constitution on public participation as well as Article 114(2) of the Constitution on the manner of consideration of a “money bill”. In this regard, **Honourable Members**, the cited amendments by the Hon. Millie Odhiambo and the Hon. (Dr.) Patrick Musimba **will not be proceeded with.** This includes part (c) of the proposed amendment to Clause 2 by the Hon. Millie Odhiambo and the all the amendments to Clause 2 by the Hon. (Dr.) Patrick Musimba.

For avoidance of doubt, **Honourable Members**, the proposed amendments for which a disclaimer under Standing Order 133(5) has been made in today’s Order Paper, will therefore not be proceeded with for the reasons I have stated.

The House and the Members are accordingly guided. **I thank you!”**

5. **PAPERS**

The following papers were laid on the Table of the House:-

The Twenty Sixth Bi-Annual Report of the Monetary Policy Committee for April, 2021 from the Central Bank of Kenya.

- i) Annual Report and Financial Statements of the Kenya Reinsurance Corporation Ltd for the year ended 31st December, 2020.
- ii) Report of the Auditor-General and Financial Statement in respect of the Kenyatta International Convention Centre (KICC) for the year ended 30th June, 2019 and the certificate therein: -
- iii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein: -
 - a) Kenya Electricity Transmission Company Limited;
 - b) Privatization Commission; and
 - c) Kenya Ports Authority.

(Leader of the Majority Party)

6. **NOTICE OF MOTION**

The following Notice of Motion was given-

Alteration of the Calendar of the House

THAT, pursuant to the provisions of Standing Order 28(4), this House, **resolves to alter** its Calendar for the Fifth Session (*Regular Sessions*), as adopted on Wednesday, February 10, 2021 and amended on Tuesday, June 8, 2021 by varying the period for the Short Recess with respect to the Second Part of the Session so that-

- (a) the Short Recess commences on Friday, 9th July, 2021 and ends on Monday, 2nd August, 2021; and
- (b) the House resumes regular sittings on Tuesday, 3rd August, 2021 to continue with the Second Part of the Session

(Leader of the Majority Party)

7. **QUESTIONS**

(a) The following Questions were asked –

- (i) Question No.225/2021 by the Member for Tharaka Nithi County (Hon. Beatrice Nyaga) regarding construction of the Chuka-Kaanwa-Kareni and Chiakariga-Marimanti roads in Tharaka Nithi County.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)

- (ii) Question No.227/2021 by the Nominated Member (Hon. Halima Mucheke) regarding investigations into the disappearance of one Dennis Kinoti, a resident of Meru Town.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iii) Question No.230/2021 by the Member for Kwale County (Hon. Zuleikha Hassan) regarding employment of Islamic Religious Education teachers.

(Question for Written Reply from the Teachers Service Commission)

- (iv) Question No.231/2021 by the Member for Subukia (Hon. Samuel Gachobe) regarding prevention of accidents along the Solai – Subukia Road.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)

- (v) Question No.233/2021 by the Member for Meru County (Hon. (Bishop) Kawira Mwangaza) regarding employment and other welfare facilities for Persons Living with Disabilities.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

8. **STATEMENTS**

The Chairperson of the Departmental Committee on Administration and National Security issued a response to a Statement sought by the Member for Mbeere South Constituency (Hon. (Col.) (Rtd) Geoffrey King'ang'i) regarding eviction of residents of Makima Ward of Mbeere South Constituency.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

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

Clause 3 - amendment proposed –

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

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed -

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).

(Hon. Millie Odhiambo Mabona)

Further amendment **dropped** following the Speaker’s Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020

- Clause 3 - as amended agreed to
- Clause 4 - agreed to
- Clause 5 - amendment proposed –

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;”

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;
Debate arising;
Question put and agreed to
Further amendment proposed

(Hon. Millie Odhiambo Mabona)

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 public national 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;”

(Hon. Millie Odhiambo Mabona)

Further amendment **dropped** following the Speaker's Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

Clause 5 - as amended agreed to

Clause 6 - amendment proposed –

THAT, the Bill be amended in clause 6 –

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

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)”.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed -

(Hon. Millie Odhiambo Mabona)

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”

(Hon. Millie Odhiambo Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 6 - as further amended agreed to

Further amendment proposed

(Hon. (Dr.) Patrick Musimba)

THAT, Clause 6 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)”.

(Hon. Patrick Musimba)

Question of the amendment proposed;

Proposed amendment **dropped**

Question put and agreed to

Clause 6 - as further amended agreed to

Clause 7 - agreed to

Clause 8 - amendment proposed –

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).

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 8 - as amended agreed to

Clauses 9, 10, 11, 12, 13, 13, 15 & 16 - agreed to

Clause 17 - amendment proposed –

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”.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 17 - as amended agreed to

Clause 18 - agreed to

Clause 19 - amendment proposed –

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 Kenya National Library Service or by any officer, member of staff, or agent of the Kenya National Library Service shall, if the matter or thing is done *bona fide* for the purpose of executing the functions, powers or duties of the Kenya National Library Service under this Act, render the member, officer, employee or agent or any person acting on the direction of the Kenya National Library 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 Kenya National Library Service, shall, if the court holds that such act was done *bona fide*, be paid out of the funds of the Kenya National Library Service, unless such expenses are recovered by him or her in such suit or prosecution.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 19 - as amended agreed to

Clause 20 - agreed to

Clause 21 - amendment proposed –

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).

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 21 - as amended agreed to

Clause 22 - amendme nt proposed –

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

Investments.

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

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 22 - as amended agreed to

Clause 23 - amendme nt proposed –

THAT, clause 23 of the Bill be amended in sub clause (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”.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 23 - as amended agreed to

Clause 24 - agreed to

Clause 25 - amendme nt proposed –

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

Accounts and Audit.

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

(2) Within the period of three months after the end of each financial year, the Kenya National Library Service shall submit to the Auditor-General, the accounts of the Kenya National Library 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 Kenya National Library Service on the last day of that financial year.

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

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 25 - as amended agreed to

Clauses 26, 27, 28, 29, 30, 31, 32 & 33 - agreed to

Clause 34 - amendment proposed –

THAT, the Bill be amended by deleting clause 34.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and negatived

Clause 34 - agreed to

Clauses 35, 36 & 37 - agreed to

Clause 38 - amendment proposed –

THAT, the Bill be amended by deleting clause 38.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed

THAT, clause 38 of the Bill be deleted.

Question of further amendment proposed

(Hon. Millie Odhiambo)

Further amendment **Withdrawn**

Clause 38 - as amended agreed to

Clause 39 - agreed to

Clause 40 - amendment proposed –

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).

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 40 - as amended agreed to

Further amendment proposed

THAT, clause 40 of the Bill be amended 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 capacity for the remaining period of his or her service.

(11) The Agency shall ensure that 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.”

(Hon. Millie Odhiambo)

Question of the amendment proposed

Further amendment **dropped** following the Speaker’s Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

NEW CLAUSES

New Clause proposed –

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 Kenya National Library 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.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Motion made and Question proposed –

THAT, the New Clause 19A be part of the Bill

Debate arising

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 19A be now read a Second Time

Debate arising

Question put and agreed to;

NEW CLAUSE

New Clause proposed –

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

Presidential Library Authority. **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—

- (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

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

Governors'
Library
Authority.

- (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.

(Hon. Dr. Patrick Musimba)

Question of the amendment proposed

Proposed amendment **dropped**

NEW CLAUSE

New Clause proposed —

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 but a digital publication does not need to provide details of a physical address.

(2) 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.

(3) 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 books or newspapers 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 of the book or newspaper 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.

Question of the amendment proposed

Proposed **dropped** following the Speaker's Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

NEW PART proposed –

New Part IIA proposed

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

PART IIA- ESTABLISHMENT OF 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 Numbers, International Standard Music Numbers, International Standard Serial Numbers 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, bar codes and bar codes registrant elements 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 application fees payable 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 under 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 final term of three years.

(2) The office of the Chairperson or a member of the Board of the Agency shall become vacant on expiry of the term of office or 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) is absent from three consecutive meetings of the Board without good cause; or
- (e) is removed from office for any of the following grounds—
 - (i) gross 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 meetings of the Board of the

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

Agency.

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 the 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. **200.** 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.

(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.

(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.

Hon. Millie Odhiambo Mabona)

Question of the amendment proposed

Proposed amendment **dropped** following the Speaker's Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

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) A 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 each of the book or its digital version as may be prescribed, together with a return in respect thereof in the prescribed form.

(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 as 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 newspapers published in the preceding month and any copy of a 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 deposit books and newspapers.

20T. (1) A person who publishes any book or newspaper printed in Kenya and fails to comply with any of the provisions of this Act commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand shillings.-

(2) The Court may, in addition or as an alternative to the penalty under subsection (1), order a person found guilty of an offence under subsection (1) to —

(a) file the return not filed or deliver the books or newspapers not delivered, as the case may be, to the Registrar or the Director-General within a specified duration specified; or

(b) pay to the Registrar or the Director- General the retail price of such books or newspapers.

(3) The Registrar or the Director- General shall utilize any monies paid by a publisher pursuant to a court order made under this section to purchase of such copies of books or newspapers that were not delivered by the publisher.

Appointment of

20U. The Board of the Agency shall, appoint a Registrar of

the Registrar of Books and Newspapers to perform the duties and exercise Books and the powers imposed and conferred on the Registrar by this Newspapers. 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 filed 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 **20Y.** (1) Every copy of an entry in, and every extract from,

of copies and 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

(Hon. Millie Odhiambo Mabona)

Proposed amendment **dropped** following the Speaker's Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

NEW PART proposed –

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

PART IVA – PROVISIONS ON DELEGATED POWERS

Regulations. **31A.** (1) The Cabinet Secretary may in consultation with the Kenya National Library 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;

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2013.

(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.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Motion made and Question proposed –

THAT, the New Clause 31A be part of the Bill

Debate arising

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 31A be now read a Second Time

Debate arising

Question put and agreed to;

Further amendment proposed

New Part IVA

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.

(Hon. Millie Odhiambo Mabona)

Proposed amendment **withdrawn** following the Speaker's Communication on Consideration of Proposed Amendments to the Kenya National Library Service Bill, 2020.

FIRST SCHEDULE – amendment proposed –

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.

(Chairperson, Departmental Committee on Sports, Culture & Sports)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

First Schedule - as amended agreed to

Second Schedule - agreed to

Third Schedule - agreed to

NEW SCHEDULE proposed –

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

FOURTH SCHEDULE

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 may 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 members 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 7. 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 1. 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- 9. The Director of the Agency or any officer instructed by the Board in that behalf, present at a meeting of the

officio and co- Board or a Committee thereof, shall have the right to
 opted members. 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.

(Hon. Millie Odhiambo Mabona)

Proposed amendment **withdrawn** following the Speaker’s Communication on
 Consideration of Proposed Amendments to the Kenya National Library Service
 Bill, 2020.

Clause 2 - amendment proposed -

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 or 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.”

Part (c) of the proposed amendment Withdrawn

(Hon. Millie Odhiambo Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

(ii) The Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020)

Clauses 3 & 4 - agreed to.

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in paragraph (f) by deleting the words “antimicrobial resistance” and substituting therefor the words “pathogen transmission and resistance”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed -

THAT, clause 6 of the Bill be amended by—

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

(1) The management of the Service shall vest in a Board which shall consist of—

- (a) a non-executive chairperson appointed in accordance with subsection (2);
- (b) the Principal Secretary in the Ministry responsible for matters relating to health or their representative designated in writing;
- (c) the Principal Secretary in the Ministry responsible for matters relating to finance or their representative designated in writing;
- (d) the Attorney-General or their representative designated in writing;
- (e) a representative of the private sector nominated by the Kenya Private Sector Alliance;
- (f) a representative of the private based transfusing facilities;
- (g) a representative of the faith-based transfusing facilities;
- (h) a representative of the Council of Governors; and
- (i) a representative of universities with knowledge and experience in haematology.

(b) delete sub clause (2) and substituting therefor the following new sub clause

(2) The chairperson shall be competitively recruited and appointed by the Cabinet Secretary from among persons who have—

- (a) at least a postgraduate university degree in a health related field recognized in Kenya;
- (b) at least fifteen years’ experience in matters relating to leadership and management in private or public sector; or
- (c) a distinguished public, private or teaching sector record on matters relating to health.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;

Question put and agreed to
Clause 6 - as amended agreed to.

Clauses 7, 8 & 9 - agreed to.

Clause 10 - amendment proposed -

THAT, clause 10 (2) of the Bill be amended by deleting paragraph (d) and substituting therefor the following—

- (a) levy fees for services rendered by the Service as provided under section 30.
(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;

Question put and agreed to
Clause 10 - as amended agreed to.

Clause 11 - amendment proposed -

THAT, clause 11 of the Bill be amended in sub clause (3) by—

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

“(c) holds a Masters degree in medical laboratory science or Pathology from a recognized university;”

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

“(d) holds relevant qualifications in health systems management from a recognized university; and”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;

Question put and agreed to
Clause 11 - as amended agreed to.

Clause 12 - agreed to.

Clause 13 - amendment proposed -

THAT, clause 13 of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;

Question put and agreed to

Clause 13 - deleted

Clause 14 - amendment proposed –

THAT, clause 14 of the Bill be deleted.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 14 - deleted

Clauses 15, 16, 17, 18, 19, 20 & 21 - agreed to.

Clause 22 - amendment proposed –

THAT, clause 22 (2) of the Bill be amended in paragraph (e) by inserting the words “payment of compensation on claims resulting from adverse reaction after blood donation” immediately after the words “or equipment.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 22 - as amended agreed to.

Clause 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 & 34 - agreed to.

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be amended by inserting the following new subsection immediately after subsection (3)–

“(4) A person who donates blood under this section shall be provided with a blood donor certificate as proof of having donated blood.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 35 - as amended agreed to.

Clause 36 & 37 - agreed to.

Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended in sub clause (2) by deleting the word “State” and substituting therefor the words “Kenya National Blood Transfusion Service.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 38 - as amended agreed to.

Clauses 39 & 40 - agreed to.

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended in sub clause (1) by deleting the words “under the instructions of a medical practitioner” and substituting therefor the words, “registered by the relevant regulatory authority”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 41 - as amended agreed to.

Clause 42 - agreed to.

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended by inserting the following new subsection immediately after subsection (2)–

“(3) Subject to the provisions of Article 43(1)(a) and (2) of the Constitution, a person with a blood donor certificate issued under section 35(3) shall be given priority in the application of this section.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 43 - as amended agreed to.

Clauses 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59-agreed to.

First Schedule - agreed to.

Second Schedule - amendment proposed –

THAT, the Second Schedule to the Bill be amended—

(a) in paragraph 1 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A National Blood Centre shall be located within Level 5 and 6 hospital as provided in the Health Act and shall conduct the following services—

(ii) deleting the words “and Level II” appearing in sub paragraph (i);

(b) in paragraph 2 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A Regional Blood Centre shall be located within a specific county and shall serve one or more counties and shall conduct the following services —

(ii) deleting the words “Level III” appearing in sub paragraph (h) and substituting therefor the following words “National Blood Center”;

(iii) deleting the words “Level I” appearing in sub paragraph (j) and substituting therefor the words “County Blood”

(c) in paragraph 3 by—

(i) deleting the peremptory statement and substituting therefor the following new peremptory statement –

“A County Blood Centre shall be a static or a mobile blood centre located within a specific county and may serve one or more counties and shall conduct the following services—”

(ii) deleting the words “Level III” appearing in sub paragraph (d) and substituting therefor the following words “National Blood Center”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Second Schedule - as amended agreed to.

Title - Agreed to

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the word “human blood products” and substituting therefor the following new definition—

“human blood products” has the meaning assigned to it under the Health Act;”

- (b) by deleting the definition of the word “health care professional” and substituting therefor the following new definition—

“health care professional” has the meaning assigned to it under the Health Act; and

- (c) by deleting the definition of the word “informed consent” and substituting therefor the following new definition—

“informed consent” has the meaning assigned to it under the Health Act.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 2 - as amended agreed to

Clause 1 - agreed to.

Bill to be reported with amendments.

(iii) The Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019)

Clause 2 - amendment proposed-

THAT, clause 2 of the Bill be amended by deleting the proposed new section 2 (2).

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 as amended - agreed to

Clauses 4, 5, 6 & 7 - agreed to

Clause 8 - amendment proposed-

THAT, the Bill be amended –

(a) in the proposed new section 7 by deleting sub-section (4) and substituting therefor the following sub-section (4) –

(4) If after receiving gratuity under subsection (2) the Member elects to pay pension contributions under section 4, the Member may if he so desires–

(a) repay all the gratuity paid to the member plus, interest at the rate of three percent per month for a period of fifteen months, from the date he elects to be pensionable; and

(b) pay the contributions under section 4 for the entire period of non-contribution to match up with existing contributors.

(b) by deleting sub-section (8).

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 as amended - agreed to

Clauses 9 & 10 - agreed to

Clause 11 - amendment proposed-

THAT, the Bill be amended in clause 11 (b) in the proposed paragraph (a) by deleting the word “that” appearing immediately after the word “less” and substituting therefor the word “than”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 as amended - agreed to

Clause 12 & 13 - agreed to

Clause 14 - amendment proposed-

THAT, the Bill be amended in clause 14 –

- (a) in paragraph (a) in the proposed new sub-section (1) by deleting paragraphs (g) and (h); and
- (b) by deleting paragraph (e) and substituting therefor the following new paragraph-
 - (e) in sub-section (5) by –
 - (a) deleting the words “the National Assembly” and substituting therefor the word “Parliament”; and
 - (b) deleting the words “through the Treasury” appearing immediately after the words “by the Committee.
(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 as amended - agreed to

Clause 15, 16 & 17 - agreed to

NEW CLAUSES

New Clause 13A - amendment proposed-

THAT, the Bill be amended by inserting the following new clause immediately after clause 13-

Insertion of **13A**. The principal Act is amended by inserting the following new section sections immediately after section 18-

13A. in Cap.

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Administration of the Act.	18A. (1) The Administration of this Act shall be by the Commission.
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(2) The payment of pension, gratuity, refund of contributions and other allowances payable shall be provided for in the estimates of the Commission pursuant to Article 127 of the Constitution.

Post- retirement medical scheme	18B. (1) The Commission may establish voluntary post-retirement medical scheme for Members of Parliament.
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(2) Without prejudice to the generality of sub-section

(1), the Scheme shall make provision to allow Members of Parliament to make voluntary contributions in respect of funding a post-retirement medical Fund.

(Chairperson, Departmental Committee on Finance and National Planning)

Motion made and Question proposed –

THAT, New Clause 13A be read a Second Time;

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, New Clause 13A be part of the Bill;

Question put and agreed to;

New Clause 13A – agreed to.

Progress on the Bill to be reported.

10. **HOUSE RESUMED** - The Deputy Speaker in the Chair

(i) **The Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(The Leader of Majority Party)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020 be now read a Third Time and **passed**

Question put and agreed to.

Bill read a Third Time and **passed**

(ii) **The Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(The Chairperson Departmental Committee on Health)

Question deferred to another day pursuant to the Standing Orders.

And the time being forty four minutes past six o'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at forty four minutes past six o'clock.

MEMORANDUM

The Speaker will take the Chair on
Today, July 06, 2021 at 7.00pm

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