

(No. 105)



(1332)

**REPUBLIC OF KENYA****TWELFTH PARLIAMENT – (FIFTH SESSION)****THE NATIONAL ASSEMBLY****ORDERS OF THE DAY****THURSDAY, OCTOBER 21, 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 - RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and between the Republic of Kenya and the Republic of Botswana, *laid on the Table of the House on Tuesday, September 28, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the Ratification of: -

- (i) *the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and,*
- (ii) *the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Botswana.*

*(Question to be put)*

9\*. **MOTION – RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation, *laid on the Table of the House on Thursday, September 30, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation*.

*(Question to be put)*

10\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Sugar Bill (National Assembly Bill No. 68 of 2019).

*(Recommittal of Clauses 18, 26, New Clauses 5B, 15A, 15B and 16C has been agreed to);*

*(Members have indicated intention to move recommittal of further Clauses);*

*(Thereafter, final Question for agreement and recommittal to be put)*

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

- (i) The Sugar Bill (National Assembly Bill No. 68 of 2019)  
(The Hon. Wafula Wamunyinyi, M.P.)

*(To only consider recommitted clauses)*

- (ii) The Waqf Bill (National Assembly Bill No. 73 of 2019)  
(The Leader of the Majority Party)

12\*. MOTION - REPORT ON A PUBLIC PETITION BY RESIDENTS OF WAJIR AND GARISSA COUNTIES REGARDING LACK OF ACCESS TO CITIZEN REGISTRATION SERVICES

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

**THAT**, this House **adopts** the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition by residents of Wajir and Garissa Counties regarding lack of access to Citizen Registration Services, *laid on the Table of the House on Wednesday, August 11, 2021.*

*(Resumption of debate interrupted on Thursday, October 14, 2021)*  
*(Balance of time – 1 hour 13 minutes)*

13\*. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)

Second Reading

14\*. MOTION - ESTABLISHMENT OF A PARLIAMENTARY HEALTH SERVICES UNIT

(The Chairperson, Committee on Members' Services and Facilities)

**THAT**, this House adopts the Report of the Select Committee on Members' Services and Facilities on Establishment of a Parliamentary Health Services Unit, *laid on the Table of the House on Wednesday, August 11, 2021.*

15\*. MOTION - REPORT ON IMPLEMENTATION STATUS ON AN INQUIRY INTO COMPLAINTS OF ENVIRONMENTAL POLLUTION BY LONDON DISTILLERS KENYA LIMITED

(The Chairperson, Committee on Implementation)

**THAT**, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Environment and Natural Resources on an inquiry into complaints of environmental pollution by London Distillers Kenya Limited, *laid on the Table of the House on Thursday, September 30, 2021.*

16\*. MOTION - STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

(The Chairperson, Committee on Members' Services and Facilities)

**THAT**, this House **adopts** the Report of the Committee on Members' Services and Facilities on a Study Visit to the Legislative Assembly of Alberta, Canada undertaken from 14th to 18th October 2020, *laid on the Table of the House on Tuesday, December 1, 2020.*

17\*. THE NATIONAL COHESION AND PEACE BUILDING BILL  
(SENATE BILL NO. 35 OF 2018)

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

18\*. MOTION - THIRD REPORT ON IMPLEMENTATION STATUS  
OF INQUIRIES, PETITIONS AND RESOLUTIONS OF  
THE HOUSE

(The Chairperson, Committee on Implementation)

**THAT**, this House **adopts** the Third Report of the Committee on Implementation on its consideration of the Submissions from stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions passed by the House, *laid on the Table of the House on Tuesday, September 28, 2021.*

19\*. MOTION - ROLL-OUT OF COVID-19 ECONOMIC STIMULUS  
PROGRAMME (Party-Sponsored Motion)

(The Hon. Abdullswamad Nassir, M.P.)

**THAT**, aware that the COVID-19 Pandemic continues to devastate the Kenyan economy as exemplified by its staggering effects on economic growth that have led to massive losses of jobs and unprecedented layoffs, an underperforming financial market, distortion of monetary and fiscal policies, instability of the Kenyan shilling, fluctuating global trade, and general strain on medical facilities countrywide; **concerned that** reports from the Kenya National Bureau of Statistics reveal a substantial decline in the number of employed Kenyans as well as reduced employment opportunities; **deeply concerned that** the frequent lockdowns instituted by the Executive with the objective of countering the spread of the pandemic are a key cause of the underperforming economy despite the noble intention behind their implementation; **further aware that** the current unprecedented challenges call for extraordinary but necessary solutions, **this House urges the National Government to roll out a COVID-19 Economic Stimulus Programme that incorporates an enhanced *Kazi Mtaani* concept in urban areas and a new *Kazi Mashambani* concept in rural areas, enhances Cash Transfer Packages to the elderly, orphans, the vulnerable and the destitute, eliminates all forms of lockdowns, curfews and travel restrictions and replaces them with less stringent yet equally effective and economy-friendly containment measures including provision of Personal Protective Equipment and sanitization protocols, and rolls out a mass vaccination campaign that includes restriction of access to work premises by non-vaccinated employees, among other similarly effective interventions to stimulate economic recovery and national growth.**

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\* Denotes Orders of the Day

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# **NOTICES**

## **I. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage—

*(Part of the amendments arose from the winnowing process under S.O. 131)*

### **CLAUSE 2**

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

Interpretation.

2. In this Act unless the context otherwise requires—

“agreements” means the agreements specifying the standard provisions governing the rights and obligations of growers, millers and out-grower institutions in the sugar industry;

“Board” means the Kenya Sugar Board established under section 3;

“by-product” means any substance, other than sugar, produced incidentally during the process of manufacturing sugar;

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

“County Executive Committee Member” means the County Executive Member for the time being responsible for matters relating to agriculture in the respective County;

“farm gate” means prices received by farmers for their sugarcane at the location of farm;

“Fund” means the Sugar Development Fund established under section 19;

“guidelines” means the guidelines for agreements between parties in the sugar industry set out in the Second Schedule;

“grower” means a person who produces sugar-cane or any crop in Kenya for the manufacture of sugar;

“industry” means the sugar industry in Kenya and includes the growing of sugar-cane and any other sugar producing crop, the manufacturing, refining, warehousing, marketing, transportation of sugar and disposal of sugar and its by-products;

“Institute” means the Kenya Sugar Research Institute established under section 16A;

“licence” means a licence issued by the Board to a miller;

“member” means a member of the Board appointed under section 5;

“mill gate” means a site where sugarcane varieties are grown under strictly controlled agronomic conditions for eventual establishment of the sugarcane crop;

“miller” means a person licensed to operate a sugar mill or a jiggery mill in Kenya for the production of sugar including refined sugar and other by-products;

“outgrower” means a person who has a sugarcane farm in a catchment area and who has in force a cane supply contract in respect of the sugar-cane grown on such farm and registered by the Board;

“refined sugar” means sugar, which complies with the specifications set by the body for the time responsible for setting standards;

“sugar” means crystalline or liquid sucrose in any of its recognized commercial forms, intended for human consumption or other uses and includes raw sugar and industrial sugar;

“sugar-cane” means any plant or part of a plant of the genus saccharum or any of its hybrid;

“sugar catchment area” means a specific geographical area where farmers are clustered within a suitable sugar catchment area for purposes of election to the Board under the First Schedule;

“sugarcane growers apex body” means a national sugarcane farmers and out grower organisation under a cane supply contract and in catchment areas under the Fourth Schedule gazetted as such by the Cabinet Secretary for the time being responsible for agriculture;

“stakeholder” means a person with significant interest in the sugar industry and includes government, millers, growers and out-grower institutions;

“Tribunal” means the Sugar Arbitration Tribunal established under section 24A;

#### **CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended in in subclause (2) by inserting the following new paragraphs immediately after paragraph (m)—

(ma) enforce and monitor compliance with standards along the sugar value chain;

(mb) facilitate value addition and product diversification in the sugar sub-sector;

(mc) formulate and implement a strategic plan for the sugar sub-sector at least once every five years;

(md) formulate guidelines on an efficient and economical transportation of sugar;

- (me) conduct local and international sugar market intelligence and advise stakeholders accordingly;
- (mf) establish linkages with various government agencies and research institutions to enhance quality assurance and research;

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Functions of county governments.

**4A.** The County Government shall—

- (a) issue sugar cane nursery certificates;
- (b) offer and coordinate extension services on sugar production and milling in the respective county;
- (c) in collaboration with the Board and law enforcement agencies, enforce regulations within the county;
- (d) monitor and report incidences of pests and disease outbreaks and take appropriate action in collaboration with the Board and other relevant government agencies; and
- (e) establish an efficient road network for the movement of sugarcane, delivery of other services and general development of the sugar industry.

**CLAUSE 5**

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

(a) in sub-clause (1) by—

- (i) deleting paragraph (b) and substituting therefor the following new paragraph—  
“(b) five representatives elected by growers from each sugar catchment area as per the First Schedule”
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—  
“(c) one representative elected by sugar millers who is knowledgeable in sugar technology and value addition;”
- (iii) deleting paragraph (d) and substituting therefor the following new paragraph—  
“(d) the Principal Secretary in the Ministry for the time being responsible for matters relating to agriculture or a representative nominated by the Principal Secretary in writing;”

- (iv) deleting paragraph (e) and substituting therefor the following new paragraph—  
 “(e) one person nominated by the Council of County Governors who is knowledgeable in extension services and management of farmer institutions;”
- (v) deleting paragraph (f) and substituting therefor the following new paragraph—  
 “(f) the Principal Secretary for the time being responsible for National Treasury or a representative nominated by the Principal Secretary in writing;”
- (b) by deleting subclause (2);
- (c) by inserting the following new subclauses immediately after subclause (3)—  
 “(4) The members under subsection (1) (b), (c) and (e) shall be appointed by the Cabinet by notice in the *Gazette*.
- (5) A person shall not be appointed as a chairperson of the Board of Directors unless the person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has relevant experience in the sugar sector.”
- (d) by deleting subclause (3);

### NEW CLAUSES

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 5—

Term of appointment of **5A.** (1) A person appointed as chairperson or a member of the Board under section 5(1) (b), (c) and (e) shall serve for a term of three years renewable for one further term.

(2) Members of the Board under section 5(1)(b), (c) and (e) shall be appointed at different times so that their respective expiry of terms of office shall fall at different times.

Vacation of office. of **5B.** A person shall cease to be a member of the Board of if the person—

(a) is absent from three consecutive meetings of the Board without notifying the chairperson in writing;

(b) becomes an officer, agent or member of staff of the Board;

(c) resigns in writing addressed to the Cabinet Secretary;

(d) is convicted of a criminal offence and sentenced to a term of imprisonment of exceeding six months without the option of a fine;

(e) is declared bankrupt;

(f) is unable to perform the functions of his or her office by reason of mental or physical infirmity; or

(g) dies.



**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 7—

Committees of the Board.

**7A.** (1) The Board may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

(2) The Board may co-opt to sit in the committees established under subsection (1), such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

**CLAUSE 10**

**THAT**, clause 10 be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person shall be qualified for appointment under this section if the person—

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

**CLAUSE 14**

**THAT**, clause 14 be amended—

- (a) in subclause (1) by inserting the words “upon recommendation by the relevant County Government” immediately after the word “Board”;

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

“(2) A person who contravenes the provisions of subsection (1) or acts in contravention of the conditions of a licence granted under this Act commits an offence and shall be liable on conviction, to a fine not exceeding three times the domestic value of the sugar in respect of which the offence is committed, or to a fine not exceeding ten million shillings, whichever is the higher, or to imprisonment for a term not exceeding five years, or to both.”

**CLAUSE 15**

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

- (a) by renumbering the subclauses appearing after subclause (2) as (3), (4), (5), (6), and (7);
- (b) by inserting a new subclause immediately after the renumbered subclause (7) as follows:

“(8) A person shall not import or export sugar without a valid licence issued by the Board.”

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 15—

Sugar Import.

**15A.** (1) A person who imports sugar into Kenya shall, prior to importation —

- (a) provide evidence that the sugar they intend to import is not available in the local market;
- (b) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and
- (c) obtain pre-import approval from the Board.

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

Industrial sugar.

**15B.** (1) A licenced sugar miller shall be licenced by the board to carry out the business of processing industrial sugar.

(2) The Board shall regulate the processing of industrial sugar.

**CLAUSE 16**

**THAT**, Clause 16 of the Bill be amended by—

(a) deleting sub clause (2);

(b) inserting the following new sub clause immediately after sub clause (4) —

“(4B) In issuing certificates of registration under subsection(3), the Board shall satisfy itself that the premises upon which milling may be carried out meets the environmental standards set by the National Environmental Management Authority and the miller has been issued with a certificate of safety by the relevant county government.”

(c) inserting the following new sub clause immediately after sub clause (6) —

“(7) A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.”

**NEW PART IIIA AND IIIB**

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

**PART IIIA- ESTABLISHMENT OF THE KENYA  
SUGAR RESEARCH INSTITUTE**

Establishment  
of the Kenya  
Sugar Research  
Institute.

**16A.** (1) There is hereby established a body to be known as the Kenya Sugar Research Institute.

(2) The Institute is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Functions of  
the Institute.

**16B.** (1) The Institute shall—

- (a) promote, co-ordinate and regulate research in sugar and sugar diseases; and
- (b) expedite equitable access to research information, resources and technology and promote the application of research findings and technology in the development of sugar.

(2) For the purpose of carrying out its functions, the Institute shall—

- (a) formulate policy and make policy recommendations to the Cabinet Secretary on sugar research;
- (b) prioritise areas for, and co-ordinate, sugar research in Kenya in line with the national policy on sugar;
- (c) determine and advise the Government on the resource requirements for sugar research in Kenya both at the national and county level;
- (d) regulate, monitor and ensure that all sugar research undertaken by other institutions or persons undertaking sugar research is consistent with the national priorities specified in the relevant policy documents;
- (e) formulate or approve medium and long term research plans, strategies and budgets of the Institute;

- (f) provide grants to institutions or persons desirous of carrying out research and training programs which are consistent with the national research priorities and plans of the Institute;
- (g) support and promote the training and capacity building in relation to agricultural research;
- (h) liaise with and ensure the co-ordination of institutions, agencies and persons involved in sugar research;
- (i) establish platforms for the purposes sharing of research information, advancing research and transfer of technology and dissemination of information relating to advancements made in sugar research;
- (j) conduct training in industry best practice and value-addition;
- (k) ensure continuance of performance improvement in the field of sugar research;
- (l) breed sugarcane varieties suited for various agro-ecological areas of Kenya;
- (m) conduct research on nutritional requirements of sugarcane in order to provide recommendations on the appropriate fertilizers;
- (n) appraise technologies on land preparation, drainage and water management for economical cane production;
- (o) study and monitor of pests and diseases that affect sugarcane and recommending appropriate control strategies;
- (p) develop agronomic packages for sugarcane maintenance and management;
- (q) institute socio-economic investigations to improve human resource management and enhance development of the sugar industry as an agribusiness;
- (r) test, design and evaluate farm machinery and factory equipment for efficient sugar production;
- (s) promote the transfer of sugar technology based on applied research through relevant extension mechanisms;
- (t) foster research on sustainable productivity, environmental issues, human safety at field and factory levels;

- (u) collaborate with the Government, the industry, universities and other national and international organizations for the purpose of furthering the Institute's mission;
- (v) analyse soil and plant samples for advisory purposes;
- (w) offer modular courses on various aspects of cane management and practices; and
  
- (x) perform such other function as may be conferred on it by this Act or any other written law.

Management  
of the  
Institute.

**16C.** The Management of the Institute shall vest in a Board which shall consist of—

- (a) a chairperson appointed by the Cabinet Secretary who shall have a background in agricultural research or related field;
- (b) three persons nominated by the farmers from each of the sugar catchment regions under the Second Schedule;
- (c) two persons nominated by the farmers from each of the sugar catchment regions under the Second Schedule;
- (d) the Principal Secretary for the time being responsible for the National Treasury or a representative appointed in writing;
- (e) the chief executive officer of the Board;
- (f) the chief executive officer of the Kenya Agricultural Livestock and Research Organization; and
- (g) the Director General who shall be an *ex officio* member.

Application.

**16D.** The provisions of section 5A, 5B, 7, 8 and 9 shall apply to the Board of the Institute with necessary modification.

Funds of the  
Institute.

**16E.** The funds of the Institute shall consist of-

- (a) monies remitted by the Board from the sugar development levy;
- (b) any monies received by the Institute from grants and donations; and
- (c) monies from any other source as approved by the responsible Ministry.

Director  
General of the  
Institute.

**16F.** (1) There shall be a Director General of the Institute who shall be appointed by the Board of the Institute whose terms and conditions of service shall be determined by the Board of the Institute in the instruments of appointment or otherwise in writing from time to time.

(2) A person shall be qualified for appointment under this section if the person-

- (a) holds a degree from a university recognized in Kenya in agricultural research, soil and seed research, soil science or related field;
- (b) has at least five years' experience in managerial capacity; and
- (c) meets the provisions of Chapter six of the Constitution.

### **PART IIIB – APPOINTMENT OF CROP INSPECTORS**

Appointment of  
crop inspectors.

**16G.** (1) The Board may appoint qualified persons to be crop inspectors for the purposes of this Act.

(2) For purposes of subsection (1), the Board may, by regulations, prescribe the qualifications for appointment as a crop inspector.

Entry and  
inspection.

**16H.** An inspector or a person duly authorized in writing in that behalf by the Board may, at all reasonable times and upon production of such authority to any person so requesting—

- (a) enter any land or buildings occupied by the holder of a licence issued under this Act, or a person registered under this Act;
- (b) make such inspection and enquiries as the person may deem necessary for ascertaining whether the provisions of this Act or the terms and conditions of the respective licence are being complied with; and
- (c) may require any person found thereon to give such information as the person may require.

Powers of entry.

**16I.** (1) For the purposes of this Act, an inspector who has reasonable grounds may—

- (a) at any reasonable time, enter upon any land, premises or vehicle;
- (b) take such persons and things as the inspector considers necessary;
- (c) perform the functions or exercise the powers conferred by this Act or any other written law;
- (d) make enquiries or carry out a search to ascertain if this Act is being complied with;

- (e) demand the production by a licence holder of the licence for examination;
- (f) seize and remove any article or thing in respect of which the inspector has reasonable grounds for believing that an offence under this Act is being or has been committed; or
- (g) do any other thing authorized under this Act.

(2) The owner or occupier of any land or a person in control of any premise or a vehicle which an inspector has entered under subsection (1) shall render such reasonable assistance as may be required by the inspector.

(3) A person who refuses, unreasonably delays or fails to comply with a requirement under subsection (2) commits an offence.

Obstruction of  
inspectors.

**16J.** (1) A person shall not prevent, hinder or obstruct an inspector in performance of the functions, and duties or exercise of powers conferred by this Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.

## **CLAUSE 18**

**THAT**, clause 18 be amended—

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

“(1) The Cabinet Secretary may, in consultation with the Board, by order in the Gazette, impose a levy on domestic sugar and a ten per centum of CIF value on imported sugar to be known as the Sugar Development Levy.”

(b) by inserting the following new subclauses immediately after subclause (6)—

“(7) The Sugar Development Levy collected under subsection (2) shall be apportioned as follows—

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

“(8) the funds provided for under subsection (7)(a) shall be used to provide for sustainable, affordable credit and advances to farmers for all or any of the following purposes—c

- (a) farm improvement;
- (b) farm inputs;
- (c) farming operations; and
- (d) price stabilization.

**CLAUSE 22**

**THAT**, the Bill be amended by deleting clause 22.

**NEW PART IVA**

**THAT**, the Bill be amended by inserting the following new Part immediately after Part IV—

**PART IVA- ESTABLISHMENT OF THE SUGAR  
ARBITRATION TRIBUNAL**

Establishment of the  
Sugar Arbitration  
Tribunal.

**24A.** (1) There is hereby established Tribunal to be known as the Sugar Arbitration Tribunal.

(2) The Tribunal shall consist of—

(a) a chairperson appointed by the Chief Justice who shall be a person qualified to be appointed as a judge of the High Court; and

(b) four other members, being persons with expert knowledge of the matters likely to come before the Tribunal and who are not persons with a direct material interest in the sugar industry, all of who shall be appointed by the Chief Justice in consultation with the Attorney-General and the Council of County Governors.

(3) The Chairperson and members of the Tribunal shall serve on a part-time basis.

(4) The members of the Tribunal appointed under subsection (2) shall hold office for such period, not exceeding three years, on such terms and conditions as shall be specified in the instrument of appointment but shall be eligible for re-appointment for one further term of a period not exceeding three years.

(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a public servant or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.

(7) The provisions set out in the Third Schedule shall have effect with respect to the meetings and procedure of the Tribunal.

(8) Except as provided in the Third Schedule, the Tribunal shall regulate its own procedure as to the conduct of meetings.

Jurisdiction of the  
Tribunal.

**24B.** (1) The Tribunal shall determine—

(a) disputes between sugarcane farmers;

(b) disputes between sugarcane farmers and the following-



- (i) out grower institutions;
- (ii) millers;
- (iii) growers; or
- (iv) other interested party;
- (c) disputes relating to cane pricing;
- (d) disputes relating to contract farming,

Determination of disputes.

**24C.** (1) The Tribunal shall determine any dispute before it expeditiously, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An Appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law to the Court of Appeal.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act (Cap. 80) and the Civil Procedure Act (Cap. 21), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Powers of the Tribunal.

**24D.** The Tribunal shall have the powers of the High Court—

- (a) to administer oaths to the parties and witnesses to the proceedings;
- (b) to summon witnesses and to require the production of documents;
- (c) to order the payment of costs; and the provisions of the law relating to Commissions of Inquiry in Kenya with respect to—
  - (i) the protection of the members of the Tribunal from suit;
  - (ii) the form of summonses to witnesses;
  - (iii) to giving or fabricating of false evidence;
  - (iv) the duty and indemnity of witnesses, and the penalty for contumacy, insult or interruption of proceedings; and
  - (v) the appearance of advocates; shall with any necessary adaptations or modifications, apply to the members of, the witnesses before, and the proceedings before, the Tribunal in like manner as they apply to Commissions of Inquiry.

Removal of members of the Tribunal.

**24E.** A member of the Tribunal may be removed if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (c) is incapacitated by reason of prolonged physical or mental illness from performing the duties of the office;
- (d) violates the Constitution; or
- (e) is otherwise unable or unfit to discharge the functions of the office.

Vacancy.

**24F.** Where the office of any member becomes vacant,

whether by death or otherwise, the Chief Justice may appoint another person to be a member of the Tribunal for the remainder of the term of the member whose vacancy cause the appointment.

Secretary of the Tribunal.

**24G.** The Chief Justice shall appoint a Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

Remuneration of members and staff of the Tribunal.

**24H.** (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

(2) The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission on the recommendation of the Salaries and Remuneration Commission.

## **CLAUSE 26**

**THAT**, the Bill be amended by deleting clause 26 and substituting therefor the following new clause—

Quality, safety and health control measures.

**26.** (1) All sugar millers and importers shall ensure that all sugar produced locally or imported into the country meets—

- (a) safety and quality standards as set by the body for the time being responsible for setting standards;
- (b) safety and health standards for food handlers as set by the body for the time being responsible for public health; and
- (c) environmental issues as set by the body for the time being responsible for environment.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable, upon conviction—

- (a) to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding seven years, or to both; and
- (b) the court may where a person is convicted for an offence make a further order that the persons licence be withdrawn.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 26—

Inspection for quality and safety.

**26A.** (1) The Board shall carry out physical inspection of premises licenced under section 15 quarterly to ensure that safety and health standards are followed.

- (2) Every person licenced under this Act shall—
  - (a) not discharge any, affluent dangerous materials, substances, oil, oil mixtures into land, water, air, or aquatic environment;
  - (b) not release smoke or any air pollutant to the air that pollutes the environment;
  - (c) manage any hazardous waste and materials;
  - (d) not import any hazardous waste;
  - (e) not mislabel any sugar or jaggery; and
  - (f) not aid or abet illegal trafficking of sugar or related substances.

(2) When an offence under this section, is committed by a body corporate, the body corporate and every director or officer of the body corporate who ought to have had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to an imprisonment for a term not exceeding five years.

(3) In addition to the sentence under subsection (2), the Court may order for the revocation of a licence.

**CLAUSE 27**

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

Safeguard measures.

27. (1) The Board shall ensure, subject to such regional and international trade agreements to which Kenya is a party, that all sugar imports into the country are subject to all the prevailing import duties, taxes and other tariffs.

(2) Despite subsection (1), the Board shall ensure that—

(a) sugar shall be imported in the country only when there is sugar deficit on a quarterly basis and for a specific tonnage; and

(b) importers report to the Board on their imports, sales and stock on daily basis.

(3) The Government shall introduce other safeguard measures as may be necessary to protect the industry from unfair trade practices.

(4) A person who contravenes the provision of this section commits an offence and shall be liable, on conviction, to a fine not exceeding three times the domestic value of the sugar in respect of which the offence is committed, or two million shillings, whichever is the higher, or to imprisonment for a term not exceeding ten years, or to both

### **CLAUSE 29**

**THAT**, clause 29 of the Bill be amended in subclause (3)—

- (a) in paragraph (c) by inserting the words “, in consultation with stakeholders,” immediately after the words “agricultural produce”;
- (b) in paragraph (e) by deleting the word “impose” appearing after the words “to the Board to” and substituting therefor the word “enforce”; and
- (c) in paragraph (f) by deleting the word “imposition” appearing at the beginning of the paragraph and substituting therefor the word “enforcement”.

### **CLAUSE 30**

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

- (a) by deleting the marginal note and substituting therefor with the following—  
“Rights of growers in a privatized company”
- (b) in paragraph (b) by deleting the word “milling” appearing after the words “directors of” and substituting the words “privatized company”

### **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 30—

Representative of  
a grower in a  
private milling  
company.

“**30A.** (1) Notwithstanding the provisions of any other Act, each private sugar milling company shall have a representative of the growers in its board of directors.

(2) In appointing a director representing the growers under subsection (1), the milling company shall consider in the first instance, the leaders of the out-grower institutions within the sugar-cane catchment area in which the sugar mill is located.

(3) A person appointed as a director under subsection (1), shall serve for a term not exceeding two years.”

### CLAUSE 31

**THAT**, the Bill be amended by deleting Clause 31.

### CLAUSE 33

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

- (a) in subclause (1) by inserting the words “shall in consultation with the Board” immediately after the word “Secretary”;
- (b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (a) —
  - “(ca) the establishment of weigh bridges;
  - (cb) standards on grading, sampling and inspection, tests and analysis, specifications, units of measurement, code of practice and packaging, preservation, conservation and transportation of sugar and sugar by-products to ensure safety and proper trading;
  - (cc) production and import of sugar to ensure adequate sugar availability in the country;
  - (cd) guidelines on general industry agreements between growers and millers and between parties in the sugar industry;
  - (ce) minimum period within which farmers are to be paid for sugar crop delivered and penalties for delayed payments; and
  - (cf) cane harvesting and transportation;”

(c) by inserting the following new subsection immediately after subsection (3)-

“(4) Without prejudice to the generality of this section, the Cabinet Secretary shall make the regulations necessary to operationalize this Act within twelve months from the date of commencement of this Act.”

### FIRST SCHEDULE

**THAT**, the First Schedule to the Bill be amended—

- (a) by inserting the following heading:

**“PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD”**

(b) in paragraph 2 by—

- (i) deleting the words “seven members” appearing in sub-paragraph (4) and substituting therefor the words “two thirds of the members of the Board provided that in the case of a tie, the chairperson shall have a casting vote.”
- (ii) deleting subparagraph (5) and substituting therefor the following new subparagraph—

“(5) The chairperson shall preside at every meeting at which he or she is present but, in his or her absence, the members shall elect one of their members to preside who shall with respect to that meeting and the business transacted thereat have all the powers of the chairperson.”
- (iii) by deleting subparagraph (6);
- (iv) deleting the words “or the vice chairperson” appearing in sub-paragraph (7) a immediately after the words “the Chairperson”

**SECOND SCHEDULE**

**THAT**, the Second Schedule to the Bill be amended—

- (a) in paragraph 1 by deleting the word “agreements” appearing before the word “define” and substituting therefor the word “guidelines”;
- (b) in paragraph 2 —
  - (i) by deleting the word “agreements” appearing at the opening paragraph and substituting therefor the word “guidelines”;
  - (ii) by deleting the definition of the “Kenya Sugar Research Foundation”;
  - (iii) by deleting the definition “Kenya Sugarcane Growers Association”
  - (iv) by deleting the definition “Kenya Sugar Research Foundation” and substituting therefor the following new definition—

“Kenya Sugar Research Institute” means the Kenya Sugar Research Institute established under Part IIIA of this Act;
  - (v) by inserting the following new definition—

“sugar lobby group” means a registered group of people comprising of farmers and growers from the sugar catchment areas championing the rights of sugar stakeholders;
- (c) in paragraph 3 by deleting sub paragraph (f);
- (d) by deleting paragraph 4;
- (e) in paragraph 5—
  - (i) by deleting subparagraph (g) and substituting therefor the following new subparagraph—

“(g) make representations to the Sugar Cane Pricing Committee;”
  - (ii) by deleting the words “Kenya Sugar-cane Growers Association” appearing in subparagraph (h) and substituting therefor the words “registered sugar lobby groups”
- (f) in paragraph 6—

- (i) by deleting the expression “30 days” appearing in subparagraph (d) and substituting therefor the expression “15 days”;
- (ii) by inserting the following subparagraph immediately after paragraph (f)—  
“(fa) ensure that mobile weighbridges are closer to growers;”
- (iii) by deleting paragraph (h)
- (g) in paragraph 7 in subparagraph 2(b) by deleting the word “zones” appearing at the end of the subparagraph and substituting therefor the words “sugar catchment region”;
- (h) by deleting paragraph 8 and substituting therefor the following new paragraph—

Sugar Cane  
Pricing  
Committee.

8. (1) There shall be a Sugar Cane Pricing Committee (hereinafter referred to as “the Committee”).

(2) The Committee shall comprise of —

- (a) the Chief Executive Officer of the Board;
- (b) two persons nominated by the Kenya Sugar Manufacturers Association;
- (c) three persons nominated by the sugar cane growers from the sugar catchment region;
- (d) one representative from the sugar lobby groups;
- (e) the Principal Secretary responsible for matter related to agriculture or a representative appointed in writing;
- (f) one representative from county government nominated by the Council of Governors; and

(2) The main objectives of the Committee shall be to—

- (a) review sugar cane prices;
- (b) provide a mechanism that remunerates farmers for other products delivered from the processing of cane;
- (c) ensure adherence to negotiated cane pricing formula;
- (d) transition to payment based on quality; and
- (e) enforcement of contracts between farmers and millers.

(4) The Committee shall come up with the pricing formula and in doing so shall take into account the—

- (a) pricing mechanisms for all other cane related charges paid by the farmer; and
- (b) an index that takes into consideration delayed harvesting;
- (c) transportation cost per tonne per kilometre of sugarcane.

(5) The Board shall offer Secretariat services to the Committee

(6) The sugar-cane prices set by the committee under sub paragraph (2) shall be reviewed after every thirty-six months provided that the Committee may, with the prior approval of the Board, undertake an early review of the sugar-cane pricing.

**THIRD SCHEDULE**

**THAT**, the Third Schedule to the Bill be amended by —

- (a) deleting paragraph 4 and 5;
- (b) inserting the following new paragraph immediately after paragraph 6—  
“(6A) The quorum of the Tribunal shall be three members”; and
- (c) deleting paragraph 8.

**NEW SCHEDULE**

**THAT**, the Bill be amended by inserting the following new schedule immediately as the First Schedule—

**FIRST SCHEDULE [S. 2]**

**DELINEATION OF SUGAR CATCHMENT AREAS**

**SUGAR CATCHMENT COUNTIES AREAS**

Rift Region	Kericho, Nandi and Uasingishu
Upper Western	Bungoma, and Trans Nzoia
Lower Western Region	Busia Kakamega, Siaya and Vihiga
Southern Region	Homa Bay, Kisumu, Migori and Narok
Coastal Region	Kwale, Lamu, and Tana River

**FIRST, SECOND AND THIRD SCHEDULE**

**THAT**, the Bill be amended by renaming the First, Second and Third Schedule as Second, Third and Fourth Schedule respectively.

**2) Notice is given that the Member for Kanduyi (Hon. Wafula Wamunyinyi MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage-**

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after Clause 9—

Headquarters of the Board. **9A.** (1) The headquarters of the Board shall be in Kisumu County.

(2) The Board may establish offices in other parts of the country as the Board may determine.



- 3) Notice is given that the Member for Funyula (Hon. (Dr.) Ojiambo Oundo, MP) intends to move the following amendments to the Sugar Bill, 2019 at the Committee Stage-

**CLAUSE 36**

**THAT**, the Bill be amended by deleting Clause 36 and substituting therefor the following new Clause—

Transfer of staff.

No. 13 of 2013

“**36.** (1) Upon the commencement of this of this Act, a person who was a member of the staff of the former Kenya Sugar Board before the commencement of the Agriculture and Food Authority Act, and current staff of the Sugar Directorate not being under any notice of dismissal or resignation shall upon commencement of this Act and subject to subsection (2) become a staff of the Board on their current improved terms and conditions of service.

(2) The pensions of staff under the provident fund of Agriculture and Food Authority- Sugar Directorate shall on the commencement of the Act vest in the Board.

**II. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Waqf Bill, 2019 at the Committee Stage—

**CLAUSE 2**

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

“*Hajj*” means the pilgrimage to *Makka* made at least once in a lifetime by an able bodied Muslim who can afford it;”

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended —

- (a) in the opening paragraph —
- (i) by deleting the word “Attorney-General” and substituting therefor the words “Public Trustee”;
  - (ii) by deleting the word “President” and substituting therefor the word “Attorney-General”;
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) in paragraph (e)-
- (i) by deleting the word “four” and substituting therefor the word “six”;

(ii) by inserting the following new sub-paragraphs immediately after sub-paragraph (iv)-

- “(v) finance and investment;
- (vi) architecture;
- (vii) administration”.

### **CLAUSE 7**

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

- (a) in subclause (1) by deleting the word “President” and substituting therefor the word “Attorney-General”;
- (b) in subclause (2) –
  - (i) by deleting the word “President” and substituting therefor the word “Attorney-General” appearing in the opening paragraph;
  - (ii) by inserting the words “knowledgeable in sharia law” immediately after the word “leaders” appearing in the opening paragraph;
  - (iii) by inserting the following new paragraphs immediately after paragraph (a)-
    - “(ab) a person having a conflict of interest whether directly in person or indirectly as a family member or a beneficiary or lessee of a waqf shall not be appointed as a member of the selection panel;
    - (ac) no state officer or public officer shall be appointed as a member of the selection panel”.
- (c) in subclause (3) (d) by deleting the word “President” and substituting therefor the word “Attorney-General”;
- (d) in subclause (4) by deleting the word “President” and substituting therefor the word “Attorney-General”;
- (e) by inserting the following new sub-clause immediately after sub-clause (5)-
  - “(5A) The expenses and liabilities of the selection panel shall be borne by the Government”;
- (f) in sub-clause (6) by deleting the word “three” wherever it appears and substituting therefor the word “five”; and
- (g) in subclause (7) (c) by deleting the word “President” and substituting therefor the word “Attorney-General”.

### **CLAUSE 8**

**THAT**, clause 8 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (g) –

- “(ga) develop and facilitate adequate continuous training programmes to enhance the standard and effectiveness of trustees;
- (gb) formulate, implement and oversee programmes to raise awareness on *Waqf* matters;
- (gc) co-ordinate, license, supervise and regulate services relating to *Hajj* in Kenya;
- (gd) represent Kenya in matters relating to *Hajj*”;

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4)-

“(4A) The members of the Commission shall serve on a part-time basis”.

**CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended-

(a) in sub-clause (2)(d) by inserting the words “or a reputable private institution” at the end of the paragraph;

(b) by inserting the following new sub-clause immediately after sub-clause (3)-  
“(4) The Director-General shall be the Secretary to the Commission”.

**CLAUSE 15**

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

(a) in subclause (1) (b) (ii) by inserting the words “or a beneficiary or any person who has an interest in the *waqf*” immediately after the word “trustees”;

(b) in subclause (3) by inserting the words “a beneficiary or any person who has an interest in the *waqf*” immediately after the words “trustees of a *waqf*”.

**CLAUSE 16**

**THAT**, Clause 16 of the Bill be amended in subclause (2) by deleting the words “twenty thousand” and substituting therefor the words “two million”.

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended —

(a) in subclause (1) by deleting the word “sell”;

(b) by inserting the following new subclause immediately after subclause (1)

—  
“(1A) A person who intends to sell immovable *Waqf* property shall make an application to the Environment and Land Court and the Environment and Land Court may allow the application or issue any other order it deems appropriate”.

(c) in subclause (2) by deleting the words “subsection (1)” and substituting therefor the words “this section”.

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be deleted.

**CLAUSE 23**

**THAT**, Clause 23 of the Bill be amended by deleting the proviso.

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new Clauses immediately after Clause 27 —

Right to access  
information.

**27A.** (1) A beneficiary of a *waqf* shall, at all reasonable times, be entitled to information about the *waqf* including the inspection of accounts and shall upon payment of the prescribed fees be supplied with copies of any deeds or documents thereof.

(2) The information under subsection (1) does not include correspondence and any other confidential information.

Disputes  
resolution.

**27B.** Any matter or dispute relating to a *waqf* shall in the first instance be referred to a Kadhi's court.

Exemption  
from taxation  
or penalties

**27C.** Despite the provisions of any other written law, the income of the Commission shall not be subjected to income tax or any other tax or penalty.

**2) Notice is given that the Member for Suba North (Hon. Millie Odhiambo Mabona, MP) intends to move the following amendments to the Waqf Bill, 2019, at the Committee Stage—**

**CLAUSE 2**

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

- (a) by inserting the word “appointed under section 12A” immediately after the words “*waqf* property” appearing in the definition of the term “trustee”;
- (b) by inserting the word “permanent” immediately after the words “endowment or” appearing in the definition of the term “*waqf*”;
- (c) by inserting the following new definitions in their proper alphabetical sequence—

“*testamentary waqf*” means a *waqf* that takes effect after the death of the *waaqif*;

“*zakat*” means payment made annually under Islamic law on certain kinds of property and used for charitable and religious purposes.

**CLAUSE 4**

**THAT,** the Bill be amended by deleting clause 4 and substituting therefor the following new clause—

Validity of a *waqf*.

4. (1) A *waqf* shall be valid where —

- (a) the *waaqif* has attained eighteen years;
- (b) the *waaqif* is of sound mind;
- (c) it is made in accordance with Islamic law;
- (d) it is made for religious purposes, save as provided under paragraph (e);
- (e) it is made for the benefit of the Muslim community and if secular in character, it is reserved for the benefit of the poor;
- (f) it is permanent in nature;
- (g) there is no condition attached to the donation of the *waqf* by the *waaqif*; and
- (h) the *waaqif* believes in the principles of the Islamic faith.

(2) A person shall only make a *waqf* in relation to property that the person owns.

(3) A widow shall not constitute any *waqf* of the property which she holds in lieu of her unpaid dower.

(4) Except for a testamentary *waqf*, a person may dedicate his or her entire property as a *waqf*.

(5) A person shall not dedicate more than one-third of his or her property to a *waqf* in case of a testamentary *waqf*.

(6) A *waqf* shall not be used for purposes prohibited by Islamic law, repairs or maintenance of the *waaqif's* secular property, providing for the rich or for objects which are uncertain.

## CLAUSE 7

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

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

- (1) The President shall, within three months of the commencement of this Act or within fourteen days after the occurrence of a vacancy in the Commission, appoint a selection panel for the purpose of nominating suitable candidates for appointment as a member of the Commission under section 6 (a), (b), (c), (d) and (e).

- (b) in subclause (2) by deleting the words “five eminent Muslims of either gender” and substituting therefor the words “five eminent persons, three of whom shall be of either gender”;
- (c) by inserting the following new subclause immediately after subclause (2)

—

(2A) The appointing authority shall afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance in appointing the members of the Selection Panel.

- (d) in subclause (4) by deleting the words “from Muslims” and substituting therefor the words “from the public”;
- (e) in subclause (7)(b) by deleting the words “without the permission of the chairperson” and substituting therefor the words “without notifying the chairperson”.

### CLAUSE 9

**THAT**, clause 9 of the Bill be amended by deleting subclause (4).

### CLAUSE 11

**THAT**, clause 11(2) of the Bill be amended by deleting paragraph (a).

### CLAUSE 12

**THAT**, clause 12 of the Bill be amended by inserting the following new subclause immediately after subclause (2) —

(3) The Commission shall, in appointing the staff under subsection (1), afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

### NEW CLAUSES

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

Appointment  
of a trustee.

**12A.** (1) Every *waqf* shall have a trustee appointed by—

- (a) an executor of the *waqf* where the *waaqif* did not appoint a trustee;  
or  
(b) the Court where there is a dispute on trusteeship.

(2) A person, male or female of any religion shall be appointed as a trustee if he or she is an adult of sound mind and has capacity to perform the functions of the *waqf* as prescribed by the *waaqif*.

(3) Despite subsection (2), a person who is female shall not be qualified to be appointed as a trustee if the *waqf* requires the trustee to undertake religious duties.

(4) The court shall in appointing a trustee under subsection (1) ensure that it gives regard to the instructions of the *waaqif*, public interest and preference of the family members of *waaqif*.

Powers of a trustee.

**12B.** (1) A trustee shall be in charge of the property of the *waaqif* and shall have the power to utilize the property as the trustee considers it fit for the purpose of the *waqf*.

(2) A trustee shall also take reasonable steps and act in good faith to ensure that the intended beneficiaries benefit from the *waqf* including instituting proceedings, where necessary, to protect the interest of a *waqf*.

(3) Except where the *waaqif* authorizes the trustee to dispose of property, the trustee shall have no right to sell any property which is a subject of a *waqf*.

(4) A trustee shall borrow money in relation to a *waqf* or sell a *waqf* where there are justifiable reasons to do so and only where the court has issued an order to borrow or otherwise dispose off the property under a *waqf*.

(5) Except with the leave of court, a trustee shall not lease any property under a *waqf* for agricultural purposes for more than three years and for non-agricultural purposes for more than one year.

(6) A trustee shall have a right to be remunerated as provided by a *waqf* and where a trustee considers the remuneration inadequate, the trustee may apply to court for redress.

Removal of a trustee.

**12C.** (1) A trustee shall be removed from office only by a court on grounds of —

- (a) misappropriation of a *waaqif's* property;
- (b) allowing the *waqf* property to fall into disrepair when the trustee has funds to maintain the property;
- (c) knowingly or intentionally causing damage or loss to *waqf* property; or
- (d) breach of trust in relation to the *waqf* property.

(2) Despite subsection (1), a trustee may be removed from office by the *waaqif*, if the right to remove the trustee is reserved in the *waqf* deed.

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended in sub-clause (5) by deleting the words “one hundred” and substitute therefor the words “five hundred”.

**CLAUSE 14**

**THAT**, clause 14 of the Bill be amended in sub-clause (1) by inserting the words “a beneficiary or an interested person” immediately after the words “*waqf khairi*”.

**CLAUSE 15**

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

(a) in sub-clause (1)(b) —

(i) by inserting the words “or upon application by a beneficiary or an interested person” immediately after the words “own motion” appearing in sub-paragraph (i);

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

(iii) in the case of *waqf mushtaraq*, on the motion of a beneficiary, an interested party, or the trustees.

(b) by inserting the following new sub-clause immediately after sub-clause (4)

—

(4A) A person invited to appear before the Commission may appear in person or through an advocate.

(c) in sub-clause (6) by deleting the word “may” and substituting therefor the word “shall”.

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended in sub-clause (2) by deleting the words “twenty thousand shillings” and substituting therefor the words “five hundred thousand shillings”.

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended in sub-clause (2) by deleting the words “one hundred thousand shillings” and substituting therefor the words “one million shillings”.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be deleted.

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended in sub-clause (1) by deleting the words “Attorney-General” and substituting therefor the words “National Assembly”.

**CLAUSE 29**

**THAT**, clause 29 of the Bill be amended by deleting the word “may” and substituting therefor the word “shall”.



- 3) Notice is given that the Member for Garissa Township (Hon. Aden Duale, MP) intends to move the following amendment to the Waqf Bill, 2019 at the Committee Stage—

CLAUSE 4

**THAT**, clause 4(1) of the Bill be amended in paragraph (b) by deleting the word “practices” and substituting therefor the word “law”.

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**LIMITATION OF DEBATE**

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

Limitation of Debate on Motions

- III. THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 (15) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.

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.

...../Notices\*(Cont'd)

Limitation of Debate on Committee Reports

- V. 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.

The House further resolved on Thursday, September 23, 2021 as follows-

Limitation of Debate on Reports of Petitions

- VI. THAT**, following the resolution of the House of August 17, 2021 with respect to debate on three specified Reports of Petitions, each speech in a debate on **Reports of Petitions** shall be limited as follows:- A maximum of one hour and twenty minutes, with not more than fifteen (15) 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 **THAT** five (5) 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.

## **ADJOURNMENT**

### **I. NOTIFICATION OF RECESS (22<sup>nd</sup> October – 8<sup>th</sup> November, 2021)**

Pursuant to the provisions of Standing Order 28(3) relating to the Calendar of the Assembly, and the resolution of the House of Wednesday, February 10, 2021, the Speaker notifies that upon the rise of the House today at the appointed time, regular sittings will resume on **Tuesday, November 09, 2021 at 2:30 p.m.**

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

# **NOTICE PAPER**

## **Tentative business for** **Tuesday, November 9, 2021**

*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Tuesday, November 9, 2021-

### **A. COMMITTEE OF THE WHOLE HOUSE**

The Waqf Bill (National Assembly Bill No. 73 of 2019)  
(The Leader of the Majority Party)

*(If not concluded on Thursday, October 21, 2021)*

### **B. THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2020)** (The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

### **C. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)**

(The Leader of the Majority Party)

Second Reading

### **D. THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2021)**

(The Leader of the Majority Party)

Second Reading

### **E. THE ASIAN WIDOWS' AND ORPHANS' PENSIONS (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2021)**

(The Leader of the Majority Party)

Second Reading

### **F. THE PROVIDENT FUND (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2021)**

(The Leader of the Majority Party)

Second Reading

### **G. THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILL NO. 35 OF 2021)**

(The Chairperson, Budget and Appropriations Committee)

Second Reading

**H. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

**I. THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)**

(The Leader of the Majority Party)

Second Reading

**J. THE MEDIATION BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2020)**

(The Leader of the Majority Party)

Second Reading



# **A P P E N D I X**

## **NOTICE OF PETITIONS, QUESTIONS & STATEMENTS**

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### **ORDER NO.4 - PETITIONS**

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It is **notified** that, pursuant to the provisions of Standing Order 225, the following Petitions will be presented -

<b>No.</b>	<b>Subject</b>	<b>Petitioner(s)</b>	<b>Relevant Committee</b>
<b>053/2021</b>	Mistreatment of Kenyan domestic workers in Saudi Arabia, the United Arab Emirates and other countries.	<i>To be reported by the Hon. Speaker on behalf of one Mr. Fredrick Gaya.</i>	D.C. on Labour and Social Welfare.
<b>059/2021</b>	Safeguarding Home Ownership Rights of Residents of Woodley Estate.	<i>To be presented by the Hon. Benard Okoth (Kibra Constituency) on behalf of residents of Woodley Estate in Nairobi.</i>	D.C. on Transport, Public Works and Housing.
<b>064/2021</b>	Compensation of owners of land acquired for construction of St. Marys-Kinooro, access to Igoji TTC, Gianchuku-Mbogoro Roads project in Maara Constituency.	<i>To be presented by the Hon. Kareke Mbiuki (Maara Constituency) on behalf of registered owners of parcels of land acquired for construction of St. Marys-Kinooro, Access to Igoji TTC, Gianchuku-Mbogoro Roads.</i>	D.C. on Transport, Public Works and Housing.

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# ORDER NO.7 - QUESTIONS

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## **QUE. NO.**

## **QUESTIONS BY PRIVATE NOTICE**

**QPN  
008/2021**

**The Member for Kitui Rural (Hon. Mwalika Mboni, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary state whether there are any schools that are in need of relief food in Kitui Rural Constituency and if so list the schools?
- (ii) Considering the famine currently being experienced across Kitui Rural Constituency, could the Ministry urgently consider including all schools in the Constituency in the list of schools benefiting from the Government's schools feeding programme so as to ensure that children in the area attend school without interruption?
- (iii) What measures is the Government taking to cushion residents of the said Constituency against the effects of famine due to the perennial drought normally experienced in the Constituency?

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

**QPN  
009/2021**

**The Member for Fafi (Hon. Abdikhaim Osman, MP) to ask the Cabinet Secretary for Defence: -**

- (i) Could the Cabinet Secretary explain why the Kenya Defence Forces Officers based at *Ras Kiamboni KDF Military Camp* sprayed pastoralists herding animals with bullets in *Ras Kiamboni* area, Fafi Constituency on Sunday, 17<sup>th</sup> October 2021 instantly killing over 40 herds of cattle?
- (ii) What action has the Ministry taken against the Officers who took this action that also led to the killing of *Mr. Arab Maulid Jirou* of *ID No. 35122734* from Fafi Constituency, leaving behind an expectant widow and in addition to losing all his livestock to the gunshots?
- (iii) Could the Cabinet Secretary ensure that the matter is fully investigated with a view to ensuring justice for the deceased and his family and compensation for the loss of life and the livestock lost?

*(To be replied before the Departmental Committee on Defence and Foreign Relations)*

**QPN**  
**010/2021**

**The Member for Kibra (Hon. Bernard I. Okoth, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary explain the circumstances surrounding the abduction and subsequent killing of the late *Cynthia Makokha*, a young form 4 student from *Kibra Girls Soccer Academy* in Kibra Constituency who was abducted, violated, killed and her body dumped into a river in *Shianda village, Mumias East sub-county, Kakamega County* while visiting her family during the recent October schools' holiday?
- (ii) Could the Cabinet Secretary also provide the status of investigations into this heinous crime and indicate whether any suspect(s) have been questioned or arrested?
- (iii) What steps is the Government taking to end the increasing cases of gender-based violence in the Country, which have seen many women and girls injured, maimed or killed, and also ensure justice for the victims?

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

**QUE. NO.**

**ORDINARY QUESTIONS**

**364/2021**

**The Member for Matuga (Hon. Kassim Tandaza, MP) to ask the Cabinet Secretary for Education: -**

- (i) What measures has the Ministry put in place to ensure smooth implementation of the Competency Based Curriculum (CBC) in all schools?
- (ii) Could Cabinet Secretary confirm whether all stakeholders were involved in the development of the new curriculum and its rollout?
- (iii) Could the Cabinet Secretary provide a list of all secondary school teachers undergoing training on the new curriculum across the country, and explain how the training is being rolled-out particularly in Matuga Constituency?
- (iv) Could the Cabinet Secretary avail the number of infrastructure projects such as workshops, laboratories and sports fields that the Government is putting up, if any, to ensure the success of CBC across the country and in particular, in Matuga Constituency?

- (v) Could the Cabinet Secretary provide the status of the implementation of the initiatives in paragraph (iv) above, indicating the commencement dates, amount of money utilized so far, and the expected completion dates?

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

378/2021

**The Member for Nyaribari Masaba (Hon. Ezekiel Machogu, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works: -**

- (i) Could the Cabinet Secretary give the progress of the construction of *Sosera-Ramasa Road* in Nyaribari Masaba Constituency and explain why the project, which commenced in 2019 is yet to be completed?
- (ii) Could the Cabinet Secretary indicate the initial contract period for the said project, outlining the steps that the Ministry is taking to ensure its completion?
- (iii) Could the Cabinet Secretary state the total amount of money so far paid to the contractor for the project?

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

383/2021

**The Member for Msambweni (Hon. Feisal Bader, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- (i) Could the Cabinet Secretary provide details on the amount of royalties collected by the Government since the enactment of the Mining Act, 2016?
- (ii) Could the Cabinet Secretary explain the mechanisms put in place to ensure that fees and other royalties collected by the Government from *M/s. Base Titanium Limited*, benefit the people of Kwale County?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*



428/2021

**The Member for Mumias East (Hon. Benjamin Washiali, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary explain why despite the cost advantages of transporting goods through the Standard Gauge Railway (SGR), users and importers are charged Kshs. 110,000 for transporting a twenty-foot container (TEV) from the port of Mombasa to the Inland Container Depot in *Embakasi, Nairobi County* while transporting a similar container by road through transit lorries to other premises in Nairobi is much cheaper?
- (ii) Could the Cabinet Secretary state when users and importers will benefit from the advantages of transporting goods through the SGR by way of reduced costs and seamless connections between the Inland Container Depots and the goods final destinations in the country?

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

430/2021

**The Member for Bomet Central (Hon. Ronald Tonui, MP) to ask the Chairperson, Teachers Service Commission: -**

- (i) Are there plans by the Teachers Service Commission (TSC) to fund the recently introduced refresher course and Teachers' Progression Development (TPD) training module?
- (ii) What is the legal basis for arriving at the Kshs. 6,000 fee for the said courses?
- (iii) Could the Commission confirm if TPD training will not be a factor in determination of teachers' promotions?
- (iv) Could the Commission also explain whether public participation was effectively carried out in the development of TPD modules considering the inadequate human and material resources and incongruences between content and pedagogical practices?

*(Question for Written Reply by the Teachers Service Commission)*

431/2021

**The Member for Homa Bay Town (Hon. Peter Kaluma, MP) to ask the Chairperson of the Independent Electoral and Boundaries Commission: -**

- (i) Could the Independent Electoral and Boundaries Commission (IEBC) explain why the Commission has not *gazetted* the following twelve (12) polling stations located in far-flung areas in *Homa Bay* county as registration centres; *Rodi Kopany Market*; *Koginga Beach*; *Homa Bay Post Office*; *Homa Bay Stadium*; *Langóromo Primary School* in *Kanyabala Location*; *Primary School* in *Kanyabala Location*; *Hon. Kaluma Kotewa Primary School* in *Kothidha*; *Andingo Primary School* in *Kanyach Kachar Location*; *Opande Rarage Primary School* in *Katuma Location*; *Achiero Primary School* in *Kanyach Kachar Location*; *Sinangi* in *Kanyach Kachar Location*; and, *Imbo Polytechnic* which serves *Imbo Trading Centre* within *Kothidha Location*?
- (ii) Could the Commission also outline the measures it has put in place to ensure that the said stations are established and *gazetted* to enable and facilitate the area residents to access voter registration services and exercise their political rights as contemplated under Article 38 of the Constitution?

*(Question for Written Reply by the Independent Electoral and Boundaries Commission)*

436/2021

**The Member for Teso South (Hon. Geoffrey Omuse, MP) to ask the Cabinet Secretary for Transport and Infrastructure, Housing and Urban Development: -**

- (i) Could the Cabinet Secretary explain the poor and sub-standard works done during the tarmacking of *Busia - Malaba Road* which has already developed potholes along the entire stretch, less than one year since its completion?
- (ii) What was the total amount of money that had been allocated for the improvement and maintenance of the said road and could the Cabinet Secretary confirm if the Kenyan taxpayers did get value for money used in the project?
- (iii) Could the Cabinet Secretary provide details of the contractor awarded the contract for the maintenance of the said road indicating his capabilities, work experience and when they are expected to begin maintenance works?

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

438/2021

**The Member for Matungu (Hon. Oscar Nabalindo, MP) to ask the Cabinet Secretary for Ministry of Interior and Coordination of National Government: -**

- (i) What steps is Ministry taking to ensure that *Mpesa* agents, businesses and individuals do not continue to lose their hard-earned money to criminals who defraud them using high-tech gadgets that are rampant across the Country particularly in Matungu Constituency and the neighbouring Constituencies where majority of *Mpesa* operators and businesspersons have since closed down as a result of the vice?
- (ii) What measures has the Cabinet Secretary put in place to protect individuals and businesses from such fraudulent activities?
- (iii) Could the Cabinet Secretary ensure that the crime is put to an end and guarantee security for individuals and businesses?

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

439/2021

**The Member for Kamukunji (Hon. Yusuf Hassan, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary explain the status of investigations into the disappearance of *Mr. Hassan Osman Dahir* of ID No. 27294534, aged 36, a resident of Kamukunji Constituency, who went missing on 13<sup>th</sup> June 2021 in the evening on his way from *Abubakar Sadiq Mosque* situated at 7<sup>th</sup> Street, in Eastleigh, Nairobi and a missing person report made at *Pangani Police Station* vide OB No. OB55/15/06/2021?
- (ii) How many suspects have been apprehended or questioned in connection with the disappearance of *Mr. Hassan Osman Dahir*, whose disappearance is connected with security personnel who are alleged to have abducted him?
- (iii) Could the Cabinet Secretary explain when *Mr. Dahir* will be presented to his family considering that his abduction and failure to be presented before a court of law within the statutory timelines have caused immense psychological suffering and apprehension to his family, friends and the wider Kamukunji Constituency?

- (iv) What specific measures has the Government put in place to protect Kenyan citizens from the spate of abductions and subsequent disappearances that have been rampant in the country this year?

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

442/2021

**The Member for Kitui West (Hon. Edith Nyenze, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary explain why KNEC has merged national examination centres with less than 30 candidates in both primary and secondary schools such that, schools with less than 30 registered candidates will cease being exam centers?
- (ii) How does the Ministry intend to address the logistical difficulties and disruptions that may be experienced by candidates as a result of the policy, which could negatively affect performance in the national examinations?
- (iii) Was there stakeholders' participation and consultations prior to effecting the policy change?

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

443/2021

**The Member for Sigowet/Soin (Hon. Kipsengeret Koros, MP) to ask the Cabinet Secretary for Foreign Relations: -**

- (i) Could Cabinet Secretary state the Government position following the recent International Court of Justice's (ICJ) decision regarding maritime delimitation dispute between the *Republic of Kenya and the Federal Republic of Somalia*, which majorly favoured Somalia by awarding her two-thirds of the disputed maritime zone?
- (ii) What is the immediate impact of the decision on Kenya which has actual possession of the disputed area and is utilizing the same for growth of the economy?
- (iii) How much money was used in the litigation process and why did Kenya opt out of the legal proceedings considering that it has been an active participant in international law treaties and conventions?

*(To be replied before the Departmental Committee on Defence and Foreign Relations)*

444/2021

**The Member for Kilome (Hon. Eng. Thuddeus Nzambia, MP) to ask the Cabinet Secretary for Transport and Infrastructure, Housing and Urban Development: -**

- (i) Could the Cabinet Secretary provide the status of the construction of *Sultan Hamud - Kasikeu - Kyambeke road* in Kilome Constituency under the *Low Volume Seal Tarmacking Programme*, which has since stalled with only 6 kilometers and a bridge remaining to completion?
- (ii) Could the Cabinet Secretary state the total amount of funds allocated for the said project, the sum already paid to the contractor and any outstanding amount, if any?
- (iii) Could the Cabinet Secretary confirm whether the road is being constructed as per the set standards and if so, explain why the completed section is already developing potholes?
- (iv) What action does the Ministry intend to take against the contractor for substandard works, and could the Cabinet Secretary ensure that that the sections with potholes are immediately rehabilitated?

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

445/2021

**The Member for Mvita (Hon. Abdullswamad Nassir, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) Could the Cabinet Secretary state the total amount of money collected by the Government through the Railway Levy Development Fund since its inception?
- (ii) Could the Cabinet Secretary state the activities that the money collected has been used for, and provide the amount used per activity?
- (iii) Could the Cabinet Secretary indicate, of this money, how much has been used to pay off debt related to the Standard Gauge Railway (SGR)?
- (iv) Are there any plans by the National Treasury to replenish the Fund and revert to using the money from the Fund for its sole purposes as provided for in law?

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

## **ORDER NO.7 - STATEMENTS**

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It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c) the following Statements will be responded to –

<b>No.</b>	<b>Subject</b>	<b>Member</b>	<b>Relevant Committee</b>
1.	Release of terminal benefits of former KWS Service Ranger.	<i>The Hon. Kubai Iringo, MP (Igembe Central)</i>	Chair, D.C. on Environment and Natural Resources
2.	Ongoing water provision crisis in Jomvu Constituency.	<i>The Hon. Bady Twalib, MP (Jomvu)</i>	Chair, D.C. on Environment and Natural Resources
3.	Collective Bargaining Agreement for KPA employees and reinstatement of 247 ex-employees of KPA.	<i>Hon. Abdullswamad Nassir, MP (Mvita)</i>	Chair, D.C. on Labour and Social Welfare

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