



(No. 115)

(1497)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
WEDNESDAY, NOVEMBER 24, 2021 AT 9.30 A.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*. THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2019)

(The Hon. Gideon Keter, M.P.)

Second Reading

(Question to be put)

9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)

(The Hon. Millie Odhiambo Mabona, M.P.)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019) and seeks leave to sit again today.

(Question to be put)

10*. THE PENAL CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2021)

(The Hon. Nimrod Mbai, M.P.)

First Reading

11*. THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2021)

(The Hon. Gladys Wanga, M.P.)

First Reading

12*. THE PENAL CODE (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2021)

(The Hon. David Gikaria, M.P.)

First Reading

13*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2021)

(The Hon. David Gikaria, M.P.)

First Reading

14*. THE WHISTLEBLOWER BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2021)

(The Hon. Irene Kasalu, M.P.)

First Reading

15*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019)
(The Hon. Millie Odhiambo Mabona, M.P.)

(To resume from New Clause 28A)

- (ii) The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019)
(The Hon. Silvanus Osoro, M.P.)

- (iii) The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020)
(The Hon. Abdul Rahim Dawood, M.P.)

16*. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2020)

(The Hon. Didmus Barasa, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, November 10, 2021 – Morning sitting)
(Balance of time – 1 hour 35 minutes)*

17*. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Owino, M.P.)

Second Reading

18*. THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(The Hon. Godfrey Osotsi, M.P.)

Second Reading

19*. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

20*. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

21*. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

22*. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

23*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

24*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

25*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2019)

(The Hon. Alexander Kosgey, M.P.)

Second Reading

26*. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 72 OF 2019)

(The Hon. Silas Tiren, M.P.)

Second Reading

27*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2019)

(The Hon. Samuel Atandi, M.P.)

Second Reading

28*. THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2019)

(The Hon. Sabina Chege, M.P.)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)

- 1) Notice is given that Chairperson of the Departmental Committee on Health intends to move the following amendments to the Assisted Reproductive Technology Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of “Authority”;
- (b) by deleting the definition of “assisted reproductive technology” and substituting therefor the following new definition—

“assisted reproductive technology” means fertilization in a laboratory dish of processed sperm with processed eggs which have been obtained from an ovary, whether or not the process of fertilization is completed in the laboratory dish;”

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

“couple” means a male and female who are in an association notwithstanding whether such association may be recognized as a marriage under any law in Kenya;”

- (d) by deleting the definition of “Director”;
- (e) by deleting the definition of “father” and substituting therefor the following new definition—

“father” means a man who in the case of a child who is being carried by a woman as a result of placing in the woman an embryo or sperm and eggs or the artificial insemination of the woman—

- (a) the man donated his sperms for the process of assisted reproduction, and at the time of placing in the woman the embryo or the sperm and eggs or artificial insemination of the woman-

- (i) the woman was party to a marriage with the man; or

- (ii) the woman was not party to a marriage with the man but has subsequently contracted a marriage with the man; or

- (iii) the man and the woman have never contracted a marriage, but the man has in agreement with the woman, written a parental agreement acquiring parental rights of a father, or
- (b) the man did not donate his sperms for the process of assisted reproduction, and at the time of placing in the woman the embryo or the sperm and eggs or artificial insemination of the woman-
 - (i) the man was party to a marriage with the woman; or
 - (ii) the man has in agreement with the woman, written a parental agreement acquiring parental rights of a father;”
- (f) by deleting the definition of “gamete” and substituting therefor the following new definition—

“gametes” means a mature sperm or egg capable of fusing with a gamete of the opposite sex to produce the fertilized egg;
- (g) by deleting the definition of “primitive” and substituting therefor the following new definition—

“primitive streak” means an embryo that develops in the early stages of human reproduction, that is to be taken to have appeared in any embryo not later than the end of the period of fourteen days beginning with the day when the gametes are mixed, not counting any time during which the embryo is stored and the presence of which signifies the creation of a unique human being;
- (h) in the definition of “procreation” by deleting the words “a facilitated process” and substituting therefor the words “an assisted reproduction technology process”;
- (i) in the definition of “surrogate mother” by inserting the word “for” immediately after the word “term”;
- (j) in the definition of “treatment service” by deleting the words “women to carry children” and substituting therefor the words “a pregnant woman”; and
- (k) by inserting the following new definitions in the proper alphabetical sequence—

“assisted reproductive technology expert” means an obstetrician or gynaecologist that has sub-specialized in reproductive endocrinology and fertility medicine;

“assisted reproductive technology services” includes the diagnostic and screening, endoscopic surgery, intra-uterine insemination, in-vitro fertilization, intracytoplasmic sperm injection, cryo- preservation, pre-implantation genetic screening, pre-implantation genetic diagnosis, onco-fertility, gamete and embryo donation, or surrogacy provided to infertile and sub- fertile man or woman;

“commissioning parents” means a man and woman whether a couple or parties to a marriage who enter into a surrogacy arrangement seeking assistance in procreation through the help of a surrogate mother or donor;

“cryo-preservation” means the assisted reproductive technology process of cooling and storing gametes, or embryos at very low temperatures to preserve their viability includes also embryo, egg or sperm freezing;

“diagnosis” means the process of testing and screening to ascertain the proper functioning of the reproductive systems and its processes at the beginning of the Assisted reproductive technology process;

“Directorate” means the Assisted Reproductive Technology Directorate established under section 4;

“donation” for purposes of this Act, means a process in Assisted Reproductive Technology, of voluntarily giving gametes or embryos for purposes of procreation;

“embryologist” means a specialist who deals with gametes and assists in the process of fertilization in the laboratory;

“embryology” means a branch of biology that deals with gametes and development of embryos;

“endoscopic surgery” means a surgery in assisted reproductive technology involving techniques that limit the size of incisions performed with one or more small incisions instead of large incisions, and passing a telescope with a video camera through the incision into the body cavity;

“infertile or sub-fertile client” means a man and woman whether a couple or parties to a marriage who are not able to procreate naturally;

“infertility” means the inability to conceive after one year of unprotected coitus or other proven medical condition preventing a couple from conception;

“intracytoplasmic sperm injection” means an assisted reproductive technology process of whereby a single healthy sperm is injected directly into the cytoplasm of a female egg outside the body;

“in-vitro fertilization” means an assisted reproductive technology process where an egg is fertilized by a sperm in a test-tube or elsewhere outside the body;

“oocyte” means naturally ovulating oocyte in the female genetic tract;

“pre-implantation genetic diagnosis” means a process in assisted reproductive technology which involves assessment of the embryo for pre-existing hereditary diseases and eliminating the same before the transfer of the embryo to a woman’s womb;

“pre-implantation screening” means a process in assisted reproductive technology to determine the number of chromosomes in a developing embryo in specific cases;

“surrogacy” means a term in assisted reproductive technology, of a woman carrying and giving birth to a baby for a commissioning parent or couple;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 3 —

Object and
purpose of the
Act.

3A. The object and purpose of this Act is to—

- (a) provide a framework for the protection and advancement of assisted reproductive technology services for every person;
- (b) create an enabling environment for the reduction of infertility and sub-fertility in Kenya; and
- (c) ensure access to quality and comprehensive assisted reproductive technology services in line with Article 43(1)(a) of the Constitution.

PART II

THAT, the Bill be amended by deleting the word “Authority” appearing in the heading to Part II and substituting therefor the word “Directorate”

CLAUSE 4

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

Assisted Reproductive
Technology
Directorate.
No.21 of 2017.

4. Subject to section 18 of the Health Act, 2017 the Cabinet Secretary shall form a directorate to be known as the Assisted Reproductive Technology Directorate.

CLAUSE 5

THAT, clause 5 of the Bill be amended—

- (a) in the prefatory statement by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (b) in paragraph (c) and by deleting the words “undertake research” and substituting therefor the words “promote research”;
- (c) by inserting the following new paragraph immediately after paragraph(e)—
 - (ea) prescribe, in consultation with relevant government agency, the minimum requirements educational requirements for assisted reproductive technology experts and embryologists;
 - (eb) in consultation with the relevant government agency, inspect and accredit the facilities for the training of experts and embryologists to ensure compliance with set standards;
 - (ec) maintain and make available to the public a register of information on all the licenced assisted reproductive technology facilities in Kenya;
 - (ed) in consultation with the Medical Practitioners and Dentist Council, maintain and make available to the public a register of information on all the licenced assisted reproductive technology experts and embryologists.
- (d) in paragraph (k) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 6

THAT, the Bill be amended by deleting clause 6 and inserting the following new clause —

Obligations
of the
National
Government.

6.The National Government shall —

- (a) put in place the necessary mechanisms and infrastructure to ensure access to the highest attainable standard and quality of cost-effective assisted reproductive technology services;
- (b) provide adequate resources necessary to ensure access to the highest attainable standard and quality of cost-effective assisted reproductive technology services;

- (c) provide regulations to ensure assisted reproduction health services are covered by every health insurance provider including the National Health Insurance Fund; and
- (d) collaborate with the county governments in expanding and strengthening the access and delivery of assisted reproductive health services in counties.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7 and inserting the following new clause—

Obligations of County Governments. **7. Each County Governments shall —**

- (a) collaborate with the National Government in expanding and strengthening the access and delivery of assisted reproductive health services in the respective counties;
- (b) allocate in the county budget, the funds necessary for the provision of quality, cost-effective assisted reproductive technology services in the county health systems, including finances required to hire adequate personnel;
- (c) procure sufficient equipment, medicine, medical supplies required to adequately cater for assisted reproductive health care services in the respective counties;
- (d) carry out sensitization programmes related to assisted reproductive technology; and
- (e) establish linkages and networks with local and international development partners to mobilise and source for funding to promote the delivery of quality and cost-effective assisted reproductive technology services in the county.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10.

CLAUSE 11

THAT, the Bill be amended by deleting clause 11.

CLAUSE 12

THAT, the Bill be amended by deleting clause 12 and substituting therefor the following new clause —

Composition of the
Directorate.

12. (1) The Directorate shall consist of—

- (a) a Director; and
- (b) such other staff as the Cabinet Secretary may, in consultation with the Director, consider necessary for the performance of the functions of the directorate under this Act.

(2) The Director and staff of the directorate shall be competitively recruited and appointed on such terms and conditions as Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission determine.

CLAUSE 13

THAT, the Bill be amended by deleting clause 13 and substituting therefor the following new clause —

Experts and
consultants.

13. The Directorate may engage experts or consultants as it considers appropriate, for the discharge of the functions of the Directorate.

CLAUSE 14

THAT, the Bill be amended by deleting clause 14.

CLAUSE 15

THAT, the Bill be amended by deleting clause 15.

CLAUSE 16

THAT, the Bill be amended by deleting clause 16.

CLAUSE 17

THAT, the Bill be amended by deleting clause 17.

CLAUSE 19

THAT, clause 19 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1); and
- (b) inserting the following new sub clause immediately after sub clause (1)—

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

CLAUSE 20

THAT, clause 20 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1); and
- (b) inserting the following new sub clause immediately after sub clause (1)—

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

CLAUSE 21

THAT, the Bill be amended by deleting clause 21.

CLAUSE 22

THAT, clause 22 of the Bill be amended by deleting the words “a medical doctor” and substituting therefor the words “an assisted reproductive technology expert”.

CLAUSE 23

THAT, clause 23 of the Bill be amended —

- (a) by renumbering the existing provision as subclause (1);
- (b) in sub clause (1) by inserting the words “and commercial” immediately after the word “speculative” appearing in paragraph (c); and
- (c) by inserting the following new sub clause immediately after sub clause (1);

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

CLAUSE 24

THAT, clause 24 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
- (b) inserting the following new sub clause immediately after sub clause (1) —
 - (2) A person who contravenes the provisions of this section commits an offence and shall, upon conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both.

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) by renumbering the existing provision as subclause (1);
- (b) in sub clause (1) by inserting the words “and with the consent of the parent or legal guardian of the minor” and
- (c) by inserting the following new sub clause immediately after sub clause (1);

—

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

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) by renumbering the existing provision as subclause (1);
- (b) in sub clause (1)—
 - (i) in the prefatory statement by deleting the word “Authority” and substituting therefor the word “Directorate”;
 - (ii) in paragraph (b) by inserting the words “after five days” immediately after the word “streak”;
 - (iii) by deleting paragraph (e) and substituting therefor the following new paragraph—

(e) the replacing of any part of an embryo with another part from a cell of any person or embryo or any subsequent development of an embryo except where such replacement is meant to solve medical problems;

- (c) by inserting the following new sub clause immediately after sub clause (1);

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

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) by renumbering the existing provision as subclause (1);
- (b) in subclause (1) by inserting the words “or embryo” immediately after the word “eggs” appearing in paragraph (e); and
- (c) by inserting the following new sub clause immediately after sub clause (1);

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

CLAUSE 28

THAT, clause 28 of the Bill be amended in—

- (a) paragraph (a) by deleting the words “takes place within five years of the death of the man”; and
- (b) paragraph (b) by deleting the words “takes place within five years of the death of the man”.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 28 —

Right to
assisted
reproductive
technology.

28A. (1) Every person has the right to access the highest standard and quality of attainable and cost-effective assisted technology reproductive technology services.

(2) Assisted reproductive technology services shall be provided by qualified experts licensed by the Directorate.

(3) An assisted reproductive technology expert shall, before providing Assisted reproductive technology service—

- (a) provide information necessary to assist in the making of an informed decision to all parties concerned, and in particular, information concerning-
 - (i) the various assisted reproductive technology methods available;
 - (ii) chances of success for various assisted reproductive technology methods;
 - (iii) advantages, disadvantages and risks of the various assisted reproductive technology methods; and
 - (iv) the cost of treatment for different assisted reproductive technology methods.

- (b) advise the parties on the need for professional counselling and have them undergo the same on the implications of the various methods; and
- (c) ensure promotion and preservation of the health, safety and dignity of the parties seeking assisted reproductive technology services.

Right to assisted reproductive technology by inter-sex persons.

28B. The national and county governments shall put in place measures to ensure that all intersex persons have access to assisted reproductive technology services.

Consent to assisted reproductive technology service.

28C. (1) An assisted reproductive technology expert shall obtain prior informed and written consent from the parties before providing any assisted reproductive technology service under the Act or any other written law.

(2) The consent referred to in subsection (1) shall make express provisions on what should be done with the gametes in case of—

- (a) the death of any of the parties seeking assisted reproductive technology services; and
- (b) incapacity of any of the parties seeking assisted reproductive technology services.

(3) The assisted reproductive technology clinics and assisted reproductive technology banks shall not cryo preserve any human embryos and or gamete without specific instructions and consent in writing from all the parties seeking assisted reproductive technology in respect of what should be done with the gametes or embryos in case of death or incapacity of any of the parties.

(4) The consent of any of the parties obtained under this section may be withdrawn at any time prior to the process of implanting the embryos or the gametes in the woman's uterus.

Duties of assisted reproductive technology expert.

28D. 1) Assisted reproductive technology expert shall ensure—

- (a) confidentiality is maintained throughout the entire process of provision of assisted reproductive technology services;
- (b) the donor has been screened for all diseases and conditions that may endanger the health of the parents, the surrogate or the child; and
- (c) all parties are aware and understand the rights of the child born through the assisted reproductive technology process.

(2) An assisted reproductive technology expert, shall, before receiving gamete or embryo donation, collect the following information from the donor—

- (a) a passport size photo;
- (b) physical characteristics;
- (c) ethnic origin;
- (d) family history;
- (e) medical history;

- (f) interests and hobbies; and
- (g) professional qualifications and skills.

(3) The information obtained under subsection (2) shall be held by the licensed facility, and shall not be disclosed in any way that may identify the receiver and donor.

CLAUSE 30

THAT, the Bill be amended by deleting clause 30 and substituting therefor the following new clause —

Rights to
accrue to child. **30.** (1) A child born out of assisted reproductive technology under this Act shall have the same legal rights under the Constitution or any other written law as that of a child born through sexual intercourse.

(2) The health and well-being of children born through the application of assisted human reproductive technologies shall be given priority in all decisions respecting their use.

(3) Where a married couple obtains a divorce after the creation of an embryo, both partners reserve the right to withdraw consent of the implantation of the embryo which has been created by their sperm or ovum.

(4) Where a sperm or ovum is donated from a man or woman of a different nationality, the child shall adopt the nationality of the intended parents.

(5) Where a surrogate who is not a Kenyan citizen gives birth to a child, the child shall adopt the nationality of the intended parents.

CLAUSE 31

THAT, clause 31 of the Bill be amended by—

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

(1) A woman of twenty-five years or more, who has given birth at least to one child and who understands the rights and obligations accruing under a surrogacy agreement, may, at the request of a couple, consent to a process of assisted reproduction for purposes of surrogate motherhood.

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

(2) The surrogate mother under subsection (1) shall carry the child on behalf of the parties to a marriage or couple and shall relinquish all parental rights at birth over the child.

CLAUSE 32

THAT, clause 32 of the Bill be amended by—

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

(1) Parties to a marriage or commissioning parents intending to enter into a surrogacy agreement with any woman shall sign a surrogacy agreement in a prescribed form before the process is undertaken.

(b) inserting the following new sub clause immediately after sub clause (1)

—

(1A) A person may enter into a surrogacy agreement under subsection (1) only if—

- (a) the person has the capacity to enter into the agreement under this Act and any other relevant written law in Kenya; and
- (b) understands the rights and obligations that may arise or accrue under this Act and the agreement.

(1B) A surrogacy agreement under subsection (1) is valid only if the agreement—

- (a) is in writing and signed by all the parties;
- (b) is entered into within the Republic of Kenya;
- (c) includes provisions for the contact, care, upbringing and general welfare of the child that is born, including the position of the child in the event of—
 - (i) death of the commissioning parent, or if a couple or parties to a marriage, death of one of the commissioning parents before the birth of the child; or
 - (ii) separation or divorce of the commissioning parents who were a couple or parties to a marriage, before the birth of the child.
- (d) where the commissioning parent or commissioning parents agree to meet the prenatal regimen and birth expenses of the surrogate mother;
- (e) where signatures to the surrogacy agreement are witnessed by a minimum two witness from each of the parties to the agreement;
- (f) where there are separate and independent advocates of the High Court of Kenya representing the parties to the agreement; and
- (g) where legal fees are paid by the commissioning parent, commissioning parents or parties to marriage.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 32 —

Termination of
surrogacy
agreement.

32A. (1) A surrogacy agreement may be terminated where—

- (a) automatically, following the termination of pregnancy in accordance with this Act or any other written law;
- (b) before the implantation of a fertilized embryo in the surrogate mother's womb; or
- (c) where a dispute arises between commissioning parents, before the fertilized embryo is implanted in the surrogate mother.

(2) Parties shall not terminate the agreement after the transfer of the embryo or embryos into the womb of the surrogate mother.

Obligations
under surrogacy
agreement.

32B. (1) The Commissioning parent or parents, under the surrogacy agreement shall be the legal parent or parents of the child and not discriminate against the child.

(2) In the event of multiple pregnancies arising out of a surrogacy agreement, all the children born out of the pregnancy shall be the children of the commissioning parent or commissioning parents and the rights and obligations for all parties shall vest as if the pregnancy had borne only one child.

(3) Where a child is born out of a surrogacy arrangement—

- (a) the commissioning parent or commissioning parents shall be listed as the parents both in the birth notification and in the birth certificate; and
- (b) the child shall acquire the citizenship of the commissioning parent or commissioning parents under Article 14(1) of the Constitution of Kenya.

(4) Notwithstanding the provisions of section 32(5) the surrogate mother may claim from the commissioning parent or commissioning parents —

- (a) compensation directly relating to the process of in-vitro fertilization, pregnancy, ante-natal, birth, post-natal care and post-delivery complications;
- (b) loss of earnings by the surrogate mother as a result of the surrogacy; and
- (c) insurance to cover the surrogate mother for any acts that may lead to death or disability of the surrogate mother as a result of the surrogacy.

(5) The surrogate mother shall—

- (a) not terminate the pregnancy except under the provisions of the law;
- (b) hand over the child to the commissioning parent or commissioning parents immediately upon the birth of child;
- (c) have no rights or obligation regarding the child; and

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(d) not contact the child, whether directly or by use of proxy, unless provided for in the agreement.

(6) A child born as a result of a surrogacy agreement shall not be considered a dependant of the surrogate under the Law of Succession Act.

(7) A person shall not accept consideration for arranging for the services of a surrogate mother, make such an arrangement for consideration or advertise the arranging of such services.

Prohibition of Sex Selection

32C. A person shall not do any act, at any stage of an assisted reproductive process, to determine the sex of the child to be born through the process of assisted reproductive technology.

Restriction on sale of human gametes, zygotes and embryos prohibition of commercial artificial reproductive technology.

32D. (1) A person shall not knowingly provide, prescribe or administer anything that shall ensure or increase the probability that an embryo shall be of a particular sex, or that shall identify the sex of an in vitro embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.

(2) A person shall not sell, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within and outside Kenya.

CLAUSE 33

THAT, clause 33 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 34

THAT, clause 34 of the Bill be amended in-

- (a) sub clause (1) by deleting the words “eighteen may by notice to the Authority require the Authority” and substitute therefor the words “twenty-one may by notice to the Directorate require the Directorate”;
- (b) sub clause (2) by deleting the word “Authority” and substituting therefor the word “Directorate”; and
- (c) sub clause (3) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 35

THAT, clause 35 of the Bill be amended in-

- (a) sub clause (1) by deleting the word “Authority” and substituting therefor the words “Directorate”; and
- (b) sub clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”.

CLAUSE 36

THAT, clause 36 of the Bill be amended in-

- (a) sub clause (1) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”; and
- (b) sub clause (2) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 37

THAT, clause 37 of the Bill be amended -

- (a) in sub clause (1) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
- (b) in sub clause (2) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Directorate”;
- (c) in sub clause (3) by deleting the word “Authority” appearing in paragraph (a) and substituting therefor the word “Directorate”; and
- (d) by inserting the following new sub clause immediately after sub clause (3);

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

CLAUSE 38

THAT, clause 38 of the Bill be amended by deleting the word “Authority” and substituting therefor the words “Directorate in consultation with the Medical Practitioners and Dentist Council”.

CLAUSE 39

THAT, clause 39 of the Bill be amended—

- (a) by renumbering the existing provision as subclause (1); and
- (b) by inserting the following new sub clause immediately after sub clause (1);

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

CLAUSE 40

THAT, clause 40 of the Bill be amended —

- (a) in sub clause (1) by deleting the word “Authority” and substituting therefor the word “Directorate”; and
- (b) in sub clause (3) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 41

THAT, clause 41 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (b) in sub clause (2) by deleting the words “Authority shall inspect once” and substituting therefor the word “Directorate shall inspect at least once”; and
- (c) by deleting sub clause (3).

CLAUSE 42

THAT, clause 42 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (b) in sub clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
- (c) in sub clause (3) by—
 - (i) deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
 - (ii) inserting the following new paragraph immediately after paragraph (a)
 - (aa) the number of persons seeking assisted reproductive technology services, segregated by type of service sought, gender and outcome;
- (d) in sub clause (4) by deleting the word “Authority” and substituting therefor the word “Directorate”; and
- (e) by inserting the following new sub clause immediately after sub clause (5);

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

CLAUSE 44

THAT, clause 44 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “Authority the Authority” and substituting therefor the words “Directorate, the Directorate”;
- (b) in sub clause (2) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (c) in sub clause (3) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
- (d) in sub clause (4) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (e) in sub clause (5) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (f) in sub clause (6) by deleting the word “Authority” and substituting therefor the word “Directorate”; and
- (g) in sub clause (7) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 45

THAT, clause 45 of the Bill be amended in sub clause (2) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Directorate”.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (b) in sub clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
- (c) in sub clause (3) by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (d) in sub clause (4) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”;
- (e) in sub clause (5) by deleting the word “Authority” and substituting therefor the word “Directorate”; and
- (f) in sub clause (6) by deleting the word “Authority” and substituting therefor the word “Directorate”.

CLAUSE 47

THAT, clause 47 of the Bill be amended—

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

(1) Where the Directorate refuses to issue a licence or refuses to vary a licence—

(a) the applicant may apply for review to the Cabinet secretary within thirty days of the date on which the decision was communicated to the applicant; and

(b) the Cabinet Secretary may make such determination on the review as they deem fit.

(b) in sub clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Cabinet Secretary”; and

(c) by deleting sub clause (3).

CLAUSE 48

THAT, clause 48 of the Bill be amended by deleting the prefatory statement and substituting therefor the following new prefatory statement—

“Where the Cabinet Secretary, upon an application for review under section 47 of this Act determines—”

CLAUSE 49

THAT, clause 49 of the Bill be amended in—

(a) sub clause (1) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”; and

(b) sub clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Directorate”.

CLAUSE 50

THAT, the Bill be amended by deleting clause 50.

CLAUSE 51

THAT, the Bill be amended by deleting clause 51.

CLAUSE 52

THAT, the Bill be amended by deleting clause 52.

CLAUSE 53

THAT, the Bill be amended by deleting clause 53.

CLAUSE 54

THAT, the Bill be amended by deleting clause 54.

CLAUSE 55

THAT, the Bill be amended by deleting clause 55.

CLAUSE 56

THAT, the Bill be amended by deleting clause 56.

CLAUSE 57

THAT, clause 57 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2)—

- (3) Where an offence against this section, is committed by a body corporate, the body corporate shall be liable to a fine not exceeding five million shillings.

CLAUSE 58

THAT, clause 58 of the Bill be amended by deleting the words “one hundred thousand” and substituting therefor the words “one million”.

CLAUSE 59

THAT, clause 59 of the Bill be amended—

- (a) in the prefatory statement by deleting the word “Authority” and substituting therefor the word “Directorate”;
- (b) by deleting paragraph (d); and
- (c) by deleting paragraph (i).

SCHEDULE

THAT, the Bill be amended by deleting the Schedule.

- 2) Notice is given that the Member for Kwale County (Hon. Zuleikha Hassan, MP) intends to move the following amendments to the Assisted Reproductive Technology Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) in the definition of the word “donor” by deleting the words ‘and the person need not be the spouse of the person she or he is donating the gametes to’; and
- (b) by deleting the definition of the word “father” and substituting therefor the following new definition—

“father” means a man who in the case of a child who is being carried by a woman as a result of the placing in the woman an embryo or sperm and eggs or the artificial insemination of the woman, the man donated his sperms for the process of assisted reproduction, and at the time of placing in the woman the embryo or the sperm and eggs or artificial insemination of the woman, the woman was party to a marriage with the man.”

CLAUSE 28

THAT, the Bill be amended by deleting clause 28.

CLAUSE 31

THAT, the Bill be amended by deleting clause 31.

CLAUSE 32

THAT, the Bill be amended by deleting clause 32.

- 3) Notice is given that the Nominated Member (Hon. Jennifer Shamalla, MP) intends to move the following amendments to the Assisted Reproductive Technology Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “Authority”;
- (b) deleting the definition of “couple” and substituting therefor the following new definition—

“couple” means a biological male and biological female who are in an association that may be or may not be recognized as a marriage under any law in Kenya;”

- (c) deleting the definition of “eggs” and substituting therefor the following new definition—

“egg” means a live human ovum;”

- (d) deleting the definition of “embryo” and substituting therefor the following new definition—

“embryo” means a live pre-born person or child from fertilization or conception until transfer into the adoptive or surrogate mother;”

- (e) deleting the definition of “gametes” and substituting therefor the following new definition—

“gamete” means a mature sperm from a man or a mature egg from a woman capable of fusing with a gamete of the opposite sex to produce an embryo;”

- (f) deleting the definition of “parties to a marriage” and substituting therefor the following new definition—

“parties to a marriage” means a man and a woman married to each other;”

- (g) deleting the definition of “primitive streak”;

- (h) deleting the definition of “surrogate mother” and substituting therefor the following new definition—

“surrogate mother” means a woman who has consented to carry a pregnancy to term on behalf of a couple under a surrogacy agreement by accepting the transfer of an embryo that is created without using her eggs and has no legal claim to the unborn child;”

- (i) inserting the following new definitions in their proper alphabetic sequence—

“adoptive father” means a man whose wife receives an embryo created using sperms other than his own or the man in a couple that commissions a surrogate mother to receive an embryo created using sperms other than his own;

“adoptive mother” means a woman who receives an embryo that is created from an egg that is not her own or a woman in a couple that commissions a surrogate mother to receive an embryo created using an egg that is not her own;

“biological father” means the man whose sperm is used to create an embryo;

“biological mother” means a woman whose egg is used to create an embryo;

“Ministry” means the ministry for the time being responsible for matters relating to health;”

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and inserting the following new clause—

Application. **3.** This Act applies to all processes of facilitated human fertilization undertaken through insemination or outside the body.

CLAUSE 4

THAT, the Bill be amended by deleting clause 4.

CLAUSE 5

THAT, the Bill be amended by deleting clause 5.

CLAUSE 6

THAT, the Bill be amended by deleting clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10.

CLAUSE 11

THAT, the Bill be amended by deleting clause 11.

CLAUSE 12

THAT, the Bill be amended by deleting clause 12.

CLAUSE 13

THAT, the Bill be amended by deleting clause 13.

CLAUSE 14

THAT, the Bill be amended by deleting clause 14.

CLAUSE 15

THAT, the Bill be amended by deleting clause 15.

CLAUSE 16

THAT, the Bill be amended by deleting clause 16.

CLAUSE 17

THAT, the Bill be amended by deleting clause 17.

CLAUSE 18

THAT, the Bill be amended by deleting clause 18 and inserting the following new clause—

Use of embryo. **18.** A person shall not create, keep or use a human being at any stage of development, either from fertilization or conception until a transfer to a woman except as provided under this Act.

CLAUSE 19

THAT, the Bill be amended by deleting clause 19 and inserting the following new clause—

Consent of parties. **19.** A donor under this Act shall be informed of the nature of the donation including—

- (a) that the donation of the gamete shall be for the purpose of creation of human life;
- (b) that the donor shall be recorded as the biological parent of a child created by the donation; and
- (c) that the child shall have a right to be informed of its biological parent on attaining the age of eighteen years.

CLAUSE 20

THAT, the Bill be amended by deleting clause 20 and inserting the following new clause—

Posthumous use
without consent.

20. No person shall remove a human gamete from a dead body for the purpose of assisted reproductive technology.

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and inserting the following new clause—

Circumstances for undertaking
assisted reproductive
technology.

22. An infertile couple shall qualify to undertake assisted reproductive technology where it is certified by a medical doctor that the couple requires assisted reproductive technology on the grounds of health.

CLAUSE 25

THAT, the Bill be amended by deleting clause 25 and inserting the following new clause—

Gametes obtained from
minor.

25. No person shall obtain a sperm or ovum from a person under eighteen years of age, or use any sperm or ovum obtained from a person under eighteen years of age except with the express informed and written consent of the minor's parent or parents, and such sperm or ovum so obtained shall be for purposes of future human procreation by the minor with the express permission of such minor after attaining the age of eighteen years.

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) in the opening sentence by deleting the word “Authority” and substituting therefor the word “Ministry”; and
- (b) by deleting paragraph (b).

CLAUSE 30

THAT, clause 30 of the Bill be amended by inserting the words “including the right to know their biological parents upon request and after attaining the age of eighteen years” immediately after the word “intercourse”.

CLAUSE 31

THAT, clause 31 of the Bill be amended by deleting subclause (2) and inserting the following new subclauses—

“(2) A surrogate mother under subsection (1) shall carry the pregnancy on behalf of a couple and shall relinquish all parental rights over the child upon the birth of the child.

(3) A surrogate mother under this section shall not have the egg from her body used in creating a child during the process of assisted reproductive technology.”

CLAUSE 32

THAT, clause 32 of the Bill be amended by inserting the following new subclauses immediately after subclause (5)—

“(6) A surrogate mother under this Act may remain in her normal place of abode or be accommodated by the adopting parents, but shall not be put in any institution.”

(7) A surrogate mother, donor and at least one of the couple who enter into a surrogacy agreement shall be citizens of Kenya or permanently resident in Kenya.”

CLAUSE 38

THAT, clause 38 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Ministry”.

CLAUSE 40

THAT, clause 40 of the Bill be amended—

(a) in subclause (1), by deleting the word “Authority” and substituting therefor the word “Ministry”;

(b) in subclause (3), by deleting the word “Authority” and substituting therefor the word “Ministry”;

CLAUSE 41

THAT, clause 41 of the Bill be amended—

(a) in subclause (1), by deleting the word “Authority” and substituting therefor the word “Ministry”;

- (b) in subclause (2), by deleting the word “Authority” and substituting therefor the word “Ministry”;
- (c) in subclause (3), by deleting the word “Authority” wherever it appears and substituting therefor the word “Ministry”.

CLAUSE 42

THAT, clause 42 of the Bill be amended—

- (a) in subclause (1), by deleting the word “Authority” and substituting therefor the word “Ministry”;
- (b) in subclause (2)—
 - (i) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Ministry”;
 - (ii) by deleting the word “Authority” appearing in paragraph (c) and substituting therefor the word “Ministry”;
 - (iii) by deleting the word “Authority” appearing in paragraph (d) and substituting therefor the word “Ministry”;
 - (iv) by deleting the word “Authority” appearing in paragraph (e) and substituting therefor the word “Ministry”;
 - (v) by deleting the word “Authority” appearing in paragraph (f) and substituting therefor the word “Ministry”;
- (c) in subclause (3)—
 - (i) by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”;
 - (ii) by deleting the word “Authority” appearing in paragraph (e) and substituting therefor the word “Ministry”;
- (d) in subclause (4) by deleting the word “Authority” and substituting therefor the word “Ministry”.

CLAUSE 43

THAT, clause 43 of the Bill be amended—

- (a) by inserting the following new paragraphs immediately after paragraph (c)—
 - “(ca) an embryo which is created but is not transferred to the surrogate or adoptive mother for any reason shall be stored and shall be given priority in the succeeding application for assisted reproductive technology;
 - (cb) no gametes or embryos shall be subjected to destruction;”
- (b) in paragraph (e), by deleting the word “Authority” and substituting therefor the word “Ministry”

CLAUSE 44

THAT, clause 44 of the Bill be amended—

- (a) in subclause (1), by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”;
- (b) in subclause (2), by deleting the word “Authority” and substituting therefor the word “Ministry”;
- (c) in subclause (3) by deleting the word “Authority” wherever it appears and substituting therefor the word “Ministry”;
- (d) in subclause (4), by deleting the word “Authority” and substituting therefor the word “Ministry”;
- (e) in subclause (5), by deleting the words “Authority with the approval of the”;
- (f) by deleting subclause (6);
- (g) in subclause (7), by deleting the word “Authority” and substituting therefor the word “Cabinet Secretary”;

CLAUSE 45

THAT, clause 45 of the Bill be amended in subclause (2) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Ministry”.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) in subclause (1), by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”;
- (b) in subclause (2), by deleting the word “Authority” wherever it appears and substituting therefor the word “Ministry”;
- (c) in subclause (3), by deleting the word “Authority” and substituting therefor the word “Ministry”;
- (d) in subclause (4), by deleting the word “Authority” wherever it appears and substituting therefor the word “Ministry”;
- (e) in subclause (5), by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”; and
- (f) in subclause (6), by deleting the words “by the Authority”.

CLAUSE 47

THAT, the Bill be amended by deleting clause 47.

CLAUSE 48

THAT, clause 48 of the Bill be amended by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”.

CLAUSE 49

THAT, clause 49 of the Bill be amended—

- (a) in subclause (1)—

- (i) by deleting the word “Authority” appearing in the opening sentence and substituting therefor the word “Ministry”;
- (ii) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Ministry”;

(b) in subclause (2), by deleting the word “Authority” wherever it appears and substituting therefor the word “Ministry”.

CLAUSE 50

THAT, the Bill be amended by deleting clause 50.

CLAUSE 51

THAT, the Bill be amended by deleting clause 51.

CLAUSE 52

THAT, the Bill be amended by deleting clause 52.

CLAUSE 53

THAT, the Bill be amended by deleting clause 53.

CLAUSE 54

THAT, the Bill be amended by deleting clause 54.

CLAUSE 55

THAT, the Bill be amended by deleting clause 55.

CLAUSE 56

THAT, the Bill be amended by deleting clause 56.

CLAUSE 57

THAT, clause 57 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (a)–

“(aa) destroys an embryo as defined in this Act;”

SCHEDULE

THAT, the Bill be amended by deleting the Schedule.

I. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Alcoholic Drinks Control (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 1

THAT, the Bill be amended by deleting clause 1.

CLAUSE 2

THAT, the Bill be amended by deleting clause 2.

CLAUSE 3

THAT, the Bill be amended by deleting clause 3.

TITLE

THAT, the title to the Bill be deleted.

II. THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2020)

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Kenya Deposit Insurance (Amendment) Bill, 2020 at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “one million” and substituting therefor the words “five hundred thousand”;
- (b) by deleting paragraph (b); and
- (c) by deleting paragraph (c).

LIMITATION OF DEBATE

Limitation of Debate on Individual Members' Bills

- III. THAT**, each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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 Motions

- IV. 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.

NOTICE PAPER

Tentative business for **Wednesday (Afternoon), November 24, 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 Wednesday (Afternoon), November 24, 2021-

A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2021)

(The Leader of the Majority Party)

(Question to be put)

B. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PERPETUITIES AND ACCUMULATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2021)

(The Leader of the Majority Party)

(Question to be put and Third Reading)

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

(The Leader of the Majority Party)

Second Reading

(Question to be put)

D. THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILL NO. 35 OF 2021)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

(Question to be put)

E. MOTION - REPORT ON THE LOCAL AUTHORITIES PROVIDENT FUND; THE UNCLAIMED ASSETS TRUST FUND; THE NATIONAL ENVIRONMENT TRUST FUND; THE LAND SETTLEMENT FUND; AND THE PETROLEUM FUND

(The Chairperson, Special Funds Accounts Committee)

(Question to be put)

F. COMMITTEE OF THE WHOLE HOUSE

- (i) The County Governments Grants Bill (Senate Bill No. 35 of 2021)
(The Chairperson, Budget and Appropriations Committee)
(With the leave of the House)
- (ii) The Community Groups Registration Bill (National Assembly Bill No. 20 of 2021)
(The Leader of the Majority Party)
- (iii) The Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021)
(The Leader of the Majority Party)

G. THE PROVIDENT FUND (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2021)

(The Leader of the Majority Party)

Second Reading

H. THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2020)

(The Leader of the Majority Party)

Second Reading

I. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

K. MOTION - CONSIDERATION OF SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY THE KENYA MEDICAL SUPPLIES AUTHORITY

(The Chairperson, Public Investments Committee)

L. THE PROCEEDS OF CRIME AND ANTI- MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)

(The Leader of the Majority Party)

Second Reading

M. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

N. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

O. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

P. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

Q. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

R. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

S. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2019)

(The Hon. Alexander Kosgey, M.P.)

Second Reading

T. MOTION - OFFICIAL DOCUMENTING OF THE HISTORY OF THE NATIONAL ASSEMBLY

(The Leader of the Majority Party)

**U. THE ANTI-CORRUPTION AND ECONOMIC CRIMES
(AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 72
OF 2019)**

(The Hon. Silas Tiren, M.P.)

Second Reading

**V. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.4)
BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2019)**

(The Hon. Samuel Atandi, M.P.)

Second Reading

**W. THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY
BILL NO. 74 OF 2019)**

(The Hon. Sabina Chege, M.P.)

Second Reading



...../Appendix*

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.4 - PETITIONS

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

No.	Subject	Petitioner(s)	Relevant Committee
070/2021	Status of the <i>Bosto</i> dam Water Supply Project in Bomet and Kericho Counties	<i>To be presented by the Hon. Wilson Sossion, MP (Nominated) on behalf of concerned residents of Bomet and Kericho Counties</i>	D.C. on Finance & National Planning

...../Appendix*(Cont'd)

ORDER NO.7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

395/2021

The Member for Starehe (Hon. Charles Njagua, MP) to ask the Cabinet Secretary for Sports, Culture and the Arts -

- (i) Could the Cabinet Secretary consider establishing programmes under the Sports, Arts, and Social Development Fund to support creative and performing artistes to make regular contributions that would provide social protection for the artistes upon exit from active performances, and also include government subsidies as part of such programmes?
- (ii) Could the Cabinet Secretary also facilitate training and capacity building programs for persons involved in creative and performing arts, to advise artistes on investments and wealth management?

(To be replied before the Departmental Committee on Sports, Culture and Tourism)

408/2021

The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Wildlife and Tourism: -

- (i) Could the Cabinet Secretary explain the circumstances under which the recent demolitions of residential Houses at *Maungu Area in Taita Taveta County* by Kenya Wildlife Service (KWS) were undertaken, considering that the houses provided dwellings to over 1000 households who had lived in the area for over twenty (20) years?
- (ii) What assistance has the KWS extended to the affected households following the demolitions?

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

462/2021

The Member for Tharaka Nithi County (Hon. Beatrice Nyaga, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) When will the National Land Commission pay the agreed compensation to persons who were relocated or affected in 2013 to pave way for the construction of the *Kionyo - Chogoria loop Road in Chogoria Sub Location of Maara Sub County*?

- (ii) When will *Mr. Ireri M' Raria* of Identification Number 2490811 be compensated for Plot No. *Kabeche Market 19A* which was affected by the construction of the said project?
- (iii) Considering the inflation rate from the time the *Project Affected Persons* were expecting to be compensated, could the Cabinet Secretary consider enhancing the previous valuations to reflect the current value of land?

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

491/2021

The Member for Kuresoi South (Hon. Joseph Tonui, MP) to ask the Cabinet Secretary for Transport and Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary explain the reasons for the delayed construction of *Lelechwet – Cheram Bridge* in *Kuresoi South Constituency* since 2017?
- (ii) Could the Cabinet Secretary provide the total cost of the project, the total amount that has been paid to date and the outstanding amount?
- (iii) Could the Cabinet Secretary explain the scope of works which is yet to be completed, state when construction of the project will resume and provide the expected completion timelines?

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

492/2021

The Member for Njoro (Hon. Charity Kathambi, 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 increased insecurity incidences in Njoro Constituency, if any?
- (ii) Could the Cabinet Secretary state the measures in place to curb insecurity experienced in the area in the months of August, September and October 2021, which led to loss of lives and property, human injuries and inflicted general fear in the society?
- (iii) Could the Cabinet Secretary consider demarcating locations and sub-locations in the insecurity prone areas of Njoro Constituency for efficient and quick coordination of security services?

- (iv) When will the Ministry facilitate security personnel in *Mau Narok, Mauche* and *Nessit* Police Stations in Njoro Constituency with vehicles and other equipments for purposes of rapid and timely responses when they are called to respond to emergency situations?

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

493/2021

The Member for Lamu County (Hon. (Capt.) Ruweida Obo, MP) to ask the Cabinet Secretary for Tourism and Wildlife:

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- (i) Could the Cabinet Secretary provide a status report on incidences of invasion by wildlife in *Shelab Area* of Lamu County?
- (ii) What steps is the Ministry taking to protect the residents from the recent invasions by hippos and lions?

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

495/2021

The Member for Mwea (Hon. Kabinga Wachira, MP) to ask the Cabinet Secretary for Energy: -

- (i) Could the Cabinet Secretary provide the implementation status report for the *Last Mile Connectivity Programme* in Mwea Constituency for the Financial Years 2017/2018, 2018/2019, 2019/2020 and 2020/2021?
- (ii) Could the Cabinet Secretary indicate when the Ministry plans to connect electric power to the home of one *Mr. Cange Gitutu of ID No. 3409263* of *Kathiga* location, who paid a Kshs. 35,000 connection fee on 24th June, 2011 vide quotation Ref. No. *E25202011080153*?
- (iii) Could the Cabinet Secretary provide the measures put in place to install transformers and complete the electricity projects serving *Kiamaciri Full Gospel Church* and residents of *Kimuri in Murinduko ward, Kagumo, Kayuyu, Mbambaini in Gathigiriri ward, Mbinguini, and Nderwa* villages?
- (iv) When will the Ministry connect electric power to serve users and residents of *Mbambaini in Tebere ward, Mocangondi, Ndaba, Kibukure, Carlifornia, Kiarigi and Gatitika* villages in Mwea Constituency?

- (v) Could the Cabinet Secretary provide the timelines within which the stalled electrification projects in Mwea Constituency that have been surveyed and approved will be implemented?

(To be replied before the Departmental Committee on Energy)

504/2021

The Member for Mwala (Hon. (Eng.) Vincent Musyoka, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works: -

- (i) Could the Cabinet Secretary explain why *Kivandini-Mbiuni-Miseleni-Tala Road* in Mwala Constituency is yet to be upgraded to bitumen standards despite the approval for its upgrade having been made in 2016?
- (ii) Could the Cabinet Secretary indicate the measures that the Ministry has put in place to upgrade to bitumen standards the Inter-County *Wamunyu-Kalawa Road* which is in a deplorable state?

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