



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, APRIL 05, 2022 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 – APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILL NO. 35 OF 2021)

(The Vice-Chairperson, Mediation Committee on the County Governments Additional Allocations Bill, 2021)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House **adopts** the Report of the Mediation Committee on the County Governments Additional Allocation Bill (Senate Bill No. 35 of 2021), *laid on the Table of the House on Thursday, March 31, 2022*, and **approves** the Mediated version of the County Governments Additional Allocation Bill (Senate Bill No. 35 of 2021).

(The Mediated version of the Bill is appended as Notice I)

9*. THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2022)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 31, 2022)

10*. COMMITTEE OF THE WHOLE HOUSE

(i) The Coffee Bill (Senate Bill No. 22 of 2020)
(The Chairperson, Departmental Committee on Agriculture and Livestock)

(ii) The Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

12*. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)

(The Leader of the Majority Party)

Second Reading

13*. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, March 22, 2022)

Denotes Orders of the Day

Object.

3. The object of this Act is to—

- (a) provide, pursuant to Article 202 (2) of the Constitution, for additional allocations for the financial year 2021/22;
- (b) provide for additional allocations from proceeds of loans and grants from development partners; and
- (c) facilitate the transfer of conditional and unconditional allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.

Additional allocations to county governments

4. (1) Additional grants shall be funds agreed upon by the National Assembly and the Senate during the consideration of the Budget Policy Statement and shall comprise of—

- (a) additional allocations from development partners required for transfer of functions to counties from the National Government as provided for under Article 187 of the Constitution;
- (b) additional allocations provided for under Article 202(2) of the Constitution; and
- (c) loans and grants from development partners.

(2) Additional funds allocated under this section shall be included in the respective county governments' appropriation bills.

(3) The National Treasury shall facilitate any agreement between a county government and a development partner and shall table the agreements in the National Assembly and the Senate before inclusion in the Budget Policy statement.

Conditional allocations to county governments.

5. (1) Conditional allocations to each county government from National Government share of revenue for the financial year 2021/22 shall be as set out in Column D of the First Schedule, comprising —

- (a) conditional allocations for the construction of county headquarters as set out in Column B of the First Schedule; and
- (b) conditional allocations for the leasing of medical equipment as set out in Column C of the First Schedule.

(2) Conditional allocations financed by proceeds of loans or grants from development partners to each county government for the financial year 2021/22 shall be as set out in Column N of the Second Schedule, comprising of—

- (a) conditional allocations financed by a grant from the World Bank to finance Transforming Healthcare Systems for Universal Care Project (THSUCP) as set out in Column B of the Second Schedule;
- (b) conditional allocations financed by a World Bank credit to finance Agricultural and Rural Inclusive Growth Project (NARIGP) as set out in Column C of the Second Schedule;
- (c) conditional allocation financed by a World Bank loan to finance the Kenya Climate Smart Agriculture Project (KCSAP) as set out in Column D of the Second Schedule;
- (d) conditional allocations from EU grant to finance Instruments for Devolution Advice and Support (IDEAS) program as set out in Column E of the Second Schedule;
- (e) conditional allocations from a World Bank credit to finance Water and Sanitation Development Project (WSDP) as set out in Column F of the Second Schedule;
- (f) conditional allocations from a grant by DANIDA to finance Universal Healthcare in Devolved System Program as set out in Column G of the Second Schedule;
- (g) conditional allocations financed by a grant from the World Bank for Kenya Devolution Support Programme (KDSP) – level 2 known as KDSP Capacity Building (“level 2”) Grant as set out in Column H of the Second Schedule;
- (h) conditional allocations financed by a loan from Government of Sweden to finance Agriculture Sector Development Support Programme II (ASDSP II) as set out in Column I of the Second Schedule;
- (i) conditional allocations financed by both loan and grant from the German Development Bank (KfW) to finance Drought Resilience Programme in Northern Kenya (DRPNK) as set out in Column J of the Second Schedule;
- (j) conditional allocations financed by a credit from World Bank to finance Emergency Locust Response Project (ELRP) as set out in Column K of the Second Schedule;
- (k) conditional allocations financed by a loan from the World Bank to finance Kenya Informal Settlement Improvement Project (KISIP II) as set out in Column L of the Second Schedule; and
- (l) conditional allocations financed by United Nations Fund for Population Activities (UNFPA) to finance the 9th Country Programme Implementation as set out in Column M of the Second Schedule.

(3) Each county government's allocation under subsection (1)(a) shall

No. 18 of 2012.

(a) be transferred to the respective County Revenue Fund, in accordance with a payment schedule published in the Gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act; and

(b) only be accessed by each county government after meeting conditions set by the Cabinet Secretary responsible for that function at the beginning of the financial year.

(4) A county governments' allocation under subsection (2) shall be transferred to the respective County Revenue Fund in accordance with a payment schedule published in the Kenya Gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act.

(5) The county governments' allocations under subsections (1) and (2) shall, subject to subsection (6), be included in the budget estimates of the National Government and shall be submitted to Parliament for approval.

(6) Allocations shall not be included in the budget estimates under subsection (4) unless –

(a) the National Government and the respective county governments have entered into an intergovernmental agreement in accordance with this Act; or

(b) in the case of a loan or grant by a development partner, the Cabinet Secretary and the responsible development partner have agreed in writing that the funds shall be transferred to the county government.

Report on actual transfers.

6. The Cabinet Secretary shall publish, by the 15th day of each subsequent month, a monthly report on actual transfers of all conditional allocations to county governments disbursed pursuant to this Act.

Books of accounts to reflect national government transfers.

7. Each county treasury shall reflect all transfers of conditional allocations by the National Government to the respective county government in its books of accounts.

Reporting.

No. 18 of 2012

8. A county treasury shall, as part of its consolidated quarterly and annual reports required under the Public Finance Management Act, report on-

- (a) actual transfers received by the county government from the National Government, up to the end of that quarter or year in the format prescribed by the Public Sector Accounting Standards Board or in the absence of a format prescribed by the Board, in the format prescribed by the National Treasury;
- (b) the actual expenditure by the county government of the allocations made under section 4(1) and (2);
- (c) the extent of compliance with the provisions of this Act and with the conditions of allocations as set out in the intergovernmental agreement entered into by the national government, the development partner and the county government;

- (d) an explanation of any material problems in the expenditure of any allocations made under this Act or compliance with any conditions of allocations set out in an intergovernmental agreement; and
- (e) any other information that may be required by the relevant intergovernmental agreement.

Consequential amendments.
No.18 of 2012.

9. The Public Finance Management Act is amended-

- (a) by deleting section 42 and substituting therefor the following new section-

Consideration by Parliament of Bills allocating revenue and additional allocations.

42. Parliament shall consider the Division of Revenue Bill, the County Allocation of Revenue Bill, and a County Governments Additional Allocations Bill not later than thirty days after the Bills have been introduced with a view to approving them, with or without amendments.

- (b) in section 191 by –

- (i) deleting the marginal note and substituting therefor the following new marginal note –

Bills allocating revenue and additional allocations.

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

(1) Each year when the Budget Policy Statement is introduced, the Cabinet Secretary shall submit to Parliament a Division of Revenue Bill, a County Allocation of Revenue Bill and a County Governments Additional Allocations Bill prepared by the National Treasury as provided in this Act for the financial year to which that Budget relates.

- (iii) deleting subsection (3)(b);
- (iv) inserting the following new subsection immediately after subsection (3) –

(3A) A Bill making allocations under Article 202(2) of the Constitution shall specify any other allocations to the counties from the National Government’s share of that revenue and any conditions to. which those allocations shall be made.

(c) by inserting the following sections immediately after section 191-

Intergovernmental
agreements.

191A (1) The National Treasury shall enter into an agreement with the respective county government for the transfer of the respective conditional allocation made to the county government pursuant to this Act.

(2) An agreement under subsection (1) shall set out any conditions that may be attached to the conditional allocations made under this Act.

(3) Where a county government intends to enter into an agreement under subsection (1), the county executive committee member shall submit the agreement to the respective County Assembly for approval.

(4) The County Assembly shall, within fourteen days of submission of an agreement under subsection (3), approve or reject the agreement.

(5) Where a County Assembly fails to consider an agreement under subsection (3) within fourteen days, the agreement shall be deemed to be approved.

(6) An agreement under subsection (1) shall set out all conditions attached to an allocation made under this Act.

(7) The respective county government shall forward the agreement approved under this section to the Controller of Budget within seven days of approval.

Public participation.

191 B The county executive committee member shall facilitate public participation on any agreement made pursuant to section 191A.

Execution of agreement
for conditional
allocation.

191 C An agreement under section 191A shall be –

- (a) signed by an authorized person or officer; and
- (b) published in the Kenya Gazette within a period of seven days of the agreement.

Submission to Senate.

191 D (1) The National Treasury shall, within seven days of entering into an agreement under section 191A, submit to the Senate and the Controller of Budget, the agreement together with any other documents relating to the agreement.

(2) The National Treasury shall publish and publicize all agreements entered into pursuant to section 191A.

Requisition of funds.

191E Requisition of funds from the county revenue fund for the purposes of a conditional grant shall be supported by the intergovernmental agreement approved under section 191A.

Transition.

9. (1) The requirements under sections 191A to 191D of the Public Finance Management Act shall not apply to the 2021/2022 and 2022/2023 financial year.

(2) The conditional grants for the financial year 2021/2022 shall be disbursed in accordance with the provisions of the Public Finance Management Act.

FIRST SCHEDULE

(s. 4(1))

**Conditional allocations to County Governments from National Government
Revenue in Financial year 2021/22 (Kenya Shillings)**

S/N	County	FY 2020/21	2021/22 FY		
		Total Conditional Grants from the National Government Revenue	Supplement for construction of county headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
1	Baringo	318,526,073	-	153,297,872	153,297,872
2	Bomet	361,373,348	-	153,297,872	153,297,872
3	Bungoma	499,669,894	-	153,297,872	153,297,872
4	Busia	388,217,282	-	153,297,872	153,297,872
5	Elgeyo/Marakwet	283,800,930	-	153,297,872	153,297,872
6	Embu	613,874,883	-	153,297,872	153,297,872
7	Garissa	717,044,187	-	153,297,872	153,297,872
8	Homa Bay	395,535,074	-	153,297,872	153,297,872
9	Isiolo	365,357,737	68,000,000	153,297,872	221,297,872
10	Kajiado	368,033,501	-	153,297,872	153,297,872
11	Kakamega	1,014,514,769	-	153,297,872	153,297,872
12	Kericho	334,767,128	-	153,297,872	153,297,872
13	Kiambu	1,060,769,036	-	153,297,872	153,297,872
14	Kilifi	554,005,433	-	153,297,872	153,297,872
15	Kirinyaga	297,552,826	-	153,297,872	153,297,872
16	Kisii	879,284,082	-	153,297,872	153,297,872
17	Kisumu	771,446,538	-	153,297,872	153,297,872
18	Kitui	510,802,514	-	153,297,872	153,297,872
19	Kwale	431,815,791	-	153,297,872	153,297,872
20	Laikipia	303,695,016	-	153,297,872	153,297,872

21	Lamu	316,841,615	38,000,000	153,297,872	191,297,872
22	Machakos	842,088,971	-	153,297,872	153,297,872
23	Makueni	436,722,040	-	153,297,872	153,297,872
24	Mandera	477,240,570	-	153,297,872	153,297,872
25	Marsabit	354,066,748	-	153,297,872	153,297,872
26	Meru	837,284,031	-	153,297,872	153,297,872
27	Migori	394,818,918	-	153,297,872	153,297,872
28	Mombasa	784,013,153	-	153,297,872	153,297,872
29	Murang'a	442,598,480	-	153,297,872	153,297,872
30	Nairobi	702,891,009	-	153,297,872	153,297,872
31	Nakuru	901,451,849	-	153,297,872	153,297,872
32	Nandi	338,393,049	-	153,297,872	153,297,872
33	Narok	380,949,944	-	153,297,872	153,297,872
34	Nyamira	351,822,008	-	153,297,872	153,297,872
35	Nyandarua	371,922,709	75,000,000	153,297,872	228,297,872
36	Nyeri	754,409,397	-	153,297,872	153,297,872
37	Samburu	266,665,895	-	153,297,872	153,297,872
38	Siaya	372,931,392	-	153,297,872	153,297,872
39	Taita /Taveta	326,074,867	-	153,297,872	153,297,872
40	Tana River	369,347,509	75,000,000	153,297,872	228,297,872
41	Tharaka-Nithi	366,125,130	76,000,000	153,297,872	229,297,872
42	Trans Nzoia	369,864,846	-	153,297,872	153,297,872
43	Turkana	485,437,183	-	153,297,872	153,297,872
44	Uasin Gishu	373,139,609	-	153,297,872	153,297,872
45	Vihiga	349,554,070	-	153,297,872	153,297,872
46	Wajir	416,579,339	-	153,297,872	153,297,872
47	West Pokot	310,945,251	-	153,297,872	153,297,872
	TOTAL	23,164,265,625	332,000,000	7,205,000,000	7,537,000,000

SECOND SCHEDULE

Schedule 2: Conditional allocations to County Governments from Loans and Grants from Development Partners in Financial year 2021/22(Figures are in Kenya Shillings)

S/N	County	2021/22 FY													
		2020/21 FY	2021/22 FY												
		Total Loans and Grants	IDA (World Bank) Transforming Health Systems for Universal Care Project	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	EU Grant (Instruments for Devolution Advice and Support IDEAS)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) credit: Kenya Devolution Support Project (KDSP) - Level 2 grant	Sweden - Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW) - Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World Bank - Kenya Informal Settlement Improvement Project (KISIP II)	UNFPA - 9th Country Programme Implementation	Total Loans and Grants
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N		
1	Baringo	434,339,263	51,439,168	-	300,000,000	36,744,378	-	11,290,125	75,822,872	25,115,290	-	27,905,333	-	-	528,317,166
2	Bomet	470,975,357	98,737,242	-	349,999,960	-	-	12,201,750	167,353,974	24,888,732	-	-	-	-	653,181,658
3	Bungoma	376,922,526	52,969,787	280,530,114	-	-	-	19,705,125	112,815,048	26,752,122	-	50,000,000	-	-	542,772,196
4	Busia	457,658,804	42,178,872	-	295,795,506	-	-	13,323,750	69,825,044	26,009,940	-	-	-	-	447,133,112
5	Elgeyo/Marakwet	451,406,116	37,021,153	-	350,000,000	-	-	8,555,250	184,795,683	23,843,630	-	47,838,667	50,000,000	-	702,054,383
6	Embu	384,183,435	5,714,632	387,946,601	-	-	-	9,537,000	-	22,224,624	-	28,398,667	-	-	453,821,524
7	Garissa	934,781,540	33,361,734	-	348,172,365	-	550,000,000	15,567,750	64,613,906	35,533,363	-	40,478,667	-	-	1,087,727,785
8	Homa Bay	309,416,619	70,450,834	279,115,289	-	-	-	14,936,625	-	31,096,673	-	-	50,000,000	8,864,000	454,463,421
9	Isiolo	577,117,295	20,444,468	-	330,699,130	-	-	9,396,750	120,374,189	26,387,350	-	76,030,667	-	8,864,000	592,196,554
10	Kajado	559,702,274	33,348,868	-	321,108,120	-	-	14,235,375	132,797,633	24,714,544	-	-	50,000,000	-	576,204,540
11	Kakamega	485,462,055	73,144,291	-	338,783,306	-	-	23,071,125	78,009,910	28,082,288	-	-	150,000,000	-	691,090,920
12	Kericho	445,266,392	75,948,635	-	350,000,000	-	-	11,921,250	102,491,953	28,692,485	-	-	-	-	569,054,323
13	Kiambu	357,387,255	11,433,390	402,836,649	-	-	-	20,897,250	73,731,600	30,340,365	-	-	50,000,000	-	589,239,254
14	Kilifi	1,253,234,710	36,935,995	254,610,493	-	-	1,500,000,000	23,141,250	102,491,953	27,964,926	-	-	200,000,000	8,864,000	2,154,008,617
15	Kirinyaga	295,037,247	47,498,316	344,612,512	-	-	-	9,396,750	146,608,512	25,522,510	-	-	-	-	573,638,600
16	Kisii	364,718,901	63,079,905	324,295,427	-	16,140,145	-	17,250,750	128,507,146	26,370,204	-	-	50,000,000	-	575,643,577
17	Kisumu	425,782,038	51,833,637	-	274,627,706	15,626,168	-	15,147,000	82,682,844	29,715,378	-	-	300,000,000	-	769,632,733
18	Kiti	323,076,845	14,548,168	283,089,026	-	-	-	19,564,875	112,815,048	28,857,290	-	38,964,000	-	7,386,704	505,225,111
19	Kwale	732,337,859	9,438,302	278,050,578	-	-	600,000,000	17,250,750	102,491,953	27,464,844	-	-	50,000,000	-	1,084,696,427
20	Laikipia	412,138,832	28,777,132	-	349,961,100	15,626,168	-	9,256,500	167,353,974	23,833,630	-	-	-	-	594,808,504
21	Lamu	453,357,718	42,427,244	-	300,102,326	-	-	5,750,250	-	25,109,992	-	-	10,000,000	4,432,000	387,821,812
22	Machakos	405,961,434	9,399,935	-	321,468,007	-	-	17,180,625	161,906,472	25,492,885	-	28,384,000	-	-	563,831,924
23	Makueni	388,984,714	87,593,306	284,347,300	-	-	-	16,409,250	184,795,683	27,068,180	-	-	-	-	600,213,719
24	Mandera	681,208,984	54,586,272	-	298,883,700	-	-	22,650,375	141,844,646	32,096,096	-	52,925,333	-	4,432,000	607,418,422
25	Marsabit	616,904,659	8,210,555	-	306,870,917	16,140,048	-	15,006,750	116,524,635	31,621,584	170,000,000	84,508,000	-	4,432,000	753,314,489
26	Meru	320,613,089	36,886,029	398,724,835	-	-	-	17,811,750	141,844,646	25,100,278	-	47,977,333	110,000,000	-	778,344,871
27	Migori	332,385,398	48,944,473	276,072,733	-	15,626,168	-	15,006,750	-	31,009,120	-	-	-	4,432,000	391,091,244
28	Mombasa	1,292,389,448	18,129,227	-	-	-	800,000,000	15,637,875	156,635,628	23,499,950	-	-	300,000,000	-	1,313,902,680
29	Murang'a	423,235,015	81,798,466	335,683,961	-	-	-	13,954,875	-	23,492,070	-	-	-	-	454,929,372
30	Nairobi City	166,720,323	87,492,037	-	-	-	-	35,272,875	-	36,639,733	-	-	700,000,000	7,386,704	866,791,349
31	Nakuru	327,483,267	79,792,976	269,563,385	-	-	-	23,211,375	120,374,189	26,343,334	-	-	300,000,000	-	819,285,259
32	Nandi	433,775,389	59,482,857	297,105,136	-	-	-	11,851,125	82,682,844	23,676,246	-	-	50,000,000	-	524,798,208
33	Narok	404,396,552	49,785,426	398,148,737	-	-	-	17,811,750	141,844,646	30,988,725	-	-	-	7,386,704	645,965,988
34	Nyamira	549,161,906	90,226,074	275,417,324	-	-	-	10,659,000	112,815,048	24,250,072	-	-	50,000,000	-	563,367,518
35	Nyandarua	484,866,657	94,478,706	-	289,609,680	31,223,224	-	10,799,250	184,795,683	22,983,146	-	-	50,000,000	-	683,889,689
36	Nyeri	413,326,122	48,739,220	-	352,822,250	-	-	11,991,375	184,795,683	21,917,144	-	-	60,000,000	-	680,265,672
37	Samburu	335,728,670	5,601,594	212,277,520	-	15,626,168	-	10,238,250	102,491,953	32,990,533	-	91,713,333	-	-	470,939,351
38	Siaya	482,259,557	76,115,752	-	314,639,880	-	-	12,832,875	112,815,048	23,749,120	-	-	-	-	540,152,675
39	Taita Taveta	794,169,323	47,631,029	-	290,416,775	15,624,929	950,000,000	9,396,750	-	26,612,835	-	-	40,000,000	-	1,379,682,318
40	Tana River	550,425,744	57,525,672	-	350,271,550	14,727,370	-	12,973,125	-	33,065,790	-	-	-	-	468,563,507
41	Tharaka Nithi	489,787,815	32,426,873	-	350,000,000	-	-	8,695,500	137,242,250	22,357,452	-	29,566,667	20,000,000	-	600,288,742
42	Trans Nzoia	363,274,338	80,437,623	298,658,950	-	-	-	12,762,750	105,802,077	24,025,084	-	-	50,000,000	-	571,686,484
43	Turkana	809,914,377	12,776,238	270,565,502	-	-	-	23,351,625	112,815,048	43,577,943	200,000,000	120,206,667	-	2,954,593	786,247,616
44	Uasin Gishu	504,253,916	33,080,799	-	354,491,402	11,000,000	-	14,025,000	112,815,048	23,441,718	-	-	60,000,000	-	608,853,967
45	Vihiga	388,286,930	47,721,396	243,345,337	-	-	-	10,308,375	93,307,470	22,632,350	-	-	-	-	417,314,928
46	Wajir	871,896,369	33,852,983	-	346,040,790	15,626,168	600,000,000	18,933,750	-	40,580,823	-	50,598,667	50,000,000	4,432,000	1,160,065,181
47	West Pokot	502,634,431	51,216,786	-	353,574,020	11,000,000	-	11,079,750	66,268,057	32,310,513	-	34,504,000	-	-	559,953,126
	Total	30,204,347,508*	2,234,664,077	6,394,997,409	7,838,338,490	230,730,934	5,000,000,000	701,250,000	4,599,999,996	1,300,042,904	370,000,000	800,000,001	2,800,000,000	73,866,705	32,343,890,516

*This includes an allocation of Ksh. 6,366,000,000 for IDA (World Bank) credit: Kenya Urban Support Project (KUSP) - Urban Development Grant (UDG) to be allocated to 45 county governments in FY 2020/21 using a criterion prescribed in Section 5 (2) (e) (i)-(iii) of the County Allocation of Revenue Act, 2020

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

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Coffee Bill (Senate Bill No. 22 of 2020) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

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

“auction levy” means such fee per sixty-kilogram bag of coffee sold at the Exchange as shall be determined by the Cabinet Secretary responsible for matters relating to finance payable by coffee growers to the Exchange;

No.
17 of
1989.

“Authority” means the Capital Markets Authority established by the Capital Markets Authority Act;

“buni” means coffee dried in the fruit or cherry but does not include hulled buni, also referred to as clean coffee, heavy buni or light buni;

“coffee plantation” means any large area of land or group of contiguous areas of land under the same management on which coffee is grown and produced for sale;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act, Cap. 490;

“Fund” means the Coffee Stabilization Fund established under section 58A;

“grower miller” means a grower who mills own parchment or buni or its members’ coffee and includes an individual farmer, co-operative society, union, association, estate or any other legal entity;

“large scale coffee grower” means a person cultivating coffee in a parcel of land above fifty acres;

“medium scale coffee grower” means a person cultivating coffee in a parcel of land of between ten and fifty acres;

“small scale coffee grower” means a grower cultivating coffee in a parcel of land of less than ten acres;

“secondary market” means a post-auction transaction of clean coffee between a licensed buyer or roaster and any other party for the purpose of local sale or export;

“secondary processing” means parchment de-husking, polishing, grading and packaging of clean coffee beans;

“smallholder” means a grower cultivating coffee in a small parcel or in small parcels of land and who does not possess his or her own pulping station;

(b) by deleting the definition “direct settlement system”;

(c) by amending the definition “estate” by deleting the word “five” appearing immediately after the words “not being less than” and substituting therefor the word “ten”

CLAUSE 3

THAT, Clause 3 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraphs—

“(b) provide a regulatory framework for the registration, licensing, issuance of permits, issuance of certificates, production, processing, quality assurance, coffee trading, marketing and credit finance;

(ba) provide for enforcement of the regulatory framework and coffee standards in the subsector;

(bc) provide a framework for interlinkages amongst state agencies, regulators and players along the coffee value chain including the public private partnerships;

(bd) promote farmer-based associations or platforms for representation of farmers’ interests;

(be) provide a framework for the establishment of a Coffee Stabilization Fund;”

CLAUSE 6

THAT, Clause 6 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)—

“(da) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;

(db) enter into association with other bodies or organizations within or outside Kenya as the Board may consider desirable or appropriate in furtherance of the purpose for which the Board is established;”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 6—

Authority to raise
or borrow
money.

6A. The Cabinet Secretary may, after consultation with the Cabinet Secretary responsible for finance, authorize the Board to raise or borrow such sums of money to finance its operations as it may think fit and the Board may secure the repayment of such sums.

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by inserting the following new paragraph immediately after paragraph (c)—
“(ca) Principal Secretary for the time being responsible for cooperatives or the Commissioner for Cooperatives;”
- (ii) by deleting paragraph (d) and substituting therefor the following new paragraph—
“(d) one person representing small scale coffee growers nominated by the Council of County Governors;”
- (iii) by deleting paragraph (e) and substitute therefor the following new paragraph—
“(e) two persons of the opposite gender nominated by the umbrella body representing large scale coffee growers;”
- (iv) by deleting paragraph (g) and substituting therefor the following new paragraph—
“(g) one person nominated by the umbrella body representing medium scale coffee growers;”
- (v) by deleting paragraph (h) and substituting therefor the following new paragraph—
“(h) two persons of the opposite gender nominated by the cooperative society representing the largest number of small-scale coffee associations in Kenya; and”

(b) by inserting the following new sub-clause immediately after sub-clause (2)—

- “(3) The Board may from time to time co-opt professional experts in financial management, international commodity trade or in any other area they need technical or professional support.”
- (4) The appointment of the chairperson or members of the Board under subsection (1) (a), (d), (e), (f) and (g) and shall take into account the gender, regional and other diversities of the people of Kenya.”

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 of the Bill and substituting therefor the following new clause—

Term of appointment.

9. (1) The persons appointed under section 7(1) (a), (d), (e), (f) and (g) shall serve for a term of three years renewable for one further term.

(2) The persons appointed under section 7(1) (a), (d), (e), (f) and (g) shall be appointed at different times so that their respective expiry dates of terms of office shall fall at different times but not more than six months shall lapse between one appointment and another.

CLAUSE 11

THAT, Clause 11 of the Bill be amended in sub-clause (1) by deleting paragraph (c).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 17—

Corporation Secretary.

17A. (1) There shall be a Corporation Secretary who shall be the Secretary to the Board.

(2) The terms and conditions of service of the Corporation Secretary shall be determined by the Board.

CLAUSE 25

THAT, Clause 25 of the Bill be deleted.

CLAUSE 26

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

Licences issued by
the Board.

26. The following licences shall be issued by the Board—

- (a) a coffee buyer's licence, authorizing the holder to—
 - (i) buy or deal in clean coffee produced in Kenya or to import clean coffee from outside Kenya, and to process, in Kenya for local sale or export, coffee of any country of origin; and
 - (ii) deal in roasting, blending and packaging coffee for the local market or for export.
- (b) a commercial coffee miller's licence authorizing the holder to conduct the business of milling and marketing of coffee;
- (c) a grower miller's licence, authorizing the grower to mill and market his or her own coffee;
- (d) a warehouseman's licence, authorizing the holder to conduct the business of warehousing coffee;
- (e) independent cupping laboratory licence, authorizing the holder to offer coffee quality analysis services;
- (f) a coffee roaster's licence authorizing the holder to buy at the auction or secondary market, roast or grind and package clean coffee for local sale or export and for importing clean coffee for value addition either for local sale or for export.
- (g) coffee liqueur's licence;
- (h) processed coffee import permit;
- (i) clean coffee movement permit for exports;

NEW CLAUSES

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 26—

Licenses
issued by
county
governments

26A. (1) The following licences shall be issued by the respective county government—

- (a) pulping station licence authorizing the holder to operate a pulping station and may undertake hulling;
- (b) coffee nursery certificate;
- (c) warehouse licence;
- (d) parchment permit from the county of origin; and
- (e) clean coffee movement permit from the county of origin.

(2) A person intending to carry out any of the activities listed in section 26A shall apply for and obtain a licence or permit from the respective county government in which the operation is undertaken.

(3) An applicant for a licence or permit under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the respective county executive committee member for consideration.

(4) The county executive committee member shall consider the application and may issue to the applicant a licence in accordance with the respective county legislation.

Registration
by the Board.

26B. (1) The Board shall register warehousemen, coffee buyers, commercial coffee millers, grower millers, independent cupping laboratories, coffee roasters, coffee liqueurs, processed coffee importers, clean coffee importers, marketing agents, coffee bags suppliers, and certification companies.

(2) The Board shall issue a certificate of registration upon registration of the applicants.

(3) The Board shall not charge any fee for the registration of an applicant under subsection (1).

(4) Registration of the players under this section shall only be done once.

(5) The Board shall maintain a register of all registered players and share the register with the respective county government.

(6) All registered players shall complete and submit to the Board annual returns as shall be specified in regulations under this Act.

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

Registration
by the county
government.

26C. (1) A person shall not carry out the business of a pulping station, coffee nursery operator, parchment movement from one county to another, warehouse or clean coffee movement from one county to another unless such person is registered by the respective county government in which the business is undertaken.

(2) A county government shall not charge any fees for the registration of an applicant under subsection (1).

(3) Each county government shall keep and maintain the register under subsection (1) for statistical purposes.

(4) A register under subsection (3) shall include—

(a) the name of the pulping station operator, coffee nursery operator, warehouse, parchment mover or clean coffee mover;

(b) the location, size and parcel number of the land on which the business is located; and

(c) such other information as the Board may prescribe.

(5) Each county government shall submit to the Board a copy of the register under subsection (3).

Registration
by co-
operative
societies.

26D. (1) A smallholder coffee grower shall have the freedom to register with the co-operative society, association or company to which he or she delivers coffee.

(2) The directors of a coffee co-operative shall serve for a maximum period of two three-year terms.

(3) In electing directors under this section, a co-operative society shall ensure that not more than two thirds of the members are of one gender and that nominees for the Board meet the requirements of Chapter Six of the Constitution.

(4) Notwithstanding the provisions of any other law, every coffee factory may, by resolution of its members in the Annual General Meeting, apply for registration as a co-operative society under the Co-operatives Societies Act.

No. 12 of
1997.

(5) Every producer co-operative society, association or company, coffee plantation and nursery operator shall register with the county government by supplying such particulars as shall be prescribed in Regulations made under this Act.

(6) Where a person starts growing coffee at any time after the commencement of this Act, such person shall, within six months register with—

(a) a co-operative society, association or company in accordance with subsection (1) if such a person is a small scale grower; or

(b) his or her respective county government in accordance with provisions of this Act if such a person is a plantation grower or a co-operative society.

(7) The co-operative society, association, company and the county government shall each maintain a register for the purpose of this section and shall record the particulars supplied in accordance with this section.

(8) The county government shall share the data captured in this section with the Board on an annual basis.

(9) Where a co-operative society, association, company or the county government has reasonable cause to believe that a person whose particulars are recorded has ceased to be a grower, it may, after giving that person written notice by registered post of its intention to do so, remove the name of such person from the register.

(10) The register referred to in subsection (7) shall be proof that a person is a registered coffee grower and a co-operative society shall furnish the county government with particulars of all registered coffee growers in such manner as the county government may prescribe.

Prohibition
of certain acts
without a
licence.

26E. (1) No person shall buy, sell, mill, warehouse, export or otherwise deal in or transact any business in coffee unless he or she is a holder of a current licence issued by the licensing authority for that purpose.

(2) This section shall not apply to—

- (a) any person who purchases coffee for consumption or for planting on his or her land;
- (b) any grower who mills coffee produced by such grower.

(3) Any person who contravenes the provisions of subsection (1) or acts in contravention of the conditions of any licence granted commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(4) Where a person is convicted of an offence under this section, the court may order that any licence issued to such person be suspended for the subsequent coffee year or for such period as the Cabinet Secretary may, by Regulations, prescribe.

CLAUSE 34

THAT, Clause 34 of the Bill be amended in sub-clause (2) by deleting the word “sub-regulation” and substituting therefor the word “subsection”.

CLAUSE 35

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new Clause—

Revocation or
alteration of a
licence or
permit.

35. A licensing authority may revoke, alter or suspend a licence or permit issued under this Act if in its opinion—

- (a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence or permit holder or any employee of the licence or permit holder;
or
- (b) a condition of the licence or permit has been contravened or not complied with.

NEW CLAUSE

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

Surrender
of licence
or permit.

35A. (1) The holder of a licence or permit which is revoked shall immediately surrender it to the Board.

(2) A licence or permit holder may at any time surrender the licence or permit to the Board and the licence or permit shall cease to have effect immediately.

CLAUSE 37

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

Appeals
to the
High
Court.

37. (1) An applicant for or holder of a licence or permit who is aggrieved by a decision of the licensing authority may appeal to the High Court on or in respect of—

- (a) the grant, refusal, renewal, variation or revocation; or
- (b) the conditions imposed on the grant, renewal or variation, of a licence or permit.

(2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received notice of the decision.

CLAUSE 38

THAT, Clause 38 of the Bill be deleted.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 42—

Branding
and
geographica
indications.

42A. The Board shall promote and register all coffees produced in Kenya in accordance with geographical or regional markers styled as ‘Authentic Mark of Origin.’

Coffee
developmen
t.

42B. (1) The Cabinet Secretary may, on the advice of the Board, make policies and take steps to ensure that the coffee farmers receive appropriate technologies, credit, farm inputs and marketing support.

(2) The Board shall conduct training programs aimed at strengthening the capacities of county officers in terms of knowledge and skills in coffee production, processing technologies and marketing for different types of coffee.

(3) The Board shall, in consultation with the relevant standards bodies, coffee stakeholders, county governments and research institutions, develop the Kenya Coffee Production Standards and formulate a binding Code of Good Coffee Practice.

(4) Where a farmer has entered into an agreement with an organization representing the interest of such farmer, the Board and every dealer in coffee shall respect and enable the carrying out of the terms of such agreement, including the remission to such organization of any contributions that may, pursuant to such agreement, be deductible from the farmer.

Primary
processing
of coffee

42C. (1) The primary processing of coffee shall be carried out at a pulping station or by a grower's co-operative society or other association of growers under a pulping station licence.

(2) The pulping station licence may include authority to undertake hulling of own parchment or buni.

(3) The huller shall be registered with the county government and such registration information shared with the Board.

Appointme
nt of
millers.

42D. (1) Coffee milling shall only be conducted at premises that are specified under the licence issued by the Board.

(2) Every coffee factory shall, by resolution of its members in Annual General Meeting, designate a registered miller for its parchment coffee.

(3) The manager of every coffee factory shall, within two months of the end of the crop year, call a meeting of outgrowers to choose the registered miller referred to in subsection (2) from amongst at least three millers invited to make representations to the outgrowers.

(4) The county executive committee member responsible for coffee shall attend or designate a representative to attend the meeting referred to subsection (3).

(5) Each registered miller participating in the meeting to choose a miller shall make all disclosures necessary to enable farmers make an informed decision.

(6) A miller shall be a bailee of all parchment received for milling and shall be responsible for any loss or damage to the coffee in his or her custody.

(7) The milling losses allowable under this section shall be capped at nineteen percent of coffee milled.

(8) The Cabinet Secretary may, by Regulations and upon submission of empirical evidence, vary the milling losses allowable under subsection (7).

(9) Every resolution made under this section shall, within fourteen days, be filed with the Board and copied to the relevant department of the county government and to the Commissioner of Co-operatives.

(10) Any person involved in the management of a coffee factory who contravenes the provisions of this section commits an offence.

(11) For the better carrying out of the provisions of this section, the Cabinet Secretary may by regulations, prescribe the manner for the appointment and remuneration of millers and for composition and attendance at the annual general meetings at which such millers are appointed.

CLAUSE 45

THAT, Clause 45 of the Bill be amended by—

- (a) in sub-clause (2) by deleting the words “and the direct settlement system provider”;
- (b) by deleting sub-clause (8).

CLAUSE 46

THAT, Clause 46 of the Bill be deleted and substituted therefor with the following new clause—

Coffee
trading.

- 46.** (1) Kenyan coffee shall be offered for sale through—
- (a) auction in the Exchange; or
 - (b) direct sales.
- (2) All direct coffee sales shall be subject to price competition at the Exchange whereby the direct sale price shall serve as the reserve price.
- (3) Where the coffee referred to in subsection (2) fetches a higher price at the Exchange than the direct sale price offered, the prospective direct sale buyer shall have the right of first refusal to buy the coffee at the Exchange price.
- (4) Despite subsection (3), if the prospective direct sales buyer refuses to buy the coffee at the Exchange price, the coffee shall be sold to the person who makes the best offer above the reserve price at the Exchange.
- (5) A buyer, a roaster, or a grower miller licensed by the relevant licensing authority, or a broker appointed by the grower, may trade at an exchange in accordance with this Act and any other laws governing trade in an exchange.
- (6) A holder of a miller’s marketing licence commits an offence if he or she participates by himself or herself or by his or her agent in the buying of coffee.

CLAUSE 48

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

Application
as coffee
exchange.

- 48.** (1) A person shall not carry on the business of a coffee exchange unless the person has applied for approval and has been licensed as a Coffee Exchange by the Authority in accordance with the Capital Markets Act.

Cap. 485A.

No. 17 of
2015.

- (2) The Exchange shall be a body corporate, registered under the Companies Act.
- (3) The functions of the Exchange shall be to—
- (a) manage the auction floor, the central sample room and the information registry;

- (b) maintain records relating to coffee sales, coffee samples and sweepings;
 - (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act; and
 - (d) carry out such other function as the Cabinet Secretary for the time being responsible for matters relating to finance may prescribe.
- (4) The funds of the Exchange shall consist of—
- (a) auction levy;
 - (b) registration fees payable by a coffee buyer, a roaster, a grower miller or broker;
 - (c) government grants and donations made to the Exchange;
 - (d) any interest from fixed deposits;
 - (e) monies from a source approved by the Exchange; and
 - (f) sample fee.

CLAUSE 54

THAT, Clause 54 of the Bill be amended by—

- (a) numbering the existing provision as sub-clause (1);
- (b) inserting the following sub-clauses immediately after sub-clause (1)—

“(2) In this section, “anti-competitive conduct” means any act, conduct, practice or behaviour by the Exchange organizer or any other licensee operating at the Exchange, individually or in concert with others that directly or indirectly impedes, frustrates, undermines or reduces competition at the Exchange.

(3) For the purpose of subsection (2), “anti-competitive conduct” includes but is not limited to margin squeeze, market sharing, transfer pricing, abuse of dominance, preferential contracts that give advantageous terms to affiliates and partners relative to competitors, imposition of unfair purchase or selling conditions or other, predatory practices, application of dissimilar conditions to equivalent transactions with other trading parties and other conduct that undermine competitive operations of the Exchange.

(4) The Cabinet Secretary for the time being responsible for matters relating to finance may make regulations for the implementation of this section.”

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 54—

Classification of
coffee.

54A. (1) Where a miller draws a sample of coffee for the purpose of grading the coffee, the miller shall within seven days of such grading notify the grower to whom the coffee belongs of the classification of the coffee.

(2) Any grower who is aggrieved by classification of his or her coffee under subsection (1) may, within fourteen days of the notification, appeal against such classification to the Board.

Promotion of
coffee.

54B. (1) The Cabinet Secretary shall in accordance with regulations made under this Act and in consultation with the Board, put in place programmes for the establishment of special economic zones in the coffee sub-sector.

(2) The Board may co-ordinate coffee stakeholders, including county governments, growers and buyers at the national and international events for the purpose of promoting Kenya coffee.

(3) A county government in the coffee growing areas may, separately or in unison with the Board, support coffee growers' participation in local and international coffee promotion and marketing events.

No lending by
millers and
marketing
agents.

54C. (1) A coffee miller and a marketing agent shall not lend to farmers on interest.

(2) A miller or marketing agent who contravenes the provision of subsection (1) commits an offence

(3) Any miller or marketing agent convicted of an offence under subsection (2) shall have his or her licence revoked or suspended for such duration as the Cabinet Secretary may, by regulations, determine.

Loans against
growers' assets.

54D. (1) The interest rate on borrowing by factory management against growers' assets held in trust by the coffee factories and coffee co-operative societies shall be capped at five per cent per annum.

(2) A factory or society shall not contract any loans or advances under subsection (1) except with the support of a resolution in an Annual General Meeting passed by a majority of the growers to that effect.

(3) Any factory or society that contravenes the provisions of subsection (1) commits an offence and any loans borrowed in contravention of this provision shall be statutorily converted into personal loans of the officials of the offending factory or society.

(4) Nothing in this section shall be interpreted as prohibiting coffee farmers from directly borrowing money from banks or any government established funds against their deliveries of cherry, parchment and clean coffee.

CLAUSE 58

THAT, Clause 58 of the Bill be amended by—

- (a) inserting the following paragraph immediately after the introductory statement—
“(a) such monies as may be appropriated by the National Assembly;”
- (b) renumbering the existing paragraphs (a), (b), (c), (d), (e) as (b), (c), (d), (e), (f), respectively.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after Clause 58—

Coffee
Stabilization
Fund.

58A. (1) There is established a Fund to be known as the Coffee Stabilization Fund which shall be managed by the Board.

(2) The Fund shall consist of—

- (a) monies appropriated by the National Assembly;
- (b) monies from any source approved by the Board;
- (c) grants and donations made to the Board.

(3) The Board shall apply the monies received into the Fund to—

- (a) income and price stabilization; and
- (b) any investments that further the objective of stabilizing the prices paid to farmers.

CLAUSE 63

THAT, the Bill be amended by deleting Clause 63 and substituting therefor the following new Clause—

Financial Year of the Board.

63. The financial year of the Board shall be the period of twelve months ending on the 30th June of every year.

CLAUSE 67

THAT, Clause 67 of the Bill be amended—

- (a) in sub-clause (1)
by deleting paragraph (f) and substituting therefor the following new paragraph—
“(f) one person nominated by the umbrella body of estate coffee growers;”
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person is qualified for appointment as chairperson of the Board of the Institute if that person holds a master’s degree in agriculture, crops science, or other relevant degree from a university recognized in Kenya.”

CLAUSE 70

THAT, Clause 70 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (e)—

“(ea) issue certified coffee seeds or seedlings for multiplication in coffee nurseries to coffee growers or for export;”

CLAUSE 74

THAT, Clause 74 of the Bill be amended in sub-clause (3) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) holds a master’s degree in agriculture or crops science from a university recognized in Kenya;”

CLAUSE 80

THAT, Clause 80 of the Bill be amended by—

- (a) inserting the following paragraph immediately after the introductory statement—
“(a) such monies as may be appropriated by the National Assembly;”
- (b) renumbering the existing paragraphs (a), (b), (c), (d), (e) as (b), (c), (d), (e), (f), respectively.

CLAUSE 84

THAT, Clause 84 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) a statement showing in detail the assets and liabilities of the Institute;”

CLAUSE 85

THAT, Clause 85 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “balance sheet and such other statements of accounts” and substituting therefor the words “statements of account”;
- (b) in sub-clause (2) by deleting the words “balance sheet and statements” and substituting therefor the words “statements of account”;
- (c) in sub-clause (3) by deleting the words “balance sheet and statements” and substituting therefor the words “statements of account”;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 87—

Conflict of laws.

87A. If any conflict arises between the provisions of this Act and any other Act with respect to the regulation of coffee, the provisions of this Act shall prevail.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 91—

Offences and penalties.

91A. (1) A person commits an offence if the person—

- (a) without lawful excuse ignores or fails to obey any instruction issued by a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act;
- (b) willfully obstructs a member of the Board or an employee or agent of the Board in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act.

(2) A person who contravenes subsection (1) is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding five years, or to both.

(3) A person who is convicted of an offence under this Act shall in addition to any other penalty have his or her licence or registration suspended or cancelled for such a period as the Board may decide.

CLAUSE 92

THAT, the Bill be amended by deleting Clause 92 and substituting the following new Clause—

General
penalty.

92. (1) A person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or a fine not exceeding twice the value of the coffee or coffee products or, to imprisonment for a term not exceeding six months, or to both.

(2) Where the person convicted under this section is also a licence or permit holder under this Act, the licensing authority may, in addition, cancel such person's licence.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 92—

Offences relating to
body corporate.

92A. If an offence under this Act is committed by a body corporate, any other association of individuals or a co-operative society, a director, partner or any other person involved in, or acting or purporting to act in the management of its affairs commits an offence unless that person proves that—

- (a) the act or omission constituting the offence took place without the person's knowledge; or
- (b) the person took reasonable steps to prevent the commission of the offence.

CLAUSE 94

THAT, the Bill be amended by deleting Clause 94 and substituting therefor the following new Part—

PART XIA- PROVISIONS ON DELEGATED LEGISLATION

Regulations.

94. (1) The Cabinet Secretary may, in consultation with the Board and county governments, make Regulations—

- (a) prescribing anything that may be prescribed under this Act; and
- (b) generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make Regulations to provide for—

- (a) the regulation of the processing, importation and exportation of coffee and coffee products;
- (b) the forms to be used in the application for registration, licensing, permits, contracts and related activities;
- (c) the process of application for registration, licensing and related activities;
- (d) any fee or levy which may be charged for anything done under this Act;
- (e) the regulation and enforcement of contracts between growers, processors and other players in the coffee industry;
- (f) the process of nomination of members to the Board
- (g) the conditions for the issuance of certificates, licenses and permits under this Act;
- (h) the trade, storage, bulking, packing and roasting of coffee;
- (i) the regulation of nursery operations, pulping, milling, warehousing and transportation of coffee;

- (j) value addition of coffee exports and imports;
 - (k) the grading and classification of coffee;
 - (l) the imposition of costs charged by service providers along the value chain and payment of coffee sales proceeds to growers and their service providers; and
 - (m) anything required to be prescribed under this Act;
- (3) For the purposes of Article 94(6) of the

Constitution—

Cap. 2

No. 23 of 2013

- (a) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and for the fulfillment of the objectives of this Act;
- (b) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

CLAUSE 96

THAT, the Bill be amended by deleting Clause 96 and substituting therefor the following new Clause—

Transfer of assets and liabilities.

96. All property, except such property as the Cabinet Secretary may specify in writing, which, immediately before the commencement of this Act, was vested in the Government for the use of the Coffee Directorate of the Agriculture and Food Authority and the Coffee Research Institute of the Kenya Agricultural and Livestock Research Organization, shall, on the date of commencement of this Act, vest in the Board and the Institute, respectively, subject to all interests, liabilities, charges, obligations and trusts affecting that property.

CLAUSE 102

THAT, the Bill be amended by deleting Clause 102 and substituting therefor the following new Clause—

Consequential amendments.
No. 16 of 2013.

102. The Crops Act is amended —

- (a) in section 14(1) by deleting paragraph (a); and
- (b) in Part 1 of the First Schedule by deleting the expression “Coffee.....*Coffea* spp.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 102—

Consequential
amendments.

No. 12 of 1997.

102A. The Co-operative Societies Act is amended —

- (a) in section 43—
 - (i) by numbering the existing provision as subsection (1);
 - (ii) by inserting the following new subsection—

“(2) Despite subsection (1), a coffee cooperative society shall not lend to farmers on interest.”
- (b) In section 44—
 - (i) by numbering the existing provision as subsection (1);
 - (ii) by inserting the following new subsections—

“(2) The interest rate on borrowing by factory management against growers’ assets held in trust by coffee co-operative societies shall be capped at five per cent per annum.

(3) A factory or society shall not contract any loans or advances under subsection (1) except with the support of a resolution in an Annual General Meeting passed by a majority of the growers to that effect.”

SECOND SCHEDULE

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

SECOND SCHEDULE (s. 11, s. 23, s. 26, s. 26A, s.27, s. 28, s. 32, s.67)**LICENCE, PERMIT OR CERTIFICATE**

No.	Type of Licence/Permit or Certificate	Issuing Authority
1.	Coffee buyer's licence	Board
2.	Independent cupping laboratory licence	Board
3.	Warehouseman's licence	Board
4.	Coffee liqueur's licence	Board
5.	Processed coffee import permit	Board
6.	Clean coffee movement permit for exports	Board
7.	Commercial coffee miller's licence	Board
8.	Coffee roaster's licence	Board
9.	Grower miller's licence	Board
10.	Marketing agent licence	Board
11.	Coffee nursery certificate	County government
12.	Warehouse licence	County government
13.	Pulping station licence	County government
14.	Parchment permit from the county of origin	County government
15.	Clean coffee movement permit from the county of origin	County government
16.	Coffee exchange licence	Capital Markets Authority
17.	Broker's licence	Capital Markets Authority

- 2) Notice is given that the Member for Gichugu (Hon. Robert Gichimu) intends to move the following amendments to the Coffee Bill (Senate Bills No. 22 of 2020) at the Committee Stage—

CLAUSE 7

THAT, clause 7 of the Bill be amended –

(a) in sub clause (1) –

- (i) by inserting the following new paragraphs immediately after paragraph (c) –
 “(ca) the Principal Secretary responsible for co-operatives or a representative nominated by the Principal Secretary in writing;
 (cb) the Principal Secretary responsible for the National Treasury or a representative nominated by the Principal Secretary in writing;”
- (ii) by deleting paragraph (e) and substituting therefor the following new paragraph-
 “(e) one person nominated by the umbrella body representing large scale coffee growers;”

(iii) by deleting paragraph (h) and substituting therefor the following new paragraph-

“(h) two persons of the opposite gender elected by small-scale coffee growers through their unions;”

(b) in sub clause (2) by deleting the words “subsection (1) (d), (e), (f) and (g)” and substituting therefor the words “subsection (1) (d), (e), (f), (g) and (h)”.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8 and substituting therefor the following new clause-

Qualification
for
appointment.

8. A person shall be qualified for appointment as a member of the Board if that person-

- (a) in the case of a person appointed under section 7 (1) (a) (e) and (f), holds a degree from a university recognized in Kenya;
- (b) in the case of a person appointed under section 7 (1) (d), (g) and (h), holds a Kenya Certificate of Secondary Education or its equivalent;
- (c) has three years experience in the coffee sector; and
- (d) meets the requirements of Chapter Six of the Constitution.

CLAUSE 9

THAT, clause 9 of the Bill be amended –

- (a) by renumbering the existing provision as subsection (1);
- (b) by deleting the words “section 6 (1) (d), (e), (f) and (g)” and substituting therefor the words “section 7 (1) (d), (e), (f), (g) and (h)”;
- (c) by inserting the following new subsection immediately after subsection (1) –
“(2) The persons appointed under section 7 (1) (a), (d), (e), (f), (g) and (h) shall be appointed at different times but not more than six months shall lapse between one appointment and the other in the case of a vacancy in the Board”.



III. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)

Notice is given that the Chairperson of the Departmental Committee on Education and Research intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

NEW CLAUSE

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

Amendment
of section 6 of
No.42 of
2012.

3A. Section 6 of the principal Act be amended—

- (a) by deleting paragraph (f) and substituting therefor the following new paragraph—
 - (f) one person nominated by public universities in a forum of Vice- Chancellors of public universities;
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph—
 - (g) one person nominated by private universities in a forum of Vice- Chancellors of private universities;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 6—

Amendment of section 23 of
No.42 of 2012.

6A. Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (2) —

(3) The Cabinet Secretary shall, not later than three months after the submission of a statute or regulation under this section by a university, cause it to be published in the *Gazette*.

(4) Notwithstanding subsection (3), a statute or a regulation of a university shall come into force after the lapse of three months after submission to the Cabinet Secretary for publication in the *Gazette*.

CLAUSE 7

THAT the Bill be amended by deleting clause 7.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefore the following new clause—

Universities in The principal Act is amended by repealing section 26 and
counties. replacing it with the following new section —
26. The Commission may establish public universities in each of the counties taking into consideration their viability in the distribution of public universities across the country.

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) by deleting paragraph (v) and substituting therefore the following new paragraph—
(v) in the case of a public university, appoint Principals and Deputy Principals of Constituent Colleges after a competitive process conducted in the manner provided in the Second Schedule

CLAUSE 12

THAT, clause 12 of the Bill be amended in paragraph (a) by—

- (a) deleting paragraph (a) appearing in the new subsection (2) and substituting therefore the following new paragraph—
(a) in the case of a chairperson, the person holds a doctorate degree from a university recognized in Kenya and has at least fifteen years' experience in a senior management position or research;
(b) inserting the words “at least” immediately before the word “holds” appearing in paragraph (b);

CLAUSE 13

THAT clause 13 of the Bill be amended in the proposed new section 36A by—

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

(1) As the designated appointing authority, the Cabinet Secretary shall have power to revoke any appointment to any Council of a public university.

- (b) deleting subsection (2).

CLAUSE 14

THAT clause 14 of the Bill be amended—

- (a) in paragraph (b) by inserting the words “as appraised by the Council” immediately after the words “satisfactory performance” appearing in the proposed new subsection (3);
(b) in paragraph (c) by deleting the words “appointment of” appearing in the proposed new subsection (5);

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of
section 41 of
No.42 of 2012.

14A. Section 41 of the principal Act be amended by—

(a) inserting the following new subsection immediately after subsection (1B)—

(1BA) A person shall be eligible to stand for election as a member of the student council if the person is in good academic standing;

(b) deleting subsection (1C);

(c) deleting subsection (1D);

(d) deleting subsection (1E);

CLAUSE 18

THAT clause 18 of the Bill be amended in the proposed new section 54—

(a) in subsection 5—

(i) by deleting the word “competitively” appearing in paragraph (e);

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

(g) one person nominated by public universities in a forum of Vice-Chancellors of public universities;

(iii) by deleting paragraph (h) and substituting therefor the following new paragraph—

(h) one person nominated by private universities in a forum of Vice-Chancellors of private universities;

(b) in subsection (9) by—

(i) inserting the following new paragraph immediately after paragraph (c)—

(ca) apportion funds allocated by the national government to private universities for tuition fees for government sponsored students in Kenyan universities;

(ii) inserting the words “to ensure equity in the funding of all government sponsored students in public and private universities” immediately after the words “subject area” appearing in paragraph (d);

CLAUSE 19

THAT, clause 19 of the Bill be amended in the proposed new section 54A by inserting the following new subsection immediately after subsection (3)—

- (4) The Chief Executive Officer of the Fund shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

CLAUSE 21

THAT clause 21 of the Bill be amended in the proposed new subsection (3) by deleting paragraph (f) and substituting therefor the following new paragraphs—

- (f) four other persons appointed by the Cabinet Secretary, being—
- (i) one Vice-Chancellor representing public universities nominated by a forum of Vice-Chancellors of public universities;
 - (ii) one Vice-Chancellor representing private universities nominated by a forum of Vice-Chancellors of private universities;
 - (iii) one representative of the Kenya Association of Technical Training Institutions; and
 - (iv) one person with ten years' experience in management of education;
- (g) the Director, who shall be an *ex-officio* member.

NEW SCHEDULE

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

SECOND SCHEDULE [section 35(1)(v)]**PROCEDURE FOR THE RECRUITMENT AND APPOINTMENT OF PRINCIPALS AND DEPUTY PRINCIPALS**

(1) Where a vacancy occurs in the office of the Principal or Deputy Principal of a constituent college, the Council of that university shall constitute a selection panel consisting of —

- (a) a chairperson being the chairperson of the University Council;
- (b) a representative of the Principal Secretary for the time being responsible for university education;
- (c) a representative of the Principal Secretary for the time being responsible for finance;
- (d) two representatives, being one man and one woman, nominated by the University Senate;
- (e) a distinguished professor of the university; and
- (f) the Vice-Chancellor of the university.

- (2) The selection panel may regulate its own procedure.
- (3) The selection panel shall—
 - (a) advertise for the vacancies and publicize the applicants and shortlisted candidates;
 - (b) conduct interviews of the short listed candidates;
 - (c) identify three qualified applicants for the position of Principal or Deputy Principal; and
 - (d) forward the names of the qualified applicants under paragraph (c) to the Council.
- (4) The Council shall, within fourteen days of receipt of the names forwarded under paragraph (3)(d), in consultation with the Cabinet Secretary appoint the Principal or Deputy Principal from among the three qualified applicants.
- (5) The selection panel shall stand dissolved upon the appointment of the Principal or Deputy Principal under paragraph (5).

SECOND SCHEDULE

THAT, the Bill be amended by renaming the Second Schedule as the Third Schedule.

FOURTH SCHEDULE

THAT, the Fourth Schedule to the Bill be amended—

- (a) by deleting the words “**PRINCIPALS AND DEPUTY PRINCIPALS**” appearing in the heading;
- (b) in paragraph 1 by deleting the words “ or Principal and Deputy Principal of a Constituent College, the Cabinet Secretary” appearing after the words “public university” and substituting therefore the words “the Council”;
- (c) in paragraph 2(1) by—
 - (i) deleting the phrase “subsection (2)” and substituting therefor the phrase “subsection (1)” ;
 - (ii) deleting sub-paragraph (a) and substituting therefor the following new subparagraph—a chairperson being a scholar with the rank of a full professor;
 - (iii) deleting sub-paragraph (b).
- (d) in paragraph 4 by—
 - (i) deleting the word “three” appearing in sub-paragraph (c) and substituting therefore the word “five”;
 - (ii) by deleting the words “Cabinet Secretary” appearing in sub-paragraph (d) and substituting therefor the word “Council”;

(e) by inserting the following new paragraph immediately after paragraph 4—

4A. The Council shall, within seven days of receipt of the names forwarded under paragraph (4)(c) identify three qualified applicants for each vacant position and forward the names to the Cabinet Secretary.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 as follows-

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.

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 Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee) **except** for the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, 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.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), April 06, 2022

(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 (Morning), April 06, 2022-

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

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

Second Reading
(Question to be put)

B. THE INSURANCE PROFESSIONALS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2020)

(The Hon. Benjamin Washiali, M.P.)

Second Reading
(Question to be put)

C. COMMITTEE OF THE WHOLE HOUSE

The Community Health Workers Bill (National Assembly Bill No. 30 of 2020)
(The Hon. Martin Owino, M.P.)

D. ** THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2020)

(The Hon. Nelson Koech, M.P.)

Second Reading

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

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

Second Reading

F. THE CHILDREN (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2020)

(The Hon. Peter Kaluma, M.P.)

Second Reading

(Subject to decision of the House on NA Bill No. 38 of 2021)

G. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2020)

(The Hon. Gathiru Mwangi, M.P.)

Second Reading

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

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

Second Reading

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

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

Second Reading

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

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

Second Reading

K. THE PUBLIC SERVICE INTERNSHIP BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2021)**

(The Hon. Naisula Lesuuda, M.P.)

Second Reading

L. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2021)

(The Hon. Tindi Mwale, M.P.)

Second Reading

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

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

Second Reading

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

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

Second Reading

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

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

Second Reading

P. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2021)**

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

Second Reading

Q.* THE POVERTY ERADICATION AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2020)**

(The Hon. John Waluke, M.P.)

Second Reading

R.* THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)**

(The Hon. Patrick Wainaina, M.P.)

Second Reading

S.* THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2020)**

(The Hon. Gathoni Wamuchomba, M.P.)

Second Reading

T.* THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2020)**

(The Hon. Alice Wahome, M.P.)

Second Reading

U.* THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2020)**

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

Second Reading

V.* THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2020)**

(The Hon. Joshua Kimilu, M.P.)

Second Reading

W.* THE BIRTH AND DEATH REGISTRATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2020)**

(The Hon. Martha Wangari, M.P.)

Second Reading

X.* THE PUBLIC PROCUREMENT AND ASSET DISPOSAL
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF
2020)**

(The Hon. Richard Tongi, M.P.)

Second Reading

Y.* THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 35 OF 2020)**

(The Hon. Danson Mwakuwona, M.P.)

Second Reading

**** Denotes Orders of the Day for which Committee Report is yet to be tabled**

***** Denotes Bills whose Second Reading was deferred**

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), April 06, 2022

(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), April 06, 2022-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022)
(The Leader of the Majority Party)
- (ii) The Elections (Amendment) Bill (National Assembly Bill No. 41 of 2021)
(The Chairperson, Constitutional Implementation Oversight Committee)
{Subject to the decision of the House on item (i)}
- (iii) The Election Campaign Financing (Amendment) Bill (National Assembly Bill No. 37 of 2021)
(The Chairperson, Constitutional Implementation Oversight Committee)

B. THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 5, 2022)

C. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 5, 2022)

D. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 5, 2022)

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
016/2022	Effects of poverty-related hardships on education standards in Rachuonyo North Sub-County	<i>To be reported by the Hon. Speaker on behalf of Mr. Fredrick Gaya of Kendu-Bay</i>	D.C. on Education and Research

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

091/2022 **The Member for Kuria East (Hon. Marwa Maisori, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary provide the status of the upgrading to bitumen standards of the *Muhuru Bay - Migori - Kehancha - Lolgorian - Mararianta - Lemec - Ngore Ngore - Narok Road*?
- (ii) Could the Cabinet Secretary also provide an update on the progress of the construction of the project's feeder roads namely: - *Tarang'anya - Senta - Ntimaru; Game C13 Junction - Kendege Technical Training Institute Junction; Masurura C13 Junction - Getagaita - Kongori - Kegonga; Loliondo C13 Junction - Kugitimo - Kegonga - Senta - Nyamtiro OSBP - Isebania One Stop Border Post; and, Kilimapesa C13 Junction - Mashangwa - Ntimaru Roads*?
- (iii) What measures has the Ministry put in place to ensure speedy completion of the said roads?

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

098/2022 **The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary consider a policy change to ensure that the Nairobi -Mombasa express passenger train on the Standard Gauge Railway (SGR) makes regular stops at the *Mtito Andei and Voi Stations* to enable the passengers, who normally include tourists, to disembark and visit surrounding tourist areas hence promoting economic activities around *Mtito Andei, Voi* and the adjacent areas?
- (ii) Could the Cabinet Secretary indicate whether there are plans to refurbish the two stations considering their importance to the rail transport network and supporting the economy of the region?

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

099/2022

The Member for Central Imenti (Hon. Moses Kirima, MP) to ask the Cabinet Secretary for Environment and Forestry: -

- (i) What is the Government's policy with respect to planting of *Eucalyptus Species* of trees commonly referred as *Blue Gum* along river banks and water catchment areas, a common practice in the eastern region of the country particularly in Central Imenti Constituency?
- (ii) What measures has the Ministry taken to prohibit the planting of *Eucalyptus Species* of trees along riverbanks and catchment areas considering their pernicious effects to springs and rivers streams which leads to reduction of water volumes resulting to among other concerns, intercommunity conflicts over the scarce resource?
- (iii) What steps is the Ministry taking to ensure that the said trees planted along the banks of *Kathita and Mawara rivers* in Central Imenti Constituency and other catchment areas across the country are removed to avert perennial shortage of water in the said areas?

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

100/2022

The Member for Mathare (Hon. Anthony Oluoch, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: –

- (i) Could the Cabinet Secretary provide the status of construction of the *Shining Hope for Communities (SHOFCO), Mabatini Ward - Hospital Ward Bridge* in Mathare Constituency and explain why the contractor abandoned site for about two months?
- (ii) Could the Cabinet Secretary also provide details of the contractor, explaining whether he/she has the capacity to undertake the works, and provide details of other similar works undertaken by the said contractor stating their location, nature and contract amounts; status of completion of each project; and, any other road construction project awarded to the contractor in Nairobi County particularly Mathare Constituency?
- (iii) What steps is the Ministry taking to ensure that the construction of the said bridge is completed within the set time frame with a view to ensure that the residents of *Mabatini and Hospital Wards in Mathare Constituency* are able to access *Thika Highway and Juja Roads* through the bridge?

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

ORDER NO.7 - STATEMENTS

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

No.	Subject	Member	Relevant Committee
1.	Commercialization of the Wajir International Airport	<i>Hon. Rashid Amin, MP (Wajir East)</i>	D.C. on Transport, Public Works and Housing
